

All City Council Meetings are recorded.

CITY OF CUSTER CITY
COUNCIL AGENDA
July 1st, 2019 – City Hall Council Chambers
5:30 P.M.

1. Call to Order - Roll Call - Pledge of Allegiance
2. Approval of Agenda
3. Approval of Minutes – July 1st, 2019 Regular Meeting
4. Old Business
 - a. Second Reading – Ordinance #825 – Garbage Collection
5. Presentation of Claims -
6. Oath of Office – Council Members
7. Council President & Vice President and Attorney & Assistant Attorney Appointments – Attorney Oath of Office
8. Yearly Appointment of Planning Commission 3-mile representative
9. Declaration of Conflict of Interest
10. Public Hearings - Public Presentations
 - a. Public Hearing – Retail On-Off Sale Malt Beverage (New) & Retail On-Off Sale Wine License (Transfer) – Dakota Cowboy
 - b. Custer County Housing – Jerry Baldwin
 - c. Resolution #07-01-19A – Governing Board Code of Conduct
 - d. Resolution #07-01-19B – Conflict of Interest Policy
 - e.
 - f.
11. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
12. New Business
 - a. Gold Discovery Days Additional Request – Chamber of Commerce
 - b. Studebaker Car Show – Chamber of Commerce
 - c. Surplus Mower & Trade-In on Purchase of New Mower
 - d. Employee Step Increase
 - e.
13. Department Head Discussion & Committee Reports –
14. Possible Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
15. Adjournment

REMINDERS

- General Government Committee Meeting – July 8th, 2019 4:30 P.M.**
Planning Commission Meeting – July 9th, 2019 5:00 P.M.
Regular City Council Meeting – July 15th, 2019 5:30 P.M.
Park & Recreation Committee Meeting – July 16th, 2019 5:30 P.M.
Public Works Committee Meeting – August 5th, 2019 4:30 P.M.
Regular City Council Meeting – August 5th, 2019 5:30 P.M.

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
June 17th, 2019**

Mayor Corbin Herman called to order the second meeting of the Common Council for the month of June 2019 at 5:30 p.m. Present at roll call were Councilpersons Blom, Nielsen, Arseneault and Moore. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Nielsen moved, with a second by Councilperson Moore, to approve the minutes from the June 3rd regular council meeting and the June 10th, 2019 special council meeting. The motion carried with Councilperson Blom, Nielsen and Moore voting yes while Councilperson Arseneault abstained.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

PUBLIC HEARING – SPECIAL EVENT MALT BEVERAGE LICENSE BY CURRENT LICENSEE – VFW FOR GOLD DISCOVERY DAYS

Councilperson Arseneault moved to approve a special malt beverage license by current licensee license for the Custer VFW Post 3442 for Gold Discovery Days Celebration to be held July 19th – July 21st, 2019 with the location to be Washington Street between Second Street & Third Street. Seconded by Councilperson Nielsen, the motion unanimously carried.

PUBLIC HEARING – RETAIL ON-OFF SALE MALT BEVERAGE & RETAIL ON-SALE RESTAURANT LIQUOR LICENSE TRANSFER – BEGGING BURRO LLC

Councilperson Blom moved to approve the retail on-off sale malt beverage license & retail on-sale restaurant liquor license transfer for the Begging Burro LLC pending proof of insurance being provided. Seconded by Councilperson Nielsen, the motion unanimously carried.

FIRST READING – ORDINANCE #825 – GARBAGE COLLECTION

Councilperson Nielsen moved to approve Ordinance #825, Garbage Collection. Seconded by Councilperson Moore, the motion unanimously carried.

RESOLUTION #06-17-19A – WRITE-OFF'S

Councilperson Nielsen moved to adopt Resolution #06-17-19A, Write-Off's. Seconded by Councilperson Blom, the motion unanimously carried

RESOLUTION NO. 06/17/19A

WHEREAS, Book 3, Supplemental, Chapter 9-22-4 of the South Dakota Codified Law states "every municipality may assign for collection any or all delinquent accounts receivable. After reasonable collection efforts, the governing body may determine that an account is non-collectible, and by formal action direct that the non-collectible amount be removed from the records and disclosed on that year's financial report. Evidence of the debt removed from the records by the formal action of the governing body shall be retained by the municipality to support possible subsequent collection of that debt."

WHEREAS, efforts have been made to collect these past due accounts receivable, and

WHEREAS, adequate time has elapsed to consider these accounts receivable delinquent and past due,

NOW THEREFORE BE IT RESOLVED that the following accounts be deemed non-collectible and removed from the records and disclosed on the 2019 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Shop Ko	Malt Bev	\$ 220.14
Espresso and More	OTHER	\$ 20.00
Robert Barr	600570-14	\$ 146.63
Ken Cantrell	500790-06	\$ 169.14
Reuzit (Derby)	500110-01	\$ 192.16
	TOTAL	<u>\$ 748.07</u>

Signed this 17th day of June, 2019.

City of Custer

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

CUSTER COMMUNITY CENTER FINANCING – TOBY MORRIS

Toby Morris with Dougherty & Company LLC explained the various financing options for the Custer Community Center Project.

RESOLUTION #06-17-19B – SETTING HEARING DATE AND DIRECTING NOTICE TO BE PUBLISHED FOR CUSTER COMMUNITY CENTER FINANCING

Councilperson Nielsen moved to adopt Resolution #06-17-19B, Setting Hearing Date and Directing Notice to Be Published for Custer Community Center Financing. Seconded by Councilperson Blom, the motion unanimously carried.

RESOLUTION # 06-17-19B

SETTING HEARING DATE AND DIRECTING NOTICE TO BE PUBLISHED

WHEREAS, the City of Custer, South Dakota intends to finance improvement to the Custer Community Center (The "Project"); and

WHEREAS, the City intends to allow the Custer YMCA to use more than 10% of the Project; and

WHEREAS, the City intends to enter into a lease-purchase financing to finance improvements to the Project;

WHEREAS, the use by the Custer YMCA of the Project will cause any financing to be a private activity financing under the Internal Revenue Code.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUSTER SOUTH DAKOTA AS FOLLOWS:

1. The City will hold a hearing regarding the lease-purchase financing of the center on July 1, 2019 at 5:30 pm or as soon as practicable thereafter, at which time all persons who appear will be given a reasonable opportunity to express their views, both orally and in writing, for or against the proposed issuance of the Lease and COPs, the location and nature of the Project and other related matters.
2. The Finance Officer is directed to publish a notice of the hearing in accordance with 26 USCA 147(f) of the Internal Revenue Code, as amended.

Dated this 17th day of June 2019

City of Custer City

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

PUBLIC COMMENTS

No public comments were received.

MINOR PLAT – AKERS SUBDIVISION, PLAT OF TRACT WENDELL 1, TRACT WENDELL 2 AND TRACT EFFERTZ

Councilperson Moore moved to approve the minor plat for Akers Subdivision, Plat of Tract Wendell 1, Tract Wendell 2, and Tract Effertz. Seconded by Councilperson Blom, the motion unanimously carried

CLAIMS

Councilperson Nielsen moved, with a second by Councilperson Blom, to approve the following claims. The motion unanimously carried.

Black Hills Energy, Utilities, \$16,253.78

Butler Machinery, Supplies, \$28.31

CNA Surety, Professional Fees, \$50.00

California State Disbursement, Deductions, \$92.30

Culligan, Repair & Maintenance, \$54.50

Custer Ace Hardware, Supplies, Repairs & Maintenance, \$348.70

Chamber of Commerce, Sales Tax Subsidy, Supplies, \$7,772.22

Discovery Benefits, Supplies, \$27.00

Fastenal, Supplies, \$75.51

First Interstate Bank, TIF #4 Payment, Supplies \$2,756.15

French Creek Supply, Supplies, \$114.91

Green Owl Media, Professional Fees, \$260.52

Garland Goff Attorney at Law, Professional Fees, \$251.20
Honeywell, Repairs & Maintenance, \$7,352.39
Hawkins, Supplies, \$1,693.58
Jenner Equipment, Repairs & Maintenance, \$110.71
Labcorp, Safety, \$69.75
Lasting Impressions Unlimited, Supplies, \$28.50
Lacey, Judy, Professional Fees, \$140.00
Lacey, Ron, Professional Fees, \$140.00
Lynn's Dakotamart, Supplies, \$57.12
McGas, Prepaid Propane, \$31,200.00
Midcontinent Testing Labs, Professional Fee, \$295.00
Pace, Supplies, \$306.43
Prairie Hills Transit, Subsidy, \$8,000.00
Piney Bowes, Supplies, \$500.00
Regional Health Network, Sales Tax Subsidy, \$37,193.10
Rapid Delivery, Supplies, \$106.99
Sanders Sanitation, Garbage Collection Contract, \$13,816.99
Schmaltz, Betty, Professional Fees, \$140.00
Servall, Supplies, \$142.28
SD Secretary of State, Sales Tax, \$1,080.35
Bit Finance/State Long Distance, \$54.74
The Hartford, Insurance, \$67.12
USDA Loan Payments, \$8,910.00
Wellmark, Insurance, \$10,887.47
Armineous, Anthony, Utility Refund, \$1.27
Yankee, Curtis, Utility Refund, \$12.20
Total Claims \$150,391.09

DEPARTMENT HEADS & COMMITTEE REPORTS

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

EXECUTIVE SESSION

Councilperson Arseneault moved to go into and out of executive session for personnel per SDCL 1-25-2(1-4) at 6:10 pm, with the Public Works Director, Planning Administrator and Finance Officer present. Seconded by Councilperson Moore, the motion unanimously carried. Council came out of executive session at 6:14 pm, with no action taken.

EMPLOYEE STEP INCREASES

Councilperson Blom moved to approve a step increase for Lance Stansbury to step 6 at \$23.41 per hour effective June 12th, 2019. Seconded by Councilperson Moore, the motion unanimously carried.

ADJOURNMENT

With no further business, Councilperson Moore moved to adjourn the meeting at 6:15 p.m. Seconded by Councilperson Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

**CITY OF CUSTER CITY
BOARD OF ADJUSTMENT MEETING
June 17th, 2019**

Chairman Corbin Herman called to order the Board of Adjustment Meeting at 6:15 p.m. Present at roll call were Board Member Blom, Nielsen, Arseneault and Moore.

APPROVAL OF MINUTES

Board Member Blom moved to approve the June 3rd, 2019 Board of Adjustment minutes. Seconded by Board Member Nielsen, the motion unanimously carried.

ADJOURNMENT

With no further business, Board Member Moore moved to adjourn the meeting at 6:16 p.m. Seconded by Board Member Blom, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Chairman

ORDINANCE NO. 825

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 8 HEALTH AND SAFETY; CHAPTER 8.12 GARBAGE COLLECTION AND DISPOSAL: SECTIONS 030 DEFINITIONS, 040 UNLAWFUL TO ACCUMULATE GARBAGE OR TRASH, 050 GARBAGE CONTAINERS REQUIRED AND 060 RECYCLABLE MATERIALS OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING AND SUPERSEDING SAID SECTIONS AS FOLLOWS, TO WIT:

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CUSTER CITY THAT CHAPTER 8.12 BE AMENDED AS FOLLOWS:

8.12.030 Definitions.

1. DEFINITIONS

- a. Bags – plastic sacks designed for refuse with sufficient wall strength to maintain physical integrity when lifted by top; securely tied at the top for collection.
- b. Bid Bond – The corporate surety bond or a certified check drawn on a national bank, in the amount specified in the Instruction to Bidders submitted with the bid as a guarantee that the bidder will, if called upon to do so, accept and enter in the Contract.
- c. Bulky Waste – A large appliance, piece of furniture, or waste material from a residential source other than construction debris or hazardous waste.
- d. Bundle – Yard and garden trimmings or newspapers and magazines securely tied together forming an easily handled package not exceeding 3 feet in length or 35 lbs in weight.
- e. City – Refers to the applicable municipal authority empowered under state law to solicit and award contract for the collection of residential refuse. City will also refer to the appropriate employee or office of the municipality authorized to act as its agent in handling the pertinent matter of this Contract.
- f. Construction Debris – Waste building materials resulting from construction, remodeling, repair, or demolition operations, i.e. concrete, rocks, dirt, or asphalt.
- g. Containers –
 1. Regulation Garbage Containers – A receptacle made of plastic or metal furnished by the contractor with a tight-fitting lid and handles of adequate strength for lifting.
 2. Non-reusable Containers – See definition of Bags.
- h. Contract Documents – The Request for Bids, Instructions to Bidders, Contractor's Bid, Contract Specifications, the Contract, Performance Bond or Letter of Credit, and any addenda or changes to the foregoing documents agreed to by the City and the Contractor.
- i. Contractor – The individual, firm, partnership, joint venture, corporation, or association performing refuse collection and disposal under Contract with the City.
- j. Garbage – Kitchen refuse, cans, bottles, paper, ashes, and other waste materials ordinarily originating on household premises, and items which can be, and are, placed in regulation containers.
- k. Green/Yard Waste– Means clipped grass, shrubs, brush, accumulation of tree leaves, tree limbs, branches, pine needles, wood pile bark, wood chunks, garden refuse material and other ordinary household rubbish or vegetation.
- l. Heavy Material – Accumulations such as earth or dirt, brick, concrete, wood waste from construction or demolition, treated wood, lumber ashes, plaster, sheetrock, sand or gravel, large trees, automobile frames or parts, appliances, used tires, furniture, asphalt shingles

and other bulky material shall be disposed at the expense of the owner or person controlling the same.

- m. Hazardous Waste – Waste designated as hazardous by the United States Environmental Protection Agency or appropriate state agency.
- n. Medical Waste – Shall only be deposited in an approved container or placed in a closed clear plastic container such as a water or soda bottle.
- o. Letter of Credit – A written undertaking by a financial institution on behalf of the contractor to pay the city for non-performance in amounts and under conditions as may be specified in the agreement.
- p. Performance bond – A corporate surety bond that guarantees compensation to the City in the event that it must assume the obligations and/or duties of the contractor in order to continue the service as defined by the Contract's Specifications.
- q. Refuse – Discarded waste materials in a solid or semi-liquid state, consisting of garbage, rubbish, or a combination thereof.
- r. Recyclable Materials – Includes, but not limited to: aluminum, glass, plastic, small appliances which do not include Freon, clothing, shoes, foil, and miscellaneous metals, and paper fibers, i.e. cardboard, newspaper, office paper.
- s. Residential Patron – Individual metered residential units, apartment dwellings, or mobile home housing.
- t. Rubbish – Asphalt shingles, wood waste from construction or demolition, useless waste or rejected matter, sheet rock and tree stumps.
- u. Transfer Site – A secured, fenced area kept free from accumulation of debris in and out of site, to be used for the processing of refuse including but not limited to sanitary landfills, incinerators, and waste processing separation centers, licensed, permitted or approved by all governmental bodies and agencies having jurisdiction. (Ord. 343 (part), 1990: prior code § 10-203)

8.12.040 Unlawful to accumulate garbage or trash.

It is unlawful for any owner, agent or occupant of any lot, yard, place, store, residence or premises of any kind, to suffer, allow or permit slop, decaying animal or vegetable matter, garbage, ashes, tin cans, discarded crockery, discarded metal or other substances to accumulate in any such yard, place, store, residence or premises or in or upon any sidewalk, alley, place, store, residence or premises. (Ord. 343 (part), 1990: prior code § 10-204)

8.12.050 Garbage containers required.

A. All residential patrons shall place garbage in a regulation garbage container furnished by contractor.

B. Garbage may be placed in garbage containers provided by garbage provider/contractor to adequately hold and confine such waste materials. No green/yard waste, rubbish or hot ashes shall be placed in any garbage container.

C. Garbage containers shall be kept tightly closed except during the collection or deposit of garbage. The contents of all receptacles shall be so protected that wind cannot blow out or animals scatter same over the streets, alleys and premises of the city. (Ord. 343 (part), 1990: prior code § 10-205)

8.12.060 Recyclable materials.

A. Sorting of Recyclable Materials. All residential accounts shall be encouraged to recycle the

following materials, including but not limited to: aluminum, glass, plastic, appliances, clothing, shoes, foil miscellaneous metals, newspaper, cardboard, tin, petroleum oil and cooking oil.

B. Medical waste shall only be deposited in an approved container or placed in a closed clear plastic container such as a water or soda bottle.

NOW BE IT ORDAINED that all ordinances or parts thereof in conflict with this ordinance are hereby repealed. Should any section or part of this ordinance be determined to be invalid, the same shall not invalidate the remaining section(s) of this Ordinance.

Dated this 1st day of July, 2019

City of Custer City

Corbin Heriman, Mayor

Attest _____
Laurie Woodward, Finance Officer

(SEAL)

First Reading: June 17, 2019

Seconding Reading: July 1, 2019

Publication: July 10, 2019

Vote:

Moore:

Blom:

Whittaker:

Arseneault:

Nielsen:

Fischer:

Aflac, Insurance, \$746.47
Ainsworth – Benning Construction, Building Improvements, \$3,040.00
Audio Video Solutions INC, Supplies, \$864.13
Beesley Law Office, Professional Fees, \$1,965.00
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00
Black Hills Chemicals, Supplies, \$102.96
Black Hills Energy, Utilities, \$2,500.47
California State Disbursement, Deductions, \$92.30
Century Business Products, Supplies, \$218.44
Custer Do It Best, Supplies, \$109.86
Dakota Greens, Supplies, \$141.08
Delta Dental, Insurance, \$169.80
Discovery Benefits, Supplies, \$1,476.92
EFTPS, Taxes, \$12,435.46
Evans Repairs, Repairs & Maintenance, \$419.00
Fastenal, Supplies, \$40.44
First Interstate Bank, Supplies, \$65.55
Government Finance Officers Association, Dues, \$160.00
Gramkow, Sydney, Reimbursement, \$88.62
Hach, Supplies, \$324.89
Hawkins, Supplies, \$9,679.41
Hewitt, Jeri, Reimbursement, \$175.00
ImageAll, Supplies, \$65.00
Itron, Repairs & Maintenance, \$855.53
J & M Lawncare, Cemetery Caretaker Contract, \$5,000.00
Ketel Thorstenson, Professional Fees, \$1,047.00
Lamonte's Auto Center, Repairs & Maintenance, \$807.19
McGas, Utilities, \$2891.67
Metering & Technology Solutions, Supplies, \$6,234.43
Midwest Paint Service, Repairs & Maintenance, \$10,048.47
Olson Towing, Nuisance, \$60.00
Nelson's Oil & Gas, Supplies, \$1,318.95
Pace, Supplies, \$278.72
Petty Cash, Supplies, \$425.56
Sanders Sanitation, Garbage Collection Contract, \$13,816.99
SD Association of Rural Water Systems, Repairs & Maintenance, \$100.00
SD Department of Revenue, License \$600.00
SDML, Travel and Conference, \$100.00
SD Retirement System, \$6,046.20
Supplemental Retirement, \$620.00
USA Bluebook, Repairs & Maintenance, Supplies, \$1,622.28
Wellmark BCBS, Insurance, \$12,754.93
Warne Chemical & Equipment, Repairs & Maintenance, \$5,787.21
Wright Express, Supplies, \$1,049.07
YMCA, Membership, \$42.00
Custer Sign Company, Utility Refund, \$15.16
Mayor & Council, \$4,532.00
Finance Department, \$4,160.31
Planning Department, \$7,361.22
Public Works Department, \$3,393.81
Street Department, \$8,265.67
Cruisin Department, \$148.96
Parks Department, \$6,995.19
Water Department, \$12,113.96
Wastewater Department, \$11,966.42
Total Claims, \$166,339.70

ESTABLISHMENT	LICENSE	TAXES PAID	AGREEMENT	INSURANCE	10% DUE TO CITY	VIDEO LOTTERY
DAKOTA COWBOY	WINE- TRANSFER	✓	✓	PENDING	X	X
DAKOTA COWBOY	MB- NEW	✓	✓	PENDING	X	X

NOTICE OF PUBLIC HEARING UPON APPLICATION FOR THE SALE OF ALCOHOLIC BEVERAGES

Notice is hereby given that the City Council of the City of Custer City, Custer County, South Dakota will hear and consider the following for the sale of malt beverage at a meeting of the City Council to be held on the 1st day of July 2019, in the Council Chambers of City Hall in said City at 5:30 p.m. of said day. Application to be considered for renewal pursuant to SDCL 35-4 is as follows:

Dakota Cowboy - Retail (On-Off Sale) Malt Beverage & SD Farm Wine and Cider - New 2019-2020 License
Dakota Cowboy - Retail (On-Off Sale) Wine and Cider - Transfer

Any person or persons interested either for or against the granting of any such application may appear at the time and place above stated. Individuals needing assistance, pursuant to the Americans with Disabilities Act should contact the City Finance Officer no less than 24 hours prior to this meeting to make necessary arrangements.

Dated this 14th day of June 2019.

/s/Sydney Gramkow
Deputy Finance Officer

Custer County Chronicle - Please Publish June 19th, 2019

RESOLUTION # 7-01-19A

CITY OF CUSTER GOVERNING BOARD CODE OF CONDUCT

WHEREAS, it is the duty of the Common Council of City of Custer to ensure the efficient, fair and professional administration of city government and services;

WHEREAS, the Mayor and City Council are responsible for making policy decisions for the community, provide vision, direction and leadership to the community and the organizations;

WHEREAS, the City Council further represents the Community with other governmental entities and officials;

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Custer City that in order to maintain and enhance public trust and confidence in our legal government, to achieve equity and social justice, to affirm human dignity, and to better the quality of life for residents of Custer, the members of the City Council dedicate themselves to the stewardship of the public trust and therefore embrace and adopt the following ideals and Code of Conduct:

Members of the governing board shall:

1. Recognize that the authority vests with the majority of the City Council when assembled in open meetings or executive meetings as authorized by law, that neither the mayor nor individual members of the City Council has legal status to bind the City of Custer, and that neither the Mayor nor an individual council member or a minority of the governing board may make decisions on behalf of the City of Custer unless expressly authorized by law and upon approval of the City Council;
2. Alderpersons serving on the Council for the first time shall attend the first (SDML) elected officials workshop held after their assumption of office, at the expense of the City;
3. Make informed decisions on matters brought before the City Council;
4. Recognize and adhere to the policy that it is the responsibility of the City Council and members of the governing board to plan, make, implement, appraise and enforce ordinances and policy and that it is not the responsibility of the members of the governing board to run the day-to-day operations of the City of Custer;
5. Observe federal laws, state laws, city ordinances and policies;
6. Respect the limited intent and scope of executive sessions as set forth in statute;
7. Shall not publicly disclose information received, discussed, or decided in executive session or in conference with legal counsel which is protected by the attorney/client privilege or has been confidentially disclosed at a meeting held subject to the provisions of SDCL 1-25-2, unless a majority of the members of the City Council has authorized that disclosure or unless a disclosure is authorized by a court of competent jurisdiction.
8. Distinguish between personal views and those of the governing board when making public comments regarding City matters;
9. Present information to the governing board without distortion and accurately represent facts concerning City matters in direct or indirect public statements;
10. Maintain professional relationships in a manner which are free of vindictiveness, recrimination and harassment;
11. Avoid impropriety and the appearance of impropriety in his/her position as an elected official;

12. Refer all public complaints and personal criticisms to the appropriate administrative officer or appointed public official and only after inability to obtain resolution at the administrative level have the complaint or criticism discussed at a Council meeting;
13. Respect the legitimacy of the goals and interests of other members of the governing board and respect the rights of other members of the governing board to pursue goals and policies different from their own;
14. Respect, require and contribute to the maintenance of order and decorum in proceedings before the City Council;
15. Be honest, patient, dignified and courteous to those with whom he/she deals with in his/her official capacity;
16. Dispose promptly of the business of the City for which he/she is responsible and diligently discharge responsibilities;
17. To the maximum extent possible, inform the finance office by 1 p.m. on the Friday preceding a regularly scheduled Monday City Council meeting if the member of the governing board will not be in attendance at the City Council meeting;
18. Refrain from financial, personal, professional and business dealings that interfere with, are in conflict with or give the appearance of being in conflict with the proper performance of official duties;
19. Not exploit the City of Custer or use the office of Mayor or Council member for personal gain, for the gain of friends or supporters, or to promote political candidates or partisan political activities;
20. Not accept nor offer any gratuities, gifts, services or things of value that (a) impair professional judgment, (b) offer special advantage or benefit to any person or organization, or (c) provide a direct or indirect personal benefit.
21. Not commit any act of moral turpitude or gross immorality;
22. Not allow family, social or other relationships to inappropriately influence his/her decisions as a member of the governing board.
23. Regular attendance is expected; missing two consecutive meetings without appropriate reasons is not considered regular attendance;
24. Failure to comply with this Code of Conduct may result in sanctions up to and including expulsion.

This Code of Conduct behavior will govern members of the City Council. City Council members are encouraged to self-monitor their behavior and offer constructive recommendations to fellow Council members if necessary. As a member of the City Council, I accept these ideals and policies, and pledge to follow them in the interest and purposes for which our government has been established.

Adopted: Dated this 1st day of July, 2019.

Signature	Print Name	Date
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CITY OF CUSTER CITY

ATTEST: _____
 Laurie Woodward, Finance Officer
 (SEAL)

 Mayor Corbin Herman
 City of Custer Code of Ethics

RESOLUTION # 07-01-19B

A RESOLUTION ADOPTING A CONFLICT OF INTEREST POLICY FOR ELECTED AND APPOINTED OFFICIALS OF THE CITY OF CUSTER

WHEREAS, South Dakota Codified Laws (SDCL) section 1-56-10 requires that all non-state agencies receiving state grants and awards from a state agency adopt and enforce a conflict of interest policy; and

WHEREAS, the City of Custer has received and anticipates to continue to receive dollars from the State of South Dakota either directly or through federal pass-through funds which will be subject to the statutory requirement that it enforce a conflict of interest policy; and

WHEREAS, the City of Custer deems it is in the best interest of the City to adopt this Conflict of Interest Policy for the Common Council and for all appointed officials of the City.

AND NOW THEREFORE BE IT RESOLVED, by the City of Custer, that there is hereby established the attached Conflict of Interest policy, consisting of 2 pages.

Dated this 1st day of July, 2019.

CITY OF CUSTER

ATTEST:

Corbin Herman, Mayor

Laurie Woodward, Finance Officer

(SEAL)

**CITY OF CUSTER
CONFLICT OF INTEREST POLICY
FOR ELECTED AND APPOINTED OFFICIALS**

The City seeks to prevent and avoid any conflicts of interest in the conduct of its operations and to avoid the appearance of such conflicts to the public. Each elected and appointed official has the duty to place the interest of the citizens of the City foremost in any dealing on behalf of the City and has a responsibility to comply with this policy. This policy applies to any elected or appointed official who serves on the Council or any board, committee or commission of the City, or who is appointed to serve the City in any capacity pursuant to South Dakota Codified Law (SDCL) Chapter 9-14.

Conflict of interest may exist when an Official, or an immediate family member of such Official, has a personal or financial interest clearly separate from that of the general public on a matter before the Official. An immediate family member for purpose of this policy is any person related to an Official within the first degree of relationship and includes a spouse, parent, child, grandparent, grandchild or an individual claimed by the Official or his/her spouse as a dependent for federal income tax purpose. Such conflict of interest may be financial or personal, direct or indirect, and the existence of a conflict of interest is dependent upon the unique facts of a particular situation.

It is the policy of the City of Custer to follow state law regarding conflict of interest, and this policy is not intended to be stricter than the applicable requirements of state law. Generally, state law provides that an Official may not have a personal financial interest in any City transaction for the purchase of labor or services, materials or supplies, or real or personal property that belongs to the City. An exception to this general rule may apply if the transaction is reasonable and just, if the contract is made without fraud or deceit and if the Official discloses the conflict and recuses himself/herself from participation in the decision for which there is a conflict of interest. These exceptions include the following:

1. A contract for \$5,000 or less;
2. A contract awarded by competitive bidding procedures if more than one competitive bid is submitted or, if only one competitive bid is submitted, the procedures in SDCL 6-1-2.1 have been followed;
3. A contract for professional services;
4. A contract awarded off of the state contract list at the established price or less;
5. A contract that does not require competitive bidding when there is no other source of supply or services and when the total of any such contract does not exceed \$50,000 for a public improvement or \$25,000 for a contract for supplies or services; or
6. A contract with an entity for which competitive bidding is not required unless the majority of the governing body are members or stockholders who collectively have a controlling interest, or any governing board Official is an officer or manager or such entity.

If an Official who is a member of the City Council, or a board, committee or commission has a disqualifying interest in a matter before the body on which the Official serves, they shall disclose the conflict to the body prior to its consideration of the matter. Once this disclosure is made, the Official shall not formally participate in the official discussion, any executive session, or any vote on the matter. If the Official has a conflict of interest in the matter and chooses to participate in the discussion, the Official should leave the table and speak on the item from the audience as a member of the public.

If it is alleged that an Official has a disqualifying conflict of interest in a matter before the City Council, or a board, committee or commission on which the Official serves, and if the Official does not voluntarily refrain from participating in the matter, then the Official may be disqualified from officially participating in consideration of the matter upon a two-thirds vote of the Council, board, committee or commission on which the Official serves. The City Council, or a board, committee or commission voting to disqualify such Official must make a specific finding of the disqualifying conflict of interest for which it has excluded the Official from participating in the matter under consideration. An Official disqualified in this manner may not participate in the official discussion, any executive session or any vote on the matter.

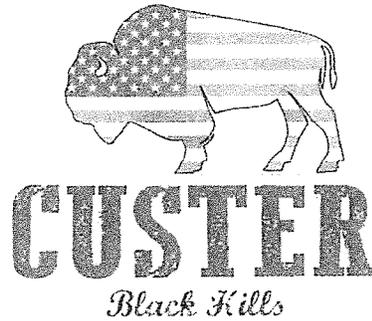
If an Official desires assistance to determine if that Official, or another Official, has a disqualifying conflict of interest, the Official may request an advisory opinion from the City Attorney. Such opinion shall be made available to all members of the City Council, or the board, committee or commission about which the opinion is provided, but shall not be available for public inspection unless a majority of the members of the City Council or the board, committee or commission to which the opinion is provided votes to make such opinion public.

The Finance Officer or designee shall provide a copy of this policy to all City Officials.

Acknowledgement of Receipt of Conflict of Interest Policy for Elected and Appointed Officials

Signature

Date



June 14, 2019

Dear Mayor and Custer City Council Members,

The Custer Area Chamber of Commerce would like to make the following requests for Gold Discovery Days:

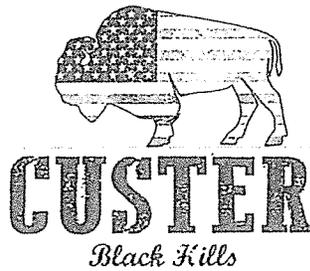
- We would like to request the Show Mobile be set up on Washington Street parallel to 2nd Street on Friday, July 19th for the Street Dance and removed on Saturday morning before the Car Show.
- Throughout the weekend, we would like to be able to use as many traffic cones as you have available-for street closures, gold nugget hunt, stick horse rodeo, etc.
- For the Car Show, we would like to request that Washington Street between 2nd and 4th Streets be swept prior to Friday night.

Thank you for your consideration!

Sincerely,

Dolsee Davenport

Dolsee Davenport
Executive Director
Custer Area Chamber of Commerce
ddavenport@custersd.com
605-673-2244



June 24, 2019

Dear Custer City Council Members:

The Custer Area Chamber of Commerce would like to request a street closure for south Sixth Street from Mt. Rushmore Road to Washington Street, on Sunday, September 1st for the Studebaker Car Show. We would also like to request the use of the Showmobile and have it set up in the northwest corner of the Chamber parking lot.

Thank you for your consideration!

Sincerely,

Dolsee Davenport
Executive Director
Custer Area Chamber of Commerce
ddavenport@custersd.com
605-673-2244

DATE
6/06/19
TIME
06:51
SALESMAN
013/013
STORE
1

POWER HOUSE
 2425 W. CHICAGO ST
 RAPID CITY, SD 57702
 605-348-8983

INVOICE
190021
P/O NUMBER
WORK ORDER
PAGE
1 of 1

Terminal: 11

BILL TO ACCOUNT: 6734824
CITY OF CUSTER 622 CROOK ST CUSTER, SD 57730

SHIP TO ACCOUNT:
CITY OF CUSTER 622 CROOK ST CUSTER, SD 57730

Tax Exempt #

NO RETURNS ON ELECTRICAL, SPECIAL ORD
 OR SERIAL NUMBERED ITEMS 25% RESTOCK
 ON EVERYTHING ELSE THANK YOU

Shipped VIA: CUSTOMER PICKUP

ORD	SHIP	B/O	LINE	PART NUMBER	DESCRIPTION	LIST	NET	AMOUNT
				EXQ LZE651GKA484A2	LAZER Z 48IN KAW	7999.00	6399.00	6399.00
				SN- 1				
				TRADE IN WORTH 1000.00 EXTRA OFF PRICE				
1	1			EXQ LZE651GKA484A2	LAZER Z 48IN KAW	9699.00	7759.00	7759.00
				SN- 1				
				SAME ON LAZER, RADUIS IS LIGHT COMMERCIAL AND LAZER IS FULL COMMERCIAL				

* Surplus Exmark mower
 model LHP4417KA
 Serial # 264747

Trade Exmark mower in
 on purchase of above
 mower.

-1,000-

6,759.00

DUPLICATE COPY
 QUOTE ONLY

SUB TOTAL	4458.00
MISC	0.00
LABOR	0.00
Tax: 6.500	0.00
DOWN PAYMENT	
INVOICE TOTAL	4458.00

