

All City Council Meetings are recorded.

**CITY OF CUSTER CITY  
COUNCIL AGENDA  
June 17<sup>th</sup>, 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 – June 3<sup>rd</sup>, 2019 Regular Meeting and June 10<sup>th</sup>, 2019 Special Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. Public Hearing – Special Event Malt Beverage License by Current Licensee – VFW for Gold Discovery Days
  - b. Public Hearing – Retail On-Off Sale Malt Beverage & Retail On-Sale Restaurant Liquor License Transfer – Begging Burro LLC
  - c. First Reading – Ordinance #825 – Garbage Collection
  - d. Resolution 06-17-19A – Write Offs
  - e. Custer Community Center Financing – Toby Morris
  - f. Resolution 06-17-19B – Setting Hearing Date and Directing Notice To Be Published for Custer Community Center Financing
  - g.
6. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
7. Old Business
  - a.
  - b.
8. New Business
  - a. Minor Plat – Akers Subdivision, Plat of Tract Wendell 1, Tract Wendell 2 and Tract Effertz
  - b. Employee Step Increase
  - c.
  - d.
9. Presentation of Claims –
10. Department Head Discussion & Committee Reports –
11. Possible Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
12. Adjournment

**CITY OF CUSTER CITY  
BOARD OF ADJUSTMENT AGENDA  
June 17<sup>th</sup>, 2019 – City Hall Council Chambers  
Following Council Meeting.**

1. Call to Order - Roll Call
2. Approval of Minutes – June 3<sup>rd</sup>, 2019 Board of Adjustment Meeting
- 3 Adjournment

**REMINDERS**

- Park & Recreation Committee Meeting – June 18<sup>th</sup>, 2019 5:30 P.M.  
Public Works Committee Meeting – July 1<sup>st</sup>, 2019 4:30 P.M.  
Regular City Council Meeting – July 1<sup>st</sup>, 2019 5:30 P.M.  
General Government Committee Meeting – July 8<sup>th</sup>, 2019 4:30 P.M.  
Planning Commission Meeting – July 9<sup>th</sup>, 2019 5:00 P.M.  
Regular City Council Meeting – July 15<sup>th</sup>, 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 3<sup>rd</sup>, 2019

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

**AGENDA**

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

**MINUTES**

Councilperson Nielsen moved, with a second by Councilperson Blom, to approve the minutes from the May 20<sup>th</sup> regular council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**SECOND READING – ORDINANCE #824 – REMOVING SECTION 17.45 AND 17.46**

Councilperson Fischer moved to adopt Ordinance #824, Removing Section 17.45 and 17.46. Seconded by Councilperson Nielsen, the motion carried with Councilperson Blom, Whittaker, Nielsen, Fischer and Moore voting yes.

**RECYCLING – JILL HOHN**

Jill Hohn addressed the Council with her concerns regarding recycling and the limited opportunities for recycling in Custer.

**PUBLIC COMMENTS**

No public comments were received.

**5K RUN REQUEST – GIRL SCOUTS TROOP 71110**

Councilperson Fischer moved to approve the Girl Scouts Troop 71110 5K Run request for August 24<sup>th</sup> which included using Harbach Park and stopping traffic on Eight Street at the Mickelson Trail Crossing. Seconded by Councilperson Moore, the motion unanimously carried.

**MINOR PLAT – A PLAT OF J AND J TRACT WELLINGTON AND A PRIVATE ACCESS EASEMENT**

Councilperson Blom moved to approve the minor plat for A Plat of J and J Tract Wellington Tract and a Private Access Easement. Seconded by Councilperson Whittaker, the motion unanimously carried.

**AMERICAN LEGION FLAGS (PROCLAMATION FOR AMERICAN LEGION POST CENTENNIAL YEAR) – CUSTER POST #46**

Councilperson Fischer moved to approve the American Legion's request to have 8 American Legion flags flown in July as part of the American Legion Centennial Year Proclamation. Seconded by Councilperson Nielsen, the motion unanimously carried.

**FUTURE RESERVE WATER PERMIT 14-07-2 - RENEWAL**

Councilperson Fischer moved to approve the letter addressed to South Dakota Department of Environment & Natural Resources regarding renewal of future reserve water permit 14-07-2 and authorize the mayor to sign the letter. Seconded by Councilperson Blom, the motion unanimously carried.

**PROPANE QUOTES**

Councilperson Nielsen moved to accept the propane quote from McGas for 30,000 gallons of propane at \$1.04 per gallon for a total of \$31,200.00. Seconded by Councilperson Whittaker, the motion carried with Councilperson Whittaker, Nielsen, Fischer, Moore and Blom voting yes.

**CLAIMS**

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

A & B Electric, Repair & Maintenance, \$383.88

Aflac, Insurance, \$691.33

Amazon, Supplies, \$150.86

Beesley Law Office, Professional Fees, \$3,277.50

Battle Mountain Humane Society, Animal Control Contract, \$1,000.00

Birmingham Receipt Book Co, Supplies, \$455.00

Black Hills Energy, Utilities, \$2,495.53

California State Disbursement, Deductions, \$92.30  
Century Business Products, Supplies, \$283.24  
Christie, John, Reimbursement, \$117.60  
Custer Ambulance Service, TIF #1 Payment, \$242.50  
Chronicle, Publishing, \$1,477.09  
Custer County Treasurer, TIF #1 Payment, Reimbursement, \$3,601.29  
Custer Do It Best, Supplies, \$10.12  
Custer Fire Department, 2019 Subsidy, \$30,500.00  
Custer School District, TIF #1 Payment, \$8,000.84  
Dacotah Bank, TIF #2 Payment, \$14,759.10  
Dacotah Bank, TIF #4 Payment, \$22,178.25  
DGR Engineering, Professional Fees, \$15,160.11  
Delta Dental, Insurance, \$169.80  
Discovery Benefits, Supplies, \$1,476.92  
EFTPS, Taxes, \$12,276.76  
Environmental Equipment & Service LLC, Repairs & Maintenance, \$1,001.04  
Fastenal, Supplies, \$253.40  
First Interstate Bank, TIF #4 Payment, \$22,178.25  
Floyd's Truck Center, Repairs & Maintenance, \$14.95  
Golden West Telecommunications, Utilities, \$486.93  
Golden West Technologies, Supplies, Professional Fees, \$3,761.00  
Go Daddy, Supplies, \$2,661.44  
Hawkins, Supplies, \$5,249.49  
In The Swim.com, Repairs & Maintenance, \$3,994.34  
J & M Lawncare, Cemetery Caretaker Contract, \$5,000.00  
Kriby Built Products, Supplies, \$3,884.43  
Midcontinent Testing Labs, Professional Fees, \$1,716.40  
Petty Cash, Supplies, \$310.52  
Pitney Bowes, Supplies, \$48.69  
Pizza Hut, Supplies, \$53.76  
Quill, Supplies, \$119.95  
Sanders Sanitation, Clean Up Days, \$9,461.46  
SD Governmental Finance Officers' Association, Travel and Conference, \$75.00  
Servall, Supplies, \$165.42  
SD Retirement System, \$6,230.48  
Supplemental Retirement, \$620.00  
USDA Forest Service, Supplies, \$147.83  
Verizon Wireless, Utilities, \$416.23  
Vista Print, Supplies, \$48.45  
Walker, Gaile, Reimbursement, \$500.00  
Wright Express, Supplies, \$1,122.91  
YMCA, Membership, Contributions, 2019 Subsidy, \$43,542.00  
Mayor & Council, \$4,532.00  
Finance Department, \$4,802.87  
Planning Department, \$7,621.99  
Public Works Department, \$3,105.44  
Street Department, \$9,545.19  
Cruisin Department, \$76.81  
Parks Department, \$4,138.71  
Water Department, \$11,886.53  
Wastewater Department, \$11,748.54  
Total Claims \$289,322.47

**DEPARTMENT HEADS & COMMITTEE REPORTS**

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

**ADJOURNMENT**

With no further business, Councilperson Moore moved to adjourn the meeting at 5:59 p.m. Seconded by Councilperson Moore, 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 3<sup>rd</sup>, 2019**

Chairman Corbin Herman called to order the Board of Adjustment Meeting at 6:00 p.m. Present at roll call were Board Member Blom, Whittaker, Nielsen, Fischer and Moore. City Attorney Chris Beesley was present.

**AGENDA**

Board Member Fischer moved, with a second by Board Member Whittaker, to approve the agenda with public comments agenda item being moved to follow conflict of interest. The motion unanimously carried.

**CONFLICTS OF INTEREST**

Board Member Moore stated that she had a conflict of interest and excused herself from the meeting at 6:02. No other conflicts of interest were stated.

**PUBLIC COMMENTS**

Public comments were received from Judy Lacey, Pam Storm and Bob Jorgensen, all in regards to the Board of Adjustment Meeting agenda item.

**APPEAL OF DENIED CONDITIONAL USE PERMIT REQUEST, 257 DESPERADO LANE – SHORT TERM RENTAL**

Joe Uhrich, Planning Commission Representative, addressed the Board regarding the Planning Commissions April 23<sup>rd</sup>, 2019 action. Carol Jorgenson, Appellant, addressed the Board regarding her conditional use permit request.

Board Member Fischer moved to go into and out of executive session for proposed litigation per SDCL 1-25-2(1-4) at 6:40 pm, with the Attorney, Planning Administrator and Finance Officer present. Seconded by Board Member Blom, the motion unanimously carried. The Board came out of executive session at 7:17 pm, with no action taken.

Board Member Nielsen moved, that after having reviewed the conditional use permit criteria, to overrule the April 23<sup>rd</sup>, 2019 decision made by the Custer City Planning Commission and approve the short-term rental conditional use permit request for the property located at 257 Desperado Lane. Seconded by Board Member Blom, the motion carried with Board Member Fischer, Blom, Whittaker, Nielsen and Herman voting yes.

**ADJOURNMENT**

With no further business, Board Member Fischer moved to adjourn the meeting at 7:18 p.m. Seconded by Board Member Whittaker, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Chairman



CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- SPECIAL MEETING  
June 10<sup>th</sup>, 2019

Mayor Corbin Herman called to order a special meeting of the Common Council at 5:35 p.m. Present at roll call were Councilpersons Blom, Whittaker, Nielsen and Moore. The Pledge of Allegiance was stated.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

ELECTION CANVASS

Council reviewed the election poll book, tally sheet and election board recap sheet, which balanced. Councilperson Moore moved to approve the official canvass which stated the votes for Ward III Councilperson were Margaret (Peg) Ryan with 51 and Sandy Arseneault with 13. Seconded by Councilperson Blom, the motion unanimously carried.

ADJOURNMENT

With no further business, Councilperson Whittaker moved to adjourn the meeting at 5:45 p.m. Seconded by Councilperson Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



NOTICE OF PUBLIC HEARING UPON APPLICATIONS FOR SPECIAL MALT BEVERAGE LICENSE BY CURRENT LICENSEE

UPON APPLICATION for special malt beverage license by current licensee, notice is hereby given that the City Council of the City of Custer City, Custer County, South Dakota will hear and consider the following applications for special malt beverage license by current licensee at a meeting of the City Council to be held on the 17<sup>th</sup> day of June, 2019, in the Council Chambers of City Hall in said City at 5:30 p.m. of said day. Application to be considered for pursuant to SDCL 35-4 is as follows:

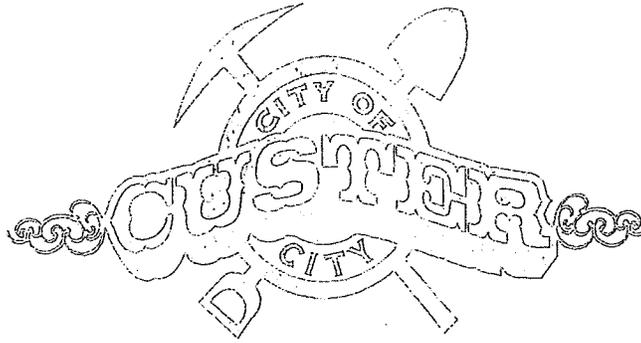
VFW Post 3442 – July 19 – 21, 2019 – Gold Discovery Days – Washington Street between 2<sup>nd</sup> & 3<sup>rd</sup> Street

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 31<sup>st</sup> day of May 2019.

/s/Sydney Gramkow  
Custer City Deputy Finance Officer

Custer County Chronicle – Please Publish June 5<sup>th</sup>, 2019



PAID  
#46436  
MAY 15 2019

CITY OF CUSTER

622 Crook Street  
Custer, SD 57730

Phone: (605) 673-4824  
Fax: (605) 673-2411

## Application for Special Events Alcoholic Beverage License

This application is for special malt beverage retailers license, special retail on-sale wine license, or special permit for alcohol on public property (brown bag permit) in conjunction with a special event to any public, civic, charitable, educational, fraternal, or veterans organization to be held in the City of Custer for a period not to exceed 15 consecutive days. *\*\*If applying for a Brown Bag Permit, there shall be NO exchange of money at the event! \*\**

|   |   |
|---|---|
| <p><b>Organization/Business Name:</b><br/>Kenneth Kuper<br/>VFW Post # 3442</p> <p><b>Owner Name:</b></p> <p><b>Address:</b><br/>721 Mt Rushmore Rd<br/>Custer SD 57730</p> <p><b>Telephone:</b><br/><del>(605) 673-4262</del><br/>(605) 673-4262</p> | <p><b>Dates of Event:</b><br/>July 19-21, 2019</p> <p><b>Location of Event:</b><br/>(COMPLETE DESCRIPTION INCLUDING STREET ADDRESS)<br/>Washington Street,<br/>Between 2nd &amp; 3rd Street</p> <p><b>Officers of Organization:</b></p> |
| <p><b>Description of Event:</b><br/>Gold Discovery Days</p>   |   |

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 alcoholic beverage at a meeting of the City Council to be held on the 17th day of June 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:

Begging Burro LLC – Retail (On-Off Sale) Malt Beverage & SD Farm Wine – Transfer  
Begging Burro LLC – Retail (On Sale) Restaurant Liquor – 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 31<sup>st</sup> day of May 2019.

/s/Sydney Gramkow  
Deputy Finance Officer

Custer County Chronicle – Please Publish June 5<sup>th</sup>, 2019

| ESTABLISHMENT | LICENSE        | TAXES PAID | AGREEMENT | INSURANCE | 10% DUE<br>TO CITY | VIDEO<br>LOTTERY |
|---------------|----------------|------------|-----------|-----------|--------------------|------------------|
| BEGGIN BURRO  | REST- TRANSFER | ✓          | ✓         | PENDING   | X                  | X                |
| BEGGIN BURRO  | MB-TRANSFER    | ✓          | ✓         | PENDING   | X                  | X                |

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.**

~~—"Garbage," as used in this chapter, means kitchen refuse, cans, bottles, paper, ashes, green/yard waste and other waste materials ordinarily originating on household or commercial premises, and items which can be, and are, placed in regulation garbage containers as provided for in this chapter. 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, heavy materials, shall be disposed of at the expense of the owner or person controlling the same.~~

~~—"Residential patron" means individually metered residential units, apartment dwellings or mobilehome housing.~~

~~—"Rubbish," as used in this chapter, means large cardboard cartons, accumulations of tree leaves, tree limbs and branches, and other ordinary household or commercial rubbish or vegetation not customarily placed in regulation garbage containers.~~

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 ~~not customarily placed in regulation garbage containers.~~
- 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 ~~where kitchen garbage accumulates shall place garbage such in a regulation garbage container furnished by contractor.~~

B. ~~Garbage and rubbish may be placed in either such garbage containers provided by garbage provider/contractor or in suitable and sufficiently strong containers to adequately hold and confine such waste materials and then only after draining off moisture from moist substances and wrapping them in paper or plastic bags to avoid odor and to avoid freezing of such substances to the garbage can or container. 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. ~~Required~~ 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 1<sup>st</sup> day of July, 2019

City of Custer City

\_\_\_\_\_  
Corbin Herman, Mayor

Attest \_\_\_\_\_

Laurie Woodward, Finance Officer

(SEAL)

First Reading: June 17, 2019

Seconding Reading: July 1, 2019

Publication: July 10, 2019

Vote:

Moore:                      Arseneault:

Blom:                        Nielsen:

Whittaker:                Fischer:



RESOLUTION NO. 06/17/19

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 17<sup>th</sup> day of June, 2019.

ATTEST:

CITY OF CUSTER

LAURIE WOODWARD  
FINANCE OFFICER  
(SEAL)

CORBIN HERMAN  
MAYOR



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 17<sup>th</sup> day of June 2019

\_\_\_\_\_  
City of Custer City  
Corbin Herman, Mayor

Attest:

\_\_\_\_\_  
Laurie Woodward  
Finance Officer

(Seal)

**NOTICE OF A PUBLIC HEARING REGARDING NOT TO EXCEED \$4,500,000 CITY OF CUSTER CERTIFICATES OF PARTICIPATION (CUSTER COMMUNITY CENTER) SERIES 2019 EVIDENCING UNDIVIDED, PROPORTIONATE INTEREST OF THE OWNERS THEREOF IN RENT PAYABLE, SUBJECT TO ANNUAL APPROPRIATION BY THE CITY OF CUSTER, SOUTH DAKOTA PURSUANT TO A LEASE PURCHASE AGREEMENT**

NOTICE IS HEREBY GIVEN that, as required by Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), the City Council of the City of Custer, South Dakota (the "City"), will hold a public hearing at its regularly scheduled meeting on July 1, 2019, at 5:30 PM in the City Hall Chambers, Custer City Hall, 622 Crook St, Custer, SD 57730, or as soon as practicable thereafter, concerning the proposed entering into a Lease Purchase Agreement (the "Lease") and having issued Certificates Of Participation (Custer Community Center) Series 2019 Evidencing Undivided, Proportionate Interest Of The Owners Thereof In Rent Payable, Subject To Annual Appropriation By The City Of Custer, South Dakota Pursuant To A Lease Purchase Agreement (the "COPs").

The Lease are expected to be entered into by the City pursuant to South Dakota Codified Laws Chapter 9-21-18.1, as amended, in a maximum principal amount of \$4,500,000 which will be used to (i) remodel three floors of the Custer Community Center located at 371 Crook Street, Custer, SD 57730 (the "Project"), and (ii) pay certain fees and costs associated with the financing. The Project will be owned and operated by the City. The City and Custer YMCA will use the Project. The Project will be financed by a qualified 501(c)(3) Bond as defined in Section 145 of the Internal Revenue Code. The Lease will be subject to annual appropriation and will not constitute a constitutional debt under Article 13 Section 4 of the South Dakota Constitution.

At the time and place fixed for the public hearing, 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. The City Commission also intends at the July 1, 2019, meeting to consider and take action on a resolution regarding the entering into the Lease by the City and the issuance of the COPs. Any person wishing to submit written comments regarding the entering into the Lease by the City and the issuance of the COPs, the location and nature of the Project and other related matters should do so by submitting comments to the Finance Officer of the City no later than 5:00 PM on June 28, 2019, at Custer City Hall, 622 Crook St, Custer, SD. 57730.

**CITY OF CUSTER, SOUTH DAKOTA**

Published Prior to June 24, 2019 (Publish not less than 7 days prior to hearing date).



Planning Department  
622 Crook Street  
Custer, SD. 57730  
Phone: 673-4824 Fax: 673-2411  
e-mail: timh@cityofcuster.com

### Staff Report

Request: Minor Plat, Akers Subdivision, Plat of Tract Wendell 1, Tract Wendell 2, and Tract Effertz  
Applicant: Mark Wendell  
Location: East side of Stagg Road, at the intersection of Stagg Road and US HWY 16  
Legal Desc.: Tract Wendell of Tract 1 in Sec. 3, T3S, R4E and Tract Lyle-Rose of Tract 1 in Sec. 3, T3S, R4E  
Date Prepared: June 13, 2019  
City Council Meeting: June 17, 2019  
Prepared by Tim Hartmann, Planning Administrator

### **GENERAL**

The Plat is for a lot line adjustment (non-subdivision) that is not within the corporate limits of the City of Custer but is subject to approval by the City under the 3-mile extraterritorial jurisdiction. Individual wells and wastewater systems serve the proposed Tract Wendell 2 and Tract Effertz. A well is installed on the proposed Tract Wendell 1. Access is from Stagg Road.

This plat will shift two lot lines involving the existing Tract Wendell Revised (30.20 acres), Lot 1 of Tract 1 (8.50 acres), and Lot 2 of Tract 1 (17.09 acres). Creating the proposed Tract Wendell 2(40.00 acres), Tract Wendell 1 (7.29 acres) and Tract Effertz (8.50 acres).

This property is in the county and has no zoning.

### **COMPREHENSIVE PLAN**

The Comprehensive Plan identifies this area for Rural Residential development.

### **ROUTING SHEET RESPONSES**

SDDOT – No concerns.  
CC ROD – Redline items.  
CC Planning – Redline items.

### **ACCESS**

Existing access to the proposed Tract Wendell 1 and Tract Wendell 2 has been provided by Stagg Road.

The proposed Tract Effertz is accessed from Stagg Road, and then via a previously platted 50' Access Easement (Plat Book 9, page 193).

### **PREVIOUS ACTION BY THE PLANNING COMMISSION**

The Planning Commission reviewed and discussed this minor plat at their May 11<sup>th</sup>, 2019 meeting. After some discussion mainly concerning the lot lines being addressed in the shift and the existing infrastructure on the parcels, Commissioner Moore moved, with a second by Commissioner Hudson to recommend approval of the minor plat by the Council. Moores motion carried unanimously.

### **SUMMARY AND STAFF RECCOMENDATION**

This plat is presented as a non-subdivision plat with no changes to the existing access points, established well and septic systems and all other applicable City and County subdivision standards appear to be met. Once the three final redline items are addressed by the surveyor staff supports approval. Staff is recommending approval of the minor plat by the City Council.



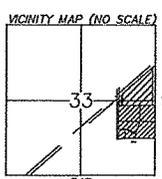
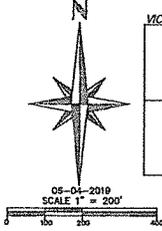
(E)  
6/7/19

# AKERS SUBDIVISION

PLAT OF TRACT WENDELL 1, TRACT WENDELL 2, AND TRACT EFFERTZ  
(FORMERLY TRACT WENDELL REVISED, TRACT WENDELL, TRACT LYLE-ROSE, LOT 1,  
AND LOT 2 OF AKERS SUBDIVISION) LOCATED IN THE NE1/4 SE1/4 AND SE1/4 NE1/4  
OF SECTION 33, T3S, R4E, B.H.M. CUSTER COUNTY, SOUTH DAKOTA

| NUM | BEARING     | DISTANCE |
|-----|-------------|----------|
| L1  | N89°45'30"E | 121.54'  |
| L2  | N0°07'42"W  | 33.09'   |
| L3  | S89°23'56"E | 117.10'  |
| L4  | S6°43'41"E  | 163.67'  |
| L5  | N20°00'10"E | 233.42'  |
| L6  | N20°03'07"E | 26.86'   |
| L7  | N0°08'28"W  | 26.13'   |
| L8  | N0°08'28"W  | 155.89'  |
| L9  | N0°00'30"E  | 159.75'  |
| L10 | S2°26'40"W  | 160.44'  |
| L11 | S0°14'07"E  | 603.45'  |

| NUM | DELTA    | ARC    | RADIUS   | BEARING     | DISTANCE |
|-----|----------|--------|----------|-------------|----------|
| C1  | 1°22'14" | 66.14' | 2764.79' | N50°23'05"E | 66.14'   |



- LEGEND**
- ⊠ CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
  - ▲ CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING
  - CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 2196
  - ◊ CORNER FOUND THIS SURVEY B.L.M./G.L.O. BRASS MONUMENT
  - ⊖ POWER POLE
  - P- CENTERLINE OF 20' POWER LINE EASEMENT

**NOTE**  
FIRM PANEL 46033C 0400 F DATED JANUARY 06, 2012 INDICATES THERE IS NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

**NOTE**  
A 20' WIDE UTILITY EASEMENT SHALL EXIST CENTERED ON ALL SUBDIVISION LOT LINES NOT ADJACENT TO PUBLIC RIGHTS-OF-WAY OR UNPLATTED LAND AND ON THE INTERIOR SIDE OF LOT LINES THAT BORDER LAND THAT HAS NOT BEEN SUBDIVIDED, UNLESS OTHER SUITABLE UTILITY EASEMENTS HAVE BEEN SHOWN.

**WATER PROTECTION STATEMENT**  
PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

**NOTE**  
US HIGHWAY 16 IS A 120' PUBLIC RIGHT-OF-WAY STAGG ROAD IS A 66' DEDICATED PUBLIC ACCESS AND UTILITY EASEMENT AS PER SDCL 31-3-1.

**NOTE**  
TRACTS WENDELL REVISED OF AKERS SUBDIVISION IS RECORDED IN PLAT BOOK 12 PAGE 683.  
LOTS 1-4 OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 12 PAGE 259  
TRACTS WENDELL AND LYLE-ROSE OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 11 PAGE 430.  
TRACTS 1 AND AKERS OF AKERS SUBDIVISION ARE RECORDED IN PLAT BOOK 9 PAGE 193.

STATE OF SOUTH DAKOTA  
COUNTY OF CUSTER S.S.

I, WE \_\_\_\_\_ DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREIN AND THAT WE DO APPROVE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL CURRENT APPLICABLE ZONING, SUBDIVISION, AND RELATED CONTROL REGULATIONS.

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_  
KNOWN BY ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY DESCRIBED THE SAME.  
NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

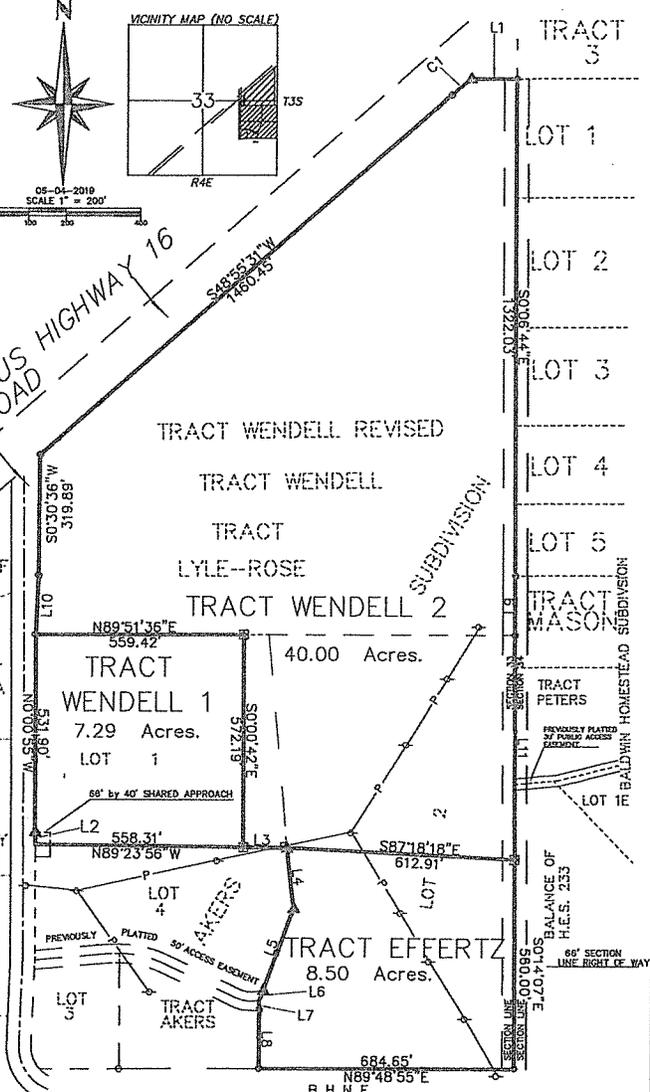
I, WE \_\_\_\_\_ DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE LAND SHOWN AND DESCRIBED HEREIN AND THAT WE DO APPROVE AND DO HEREBY APPROVE THE SURVEY AND WITHIN PLAT OF SAID LAND. WE FURTHER CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL CURRENT APPLICABLE ZONING, SUBDIVISION, AND RELATED CONTROL REGULATIONS.

ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED \_\_\_\_\_  
KNOWN BY ME TO BE THE PERSON(S) DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY DESCRIBED THE SAME.  
NOTARY PUBLIC: \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

**STATEMENT OF SURVEYOR**  
FOR BUCKHORN SURVEYING INC  
I, JACK H. KNUST, REGISTERED LAND SURVEYOR NO. 4896 OF THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT I HAVE PERSONALLY EXAMINED THE SURVEY AND WITHIN PLAT OF THE LAND SHOWN AND DESCRIBED HEREIN AND THAT I AM AWARE OF THE FACTS AND CIRCUMSTANCES AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE WITHIN PLAT IS A REPRESENTATION OF SAID SURVEY.  
IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_



BUCKHORN SURVEYING INC  
BY JACK H. KNUST, REGISTERED LAND SURVEYOR  
0005A



**CERTIFICATE OF COUNTY TREASURER**  
I, PRESIDENT OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES DUE ARE PAID UPON THE WITHIN DESCRIBED LANDS.  
ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.  
TREASURER: \_\_\_\_\_

**RESOLUTION OF GOVERNING BOARD**  
STATE OF SOUTH DAKOTA  
CITY OF CUSTER S.S.  
WHEREAS THERE HAS BEEN REFERRED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WITHIN PLAT OF THE ABOVE DESCRIBED PARCELS AND IT APPEARS TO THE BOARD THAT:  
A. THE SYSTEM OF STREETS SET FORTH HEREIN CONFORMS TO THE SYSTEM OF STREETS OF THE EXISTING PLAT OF THE CITY OF CUSTER;  
B. ALL PROVISIONS OF ANY UNLAWFUL CITY SUBDIVISION REGULATIONS HAVE BEEN OBEYED WITH;  
C. ALL LOTS AND BLOCKS, ASSIGNMENTS UPON THE SUBDIVISION HAVE BEEN FULLY PAID, AND  
D. THE PLAT AND SURVEY THEREON HAVE BEEN CONDUCTED ACCORDING TO LAW.  
THEREFORE, BE IT RESOLVED THAT SAID PLAT IS HEREBY APPROVED IN ALL RESPECTS.  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.  
CITY CLERK OF THE CITY OF CUSTER  
I, PRESIDENT OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, THE CITY OF CUSTER, BY RESOLUTION, DID APPROVE THE WITHIN PLAT AS SHOWN HEREON.  
CITY CLERK: \_\_\_\_\_

**CERTIFICATE OF HIGHWAY AUTHORITY**  
THE LOCATION OF THE PROPOSED ACCESS ROAD CROSSING THE COUNTY OR STATE HIGHWAY IN THE CITY STREET, AS SHOWN HEREON IS HEREBY APPROVED. ANY CHANGES IN THE LOCATION OF THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.  
NOTARILY APPROVED: \_\_\_\_\_

**CERTIFICATE OF DIRECTOR OF EQUALIZATION**  
I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY DO HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WITHIN DESCRIBED PLAT. DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_.  
DIRECTOR OF EQUALIZATION: \_\_\_\_\_

**CERTIFICATE OF REGISTER OF DEEDS**  
FILED FOR RECORD THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ AM.  
AND RECORDED IN BOOK \_\_\_\_\_ OF PLATS ON PAGE \_\_\_\_\_  
REGISTER OF DEEDS, CUSTER COUNTY:



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, 2019-2020 Prepaid Propane Contract, \$31,200.00  
Midcontinent Testing Labs, Professional Fee, \$295.00  
Pace, Supplies, \$306.43  
Praire Hills Transit, 2019 Promotion, \$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

