

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
COUNCIL AGENDA
June 4th, 2018 – 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 –May 21st, 2018 Meeting
4. Declaration of Conflict of Interest
5. Public Presentations - Public Hearings – Public Comments
 - a. Public Hearing – Resolution #06-04-2018A – Right-of-Way Vacation – Lots 1,2 & 3 of Block 125
 - b. First Reading – Ordinance #805 – Conditional Use Permits
 - c. Resolution #06-04-18B – Tract Clinic
 - d. Resolution #06-04-18C – Write-Off's
 - e.
6. Old Business
 - a. Resolution #05-21-18A – Fee Schedule
 - b. Drainage Evaluation & Design Services Proposal – ACES
 - c.
7. New Business
 - a. Bryden Drive & Alley Project – Design & Construction Management Services Proposal – ACES
 - b. Application for Fourth of July Fireworks – Custer Volunteer Fire Department
 - c. Studebaker Car Show Street Closure Request – Chamber of Commerce
 - d. Planning Commission Appointment
 - e. Employee Step Increase
8. Presentation of Claims –
9. Department Head Discussion & Committee Reports –
10. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
11. Adjournment

REMINDERS

- General Government Committee Meeting – June 11th, 2018 4:30 P.M.
Planning Commission Meeting – June 12th, 2018 5:00 P.M.
Regular City Council Meeting – June 18th, 2018 5:30 P.M.
Park & Recreation Committee Meeting – June 19th, 2018 5:30 P.M.
Public Works Committee Meeting – July 2nd, 2018 4:30 P.M.
Regular City Council Meeting – July 2nd, 2018 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
May 21st, 2018**

Mayor Corbin Herman called to order the second meeting of the Common Council for the month of May 2018 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Nielsen, Fischer, Blom and Arseneault. City Attorney Chris Beesley was present. The Pledge of Allegiance was stated.

AGENDA

Councilperson Heinrich moved to approve the agenda. Second by Councilperson Fischer, the motion unanimously carried.

MINUTES

Councilperson Maciejewski moved, with a second by Councilperson Arseneault, to approve the minutes from the May 7th council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Councilperson Maciejewski stated he had a conflict with the minor plat for Block 131 Subdivision. No other conflicts of interest were stated.

PUBLIC HEARING – MALT BEVERAGE & WINE LICENSE – CUSTER BEACON

Councilperson Maciejewski moved to approve the malt beverage & wine license for Custer Beacon contingent upon proof of insurance being provided. Seconded by Councilperson Fischer, the motion unanimously carried.

PUBLIC HEARING – MALT BEVERAGE LICENSE RENEWALS

The Council was presented with a renewal list of malt beverage license applications for the July 1st, 2018 – June 30th, 2019 license period. At this time there were 28 malt beverage licenses for renewal. Councilperson Nielsen moved to approve the applications. Seconded by Councilperson Blom. Councilperson Nielsen amended her motion to approve all applications as listed contingent upon proof of insurance being provided. Seconded by Councilperson Blom, the motion unanimously carried.

RESOLUTION #05-21-18A – FEE SCHEDULE

Councilperson Fischer moved to table Resolution #05-21-18A, Fee Schedule until the June 4th Council Meeting. Seconded by Councilperson Maciejewski, the motion unanimously carried.

PLANTER PROJECT – GIRLS SCOUTS

After a presentation by four members of the local Girls Scout Troop, Councilperson Heinrich moved to approve the placement of planter boxes constructed by the Girls Scouts in a City Park until such time that they can be relocated to the Veteran's Memorial. Seconded by Councilperson Fischer, the motion unanimously carried.

MINOR PLAT – PLAT OF LOTS 7R OF BLOCK 6

Councilperson Fischer moved to approve the minor plat for Lot 7R of Block 6. Seconded by Councilperson Blom, the motion unanimously carried.

Councilperson Maciejewski excused himself from the meeting at 5:40 pm.

MINOR PLAT – BLOCK 131 SUBDIVISION

Councilperson Arseneault moved to approve the minor plat for Block 131 Subdivision contingent upon receiving a signed mylar. Seconded by Councilperson Nielsen, the motion unanimously carried.

Councilperson Maciejewski rejoined the meeting at 5:42 pm.

PRELIMINARY PLAT – PLAT OF TRACT 1 & 2 REVISED OF BIG ROCK SUBDIVISION, SCHNELLER TRACT & BROUILLARD TRACT

Councilperson Nielsen moved to approve the preliminary plat for Tract 1 & 2 Revised of Big Rock Subdivision, Schneller Tract and Brouillard Tract. Seconded by Councilperson Blom, the motion unanimously carried.

NUTMOBILE REQUEST – CHAMBER OF COMMERCE

Councilperson Maciejewski moved to approve the Chamber of Commerce's request to block off four parking spaces on Mt Rushmore Road in front of Way Park on July 3rd and 4th, 2018 for the Planters Peanuts Nutmobile. Seconded by Councilperson Heinrich, the motion unanimously carried.

REFERENDUM PETITION

Councilperson Nielsen stated that since a petition was filed in the Finance Office on May 17th and South Dakota Codified Law 9-20-11 sets forth the options to schedule an election for a referendum question, she moved to set an election date of November 6th, 2018 for ballot question regarding Ordinance #802, An Ordinance Amending Municipal Code Chapter 17.12 Residential Districts, which was passed by Council on April 23rd, 2018. Seconded by Councilperson Fischer, the motion unanimously carried.

POTENTIAL SEARCH AND RESCUE OFFICE BUILDING – 1039 MONTGOMERY STREET

Mike Carter, Custer County Emergency Management Director, expressed an interest in Custer County taking ownership of Tract Clinic, with the Search & Rescue Organization utilizing the building. Councilperson Maciejewski moved to authorize the Mayor and City Attorney to work with Regional Health to investigate the potential of transferring Tract Clinic to the County contingent upon Custer County approval. Seconded by Councilperson Fischer, the motion unanimously carried.

NEW HIRE – PART TIME SEASONAL – TRAIL SPECIALIST

Councilperson Maciejewski moved to approve hiring David Pickford as Part-Time Seasonal Trail Specialist effective May 22nd at \$15.01 per hour. Seconded by Councilperson Blom, the motion unanimously carried.

CLAIMS

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

A & B Electric, Repair and Maintenance, \$709.19
Black Hills Chemical, Supplies, \$254.79
Black Hills Energy, Utilities, \$13,324.87
Black Hills Power Equipment, Supplies, \$301.01
Cullum's Camping Adventures, Refund, \$25.00
Chamber of Commerce, Sales Tax Subsidy, \$6,531.21
California State Disbursement, Deductions, \$53.19
Dakota Greens, Supplies, \$276.00
Fastenal, Supplies, \$500.97
First Interstate Bank, Supplies, \$45.40
Hach, Repair and Maintenance, \$372.46
Hawkins, Supplies, \$6175.22
Image All LLC, Supplies, 32.00
Ketel Thorstenson, Professional Fees, \$3,000.00
Kimball Midwest, Supplies, \$241.50
KLJ, Professional Fees, \$1,000.00
Lighting Maintenance Co, Repair and Maintenance, \$318.46
Lynn's Dakotamart, Supplies, \$119.13
Metering & Technology Solutions, Supplies, \$8,063.78
Midcontinent Testing Labs, Professional Fees, \$108.00
Petty Cash, Supplies, \$37.20
Power House, Repair and Maintenance, \$913.88
Pace, Supplies, \$251.43
Ramkota Hotel Pierre, Travel and Conference, \$95.00
Regional Health Network, Sales Tax Subsidy, \$33,184.06
Sanders Sanitation, Professional Fees, \$7,659.71
SD DCI, Safety, \$43.25
SD Department of Revenue, Licenses and Permits, \$4,200.00
SD Governmental Finance Officer Association, Travel and Conference, \$180.00
SD Governmental Human Resource Association, Dues, \$125.00
State of SD, Sales Tax, \$1,047.82
Team Lab, Repairs and Maintenance, \$4,404.50
The Hartford, Insurance, \$64.12
USDA Loan Payment, \$8,909.99
Dakota Trading Post, Utility Deposit Refund, \$41.79
Total Claims \$102,609.93

DEPARTMENT HEADS & COMMITTEE REPORTS

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

ADJOURNMENT

With no further business, Councilperson Arseneault moved to adjourn the meeting at 6:13 p.m. Seconded by Councilperson, Maciejewski, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Prepared by:
Tim Hartmann
Planning Administrator
City of Custer
622 Crook St
Custer, SD 57730

Resolution #06-04-2018A

WHEREAS, the verified Petition and application of all owners of real property abutting the hereinafter described portion of certain streets in Custer City, Custer County, South Dakota, praying that said portion of said street be vacated in order to promote an orderly and uniform system of streets and alleys in the City of Custer, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the City Council of the City of Custer, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 23rd day of May, 2018 and on the 30th day of May, 2018, in the Custer County Chronicle, a legal newspaper printed and published in the City of Custer, Custer County, South Dakota, setting forth the 4th day of June, 2018, at the hour of 5:30 o'clock, P.M. for hearing thereon.

NOW THEREFORE BE IT RESOLVED that that certain portion, of the originally platted streets and alleys to the City of Custer, Custer County, South Dakota described as follows:

The North 9 feet of Washington Street contiguous to lots 1, 2, 3 and the west 15 feet of the previously vacated North/South Alley, all in Block 125. Said street vacation having a dimension of 165' x 9'.

all located in the City of Custer City in Custer County South Dakota, along with releasing and extinguishing all existent and future easements and right-of-way for public and private utilities, be, and the same is, forever vacated.

IT IS FURTHER RESOLVED that this Resolution is made upon the express condition that the Petitioners are responsible for the propriety of the proceedings including the Petition, consent of adjoining property owners, and compliance of the said proceedings with the statutes of the State of South Dakota and the ordinances of the City of Custer City and the limitations thereof, and Petitioners by acceptance of this Resolution agree to assume the liability, if any, of the City of Custer occasioned by the reading of this Resolution and the use and occupancy of the subject property by the Petitioners.

Prepared by:
Tim Hartmann
Planning Administrator
City of Custer
622 Crook St
Custer, SD 57730

Dated at Custer, Custer County, South Dakota, this 4th day of June 2018.

ATTEST:

CITY OF CUSTER

Laurie Woodward, Finance Officer

Corbin Herman, Mayor

(SEAL)

ACCEPTANCE OF RESOLUTION

The undersigned Petitioners hereby accept the terms and conditions of the foregoing Resolution this ____ day of _____, 20__.

By Julie E Oswald, Managing Member SoDak OZ, LLC

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)

LIMITED LIABILITY

) ss.

COMPANY ACKNOWLEDGEMENT

COUNTY OF CUSTER)

On this the ____ day of _____, 2018, before me, the undersigned officer, personally appeared _____, who acknowledged himself/herself to be a duly authorized and acting representative of _____, a limited liability company, and that he/she, as such member being authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the company by himself/herself as a qualified member.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

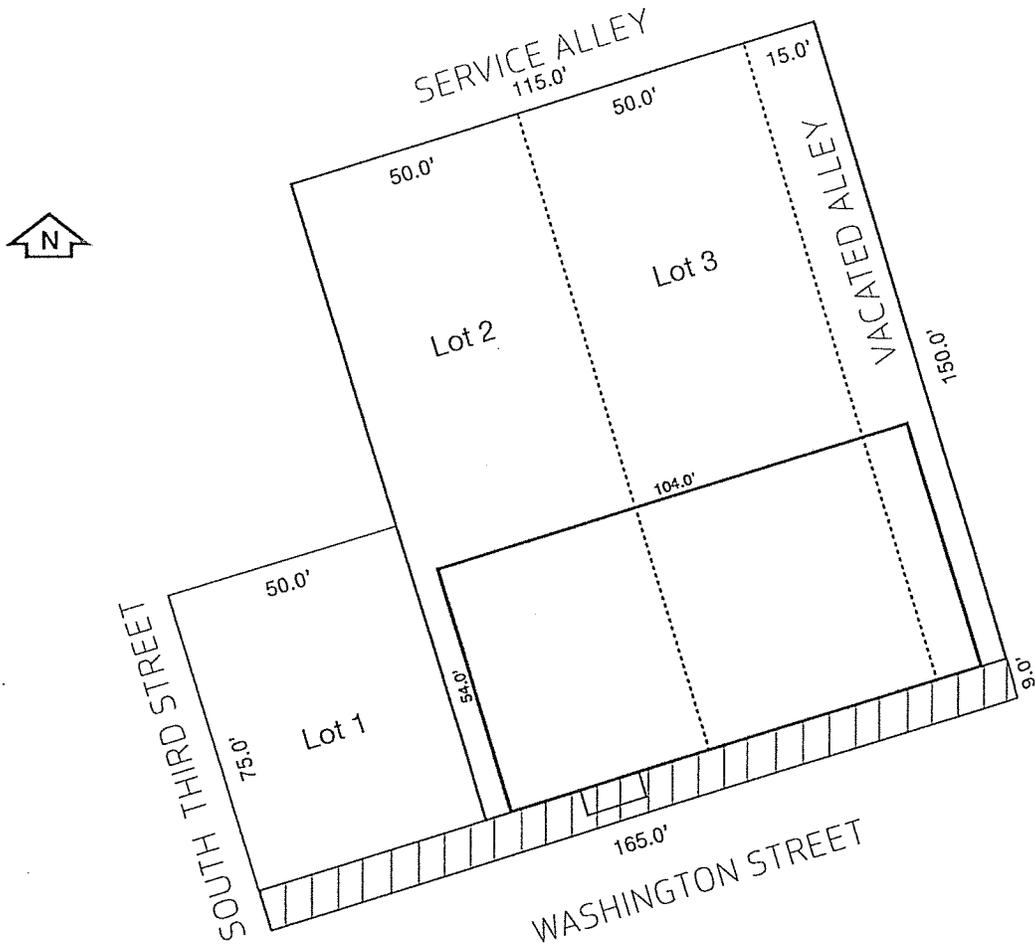
Notary Public-South Dakota

(SEAL)

My Commission Expires: _____

EXHIBIT "A"

LOTS 1-3, AND VACATED ALLEY IN BLOCK 125
CITY OF CUSTER, SOUTH DAKOTA



REQUEST TO VACATE:

NORTH 9' OF WASHINGTON STREET CONTIGUOUS TO LOTS 1-3
AND THE WESTERN 15' OF THE N/S ALLEY (CONTIGUOUS TO LOT
3), ALL IN BLOCK 125, CITY OF CUSTER, CUSTER COUNTY,
SOUTH DAKOTA.



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

Staff Report

Request: Vacation of Washington Street, Contiguous to Lots 1,2,3 & Vacated Alley Block 125
Applicant: SoDak Oz, LLC
Location: See Information Below and attached "Exhibit A"
Date: May 31, 2018
City Council Meeting: June 4, 2018
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The applicant has requested by application and petition to vacate 9' x 165' of Washington Street contiguous to Lots 1-3 & 15' of the previously vacated N/S Alley in Block 125. The applicant owns the property adjacent to the proposed vacation including the South 75' of Lot 1, all of Lots 2 & 3, and the west 15' of the previously vacated North South Alley. The area within the proposed vacation currently exists as a grassy area and no utilities are believed to exist. The application and petition contain request to vacate the Right-of-Way and extinguish all utility easement.

The applicant wishes to vacate the portion of Washington Street to provide for planned renovations with the existing warehouse building. Please see the attached Request for Vacation of ROW for further information on planned improvements.

I have discussed the proposed vacations with Bob Morrison, Public Works Director. Due to the proposed vacation not containing any utilities, and Washington Street being fully established with hard surfacing, curb and gutter, and adequate sidewalk Public Works has no concerns with the proposed vacation.

LOCATION SURVEY OF THE AREA

The existing building currently sits adjacent to or very near the southern property line. The sidewalk is approximately 10'4" from the buildings foundation on the east side and 10'9" from the sidewalk on the west side.

The south side of the existing building currently contains a concrete loading doc which projects into the Right-of-Way approximately 9'. The proposed vacation would also help resolve this encroachment.

NOTIFICATIONS

Public notification was published in the local newspaper two consecutive weeks prior to tonight's public hearing. Because the proposed vacation would also extinguish utility easements notification of the proposed vacation was also given to local utility providers. No concern has been heard from the utility providers.

PREVIOUS VACATIONS IN THE AREA

After a review of the area, previous vacations within Block 125 include;

- Resolution – dated April 18th, 1983
 - Entire width of the North South alley contiguous to Lots 3 & 4 between the north line of Washington Street and the South line of the East West alley
 - Subject to public and private utility easements and rights of way, covenants, restrictions and reservations.
- Resolution – dated December 7th, 1998
 - The west 11' of the North-South Alley from the South Line of Mount Rushmore Road to the North line of the East-West alley, and contiguous to lot 10

- Vacation subject to existent and future easements and rights-of-way, for public and private utilities.
- Resolution 1-3-96A
 - A Portion of Fourth street contiguous to the north 100' of Lot 6 and 25' in width.
 - Vacation subject to existent and future easements and rights-of-way, for public and private utilities.

PREVIOUS ACTION BY PLANNING COMMISSION

Planning Commission reviewed a similar street vacation request at the March 13th, 2018 meeting. At the meeting a motion was made to recommend denial of the vacation as presented at that time (9'x164'). The Planning Commission with further recommended that the applicant petition to vacate the entire length contiguous to Lots 1-3 and the west half of the vacated N/S alley (9'x165'). The applicant has chosen to amend the petition and application and is then requested vacation of the full length adjacent to their owned property (Lots 1-3 and 15' of the vacated N/S alley). Planning Commission reviewed the amended petition at the May 8th meeting. At the meeting, a motion was made to recommend approval of the vacation, as presented, by the City Council. Such motion unanimously carried.

SUMMARY & RECOMMENDATIONS

This portion of Washington Street currently exists as a 115' Right-of-Way with asphalt surfacing, curb gutter and sidewalk on the north side, and all utilities provided outside the proposed vacation. Due to the adequate Right of Way, the street being fully established with drainage and sidewalk, and the concern of possible inconsistency within the Right-of-Way be addressed, staff supports approval of the street vacation by the Council.

ORDINANCE NO - 805

An Ordinance entitled an Ordinance Adding Chapter 17.52 Conditional Use Permits to the City of Custer City Municipal Code, as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that Chapter 17.52 Conditional Use Permits be added as follows:

Chapter 17.52

Conditional Use Permits

Sections

17.52.010 Purpose

17.52.020 Conditional Use Application and Fees

17.52.030 Procedure for Review of an Application

17.52.040 Considerations for Approval or Denial

17.52.050 Appeals of a Decision of the Planning Commission

17.52.060 Amendments to a Conditional Use Permit

17.52.070 Reapplication after a Denial

17.52.080 Conditional Use Permit to be Non-Transferable

17.52.090 Expiration of a Conditional Use Permit

17.52.100 Annual Review of Conditional Use Permits

17.52.110 Suspension or Revocation of Conditional Use Permits

17.52.010 Purpose

Within each zoning district, there are certain uses that are permitted as a conditional use. These listed conditional uses under each district are illustrative of those, which the Planning Commission may approve temporarily, permanently or approve for a specific time interval. Additionally, other conditional uses may be allowed, which are not listed, provided they are not contrary to the overall intent of the Chapter 17 of the Custer Municipal Code.

17.52.020 Conditional Use Application and Fees

- A. Applications: any person, firm, or corporation may apply for a Conditional Use Permit. If such person, firm, or corporation is acting as an authorized agent, written authorization consenting to the application shall be provided by the property owner. An application shall be provided by the City and returned to the Planning Administrator. The completed application along with all supporting documentation shall be submitted to the Planning Administrator at least twenty (20) days prior to the next regularly scheduled Planning Commission meeting and shall illustrate:

1. A written request pertaining to the proposed use;

2. a complete legal description of the property, maps identifying the property, any diagrams of the property; and
3. a site plan that shall include the following information:
 - a. The proposed land uses and any specific services to be offered;
 - b. all property lines and dimensions of the lot(s);
 - c. the adjacent land use;
 - d. the existing and proposed structures, dimensions, and location of all facilities (i.e. pump stations, gas tanks, etc.);
 - e. the proposed and existing improvements, including septic systems, drain fields, wells, cistern systems, parking and roads;
 - f. the proposed and existing signs and their locations;
 - g. the relationship of the proposed development to the surrounding area.

B. Fees: Upon filing any application for a Conditional Use Permit, the applicant shall pay Custer City the appropriate fee(s) as set forth by the Fee Schedule adopted annually by resolution.

17.52.030 Procedure for Review of an Application

The following shall be the procedures used after an application for a conditional use and the required fees have been submitted to the City:

- A. The Planning Administrator shall review the completed conditional use application and determine if granting the conditional use would be contrary to the criteria set forth in section 17.52.040 of this code. Additionally, any application not containing and/or addressing all the information required in 17.52.020, shall be rejected, and returned to the applicant with the reasons for rejection.
- B. If the Planning Administrator finds the application complies with the application requirements, the Planning Administrator shall present the application along with his/her recommendation concerning the granting of a Conditional Use Permit. The application and recommendation shall be presented in a public hearing at the next regularly scheduled Planning Commission meeting. At the meeting, any interested person shall be given a full, fair, and complete opportunity to be heard.
 - a. After the application is added to the Planning Commission agenda, notice of the application shall be given by sign, mail, and newspaper.
 - i. Sign: A sign will be furnished by the Planning Administration and posted by the Planning Administration. The sign must be posted in plain public view at the property where the conditional use is requested and must be posted no less than ten (10) days prior to the date of the Planning Commission meeting and must remain posted until final action by the

Planning Commission is completed. The sign shall comply with SDCL 11-4-4.4.

- ii. Mail: A minimum of ten (10) days prior to the public hearing, the applicant shall notify all property owners within two hundred fifty (250) feet, exclusive of rights of way and any properties under the same ownership, from any part of the property being considered for a Conditional Use Permit. Mail notification shall be given by Certified Mail or hand-delivered with a receipt signed by the recipient. The Planning Administration shall provide the applicant a list of landowners to be notified and a "Notice of Hearing" form for this purpose. The applicant shall sign an affidavit certifying that the required mailing or delivery was completed and provide the signed affidavit to the Planning Administrator at least five (5) working days prior to the public hearing.
- iii. The Planning Administrator will publish legal notice in the local newspaper at least ten (10) days prior to the Planning Commission's meeting.

C. The Planning Commission shall approve or deny the application following a review of the application in accordance with the requirements set forth in section 17.52.040 of this code. The findings of the Planning Commission shall be documented in a written statement that includes the following;

- a. An explanation of whether the criteria listed in section 17.52.040 of this code has or has not been met. If certain criteria do not apply, an explanation of why it does not comply shall also be provided.
- b. A voting record of the Planning Commission and the date of the Planning Commission's action. This information may be included within the regular meeting minutes of the Planning Commission.
- c. If the action is to deny the application, the reasons for such action shall be stated in the minutes of the meeting and a specific reference shall be made to the requirements not met.

17.52.040 Considerations for Approval or Denial

Generally, the granting of any Conditional Use shall be in harmony with the general purposes and intent of the zoning ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or be in conflict with the comprehensive plan for development. The following are considerations the Planning Commission may use in determining the approval or denial of a Conditional Use Permit, and supporting documentation may be requested:

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided;

- B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
- D. The proposed use shall be in compliance with all other ordinances.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations.
- J. The proposed use shall maintain appropriate commercial liability insurance.
- K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

17.52.050 Appeals of a Decision of the Planning Commission

The Planning Commission's action taken on a conditional use permit may be appealed to the Board of Adjustment by any person aggrieved by the decision. The appeal shall be completed using the procedure set forth in section 17.56 of this code.

17.52.060 Amendments to a Conditional Use Permit

Amendments to a Conditional Use Permit shall be processed in the same manner as required for a standard Conditional Use Permit.

17.52.070 Reapplication after a Denial

No applicant requesting a Conditional Use Permit whose application includes the same or substantially the same requirements for the same or substantially the same property as that which has been denied by the Planning Commission shall reapply again before the expiration date of six (6) months from the date of the final action on the petition. The reapplication for a Conditional Use Permit shall be processed in the same manner as a new application.

17.52.080 Conditional Use Permit to be Non-Transferable

A Conditional Use Permit which has been approved by the Planning Commission is non-transferable and shall be considered valid for only the property and permitted conditional use in which the Permit was approved upon.

17.52.090 Expiration of a Conditional Use Permit

A Conditional Use Permit which has been approved by the Planning Commission shall expire by limitation and become null and void if;

- A. A transfer of ownership occurs with the property in which the Conditional Use Permit has been granted.
- B. The building, work, or use authorized by such permit is not commenced within one year from the date of the approval. Upon written request to the Planning Administrator and prior to the Conditional Use Permit's expiration date, a one-year time extension for the permit may be granted by the Planning Administrator, subject to the following conditions:
 - a. There was no public objection presented during the public hearing process for the original permit; and
 - b. The land uses for the surrounding properties have not significantly been altered since the original approval date for the permit.

17.52.100 Annual Review of Conditional Use Permits

The Planning Commission may, at their discretion, require the person requesting a Conditional Use Permit provide the commission a written annual report, onsite review, or that the person requesting the permit attend a Planning Commission meeting, or all the above, on each anniversary date of the approval of the Conditional Use Permit. The annual report, onsite review, or attendee at a commission meeting shall update the commission on the permit holder's compliance with the terms, requirements, and conditions stipulated in the approval of the permit.

17.52.110 Suspension or Revocation of Conditional Use Permits

If the Planning Administrator finds that at any time that the terms, conditions, or requirements of the Conditional Use Permit have not been complied with, or that any phase thereof has not been completed within the time required under the permit or any amendment thereto, the Planning Administrator shall report this fact to the permittee, landowner, and/or operator, and the Board of Adjustment. The Board of Adjustment may, after conducting a public hearing, of which the permittee, landowner, and/or operator shall be notified, revoke the permit for failure to comply with the terms, conditions, or requirements of the permit.

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. This Ordinance shall be effective upon passage and publication hereof, as it is necessary for support of the municipal government and its existing public institutions.

Dated this 4th day of June 2018.

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: May 21, 2018

Vote:

~~Second Reading: June 4, 2018~~

~~Arseneault: Absent~~

~~Maciejewski: Yes~~

~~Publication: June 06, 2018~~

~~Heinrich: Yes~~

~~Nielsen: Yes~~

~~Fischer: Absent~~

~~Blom: Yes~~

RESOLUTION #06-04-18B

WHEREAS, the City of Custer City had previously agreed with Regional Health Network, Incorporated, that certain real estate located in the City of Custer City as more fully described in Resolution #02-01-16B dated February 5, 2016, would be conveyed back to the City of Custer City by Regional Health Network, Incorporated, upon completion of the construction by Regional Health Network, Incorporated, of a new hospital and clinic facility;

WHEREAS, Resolution #02-01-16B dated February 5, 2016, consisting of two pages, is attached hereto, and by this reference, is incorporated herein as though set forth in full;

WHEREAS, the new hospital and clinic facility has now been completed, and Regional Health Network, Incorporated is currently in the process of deeding said real properties back to the City of Custer City;

WHEREAS, Tract Clinic (formerly a portion of Lot E and all of lot B Revised) located in the SW1/4 of section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the plat filed in Book 4 of Plats, Page 137, is specifically referenced in Resolution #02-01-16B dated February 5, 2016;

WHEREAS, the County of Custer, State of South Dakota, has requested that the City of Custer City execute a deed granting said Tract Clinic to Custer County Search and Rescue, pursuant to SDCL 9-27-36, said deed to contain a specific restriction prohibiting the use of the property for healthcare facilities;

NOW THEREFORE, BE IT RESOLVED, by the Common Council of the City of Custer City, South Dakota that upon receipt of, and approval of, an agreement executed by the Commission of the County of Custer, South Dakota that said County shall utilize such Tract Clinic solely for the purposes of operation of Custer County Search and Rescue, containing the specific restriction hereinabove noted, and with a specific reversionary clause back to the City of Custer City, in the event that the County of Custer determines to utilize such Tract Clinic for any purpose other than for Custer County operations;

IT IS FURTHER RESOLVED, that the Mayor is authorized to execute a deed for Tract Clinic to the County of Custer in accordance with the terms of this Resolution.

Dated this 4th day of June, 2018.

Mayor Corbin Herman

Attest: _____
Laurie Woodward
Finance Officer

(Seal)

RESOLUTION #02-01-16B

A RESOLUTION TO AUTHORIZE THE MAYOR AND FINANCE OFFICER TO EXECUTE DEEDS TO ASSURE THE CONTINUATION OF HIGH QUALITY HEALTHCARE SERVICES WITHIN THE CITY OF CUSTER

WHEREAS, the City of Custer has previously transferred certain real property located within the City of Custer to Custer Community Health Services, Incorporated; and

WHEREAS, the deeds transferring the property to Custer Community Health Services, Incorporated contain a requirement for Custer Community Health Services, Incorporated to continue to use the property for health care purposes, or the property shall revert to the City of Custer; and

WHEREAS, the City of Custer has been informed that the challenges inherent in the evolving healthcare environment are having the effect of forcing consolidation among healthcare providers; and

WHEREAS, Regional Health Network, Incorporated has indicated its willingness to construct a new hospital and clinic facility within the City of Custer to replace the outdated hospital and clinic facilities which are currently in place; and

WHEREAS, Custer Community Health Services, Incorporated has determined the continuation of high quality healthcare services, including the construction of new facilities to replace the existing outdated facilities, can best be assured by merging its operations with Regional Health Network, Incorporated; and

WHEREAS, the existing deed restrictions would create uncertainty within the chain of title following the merger of Custer Community Health Services, Incorporated and Regional Health Network, Incorporated; and

WHEREAS, the execution of new deeds would alleviate the potential ambiguity within the chain of title; and

WHEREAS, the Custer Common Council has determined that it continues to be in the best interest of the community to continue to support high quality health care services in the City of Custer following the merger of Custer Community Health Services, Incorporated into Regional Health Network, Incorporated.

NOW, THEREFORE, BE IT RESOLVED by the Custer Common Council that the City of Custer supports the merger of Custer Community Health Services, Incorporated into Regional Health Network, Incorporated; and

BE IT FURTHER RESOLVED by the Custer Common Council that the Mayor and Finance Officer are authorized to execute deeds granting the full fee simple interest without restriction in the property described as

TRACT HOSPITAL (formerly a portion of Lot E and all of Lot B Revised) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats, Page 137,

to Custer Community Health Services, Incorporated, with the understanding that upon completion of the construction of a new hospital and clinic facility, the existing structures on these parcels will be demolished,

the property returned to green space and conveyed back to the City of Custer by Regional Health Network, Inc. as successor in interest to Custer Community Health Services, Inc., with a restriction prohibiting the use of the property for healthcare facilities; and

BE IT FURTHER RESOLVED by the Custer Common Council that the Mayor and Finance Officer are authorized to execute deeds granting a fee simple interest, subject to a reversionary interest in the City of Custer City in the event the parcels are not used for healthcare purposes in the property described as

TRACT CLINIC (formerly a portion of Lot E and all of Lot B Revised) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats, Page 137; and

LOT C, formerly a portion of City Park, located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, South Dakota as shown on the Plat filed in Book 1 of Plats, Page 155; and

LOT F, formerly a portion of City Park, in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer, Custer County, South Dakota, as shown on the Plat filed in Book 1 of Plats, Page 155; and

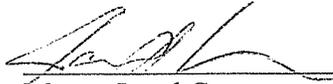
TRACT NURSING HOME (formerly a portion of Lot E) located in the SW1/4 of Section 24, Township 3 South, Range 4 East, B.H.M., City of Custer City, Custer County, South Dakota, as shown on the Plat filed in Book 4 of Plats, Page 137 and Book 10 of Plats, Page 215, Excepting therefrom Tract Ambulance of Health Care Subdivision of Tract Nursing Home, as shown on the plat filed in Book 12 of Plats, Page 303; and

TRACT AMBULANCE, of Health Care Subdivision of Tract Nursing Home of Lot E located in the SW1/4 of Section 24, Township 3 South, Range 4 East B.H.M., City of Custer City, Custer County, South Dakota as shown on the Plat filed in Book 12 of Plats, Page 303,

to Custer Community Health Services, Incorporated.

Dated this 5th day of February, 2016.

CITY OF CUSTER



Mayor Jared Carson

ATTEST



Laurie Woodward

Finance Officer



RESOLUTION NO. 06/04/18 C

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 2018 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Ben Kruger	500420-11	\$ 123.10
Wanda Haaheim	200740-04	\$ 66.39
Brandon Hubler	200740-04	\$ 66.39
Marsha Redday	100055-06	\$ 105.28
	TOTAL	<u>\$ 361.16</u>

Signed this 5th day of June, 2018.

ATTEST:

CITY OF CUSTER

LAURIE WOODWARD
FINANCE OFFICER
(SEAL)

CORBIN HERMAN
MAYOR

RESOLUTION NO. 06-04-18A

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, determined that a Fee Schedule be established to set forth fees for the City of Custer;

WHEREAS, Custer City staff and Common Council have jointly established guidelines for said fees.

IT IS NOW THEREFORE RESOLVED, that the City of Custer City Fee Schedule consisting of 13 pages, (attached hereto and incorporated herein) is hereby adopted;

IT IS FURTHER RESOLVED, that said Schedule shall be subject to modification as requested by staff or required by circumstances; it is further resolved that schedule shall be reviewed by the Common Council annually and may be modified to insure appropriate fees.

Dated this 4th day of June 2018.

CITY OF CUSTER CITY

ATTEST:

Corbin Herman, Mayor

Laurie Woodward
Finance Officer
(SEAL)



Fee Schedule

Adopted June 04, 2018

TABLE OF CONTENTS

TABLE OF CONTENTS	2
-------------------	---

CITYWIDE FEES

PHOTOCOPIES	4
FAXES	4
RESEARCH	4
ELECTRONIC MEDIA DUPLICATION	4
REGISTER OF DEEDS FILING	4
NON SUFFICIENT FUNDS FEE	4
PEDDLING & TRANSIENT MERCHANTS PERMITS	4
LIQUOR LICENSES	4
TATTOOING & BODY PIERCING ESTABLISHMENT REGISTRATION	5
PAWNBROKERS LICENSE	5
SHOWMOBILE USE	5
BACKGROUND CHECK	5

PLANNING DEPARTMENT

MAPS	6
RESEARCH	6
REGISTER OF DEEDS FILING	6
CONTRACTOR LICENSE FEE	6
COMMERCIAL REFUSE COLLECTION FEE	6
SUBDIVISION FEE	6
EASEMENT, ENCROACHMENT AND STREET/ALLEY VACATION	7
VARIANCE FEE	7
PERMITTED CONDITIONAL USE FEE	7
ZONING MAP CHANGE OR ZONING TEXT CHANGE	7
DEMOLITION PERMIT FEE	7
FLOOD PLAIN DEVELOPMENT PERMIT FEE	7
SIGN PERMIT	7
BUILDING PERMITS	7
INSPECTION FEES	7
REQUEST FOR SPECIAL PLANNING COMMISSION MEETING	8
MOBILE HOME OR MANUFACTURED HOUSING PARK FEES	8
NUISANCE VIOLATION FEES	8
Wireless Communications	8

TABLE OF CONTENTS

PUBLIC WORKS DEPARTMENT

UTILITY ACCOUNT FEES	9
WATER METER TESTING	9
WATER TAP FEES	9
SEWER TAP FEES	9
WATER METERS & ERT RADIO MODULE	9
LAWN WATERING METERS WITHOUT ERT	9
DISEASED TREE ABATEMENT	10
EQUIPMENT	10
LABOR COST	10
STREET CUTTING BOND	11
WATER HOOKUP BOND	11
FINE FOR DAMAGE TO ASPHALT	11
WATER USED FOR FIRE PURPOSES	11

CEMETERY

GRAVE SPACE	12
PERPETUAL CARE	12
MONUMENT PERMIT	12
REGISTER OF DEEDS FILING	12

ANIMAL CONTROL

ANIMAL LICENSES	13
ANIMAL CONTROL CITATIONS	13

CITYWIDE FEES

Photocopies	
Photocopies - Black & White - all sizes	\$0.15 per page
Photocopies - Color - all sizes	Single: \$0.25 Double-sided: \$0.40
Faxes	
Faxes - Send and Receive	First Page: \$1.00 Additional Pages: \$0.15
Research (includes sales tax)	
Time involved by City Employee to research information (when time exceeds 15 minutes)	\$30.00 per hour
Electronic Media Duplication	
CD-ROM, DVD	\$7.00 per CD-ROM, DVD
Register of Deeds Filing	
Filing Fee - Deeds, Easements, Contracts, Resolutions	\$30.00 for the first 50 pages
Non Sufficient Funds Fee	
Non Sufficient Funds Fees	\$20.00 per item
Peddling & Transient Merchants Permit	
0-3 Days	\$25.00
4-12 Days	\$100.00
Liquor Licenses	
Off-Sale Liquor License (January 1st - December 31st)	\$1,500 per year
On-Sale Liquor License (January 1st - December 31st)	\$1,200 per year
On-Sale Convention Facility License	\$1,200 per year
Full-Service On-Sale Restaurant License	\$25,000 Initial Fee, \$1,200 yearly renewal
On-Off Sale Wine License (January 1st - December 31st)	\$500 per year
On-Off Sale Malt Beverage & SD Farm Wine License (July 1st - June 30th)	\$300 per year
Transfer Fee	\$150.00
Special Malt Beverage Retailer's License & Retail On-Sale Wine Retailer's License to Organizations	\$50 for first day, \$5 per day thereafter
Special Malt Beverage License by Current Licensee	Per SDCL 35-4-2(16)
Special Permit for Alcohol on Public Property (Brown Bag)	\$5.00
Video Lottery License Fee	\$50 per video lottery machine

CITYWIDE FEES

Tattooing & Body Piercing Registration	
Tattooing Establishment Registration	\$75.00
Body Piercing Establishment Registration	\$100.00
Tattooing & Body Piercing Establishment Registration	\$175.00

Pawnbrokers License	
Pawnbrokers License Fee	\$100 annually

Showmobile Use	
Setup Fee	\$200 per setup
Damage Deposit (refundable) - insurance also required	\$500.00

Background Checks	
Background Checks	\$45 per person

PLANNING DEPARTMENT

Easement, Encroachment and Street/Alley Vacation (paid prior to Planning Commission review)	
Easement, Encroachment or Vacation Fee	\$400
Refund Policy - If a written request for no further action is received for the submitted document between the Planning Commission meeting & Council meeting then \$200 will be refunded.	

Variance Fee (paid prior to Planning Commission review)	
Fee for each variance request to any zoning, subdivision, building or other Planning Department regulation of the City	\$200
Refund Policy - If a written request for no further action is received for the submitted document between the Planning Commission meeting & Council or BOA meeting then \$75 will be refunded.	

Permitted Conditional Use Fee (paid prior to Planning Commission review)	
Fee for each permitted conditional use	\$200
Refund Policy - If a written request for no further action is received for the submitted document between the Planning Commission meeting & Council or BOA meeting then \$100 will be refunded.	

Zoning Map Change or Zoning Text Change	
Fee for each zoning map change or zoning text change	\$400

Demolition Permit Fee	
Demolish any structure or facility	\$50

Flood Plain Development Permit Fee	
All work in a designated flood area within the city	\$125

Sign Permit	
For each new sign erected	\$75

Building Permits	
\$0.00 to \$5,000.00 Total Valuation	\$50
\$5,000.01 to \$10,000.00 Total Valuation	\$150
\$10,000.01 and up	\$150.00 for first \$10,000 valuation plus \$8.50 per additional \$1,000 valuation
Residential Roofing Fee	\$25
Commercial Roofing Fee	\$50
Patching under 100 sq feet doesn't require a roofing permit.	
Carport Permit Fee	\$25

Inspection Fees	
Inspections outside of the normal business hours (minimum charge - two hours)	\$75.00 per hour
Reinspection Fees	\$75.00 per hour
Inspections for which no fee is specifically indicated (minimum charge - one hour)	\$75.00 per hour
Additional plan review required by changes, addition or revisions to approved plans (minimum charge-one hr)	\$75.00 per hour

PLANNING DEPARTMENT

Easement, Encroachment and Street/Alley Vacation (paid prior to Planning Commission review)	
Easement, Encroachment or Vacation Fee	\$400
Refund Policy - If a written request for no further action is received for the submitted document between the Planning Commission meeting & Council meeting then \$200 will be refunded.	

Variance Fee (paid prior to Planning Commission review)	
Fee for each variance request to any regulation of the City	\$150
Refund Policy - If a written request for no further action is received for the submitted document between the Planning Commission meeting & Council meeting then \$75 will be refunded.	

Permitted Conditional Use Fee (paid prior to Planning Commission review)	
Fee for each permitted conditional use	\$200
Refund Policy - If a written request for no further action is received for the submitted document between the Planning Commission meeting & Council meeting then \$100 will be refunded.	

Zoning Map Change or Zoning Text Change	
Fee for each zoning map change or zoning text change	\$400

Demolition Permit Fee	
Demolish any structure or facility	\$50

Flood Plain Development Permit Fee	
All work in a designated flood area within the city	\$125

Sign Permit	
For each new sign erected	\$75

Building Permits	
\$0.00 to \$5,000.00 Total Valuation	\$50
\$5,000.01 to \$10,000.00 Total Valuation	\$150
\$10,000.01 and up	\$150.00 plus \$6.50 per \$1,000.00 plus \$2.00 per \$1,000 for development & maint.
Residential Roofing Fee	\$25
Commercial Roofing Fee	\$50
Patching under 100 sq feet doesn't require a roofing permit.	
Carport Permit Fee	\$25

Inspection Fees	
Inspections outside of the normal business hours (minimum charge - two hours)	\$75.00 per hour
Reinspection Fees	\$75.00 per hour
Inspections for which no fee is specifically indicated (minimum charge - one hour)	\$75.00 per hour
Additional plan review required by changes, addition or revisions to approved plans (minimum charge - one hr)	\$75.00 per hour

PLANNING DEPARTMENT

Request for Special Planning Commission Meeting	
Request for Special Planning Commission Meeting	\$250 per meeting

Mobile Home or Manufactured Housing Park Fees	
Construction Fees	\$250 for the first 6 spaces plus \$25 for each additional spaces
Certificate of Occupancy	\$25
Moving Permit	\$25

Nuisance Violation Fees	
Lawn Maintenance Violation	\$100
Lawn Maintenance Administrative Fee*	\$50
Snow Removal Violation	\$100
Snow Removal Administrative Fee*	\$50
*(other charges also apply)	
Other Nuisance Violation	\$100
Other Nuisance Administrative Fee*	\$50
*(towing cost and other charges also apply)	
Storage of Vehicle or Personal Property	\$10 per day
Camping on Public Streets or Right-of-Ways	\$25 per occurrence
These fees are charged if property goes through the abatement process	

Wireless Communications	
Wireless Communications Tower Permit Fee (Res. 9-19-16A)	\$5,000

PUBLIC WORKS DEPARTMENT FEES

Utility Account Fees	
New Account Setup Fee	\$10.00
Residential Owner Deposit	\$50.00
Rental Account Deposit	\$100.00
Commercial Account Deposit	\$100.00
Delinquent Account Deposit	\$100.00
Delinquent Account Charge	\$10 for water service \$5 for sewer service
No Reading Charge	\$15.00
Hand Delivery Charge	\$10.00
Turn On Fee - Monday - Friday between 8 am and 4 pm	\$25.00
Turn On Fee - After Hours	\$75.00

Water Meter Testing (includes sales tax)	
Water Meter Testing Fee (13.04.190)	\$25

Water Tap Fees (Paid with Building Permit)	
1 Inch	\$500.00
1 1/2 Inch	\$1,000.00
2 Inch	\$2,000.00
Over 2 Inch	Determined by Public Works Director

Sewer Tap Fees (Cost based on water tap size) (Paid with Building Permit)	
1 Inch Water Tap	\$300
1 1/2 Inch Water Tap	\$600
2 Inch Water Tap	\$1,200
Over 2 Inch Water Tap	Determined by Public Works Director

Water Meters & ERT Radio Module (plus sales tax)	
3/4 Inch	\$425.00
1 Inch	\$615.00
Over 1 Inch	Determined by Public Works Director
ERT Radio Module	\$225
Meter Freeze Plate - 3/4 Inch	\$20
Meter Freeze Plate - 1 Inch	\$25
Check Valve - 1 Inch	\$80

Lawn Watering Meters without ERT	
Rent (1 summer)	\$25
Purchase	\$100 (plus sales tax)

PUBLIC WORKS DEPARTMENT FEES

Diseased Tree Abatement (per hour) - 1 hour minimum (includes sales tax)	
Diseased Tree Abatement	\$100 (per tree)

(includes saw, fall tree, chunk and delimb only no clean-

**Equipment (per hour, operator included) when available (includes sales tax)	
Skid Steer/Tool Cat with Bucket	\$85.00
Skid Steer Attachment	\$20.00
Large Patrol	\$150.00
Back Hoe	\$110.00
Loader	\$150.00
Dump Truck (Large)	\$100.00
Dump Truck (Small)	\$80.00
Plow Truck	\$90.00
Sander	\$80.00
Sweeper	\$120.00
Cherry Picker	\$80.00
Jet Machine	\$100.00
Saw (Cutoff, Chain, Concrete)	\$75.00
Water Truck (Plus Cost for Water)	\$80.00
Vacuum Trailer	\$80.00
Mower / Weed Eater	\$80.00
Pickup Truck	\$60.00

**Equipment (per hour, operator NOT included) when available (includes sales tax)	
Chipper	\$80.00
Compressor	\$50.00
Soil Tamper	\$50.00
Trash Pump	\$25.00
Pump - 6"	\$50.00

** The Public Works Director is to be contacted at least 24 hours prior to any projected use of equipment. The minimum rate charged will be at a one-hour rate fee and the Director will approve the area of use. Usage of any equipment other than between the hours of 7 am and 4 pm on Monday through Friday will be at the rate of time and a half (1.5). Equipment is available only upon the condition that no other rentals are available privately & that an emergency exists.

Labor Cost (per person) (includes sales tax)	
Labor Cost - 1 hour minimum during working hours	\$35

PUBLIC WORKS DEPARTMENT FEES

Water Hookup Bond

For Excavating of Alley or Street (12.08.070)	\$100
---	-------

Fine for Damage to Asphalt (including any holes placed in asphalt)

Fine per damage hole	\$100
----------------------	-------

Water (treated) used for Fire purposes-Custer Volunteer Fire Department exempt (covered under other contract)

Per Gallon Charge	\$0.01
-------------------	--------

CEMETERY FEES

Grave Space	
Single	\$200.00 per space
Double (only noted spaces are available for double)	\$350.00 per space
Cremation (only noted spaces where rocks or trees interfere)	\$100.00 per space

Perpetual Care	
Perpetual Care	\$200.00 per space (plus sales tax)

Monument Permit	
Monument Permit	\$25.00 per monument
*Veteran's Markers placed by Veteran's Service Organization - Fee is waived however paperwork must still be completed	

Register of Deeds Filing	
Filing Fee - Deeds	\$30.00 per deed

ANIMAL CONTROL FEES

Animal Licenses	
Spayed or Neutered Animal	\$7.00 per animal
Non-Spayed or Non-Neutered Animal	\$25.00 per animal
Animal that has been Micro-Chipped	\$2.00 per animal

Animal Control Citation Schedule (first offense listed below, second offense is double, third offense is triple and so on per licensing year)	
Use of any license for any animal other than the animal for which it is issued	\$25.00
Failure to License	\$25.00
Female Animal in Heat Not Contained	\$25.00
Licensed Animal at Large	\$25.00
Renewal of Vaccination	\$25.00
Failure to Vaccinate	\$25.00
Failure to Vaccinate After Release	\$25.00
Unlicensed Animal at Large	\$30.00
Barking Dogs	\$30.00
Public Nuisance Violation (as defined in chapter 6.04)	\$30.00
Teasing, Molesting, Bothering Animals	\$30.00
Vehicle Accident involving Animal	\$50.00
Feeding of Wild Animals	\$50.00
Excreta Removal	\$50.00
Vicious Animal - Mandatory Appearance Bond	\$75.00
Attacking Animal - Mandatory Appearance Bond	\$75.00
Chasing, Wounding, Worring Livestock - Mandatory Appearance Bond	\$125.00
Killing of Livestock - Mandatory Appearance Bond	\$125.00
Cruelty to Animals - Mandatory Appearance Bond	\$125.00
Any Other Violation of Ordinance Book Chapter 6.04	\$30.00
Shelter Fees Set by Animal Control Officer/Law Enforcement Officer	



April 10, 2018

Mr. Bob Morrison
Public Works Director
City of Custer City Public Works Department
622 Crook St.
Custer City, South Dakota 57730

RE: Drainage Evaluation and Design Services Proposal
Crook Street Area Drainage Issues Project
Custer City, South Dakota

Dear Bob,

ACES is pleased to submit this Proposal for Drainage Evaluation and Design Services for the Crook Street Area Drainage Issues Project. The City of Custer City has identified drainage issues in the general area between Montgomery Street and Mt. Rushmore Road/Custer St. and N 5th St./Hwy 16 and Laughing Water Creek. We have included a Map with this Proposal of the area generally described above. Flow is known to be conveyed by surface street flow from N 5th St./Hwy 16, and east on Harney and Crook Streets. During rain events surface flow is conveyed and collects until there is significant flooding in the area of the 8th Street and Mt. Rushmore Road/Custer St. intersection.

ACES proposes to evaluate the surface flow that contributes to the flooding within this area. This evaluation will be documented in a Hydrology and Hydraulic Evaluation Report for the City of Custer City. Results from this study will be used to size and identify the need and type of storm sewer system necessary to reduce or eliminate the flooding issues of the area.

A preliminary concept for a new storm sewer system in this area of Custer City is shown on the attached Map. The system would start at the Harney St. and N 6th St. intersection. The storm sewer would be located under N 6th St. and continue south until turning east just south of Crook St. in the Right-of-Way. The storm sewer main would then continue to the east under the boulevard area until discharging into Laughing Water Creek. Drop inlets would be added at the intersections to collect surface street flow.

The Scope of Services:

- Hydrology and Hydraulic Evaluation Report
 - Contour Data provided by City of Custer City GIS Dept. / Lidar Imaging
- Topographic Survey of Right-of-Way where underground storm sewer shall be located
 - Access or data from Custer County Beacon provided by City of Custer City
- Meet with the SD Department of Transportation (DOT)

- Discuss future storm sewer plans and options in Highway 16.
- Provide a Preliminary and Final Design Concept of new storm sewer system
- Prepare Demolition Plan
- Prepare Site Plan
- Prepare Storm Sewer Plan and Profile(s)
- Prepare Detail Sheets
- Prepare Specifications
- Prepare Complete Bid Package
 - Stamped Construction Documents
 - Ready to Bid
- Provide Design Interpretation and Clarification
- Provide an Engineer's Estimate

All design work will meet Owner/Contractor requirements and City of Custer City Standards.

Geotechnical testing and Engineering report are not included as part of this proposal.

The Lump Sum fee includes the scope of services listed above:

H & H Evaluation, Topographic Survey, Design with Bid Package, & Engineer's Estimate:

Lump Sum Fee: \$ 48,600.00

All reimbursable costs are included. The fee listed above does not include taxes.

ACES will provide bidding and construction administration on a negotiated or hourly basis. We will also provide any additional services upon request and on demand.

The City of Custer City hourly rates are as follows:

Principal Engineer:	\$ 120.00/hour
Engineer:	\$ 100.00/hour
Engineer-In-Training:	\$ 75.00/hour
Clerical:	\$ 65.00/hour

It is understood that the City of Custer City would complete the services outlined in this proposal during this fiscal year, 2018, but the City does not currently have a set schedule for construction of this project. ACES would provide all services outlined in this proposal by September 1, 2018 with a notice to proceed of May 7, 2018.

This proposal is based on our understanding of the services requested by The City of Custer City in a meeting on April 3, 2018 in Custer City. If our understanding of the scope is missing any

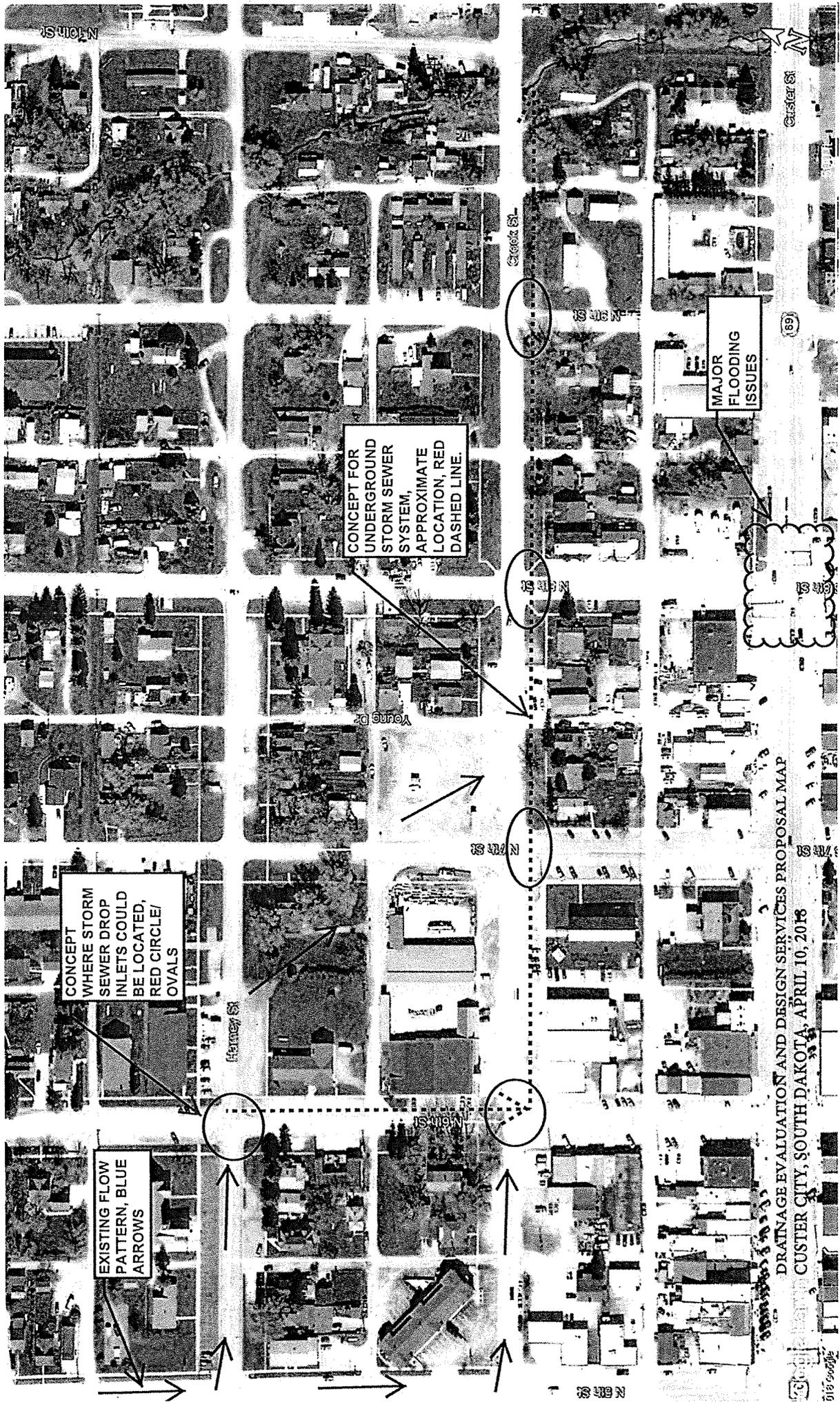
project items, or if we have included a service outside of the request intent, please feel free to let us know so that proper adjustments may be made to this Proposal.

ACES truly appreciates the opportunity to continue to work with the City of Custer City. If you have any questions or comments please free to contact me at 605.545.1120 (LBerg@proacesinc.com) or Mr. Dirk Jablonski, P.E. at 605.415.0794 (DJablonski@proacesinc.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Leah M. Berg". The signature is fluid and cursive, with a large loop at the end.

Leah M. Berg, P.E.
President



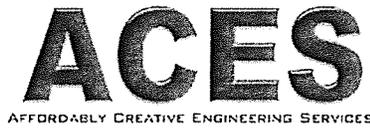
CONCEPT WHERE STORM SEWER DROP INLETS COULD BE LOCATED, RED CIRCLE/OVALS

EXISTING FLOW PATTERN, BLUE ARROWS

CONCEPT FOR UNDERGROUND STORM SEWER SYSTEM, APPROXIMATE LOCATION, RED DASHED LINE.

MAJOR FLOODING ISSUES

DRAINAGE EVALUATION AND DESIGN SERVICES PROPOSAL MAP
CUSTER CITY, SOUTH DAKOTA, APRIL 10, 2016



April 16, 2018

Mr. Bob Morrison
Public Works Director
City of Custer City Public Works Department
622 Crook St.
Custer City, South Dakota 57730

RE: Design and Construction Management Services Proposal
Bryden Drive and Alley Options Project
Custer City, South Dakota

Dear Bob,

ACES is pleased to submit this Proposal for Design and Construction Management Services for the Bryden Drive and Alley Options Project. ACES designed the reconstruction of Bryden Drive and the Alley between N 2nd St. and N 3rd St. both from Harney St. to Montgomery St. in 2015/2016. See the attached map for the project limits. The project went out for bid in February of 2016. There was only one bidder and the one bid came in over budget. The project was re-bid at no expense to the City, and although the price came in lower, it was still over budget. The results of both bids are listed below:

Original Bid:	February 25, 2016	One Bidder - \$ 196,019.37
Re-Bid:	June 1, 2016	One Bidder - \$ 156,970.90

This year the cost for asphalt has been reduced due to the amount of competition in the general area. With early bids this year, we are seeing asphalt costs coming in at a \$40/ton reduced price. If you apply that saving to the re-bid from June 1, 2016, there could be a savings of \$17,646.00. That is a significant savings amount. Although, even with the savings, the minimum current bid price option is anticipated to be \$ 140,000. This cost remains outside of the budget for the alley reconstruction work.

There is another approach to completing the reconstruction of the alley ways which would not follow the official bid process but would follow a construction management approach. We propose to manage and work with one to two independent contractors to complete the work necessary to achieve asphalt surfaced alley ways with inverted crowns. The construction costs for this approach would be less than \$50,000 and would not require a formal bid letting.

In 2017 ACES had requested proposals from Dallas Alexander Construction out of Hill City and Sacrison Paving out of Whitewood, to ensure that this approach was feasible.

Dallas Alexander Construction would provide the grading and compaction in both alleys. An inverted crown would be formed in the center to accommodate drainage. Their original Proposal is attached from 2017 for reference.

Sacrison Paving would pave both alleys with a 3" thick pavement section. Their original Proposal is also attached from 2017 for reference.

ACES would provide construction management/administration on an hourly basis. In the original contract for professional services of Bryden Dr. & Alley Reconstruction, Task 3 was for Construction Administration in the amount of \$5,500. The services would not exceed the original amount. ACES would work with both contractors in a similar way that we had on the St. John's Church parking lot project in the summer of 2016.

Current Approximate Construction Costs:

Dallas Alexander Construction, with 2% tax	\$ 9,690.00
Sacrison Paving, with 5% overrun & 2% tax	<u>\$ 26,510.00</u>
	\$ 36,200.00 < \$ 50,000.00

ACES would also request a proposal from Simon Contractors of South Dakota to complete the above work, if directed by the City.

The City of Custer City has identified drainage and grade issues further north on Bryden Drive beyond the limits of the original scope of reconstruction. The drainage issues vary and extend all the way to Leisinger Lane. Considering those facts the City of Custer City can decide where the issues are more of a concern or are needed first. Those areas can be taken care of using the construction management method, keeping construction costs under the \$50,000 limit. This will save the City and community time and tax payer funds. It is our opinion that alley reconstruction is best done through field engineering because no alley is standard and each driveway/approach is unique and takes field adjustments to work properly, usually. ACES proposes to investigate in the field, take enough basic field measurements to be able to develop a field engineered plan to reconstruct each section of Bryden Drive, or the sections that The City of Custer City would like to focus on first. This plan would have our method for reconstruction noted, limits shown on a map and approximate quantities. There would be enough information to work with a contractor and provide direction in the field to result in the successful reconstruction of the Bryden Drive roadway sections.

The topography of Custer City in this area is not flat and the grade of some sections of Bryden Drive may not be able to be changed. It may be best to develop a solution for the drainage within the ditches on the sides on the roadway instead of paving the driving surface in order to have better traction in the winter months. Most sections of Bryden Drive would benefit from the roadway having an inverted crown. An inverted crown is where the surface flow drains to and is carried in the center of the road instead of in the ditches on the side.

The entire length of Bryden Drive could not be paved with asphalt or reconstructed for under \$50,000, but the advantage with Bryden Drive is that it is broken into sections

with paved cross streets, so it is not continuous. This makes it simple to select sections to complete and skip sections if necessary.

The Scope of Services for Bryden Drive:

- The original section of Bryden Drive would be reconstructed with an inverted crown between Harney St. and Montgomery Street.
 - The Alley between N 2nd St. and N 3rd St. would not be included
- Investigate the extent of Bryden Drive
 - Take basic field measurements
 - Take photos and notes
- Develop a Reconstruction Plan for Each Section of Bryden Drive
 - Visit with City Staff about known and past issues
- Prepare a Field Engineered Reconstruction Plan
 - Map with Limits
 - Reconstruction Methods and Notes
 - Approximate Quantities
- Request Quotes from Dallas Alexander Construction and Sacrison Paving
 - ACES will request a quote from Simon Contractors of SD, if necessary
- Provide Construction Management/Administration throughout the reconstruction process
 - Work closely with the contractors in the field to ensure the plan is followed
 - Keep each contractor within budget

All design work will meet Owner/Contractor requirements and City of Custer City Standards.

Geotechnical testing and Engineering report are not included as part of this proposal.

The Lump Sum fee includes the scope of services listed above:

Lump Sum Fee: \$ 7,800.00

All reimbursable costs are included. The fee listed above does not include taxes.

The Task 3 – Construction Administration Services of the original Reconstruction design project was \$5,500. This lump sum amount is only an additional \$2,300, for all the engineering design and value that is being added for the extent of Bryden Drive. We would be open to working on an hourly basis if you would prefer or open to negotiating how this project would be completed.

ACES will provide any additional services upon request and on demand.

The City of Custer City hourly rates are as follows:

Principal Engineer: \$ 120.00/hour
Engineer: \$ 100.00/hour
Engineer-In-Training: \$ 75.00/hour
Clerical: \$ 65.00/hour

It is understood that the City of Custer City would complete the services outlined in this proposal during this fiscal year, 2018.

This proposal is based on our understanding of the services requested by The City of Custer City in a meeting on April 3, 2018 in Custer City. If our understanding of the scope is missing any project items, or if we have included a service outside of the request intent, please feel free to let us know so that proper adjustments may be made to this Proposal.

This proposal has a lot of information and options included, the following table summarizes the three main options that are included for the City of Custer City's consideration:

OPTIONS SUMMARY TABLE			
Option	Description	Construction Cost	Engineering Cost
1	Re-Bid Bryden Drive & Alley Reconstruction Project, Original Limits	\$140,000 +	No Cost
2	Construction Management Method Bryden Drive & Alley Reconstruction Project	\$36,200 (approx.)	Hourly / NTE \$5,500
3	Construction Management Method As much of Bryden Drive as Possible	Less Than \$50,000	Hourly / NTE \$7,800

ACES truly appreciates the opportunity to continue to work with the City of Custer City. If you have any questions or comments please free to contact me at 605.545.1120 (LBerg@proacesinc.com) or Mr. Dirk Jablonski, P.E. at 605.415.0794 (DJablonski@proacesinc.com).

Sincerely,



Leah M. Berg, P.E.
President

PROPOSAL MAP
CUSTER CITY, SD
APRIL 16, 2017

Original Limits for
Alley Reconstruction

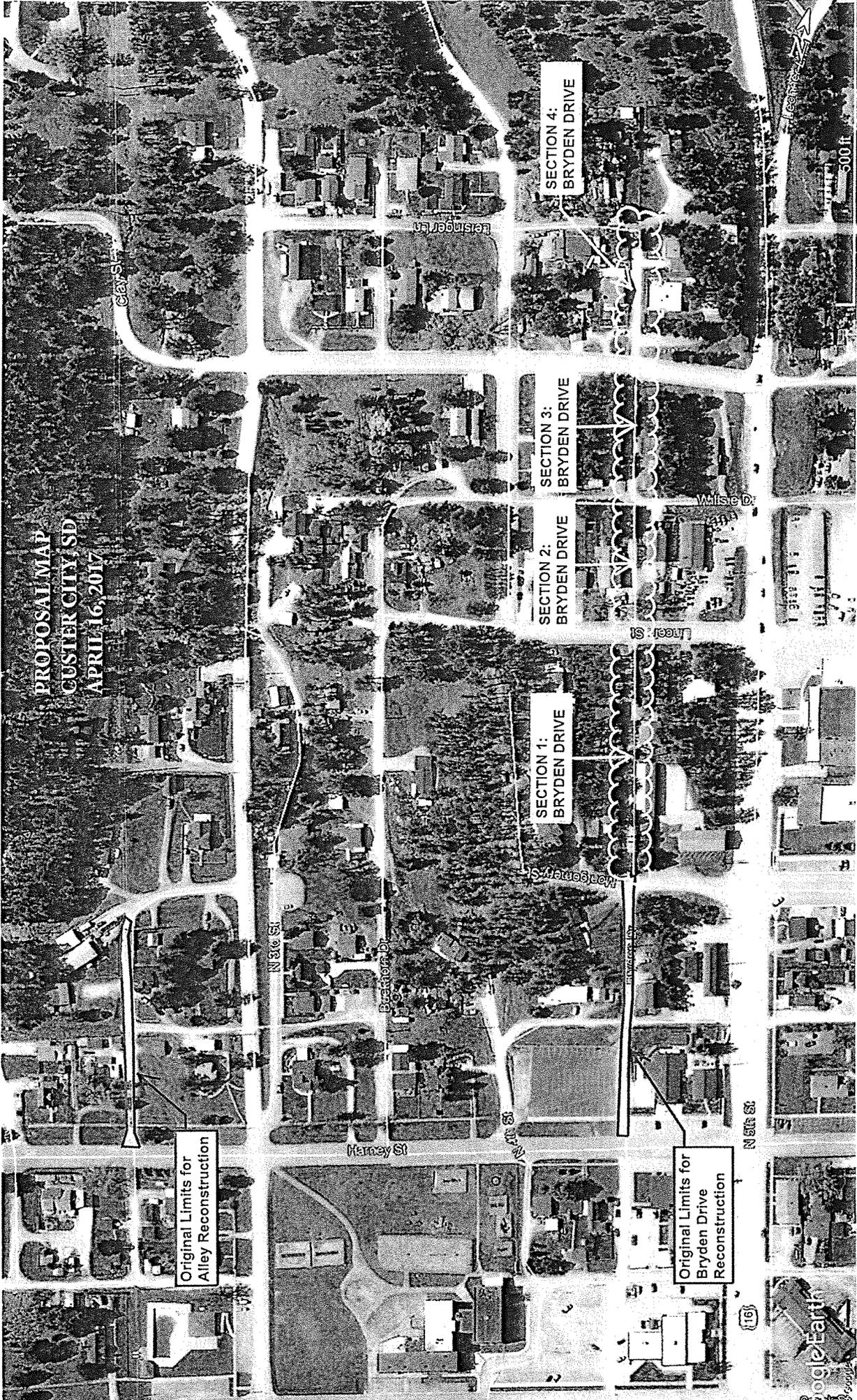
Original Limits for
Bryden Drive
Reconstruction

SECTION 1:
BRYDEN DRIVE

SECTION 2:
BRYDEN DRIVE

SECTION 3:
BRYDEN DRIVE

SECTION 4:
BRYDEN DRIVE





PO Box 315
 Hill City, SD 57745
 605-574-9580 / 605-381-7230
 dallasalexander@qwestoffice.net

Estimate

Date	Estimate #
	192

Name / Address
City of Custer Leah Berg

			Terms
Description	Qty	Cost	Total
Blade shape inverted crown Bryden Drive and ally from Montgomery to Harney St Compaction ready for asphalt	916	10.00	9,160.00
Non-Tax		0.00%	0.00
		Total	\$9,160.00

Customer Signature	_____
--------------------	-------



PROPOSAL

TO: ACES, Inc.
324 St. Joseph St. Suite 200
Rapid City, SD 57701

DATE:

RE: Custer Alley Paving

We are pleased to submit the following proposal for work on the above referenced project:

3" Asphalt Paving Class E, Type 1 Asphalt with PG64-22 Binder

Item	Description	Qty	Unit	Unit Price	Total
1	Bryden Drive (470' x 16' x 3")	140.0	TON	\$ 136.50	\$19,110.00
2	Alley (446' x 16' x 3")	135.0	TON	\$ 136.50	\$18,427.50
TOTAL					\$37,537.50

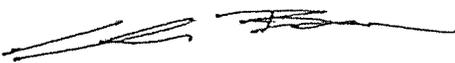
NOTES:

- We are licensed, insured, and bondable (Bonding fee is not included)
- Subgrade stabilization is excluded. If necessary, it will be completed at time and materials.
- Pricing is based on estimated quantities. Billing to be by field measurements
- Asphalt material overruns due to uneven sub grade will be billed as extra at \$136.50/ton.
- All saw cutting and preparation is by others.
- Pricing is good until August 1, 2017 if secured within 10 days from date of proposal.
- Payment is due upon completion. In the event that payment is not made when due, reasonable collection fees, lien fees, and attorney fees with or without suit, together with 2% per month FINANCE CHARGE which is an ANNUAL PERCENTAGE RATE of 24% will be assessed until paid.

Thank you for the opportunity to serve you!

Sincerely,
SACRISON PAVING

Acceptance: _____
(Please sign and date and return a copy if you wish us to complete this work).
Your signature makes this proposal a contract for work and payment terms



Chris Boom
Estimator/Project Manager

APPLICATION FOR OUTDOOR DISPLAY OF FIREWORKS/PYROTECHNIC SPECIAL EFFECTS

Applicant instructions: This application must be completed and returned at least 15 days prior to date of display.

Name of applicant (Sponsoring Organization): City of Custer, South Dakota

Address of applicant: PO Box 823, 616 Crook Street, Custer, South Dakota 57730

Name of authorized agent of applicant: Pyrotechnic Display, Inc.

Address of agent: 9405 River Road SE, Clear Lake, MN 55319

Telephone number of agent: 320-743-6496 Ext. 1

Date of display: July 4, 2018 Time of display: about 9:45pm

Location of display: Pageant Hill Park, 8th & Canal Street, Custer, SD - please see attached site map

Manner and place of storage of fireworks/pyrotechnic special effects prior to display: _____

Delivery and storage in truck on day of display

Type & number of fireworks/pyrotechnic special effects to be discharged: _____

1.3G product - up to 5 inch aerial shells and Multi-Shot Box Items & Candles

This display be conducted under the direct supervision of a pyrotechnic operator.

Name of supervising operator: Jason Rausch

Required attachments. The following attachments must be included with this application:

1. Proof of a bond or certificate of insurance in amount of at least \$ 5,000,000.00.
2. A diagram of the grounds at which the display will be held. This diagram (drawn to scale or with dimensions included) must show the point at which the fireworks/pyrotechnic special effects are to be discharged; the location of ground pieces; the location of all buildings, highways, streets, communication lines and other possible overhead obstructions; and the lines behind which the audience will be restrained
3. Names and ages of all assistants that will be participating in the display. Josh Flavin, 27

The discharge of the listed fireworks on the date and at the location shown on this application is hereby approved, subject to the following conditions, if any: _____

I understand and agree to comply with all provisions of this application, MN Statute 624.20 through 624.25, MN State Fire Code, National Fire Protection Association Standard 1123 (2006 edition), applicable federal law(s) and the requirements of the issuing authority, and will ensure that the fireworks/pyrotechnic special effects are discharged in a manner that will not endanger persons or property or constitute a nuisance.

Signature of applicant (or agent): Becky Harrison

Date of application: May 22, 2018

Signature of Fire chief: [Signature]

Date: 5/22/18

Printed name of above official: Joel Beltinger

Phone: _____

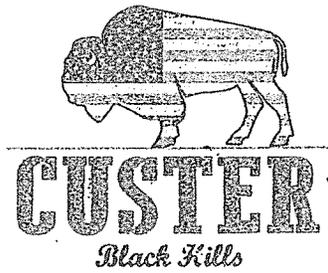
Signature of issuing authority: _____

Date: _____

Printed name of above official: _____

Phone: _____

RECEIVED
MAY 22 2018
CITY OF CUSTER



May 29, 2018

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 2nd for the Studebaker Car Show.

Thank you for your consideration!

Sincerely,

A handwritten signature in black ink that reads "Dolsee Davenport". The signature is written in a cursive style with a large initial "D".

Dolsee Davenport
Office Manager & Events Coordinator
Custer Area Chamber of Commerce
ddavenport@custersd.com
605-673-2244

AE2S, Professional Fees, \$759.50
AFLAC, Insurance, \$588.92
AFSCME Council 65, Dues, \$129.21
Battel Mountain Humane Society, Animal Control Contract, \$1000.00
Black Hills Energy, Utilities, \$3,080.61
Century Business Products, Supplies, \$189.74
Custer of Commerce, Supplies, \$36.00
Custer Dolt Best, Supplies, Repairs and Maintenance, \$327.06
California State Disbursement, Deductions, \$53.19
Dacotah Bank, TIF #2 Payment, \$2,094.29
Dacotah Bank, TIF #4 Payment, \$9,310.38
Discovery Benefits, Supplies, \$1,360.38
Delta Dental, Insurance, \$148.20
Edward Enterprises, Cemetery Caretaker Contract, \$4,571.43
EFTPS, Taxes, \$19,417.42
Fastenal, Supplies, \$454.84
First Interstate Bank, TIF #4 Payment, \$9,310.37
First Interstate Bank, TIF #1 Payment, \$2,094.29
First Western Insurance, Supplies, \$50.00
Golden West Telecommunications, Utilities, \$562.62
Golden West Technologies, Professional Fees, \$673.50
Honeywell, Materials Contract, \$7,208.22
International Code Council, Dues, \$135.00
Mid-American Research Chemical, Supplies, \$311.00
Petty Cash, Supplies, \$525.14
Pitney Bowes, Supplies, \$48.69
Quill, Supplies, \$277.93
RCS Construction, Professional Fees, \$13,683.86
Sanders Sanitation, Garbage Collection Contract, \$13,957.24
SD Association of Rural Water, Conference, \$200.00
SD Retirement System, \$9,447.46
Supplemental Retirement, \$930.00
SD Department of Revenue, Supplies, \$150.00
SD Secretary of State, Supplies, \$30.00
The Hartford, Insurance, \$64.12
Vector Design and Tech, Supplies, \$314.57
Verizon Wireless, Utilities, \$465.23
Warne Chemical & Equipment, Supplies, \$245.10
Wellmark BCBS, Insurance, \$11,519.05
Wright Express, Supplies, \$1,194.22
YMCA, Pool and Recreation Contract, \$43,500.00
Mayor & Council, \$4,400.00
Finance Department, \$8,832.03
Public Buildings, \$4,078.94
Planning Department, \$9,809.26
Public Works Department, \$4,699.95
Street Department, \$11,741.47
Cruisin Department, \$137.72
Parks Department, \$7,140.93
Water Department, \$17,995.64
Wastewater Department, \$17,540.40
Total Claims, \$246,795.12

