

All City Council Meetings are recorded.

CITY OF CUSTER CITY
COUNCIL AGENDA
March 18th, 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 – March 4th, 2019 Regular Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
 - a. Executive Proclamation – Duck Unlimited Day
 - b.
 - c.
 - d.
6. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
7. Old Business
 - a. First Reading – Ordinance #819 – Allowing Chickens in City Limits
 - b.
8. New Business
 - a. Bridge Inspection Engineer
 - b. Pool Management Agreement – Custer YMCA
 - c. Construction Manager at Risk
 - d.
 - e.
 - f.
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

REMINDERS

- Park & Recreation Committee Meeting – March 19th, 2019 5:30 P.M.**
Public Works Committee Meeting – April 1st, 2019 4:30 P.M.
Regular City Council Meeting – April 1st, 2019 5:30 P.M.
General Government Committee Meeting – April 8th, 2019 4:30 P.M.
Planning Commission Meeting – April 9th, 2019 5:00 P.M.
Regular City Council Meeting – April 15th, 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
March 4th, 2019

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

AGENDA

Councilperson Fischer moved, with a second by Councilperson Blom, to approve the agenda with the Executive Proclamation being moved to the first item under Public Hearing. The motion unanimously carried.

MINUTES

Councilperson Arseneault moved, with a second by Councilperson Nielsen, to approve the minutes from the February 19th regular council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

EXECUTIVE PROCLAMATION – SMOKEY BEAR 75TH BIRTHDAY

Councilperson Nielsen moved to approve the Executive Proclamation for Smokey Bear's 75th Birthday. Seconded by Councilperson Moore, the motion unanimously carried.

City of Custer City
From the Desk of the Mayor
Executive Proclamation
Smokey Bear's 75th Birthday

WHEREAS, Smokey Bear has been working to educate children and adults within communities and around the Black Hills about how they can help prevent wildfires with his "Only You" messages since 1944; and

WHEREAS, humans are the #1 cause of South Dakota's average 536 wildfires that burn 42,373 acres each year; and

WHEREAS, the Smokey Bear wildfire prevention campaign is the longest-running public service advertising campaign in U.S. history, educating generations of Americans about their role in preventing wildfires; and

WHEREAS, the Black Hills National Forest works hand-in-hand with Smokey Bear in an ongoing effort to help the City of Custer City and Black Hills communities' citizens learn to prevent wildfires in our state; now

THEREFORE, BE IT RESOLVED that the City of Custer supports the month of March 2019 as
SMOKEY BEAR'S 75TH BIRTHDAY CELEBRATION

and thank Smokey and his partners at the BLACK HILLS NATIONAL FOREST and SOUTH DAKOTA WILDLAND FIRE for teaching us how we can help prevent wildfires.

Adopted this 4th day of March 2019.

City of Custer

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

PUBLIC HEARING – ALLOWING CHICKENS IN CITY LIMITS

Public comments were taken regarding allowing chickens within the city limits.

FIRST READING – ORDINANCE #819 – ALLOWING CHICKENS IN CITY LIMITS

Councilperson Fischer moved to table the first reading of Ordinance #819, Allowing Chickens in City Limits, for further legal counsel review. Seconded by Councilperson Moore, the motion unanimously carried.

RESOLUTION #03-04-2019A – STREET VACATION – BLOCK 89

Councilperson Blom moved to adopt Resolution #03-04-2019A, Street Vacation – Block 89. Seconded by Councilperson Nielsen, the motion unanimously carried.

Resolution #03-04-2019A

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 13th day of February, 2019 and on the 20th day of February, 2019, 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 March, 2019, at the hour of 5:30 o'clock, P.M. for hearing thereon.

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

That area of the intersection of 10th Street and Pine Street located at the South West Corner of Lot 1 in Block 89 contiguous to the previously vacated 10th Street and the previously vacated Pine Street. Such area having a dimension of twenty-five (25) feet by twenty-five (25) feet.

all located in the City of Custer City in Custer County South Dakota, be, and the same is, forever vacated, subject to existent and future easements and right of way for public and private utilities.

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.

Dated at Custer, Custer County, South Dakota, this 4th day of March 2019.

City of Custer

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

PUBLIC COMMENTS

No public comments were received.

RUN CRAZY HORSE MARATHON REQUEST – EMILY WHEELER

Emily Wheeler, with Run Crazy Horse Marathon, presented her request for temporary street closure request to Council. Councilperson Fischer moved to approve the temporary street closure and permission to stop traffic for runners on the Mickelson Trail crossings of Montgomery Street, Harney Street, Crook Street, Mt Rushmore Road, Eighth Street, Seventh Street, Sixth Street and Fourth Street on October 6th, 2019 from approximately 9 am to 11:30 am for the Run Crazy Horse Marathon, contingent upon DOT approval. Motion seconded by Councilperson Arseneault, motion unanimously carried.

GOLD RUSH FUN RUN & WALK REQUEST – CUSTER YMCA

Councilperson Moore moved to approve the Gold Rush Fun Run & Walk request from the Custer YMCA which includes stopping traffic at Fourth Street and Second Street along the Mickelson Trail on July 21st, 2019. Seconded by Councilperson Whittaker, the unanimously carried.

5K DOG JOB & 1 MILE MUTT STRUTT REQUEST – CUSTER BARK PARK

Councilperson Arseneault moved to approve the Custer Bark Park's request for closure of Washington Street from Second Street to Eight Street for 90 minutes starting at 8:00 am, to hold a 5K Dog Jog and 1 Mile Mutt Strutt on May 11th, 2019 as a fundraiser for the dog park, contingent upon proof of insurance. Any dogs present at the event will be on a leash. Seconded by Councilperson Blom, the motion unanimously carried.

ASPHALT SURFACE TREATMENT BIDS

Councilperson Arseneault moved to accept the bid from Simon Contracting for the 2019 asphalt surface treatment project with a bid price of \$49,362.00 (\$3.00/unit) for CRS-2P Asphalt Emulsion, \$48,619.60 (\$78.80/unit) for cover aggregate and \$16,968.60 (\$3.30/unit) for CSS-1h fog seal for a total of \$114,950.20. Seconded by Councilperson Whittaker, the motion carried with Councilperson Blom, Whittaker, Nielsen, Fischer, Moore and Arseneault voting yes

PLANNING COMMISSION RESIGNATION

Councilperson Nielsen moved to accept the registration of Joe Harbach from the Planning Commission and thanked him for his service. Seconded by Councilperson Whittaker, the motion unanimously carried.

PLANNING COMMISSION APPOINTMENT

Councilperson Fischer moved to approve the appointment of Kathy Johnson to the Planning Commission effective March 4th will her term to expire November 1, 2020. Seconded by Councilperson Moore, the motion unanimously carried

HOMETOWN HERO COMMITTEE

Mayor Herman presented to Council a request to form a Hometown Hero Committee to be composed of Kathy Johnson, chairman; Jana Virtue; Sandy Arseneault and Corbin Herman. Councilperson Arseneault moved to approve the Mayor's request to form the Hometown Hero Committee and appointments. Seconded by Councilperson Moore, the motion unanimously carried.

CLAIMS

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

A & B Electric, Repairs and Maintenance, \$279.63
Advanced Drug Testing, Safety, \$46.00
Aflac, Insurance, \$766.73
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00
Beesley Law Office, Professional Fees, \$2,427.50
Black Hills Energy, Utilities, \$2,317.65
Boot Hill LLC, TIF #1 Payment, \$3,859.93
California State Disbursement, Deductions, \$53.19
Custer Do It Best, Supplies, \$49.15
Custer Senior Care, Subsidy, \$4,000.00
Chronicle, Publishing, \$302.09
Delta Dental, Insurance, \$254.20
Discovery Benefits, Supplies, \$1,376.92
EFTPS, Taxes, \$13,112.31
GovOffice, Supplies, \$550.00
Golden West Telecommunications, Utilities, \$590.04
Golden West Technologies, Supplies, Professional Fees, \$1,722.50
Hawkins, Supplies, \$12,823.31
Holiday Inn – Fort Pierre, Travel/Conference, \$132.79
Holiday Inn – Spearfish, Travel/Conference, \$600.54
ImageAll, Supplies, \$6.50
Kimball Midwest, Supplies, \$259.40
Michael Todd & Company, Supplies, \$710.95
Petty Cash, Supplies, \$507.80
Pitney Bowes, Supplies, \$48.69
Quill, Supplies, \$306.49
Kothe, Rick, Reimbursement, \$111.94
S & B Motors, Supplies, \$20.99
Southern Hills Fire & Safety, Safety, \$642.10
Sanders Sanitation, Garbage Collection Contract, \$13,816.99
SD Association of Rural Water Systems, Supplies, \$700.00
SD Department of Revenue, Supplies, Sales Tax, \$1,107.24
SD Retirement System, \$6,722.98
Supplemental Retirement, \$520.00
The Hartford, Insurance, \$63.62
Vector Print and Design, Supplies, \$230.00
Vander Meulen, Judy, Cemetery, \$400.00
Victoria Susan Mandan Davis Estate, Refund, \$310.00
Verizon Wireless, Utilities, \$418.34
Wright Express, Supplies, \$1,160.89
Wellmark, Insurance, \$14,028.20
YMCA, Membership, \$47.00
Bradeen, Ron, Utility Refund, \$42.88
Quinn, Nicholas, Utility Refund, \$10.34
Mayor & Council, \$4,430.00
Finance Department, \$4,833.20
Public Buildings, \$3,244.91
Planning Department, \$7,204.68

Public Works Department, \$3,096.63
Street Department, \$10,557.98
Cruisin Department, \$74.48
Parks Department, \$4,090.75
Water Department, \$11,669.94
Wastewater Department, \$11,551.50
Total Claims, \$149,211.89

DEPARTMENT HEADS & COMMITTEE REPORTS

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

ADJOURNMENT

With no further business, Councilperson Whittaker moved to adjourn the meeting at 6:12 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
From the Desk of the Mayor

EXECUTIVE PROCLAMATION

WHEREAS, established in 1937, the mission of Ducks Unlimited is to conserve, restore, and manage wetlands and associated habitats for North America's waterfowl. Such habitats also benefit other wildlife and people; and

WHEREAS, the area around Custer City and throughout the state of South Dakota has many shallow lakes and wetlands which provide an important migration habitat for thousands of waterfowl that depend on these habitats to ensure they arrive on breeding grounds in good health and prepared to nest; and

WHEREAS, Custer City has many shallow lakes in the area such as, Stockade, Bismark, West Dam, and countless other wetlands which are important for their role in preserving the outdoor heritage of the state by providing traditional waterfowl hunting areas; and

WHEREAS, wetlands are also valued for their role in water quality protection, flood control, survival of wetland-dependent wildlife, and the state's overall environmental health; and

WHEREAS, South Dakota's thousands of passionate Ducks Unlimited members and volunteers are determined to continue this great work well into the future; and

WHEREAS, Custer City has recognized the potential of a solid partnership with Ducks Unlimited in the planning and completion of the West Dam reconstruction project; and

WHEREAS, Ducks Unlimited hosts an annual banquet each year to assist in the raising of funds used to protect, enhance and restore wetlands and grasslands across North America, and such annual banquet has been scheduled for the year 2019 to be held on the 13th day of April.

WHEREAS, the City of Custer City shall honor Ducks Unlimited by displaying 12 flags presenting their logo along the Mount Rushmore road corridor for a time beginning on April 5th, 2019 and to end on April 15th, 2019.

THEREFORE, BE IT RESOLVED that I, Corbin Herman, Mayor of the City of Custer City, South Dakota, do hereby proclaim April 13th, as

Ducks Unlimited Day

In witness thereof, I have hereunto set my hand and caused the Seal of the City of Custer City to be affixed this eighteenth day of March in the year of our Lord Two Thousand and Nineteen.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

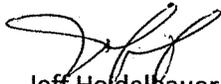
(SEAL)

Custer Ducks Unlimited Flag Proposal

The Custer Chapter of Ducks Unlimited would like to request the display of DU Flags again this year for 10 days prior to our banquet. The display of flags prior to our 2018 banquet was a great help with raising awareness for our fundraising event. The event raised nearly \$31,000 with a net profit of \$20,500 for the DU mission. Of the expenses approximately \$3,000 was spent into the Custer economy for a one-night event. Since 1985 DU has spent over 100 million dollars conserving nearly 700,000 acres of habitat benefiting 900 species of wildlife and people in South Dakota. DU has conserved 14.4 million acres of habitat in North America benefiting wildlife, people and clean water.

The 2019 Custer DU banquet date is not confirmed yet as the facility is undergoing some remodeling. The event will be late March or early April. We will let you know as soon as possible when the date is confirmed.

Thank you for your consideration of our request.



Jeff Herdelbauer and Paul DeHaan

Custer DU Committee

605-763-4208 or 605-517-0208

RECEIVED

JAN 16 2019

CITY OF CUSTER

*Council Approved
1-22-19
JW*

ORDINANCE NO. 819

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 6 ANIMALS, CHAPTER 6.04 ANIMAL CONTROL, SECTION 6.04.045 LIVESTOCK PROHIBITED OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING AND SUPERSEDING SAID SECTIONS AS FOLLOWS, TO WIT:

6.04.045 Livestock Prohibited

No person shall keep, maintain, harbor, have in custody or under control, or permit upon property owned or occupied by such person, any livestock within the city limits except for special events which must have the prior approval of the City Council, except as provided below:

1. Chickens may be kept within the city as an accessory use for the purpose of having private laying hens provided there are not more than a total of six (6) such chickens per lot or tract, and a proper chicken coop and fenced chicken yard is provided for proper containment, and provided that the following provisions are complied with:
 - a. Any owner or keeper of chickens within the City shall register said chickens with the Finance Office on a form provided by the City within ten (10) days of obtaining such chickens, and
 - b. Said chickens, and the number thereof, shall be re-registered with the Finance Office every two (2) years, and
 - c. The registration of such chickens shall include the registration fee of twenty dollars (\$20.00). Registration shall not be considered complete until the registration fee is paid, and the receipt issued to the registrant.
 - d. The keeping of chickens shall not create a nuisance or disturbance of the peace. Substantiated complaints from the neighborhood shall constitute a violation of 9.04.090 and shall be subject to citation and fines.
 - e. Upon any three violations where a citation has been issued, the accessory use shall be terminated upon written notice by the Planning Administrator.
 - f. In no case shall a rooster be permitted to be kept within the corporate limits of the city.
 - g. Coop provisions:
 - i. The coop and fenced chicken yard shall be detached from all other structures and any part of such coop and chicken yard shall not be allowed within three (3) feet of any other structure.
 - ii. The aggregate roof area of such coop shall not exceed one hundred twenty (120) square feet.
 - iii. The coop and fenced chicken yard shall be setback a minimum of twenty-five (25) feet from the front property line. The coop shall be setback a minimum of six (6) feet from any other adjacent property line.

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 4th day of March, 2019

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: March 4, 2019

Seconding Reading: March 18, 2019

Publication: March 27, 2019

Vote:

Moore:

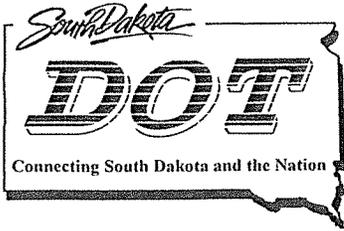
Blom:

Whittaker:

Arseneault:

Nielsen:

Fischer:



Department of Transportation

Division of Planning & Engineering

Office of Local Government Assistance

700 East Broadway Avenue
Pierre, South Dakota 57501-2586
OFFICE: 605/773-3390
FAX: 605/773-4870

TO: CITY OF CUSTER ENGINEER

FROM: Cody Axlund
Bridge Inspection Engineer

DATE: March 6, 2019

RE: BRIDGE INSPECTIONS (2019)

Dear City Official:

Attached to this memorandum is the consultant selection resolution and a computer printout of the bridges in your City that are due to be inspected during the calendar year 2019. Please review it carefully and make any comments regarding a change in status of any structure that may have been or is scheduled to be **CLOSED, REMOVED, REPLACED WITH A NEW STRUCTURE, OR REPLACED WITH A PIPE** since the last inspection. These comments may be shown on the computer printout. Please return the resolution and your changes or comments to this office by **March 29th, 2019**. Your careful attention to this list will help reduce unnecessary inspection expenses.

The U.S. Federal Highway Administration requires the initial inspection of all bridges and the reinspection at intervals not to exceed two years (Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*) with the exception of reinforced concrete box culverts (RCBC) that meet specific criteria. These culverts are reinspected at intervals not to exceed four years. Any government jurisdiction failing to comply with the posting and reinspection requirements of the National Bridge Inspection Standards (NBIS) Program may lose its eligibility for Federal transportation dollars.

Most South Dakota Cities have done a commendable job in initiating and following through on bridge inspections and postings.

The NBIS Program requires all structures over 20 feet in length be inspected every two years (or four years for specific RCBC) by a qualified inspector. To accomplish the inspections in your City during 2019, the following three approaches are open to you:

1. Hire a consulting engineer to inspect the bridges due for inspection and pay for these services utilizing 100% City funds;
2. Follow the prescribed South Dakota Department of Transportation (SDDOT) procedures for Consultant Selection of Engineering Services, hire the consultant of your choice and qualify for 80% Federal reimbursement participation in the cost of the inspections; or

3. Utilize one of the twenty-three (23) consulting firms listed on Attachment A that are under retainer contract with the SDDOT and pay 20% of the costs with City funds. The procedures to implement this step are detailed below.

Federal Bridge Replacement Funds can be utilized to hire qualified engineering firms to perform these inspections. However, Federal regulations define specific steps, including requests for proposals, evaluation committees, competitive negotiations, etc., which must be followed when using Federal funds. In an effort to assist Cities in securing Federal funds for bridge inspections, SDDOT has undertaken competitive negotiations with several consulting engineering firms. Twenty-three firms have been qualified to sign retainer agreements with SDDOT. Services performed under these retainer agreements are eligible for Federal participation.

If the City would like to utilize these firms under SDDOT retainer contracts, then the City should take the following steps:

1. The City should indicate the firm it wishes to employ in a resolution to SDDOT (copy attached) pledging to provide the local match required to obtain Federal Bridge Replacement funds.
2. SDDOT will initiate an agreement work order with the consulting engineering firm that you have selected for their execution. The consultant then forwards the original, fully executed, work order to you for your signature. You will forward the original, signed, work orders to this office for signature. One copy will be returned to you, one copy is returned to the consultant, and the original is kept on file at SDDOT.

The work order indicates the location and types of structures to be inspected in your City. It also shows estimated travel, per diem, and other costs related to the inspection. The summation of all these costs will be the basis for the maximum limiting amount of the work order.

3. If the City does not concur with the work order, it can request SDDOT to contract with another firm under retainer.
4. SDDOT will then issue a *Notice to Proceed* to the consulting engineering firm with a copy sent to the City. SDDOT will bill the City for its local match as the consultant completes its unit work products.

Cities are under no obligation to use the twenty-three consulting engineering firms under SDDOT retainer agreements. Cities can still obtain Federal funds by conducting SDDOT approved competitive negotiations with other engineering firms or by using 100% City funds to pay for engineering services. SDDOT is offering these firms under retainer agreement to the Cities as a relatively quick way to get bridge inspections underway and still meet Federal requirements for competitive negotiations.

Please note that once again this year the consultants will be required to keep a ledger of their time and expenses for their inspection services. They will be reimbursed at a cost plus fixed fee rate for these services, similar to their reimbursement for design services. The flat rate per structure by structure type is no longer being used.

If you have any questions, please call me at (605) 773-3390.

**BRIDGE REINSPECTION
PROGRAM RESOLUTION
FOR USE WITH SDDOT RETAINER CONTRACTS**

WHEREAS, Title 23, Section 151, *United States Code* and Title 23, Part 650, Subpart C, *Code of Federal Regulations*, requires initial inspection of all bridges and reinspection at intervals not to exceed two years with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are reinspected at intervals not to exceed four years.

THEREFORE, the City of _____ is desirous of participating in the Bridge Inspection Program using Bridge Replacement funds.

The City requests SDDOT to hire _____ (Consulting Engineers) for the inspection work. SDDOT will secure Federal approvals, make payments to the Consulting Engineer for inspection services rendered, and bill the City for 20% of the cost. The City will be responsible for the required 20% matching funds.

Dated this _____ day of _____, 2019, at _____, South Dakota.
(city)

Mayor

ATTEST:

City Auditor/Clerk

ATTACHMENT A

**2019 CONSULTING ENGINEERING FIRM SELECTION LIST
FOR BRIDGE INSPECTIONS**

1. Aason Engineering Co., Inc. – Watertown, SD
2. AECOM Technical Services – Waterloo, IA
3. Banner Associates, Inc. – Brookings, Milbank, and Sioux Falls, SD
4. Brosz Engineering, Inc. – Pierre, Sioux Falls and Sturgis, SD; Bowman, ND
5. CH2M Hill – Englewood, CO
6. Civil Design, Inc. – Brookings, SD
7. Clark Engineering Corporation – Aberdeen, Pierre, Sioux Falls, and Watertown, SD
8. Collins Engineers, Inc – Chicago, IL
9. Fish & Associates – Middleton, WI
10. HDR, Inc. – Sioux Falls, Rapid City, SD
11. Houston Engineering – Sioux Falls, SD; Fargo, ND
12. Infrastructure Design Group, Inc. – Sioux Falls and Watertown, SD
13. Infrastructure Engineers, Inc. – Lakewood, CO; Omaha, NE
14. Interstate Engineering, Inc. – Pierre and Spearfish, SD; Wahpeton and Mandan, ND
15. Jacobs Engineering Group, Inc. – St. Louis, MO
16. Johnson Engineering Company – Yankton, SD
17. Kirkham, Michael & Associates, Inc. – Omaha, NE
18. KLJ – Rapid City, SD
19. Pierce & Harris Engineering Co. – Huron, SD
20. Short-Elliott-Hendrickson Incorporated – Sioux Falls, SD
21. Stantec Consulting Services Inc. – St. Paul, MN
22. Ulteig Engineers, Inc. – Sioux Falls, SD; Fargo, ND
23. Wiss, Janney, Elstner Associates, Inc. – Northbrook, Illinois

Bridge ID	County	Owner	Location	oppositcl	Next insp	Insp freq	Length (ft)	Built	Material	Design
17230072	17 CUSTER	3	6th St N of Washington St	A	8/31/2019 12:00:00 AM	24	32.001	1994	7 Wood or Timber	01 Slab
17231071	17 CUSTER	3	7th St S of Washington St	A	8/31/2019 12:00:00 AM	24	32.001	1994	7 Wood or Timber	01 Slab
17232071	17 CUSTER	3	EIGHTH ST, CUSTER	A	8/31/2019 12:00:00 AM	24	32	2014	5 Prestressed Concrete	01 Slab
17255067	17 CUSTER	3	2.2 E & 0.4 N OF CUSTER	A	8/31/2019 12:00:00 AM	24	30.7	2011	1 Concrete	19 Culvert
17234071	17 CUSTER	3	S 11TH STREET, CUSTER	P	8/31/2019 12:00:00 AM	24	26.2992125984252	1973	5 Prestressed Concrete	04 Tee Beam

POOL MANAGEMENT AND BATH HOUSE CONTRACT

THIS AGREEMENT is made by and between the City of Custer City, hereafter designated as City, and the YMCA of Rapid City, hereinafter designated as YMCA, for the purpose of contracting for the operation and management of the Custer City Swimming Pool and appurtenant facilities hereinafter designated as the "Pool". The City does hereby agree that YMCA shall manage the Custer Municipal Swimming Pool and appurtenant facilities, being described as follows, to wit:

LOTS FOUR (4), FIVE (5), AND SIX (6), BLOCK
THIRTY-FIVE (35), ORIGINAL TOWN, NOW THE CITY OF CUSTER
CITY, CUSTER COUNTY, SOUTH DAKOTA.

Under the terms and conditions as follows:

1. TERM.

The term of this agreement shall be from the date of June 1, 2019 to August 20, 2019, subject to renewal upon terms and conditions of a mutual agreement of the parties hereto.

2. Independent Contractor Status

The YMCA in the performance of its duties under this Agreement shall occupy the position of an independent contractor with respect to the City. Nothing contained herein shall be construed as making the parties hereto partners or joint ventures, nor, except as expressly provided herein, construed as making the YMCA an agent or employee of the City.

3. CITY'S OBLIGATION.

The Owner, City of Custer City, agrees:

- A. To provide to the YMCA the management, operation, and control of the swimming pool and appurtenant facilities for the term hereof, and under the terms and conditions as herein provided;
- B. To provide necessary water, electricity and propane at no cost to the YMCA for the operation of the swimming pool and bathhouse;
- C. To make capital improvements and repairs as are reasonably necessary. Capital improvements are hereby agreed to mean items affixed permanently or for an extended term to the premises and normally construed as major repairs or replacement items;
- D. To place the pool in fully operational and safe condition prior to June 1, 2019, unless otherwise negotiated;
- E. To provide for the maintenance, repair, purchasing of supplies, chemicals and pool water testing which are directly related to the operation of the physical pool systems, and allow the YMCA use of the automatic pool cleaning apparatus;
- F. To pay the sum of \$16,000.00 to YMCA on or before June 5, 2019, to be used by Lessee for operation of said facility;

4. YMCA'S RESPONSIBILITIES.

YMCA agrees:

- A. To operate the Custer City swimming pool, and appurtenant facilities for the entire term commencing on the 1st day of June, 2019, and ending on the 20th day of August, 2019, subject to change upon mutual agreement of the parties hereto;
- B. To collect necessary fees and charges for the use of said swimming pool facility, and to regulate the use thereof by those having paid appropriate charges therefore, said fees and charges as per attached Exhibit A;
- C. To provide duly certified lifeguards and other personnel as is reasonably necessary to operate said facility;
- D. To pay all expenses of the operation of bathhouse of said facility including labor, and any and all current operation costs, excluding expenses referred to in above section 3B;
- E. To take all reasonable precautions during working hours to avoid any claim, demand, liability, or responsibility of any nature whatsoever due to or arising from the operation of the said swimming pool facility in a negligent, careless, or reckless manner. If damage occurs at said swimming pool facility outside the hours of operation, and the YMCA is not found to be negligent, the City will be responsible for expenses incurred;
- F. To provide the City with monthly reports as to the financial operation of said facility and additional expenditures, including capital expenditures necessary for the continued use and maintenance of said facility;
- G. At the termination of this Agreement, return said facility and all appurtenant properties and equipment to the City in as good or better condition as at the commencement of this lease agreement, reasonable wear and tear only excepted, and to repair or replace all properties and/or

- equipment for which it is determined that the YMCA is responsible for due to negligent, careless, or reckless conduct;
- H. To ensure the proper cleanliness and grooming of the facilities and grounds, i.e. pool area, dressing rooms, restrooms, and lawn areas. Further, to provide proper care and watering of lawn areas as directed by the City, including mowing of the lawn area.
 - I. To provide a policy of public liability insurance (minimum limit of \$2,000,000.00 per occurrence) covering said facility, and to name the City as an additional insured party thereunder and such policy shall contain a thirty (30) day notice prior to cancellation, with the City named as an additional notice party, on or before June 1, 2019.

Dated this _____ day of _____.

CITY OF CUSTER CITY

ATTEST:

Corbin Herman, Mayor

Laurie Woodward
Finance Officer

YMCA of RAPID CITY

(SEAL)

By: _____
Director

STATE OF SOUTH DAKOTA)
COUNTY OF CUSTER)

On this _____ day of _____, _____, before me, the undersigned, personally appeared _____ who acknowledged _____ (him/her)self to be the _____ of the YMCA of Rapid City, and that _____ (he/she) as such _____ being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the Corporation by _____ (him/her)self as _____.

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

Notary: _____

My Commission Expires: _____

(Seal)

EXHIBIT A

2018 POOL FEES

Daily Pass

Children under 3	Free
Youth Non-Members	\$3.00
Adult Non-Members	\$5.00
Family Non-Members	\$10.00

A & B Welding, Supplies, \$84.77
Black Hills Energy, Utilities, \$5,258.64
Black Hills Resource Conservation & Development, Supplies, \$100.00
California State Disbursement, Deductions, \$53.19
Culligan, Repairs and Maintenance, \$18.50
Chamber of Commerce, Sales Tax Subsidy, \$4,697.14
Custer Ace Hardware, Supplies, Repairs and Maintenance, \$451.41
Dakota Supply Group, Supplies, \$4,000.00
Discovery Benefits, Supplies, \$27.00
Fastenal, Supplies, \$96.11
Fennell Design, Professional Fees, \$28,645.00
First Interstate Bank, Supplies, \$122.50
French Creek Supply, Supplies, Repairs and Maintenance, \$596.49
Golden West Technologies, Supplies, \$4,038.84
Green Owl Media, Professional Fees, \$156.00
Jenner Equipment, Repairs and Maintenance, \$114.17
Lynn's Dakotamart, Supplies, \$14.48
Nelson's Oil & Gas, Supplies, \$1,022.28
Northwest Pipe Fittings, Supplies, \$67.43
Rapid Delivery, Professional Fees, \$52.92
Regional Health Network, Sales Tax Subsidy, \$31,211.24
Servall, Supplies, \$165.42
State of SD, Sales Tax, \$1,316.60
Bit Finance/ State Long Distance, Utilities, \$47.97
Stansbury, Lance, Reimbursement, \$244.69
Top Pin Archery, Professional Fees, \$3,500.00
USDA Loan Payment, \$8,910.00
WesDak Welding & Diesel, Repairs and Maintenance, \$1,986.49
Young, Susan, Utility Refund, \$41.60
Total Claims \$ 97,040.88

