

**CITY OF CUSTER CITY  
CITY COUNCIL MINUTES  
February 5, 2024 – City Hall Council Chambers  
5:30 PM**

**Call to Order - Roll Call - Pledge of Allegiance**

Mayor Robert Brown called to order the meeting of the Common Council on February 5, 2024 at 5:30 pm. Present at roll call were Councilpersons Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker(remotely). Attorney Williams was present remotely. The Pledge of Allegiance was stated.

**Approval of Agenda**

Councilperson Nielsen moved, with a second by Councilperson Ryan, to approve the agenda. The motion unanimously carried.

**Declaration of Conflict of Interest**

No conflicts of interest were stated.

**Approval of Minutes**

**January 16, 2024 Council Meeting Minutes**

Councilperson Fischer moved, with a second by Councilperson Jenniges, to approve the minutes from the January 16th Council Meeting. The motion unanimously carried.

**Public Presentation**

**Executive Proclamation - Rick Lee DeHaven Day (Danzan Ryu Jujitsu Hall of Fame)**

The Mayor read the Executive Proclamation for Rick Lee DeHaven Day and presented the Proclamation and Danzan Ryu Jujitsu Hall of Fame plaque to the Rick DeHaven Family.

**Public Hearings**

**New (On-Off Sale) Malt Beverage & SD Farm Wine and New Wine & Cider License - Bottoms Up Taphouse (430 Mt Rushmore Road)**

Councilperson Fischer moved to approve the Retail (On-Off Sale) Malt Beverage & SD Farm Wine License and Retail (On-Off Sale) Wine and Cider License for Bottoms Up Taphouse (430 Mt Rushmore Road). Seconded by Councilperson Nielsen, the motion carried with Councilperson Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker voting yes.

**Public Comments (Not to include agenda related items, 3-minute max. per person, with total public comment period not to exceed 15 minutes)**

No public comments were received.

**Ordinance and Resolutions**

**First Reading - Ordinance #912 - Cannabis Establishment Expiration of License and Renewal**

Councilperson Ryan moved to approve Ordinance #912 - Cannabis Establishment Expiration of License and Renewal. Seconded by Councilperson Jenniges, the motion carried with Councilperson Jenniges, Ryan, Fischer, Nielsen, Whittaker and Pechota voting yes.

**Resolution #02-05-24A - Surplus Property Transfer to Non-Profit Organization**

Councilperson Pechota moved to adopt Resolution #02-05-24A - Surplus Property Transfer to a Non-Profit Organization. Seconded by Councilperson Jenniges, the motion carried with Councilperson Ryan, Fischer, Nielsen, Whittaker, Pechota and Jenniges voting yes.

RESOLUTION NO. 2-5-2024A

SURPLUS EQUIPMENT

WHEREAS, the City of Custer City has certain personal property, which is no longer necessary,

useful, or suitable for municipal purposes; and

WHEREAS, SDCL 6-5-2 allows for transfer of real or personal property to another political subdivision or non-profit organization without requiring the political subdivision or non-profit organization to pay for property.

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer City that the property listed below is declared to be no longer necessary, useful, or suitable for municipal purposes and is to be donated to a political subdivision or non-profit organization as set forth SDCL 6-5-2 Gratuitous transfers of property to another political subdivision or nonprofit organization.

Kyocera TASKalfa Multifunction Printer

Equipment ID: 69461

Model: 3051C1 Color MFP

Serial #: L853203317

NOW THEREFORE BE IT RESOLVED by the common council of the City of Custer transfers said property to the Custer Cares, a 501(c)(3) non-profit organization that provides nursing home care for senior citizens.

Dated this 5<sup>th</sup> day of February 2024

City of Custer City

S/Robert Brown, Mayor

Attest: Laurie Woodward, City Administrator/Finance Officer

**Resolution #02-05-24B - Support of an Application for Financial Assistance to the SD Housing & Development Authority by Custer County Housing & Redevelopment Commission**

Councilperson Pechota moved to adopt Resolution #02-05-24B - Support of an Application for Financial Assistance to the SD Housing & Development Authority by Custer County Housing & Redevelopment Commission. Seconded by Councilperson Ryan, the motion carried with Councilperson Fischer, Nielsen, Whittaker, Pechota, Jenniges and Ryan voting yes.

**Resolution #02-05-2024B**

Resolution in Support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by Custer County Housing and Redevelopment Commission and / or its Affiliates, Agents, or Assigns, for the Benefit of Multifamily Development

Whereas, the City of Custer and Custer County Housing and Redevelopment Commission have determined it is necessary to proceed with improvements to the City's infrastructure, thus enabling additional multifamily units to be constructed in the city limits of Custer; and

Whereas, the City and Developer have determined financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Custer County Housing and Redevelopment Commission (Developer) for the proposed development; and

Whereas, the City will work with the Developer's engineer to ensure the preliminary project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer, and all other necessary improvements as needed; and

Whereas, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

Whereas, the City is committed to the ownership and long-term maintenance of said infrastructure upon acceptance and the conditions set forth in the certificate of completion that the said infrastructure and system shall meet the specifications, materials and equipment set forth as shown on the approved plans in said agreement; and

Whereas, the City of Custer Housing Study states the need for additional subsidized senior housing units;

Whereas, the City acknowledges that there is a significant housing shortage in the City of Custer and this proposed development will help, but not resolve the housing shortage.

Now Therefore, Be It Resolved by the City of Custer as follows:

1. The City hereby supports the submission of an Application for financial assistance by Custer

County Housing and Redevelopment Commission to the South Dakota Housing and Development Authority.

2. City officials of the City of Custer are hereby authorized to deliver such other documents as necessary, to assist with the Application.

Adopted this 5th day of February, 2024.

CITY OF CUSTER, SD

S/Robert Brown, Mayor

ATTEST: Laurie Woodward, City Administrator/Finance Officer

### **New Business**

#### **Custer BID Board 2024 Marketing Campaign - Love Communications**

Jessica Noteboom with the Custer BID Board was present remotely and presented the Custer BID Board 2024 marketing campaign. Councilperson Fischer moved to approve the Custer BID Board's spend of \$115,000 with Love Communications for the South Dakota Tourism 2023 Community Cooperative Marketing Program match (\$230,000 total spend). Seconded by Councilperson Nielsen, the motion carried with Councilperson Nielsen, Whittaker, Pechota, Jenniges, Ryan and Fischer voting yes.

#### **BID Board Digital Services Agreement - Lawrence & Schiller**

Councilperson Nielsen moved to approve the Digital Services Agreement with Lawrence & Schiller for Custer BID Board for \$5,755. Seconded by Councilperson Ryan, the motion carried with Councilperson Whittaker, Pechota, Jenniges, Ryan, Fischer and Nielsen voting yes.

#### **Fourth of July Celebration Request - Custer Chamber**

Councilperson Fischer moved to approve the Chamber of Commerce request for the Fourth of July Celebration, July 4-7, 2024. The request includes usage of Way Park (July 4-5) with the north bound lane of Fourth Street adjacent to Way Park being closed, parade request with B1 Bomber flyover (July 4th) with the parade beginning on Eighth Street proceeding down Mt Rushmore Road to Second Street with the Parade line up on Washington Street between Sixth Street and Eighth Street, flag ceremonies (July 4th) at the Veteran's Memorial, closure of South Fifth Street from the alley to Washington Street and Washington Street between Dacotah Bank and 5th Street RV Park for the Veteran's Street Dance (July 4th) to include use of trashcans and picnic tables and electricity from Veteran's Memorial in addition to approval pending Special Event Alcohol License Application for the VFW to sell beer and wine; street closure request for South Sixth Street from Mt Rushmore Road to the south alley for Patriots Alley Event (July 4th) and use of city's electric on South Sixth Street, trash cans, picnic tables, traffic barriers and water key. Seconded by Councilperson Ryan, motion carried with Councilperson Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker voting yes.

#### **Outdoor Public Notification Sirens - Steve Esser**

Steve Esser, Custer County Emergency Management Director, addressed the Council requesting reimbursement for fifty percent of the cost to repair the outdoor public notification sirens and the future of the sirens. Councilperson Pechota moved to pay \$4,745.64 to Custer County for repairs to the outdoor public notification sirens. Seconded by Councilperson Ryan, the motion carried with Councilperson Jenniges, Ryan, Fischer, Nielsen, Whittaker and Pechota voting yes.

#### **Cultural Resource Survey for West Dam - RESPEC**

Councilperson Ryan moved to approve the agreement with RESPEC for Cultural Resource Survey for West Dam at a price not to exceed \$16,990. Seconded by Councilperson Jenniges, the motion carried with Councilperson Ryan, Fischer, Nielsen, Whittaker, Pechota and Jenniges voting yes.

#### **WWTF Improvement Project Phase 2 Change Order #2 - RCS Construction**

Councilperson Jenniges moved to approve the WWTF Improvements Project Phase 2 Change Order #2 with RCS Construction for a deduction of \$29,428.93. Seconded by Councilperson

Pechota, the motion carried with Councilperson Fischer, Nielsen, Whittaker, Pechota, Jenniges and Ryan voting yes.

**Executive Proclamation - Ducks Unlimited Day**

Councilperson Ryan moved to approve the Executive Proclamation for Ducks Unlimited Day as on file in the Finance Office. Seconded by Councilperson Nielsen, the motion carried with Councilperson Nielsen, Whittaker, Pechota, Jenniges, Ryan and Fischer voting yes.

**Request to Use Disc Golf Course for Senior Games Tournament - Custer YMCA**

Councilperson Pechota moved to approve the Custer YMCA's request to use the Disc Golf Course for the Senior Games Tournament on June 14th, 2024 pending proof of insurance. Seconded by Councilperson Nielsen, the motion carried with Councilperson Whittaker, Pechota, Jenniges, Ryan, Fischer and Nielsen voting yes.

**Combined Election Agreement with Custer County**

Councilperson Fischer moved to approve the combined election agreement with Custer County for the June 4th, 2024 election. Seconded by Councilperson Ryan, the motion carried with Councilperson Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker voting yes.

**Park, Recreation & Forestry Board Volunteer Work Comp Coverage**

Councilperson Nielsen moved to cover the Park, Recreation & Forestry Board Members (members list attached to minutes on file in the Finance Office) under Workers Compensation Insurance. Seconded by Councilperson Ryan, the motion carried with Councilperson Jenniges, Ryan, Fischer, Nielsen, Whittaker and Pechota voting yes.

**Audit Engagement Letter with Ketel Thorstenson**

Councilperson Nielsen moved to approve the 2023 audit engagement letter with Ketel Thorstenson for a cost of up to \$24,750 and \$6,500 for audit of one major federal program and \$3,750 for each additional major federal program. Seconded by Councilperson Fischer, the motion carried with Councilperson Ryan, Fischer, Nielsen, Whittaker, Pechota and Jenniges voting yes.

**Presentation of Claims**

**2.5.24 Claims List**

Councilperson Ryan moved, with a second by Councilperson Nielsen to approve the following claims. The motion carried with Councilperson Fischer, Nielsen, Whittaker, Pechota, Jenniges and Ryan voting yes.

Vendor Name	Funds	Expense Classification	Amount
2023 Claims			
Dacotah Bank	305	Loan Payment	\$1,071.25
SD Dept of Transportation	100	Professional Fees	\$459.05
			\$1,530.30
Aflac	100,300,400	Insurance	\$577.40
Amazon	100	Supplies	\$289.90
Anderson Auto Sales	100	Repairs/Maintenance	\$18.00
Battle Mountain Humane Society	100	Animal Control Contract	\$1,000.00
Black Hills Federal Credit Union	300	Fund CD	\$500,000.00
Black Hills Federal Credit Union	800	Fund CD	\$200,000.00
Black Hills Chemical	100	Supplies	\$639.08
Black Hills Energy	100,300	Utilities	\$11,923.50
Black Hills Gravel	400	Capital Improvements	\$56,134.37

Century Business Products	100,300,400,500	Supplies	\$571.30
Chamber of Commerce	100	Repairs/Maintenance	\$558.16
Custer Senior Center	100	Subsidy	\$6,000.00
Dacotah Bank	300	Loan Payment	\$8,337.63
Dakota Supply	100	Repairs/Maintenance	\$926.12
Delta Dental	100,300,400	Insurance	\$402.10
Discovery Benefits	100/300/400	Supplies	\$375.00
Display Sales	100	Supplies	\$254.00
EFTPS	100,300,400	Taxes	\$27,650.99
East Custer Sewer District	400	sewer contract	\$2,000.00
Goldenwest Technologies	100/300/400	Professional Fees	\$4,144.40
Hawkins	1	Supplies	\$9,328.21
Jenner Equipment	100	Repairs/Maintenance	\$421.12
Log Meln	100	Supplies	\$50.98
Michael Todd & Company	100	Repairs/Maintenance	\$318.50
New York Life	100/300/400	Insurance	\$110.00
Northwest Pipe Fittings	100	Repairs/Maintenance	\$116.08
Petty Cash	100,300,400,500	Supplies	\$601.91
Quill	100/300/400	Supplies	\$276.18
Quinn Construction	400	Capital Improvements	\$97,944.40
RCS Construction	400	Capital Improvements	\$166,812.48
RCS Construction	400	Capital Improvements	\$129,430.68
Sanders Sanitation	100,300,400,500	Garbage Contract	\$14,818.82
SD DANR	300/400	Training	\$123.00
SD DCI	100	Safety	\$26.75
SDML	100	Travel/Conference	\$90.00
SD Planners Assoc	100	Membership	\$50.00
SD Retirement System	100,300,400	Retirement	\$12,600.56
SD Secretary of State	100	Trademark	\$125.00
Supplemental Retirement	100,300,400	Retirement	\$1,395.00
The Hartford	100,300,400	Insurance	\$106.94
VSP	100/300/400	Insurance	\$146.24
Winzer	100	Supplies	\$648.40
Wright Express	100,300,400	Supplies	\$1,003.20
YMCA	100,300,400	Membership	\$154.00
Mayor & Council	100	Payroll	\$5,370.00
Finance Department	100	Payroll	\$14,853.95
Public Building Department	100	Payroll	\$5,334.81
Planning Department	100	Payroll	\$16,429.16
Public Works Department	100	Payroll	\$4,241.47
Street Department	100	Payroll	\$15,774.41
Cruisin Department	100	Payroll	\$334.75
Parks Department	100	Payroll	\$4,867.93
Water Department	300	Payroll	\$26,757.84

Wastewater Department	400	Payroll	\$25,629.21
		TOTAL	\$1,378,093.93

**Staff Discussion & Committee Reports**

Various committee reports were given in addition to staff giving an update.

**Adjournment**

With no further business, Councilperson Jenniges moved to adjourn the meeting at 6:37 pm. Seconded by Councilperson Pechota, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
City Administrator/Finance Officer

Robert Brown  
Mayor