

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
May 4th, 2020**

Mayor Corbin Herman called to order the first meeting of the Common Council for the month of May 2020 at 5:30 p.m. Present at roll call were Councilpersons Moore and Nielsen. Present at roll call by phone were Councilperson Whittaker, Fischer, Blom and Ryan. The Pledge of Allegiance was stated.

AGENDA

Councilperson Blom moved, with a second by Councilperson Nielsen, to approve the agenda. The motion carried with Councilperson Nielsen, Moore, Whittaker, Fischer, Blom and Ryan voting yes.

MINUTES

Councilperson Fischer moved, with a second by Councilperson Moore, to approve the minutes from the April 20th Council Meeting and April 28th, 2020 Special Council Meeting. The motion carried with Councilperson Moore, Whittaker, Fischer, Blom, Ryan and Nielsen voting yes.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

RESOLUTION #05-04-20A – MODIFYING ORDINANCE #836 AND RESOLUTION #4-28-20A – DECLARING A PUBLIC HEALTH EMERGENCY AND LIMITING PUBLIC GATHERINGS

Councilperson Fischer moved to adopt Resolution #05-04-20A, Modifying Ordinance #836 and Resolution #4-28-20A – Declaring a Public Health Emergency and Limiting Public Gatherings. Seconded by Councilperson Ryan, the motion carried with Councilperson Whittaker, Fischer, Blom, Ryan, Nielsen and Moore voting yes.

Resolution #05-04-2020A

Resolution Amending Emergency Ordinance #836 and Resolution #04-28-2020A Declaring a Public Health Emergency and Limiting Public Gatherings

Whereas, the Custer City Council adopted Emergency Ordinance #836, Declaring a Public Health Emergency and Limiting Public Gatherings on April 2nd, 2020; and

Whereas, Ordinance #836 became effective on April 9th, 2020 at 12:00 am, after publication; and

Whereas, the emergency ordinance allows the City Council to amend by resolution Ordinance #836 regarding public gatherings and public movements it deems necessary to address the current public health emergency; and

Now Therefore Be It Resolved that Emergency Ordinance #836 and Resolution #04-28-20A are amended based on the Custer Community's seasonal nature of its recreational, business and visitation demographics as follows;

Be It Further Resolved that recreational facilities, public pools, health clubs and athletic facilities can request, in writing, exceptions from the City Council allowing them to modify compliance with these requirements so long as their proposal contains alternative means to implement social distancing requirements. The City Council will not approve exceptions which completely exempt a business from implementing social distancing, or from following the CDC guidelines.

Be It Further Resolved that theaters, and other indoor and outdoor venues where people congregate, including music and entertainment venues are not included in this amendment, and shall remain closed until further notice.

Be It Further Resolved that this Resolution shall only amend Ordinance #836 and Resolution #04-28-20A as specifically stated herein, and all other terms and conditions of Ordinance #836 and Resolution #04-28-20A shall remain in effect until further notice.

Be It Further Resolved this Resolution shall remain in full force and effect until May 31, 2020, unless otherwise repealed, modified, or extended.

Be It Further Resolved, by the City of Custer City, that due to the fact a national and statewide emergency has been declared and one of the primary recommendations to combat this emergency is to practice social distancing and limiting person to person contact, this resolution is considered necessary for the immediate preservation of the public peace, health and safety of the City of Custer City and shall be effective immediately upon publication thereof.

Dated this 4th day of May, 2020.

City of Custer City

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

COVID-19 ORDINANCE & RESOLUTION REVIEW, BUSINESS REQUEST FOR COMPLIANCE MODIFICATION AND GENERAL COVID-19 UPDATE

Councilperson Moore moved to table Custer Hospitality's request and plan for opening the pool facilities at the Holiday Inn Express & Suites, Comfort Inn & Suites and both pools at Buffalo Ridge Camp Resort until the May 18th Council Meeting. Seconded by Councilperson Ryan, the motion carried with Councilperson Fischer, Blom, Ryan, Nielsen, Moore and Whittaker voting yes.

Councilperson Ryan moved to approve the following business request for compliance modification to Ordinance #836, Resolution #04-28-20A and Resolution #05-04-20A. Seconded by Councilperson Nielsen, the motion carried with Councilperson Blom, Ryan, Nielsen, Moore, Whittaker and Fischer voting yes.

*Our Place, 44 guests while maintaining the 6 feet separation.

*Black Hills Burger & Bun, maximum of 30 adults while maintaining the 6 feet separation.

*Baker's Bakery, 8 people in dining room #1, 15 people in dining room #2, 18 people in dining room #3 while maintaining the 6 feet separation.

*WR Hospitality (Buglin Bull), 19 people in the bar area, 56 guests in the dining room and 20 people in the loft while maintaining the 6 feet separation. A temporary host stand be located outside of the restaurant doors on the sidewalk.

* Abundant Life Fellowship, 20 chairs in each room with no more than 40 people in attendance while maintaining the 6 feet separation.

*Custer Fitness Center, 4 members while maintaining separation and proper cleaning.

*Custer YMCA, 16 members, maximum capacity based on 200 sq feet, maintain 6 feet separation and proper cleaning.

*Custer Hospitality (Holiday Inn Express & Suites and Comfort Inn & Suites) Fitness Centers, 2 occupants at a time in each while maintaining separation and proper cleaning.

FIRST READING – ORDINANCE #837 – CABLE TV FRANCHISE AGREEMENT – GOLDEN WEST

Councilperson Ryan moved to approve Ordinance #837, Cable TV Franchise Agreement with Golden West. Seconded by Councilperson Fischer, the motion carried with Councilperson Ryan, Nielsen, Moore, Whittaker, Fischer and Blom voting yes.

EXECUTIVE PROCLAMATION – ARBOR DAY

Councilperson Moore moved to approve the executive proclamation for Arbor Day on May 11th, 2020, which is on file in the Finance Office. Seconded by Councilperson Blom, the motion carried with Councilperson Nielsen, Moore, Whittaker, Fischer, Blom and Ryan voting yes.

EXECUTIVE PROCLAMATION – JACKI WAHLE DAY

Councilperson Moore moved to approve the executive proclamation for Jacki Wahle Day on May 13rd, 2020, which is on file in the Finance Office. Seconded by Councilperson Blom, the motion carried with Councilperson Moore, Whittaker, Fischer, Blom, Ryan and Nielsen voting yes.

VARIANCE TO TRANSIENT MERCHANT PERMIT ORDINANCE – SOUTH DAKOTA OUTDOOR SHOP

Councilperson Fischer moved to table the South Dakota Outdoor Shop's request for variance to the Transient Merchant Permit Ordinance. Seconded by Councilperson Blom, the motion carried with Councilperson Whittaker, Fischer, Blom, Ryan, Nielsen and Moore voting yes.

SENIOR PARADE REQUEST – GRADUATING SENIOR CLASS

Councilperson Nielsen moved to approve the Custer High School Graduating Senior Class request for a Reverse Senior Parade to be held May 16th from 2-4 pm pending parade request form and proof of insurance being provided. The stationary parade will take place on Washington Street from 8th Street to 2nd Street with one-way traffic moving from east to west. Seconded by Councilperson Blom, the motion carried with Councilperson Fischer, Blom, Ryan, Nielsen, Moore and Whittaker voting yes.

MINOR PLAT – SHOWERS TRACT AND SCHMITZ TRACT OF SUNSET SUBDIVISION

Councilperson Ryan moved to approve the minor plat of Showers Tract and Schmitz Tract of Sunset Subdivision contingent upon the filing of a miscellaneous document at the Custer County Register of Deeds Office officially recording the vacation of the South 31' of Public Easement (Sunset Lane) and signatures by the County Treasurers Office, County Highway Authority and all property owners on the mylar. Seconded by Councilperson Blom, the motion carried with Councilperson Blom, Ryan, Nielsen, Moore, Whittaker and Fischer voting yes.

PUBLIC COMMENTS

No public comments were received.

FARMER'S MARKET REQUEST – CHAMBER OF COMMERCE

Councilperson Ryan moved to approve the Chamber of Commerce request to use Way Park on Saturday's from 8am through 1pm, from June through October, except for Gold Discovery Days weekend, for the Farmer's Market and their COVID-19 plan. Seconded by Councilperson Moore, the motion carried with Councilperson Ryan, Nielsen, Moore, Whittaker, Fischer and Blom voting yes.

2019 AUDIT PRESENTATION

Shelley Goodrich with Ketel Thorstenson, LLP remotely presented the 2019 audit. Councilperson Fischer moved to accept the 2019 audit as presented. Seconded by Councilperson Moore, the motion carried with Councilperson Nielsen, Moore, Whittaker, Fischer, Blom and Ryan voting yes.

ELECTRIC EASEMENT – BLOCK 32

Councilperson Nielsen moved to approve the Electrical Easement for Block 32. Seconded by Councilperson Ryan, the motion carried with Councilperson Moore, Whittaker, Fischer, Blom, Ryan and Nielsen voting yes.

PLANNING COMMISSION APPOINTMENTS

Councilperson Fischer moved to approve the Mayor's recommendations for Planning Commission changes. Fred Mills will move to a voting member for a five-year term expiring May 4th, 2025, Marc Moore will move to the Alternate #1 position effective May 4th, 2020 and Larry Maciejewski will move to the Alternate #2 position effective May 4th, 2020. Seconded by Councilperson Blom, the motion carried with Councilperson Whittaker, Fischer, Blom, Ryan, Nielsen and Moore voting yes.

CLAIMS

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

AFLAC, Insurance, \$749.14
Amazon, Supplies, \$24.43
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00
Beesley Law Office, Professional Fees, \$6,569.00
Black Hills Energy, Utilities, \$2,236.10
Black Hills Gravel, Supplies, \$5,079.99
California State Disbursement, Deduction, \$115.38
Century Business Products, Supplies, \$105.14
Custer Do It Best, Supplies, Repairs & Maintenance, \$38.58
Dacotah Bank, Loan Payment, \$8,337.63
Delta Dental, Insurance, \$212.00
Discovery Benefits, Supplies, \$1,273.06
EFTPS, Taxes, \$11,881.71
Environmental Equipment & Services, Repairs & Maintenance, \$516.57
Express Collections, \$18.92
Golden West Telecommunications, Utilities, \$517.84
Golden West Technologies, Professional Fees, \$755.50
Hawkins, Supplies, \$5,946.98
Hillyard, Supplies, \$65.55
Holiday Inn – Spearfish, Travel & Conference, \$335.00
Iso Pure Water, Repairs & Maintenance, \$28.69
J & M Lawncare, Cemetery Caretaker Contract, \$5,250.00
Ketel Thorstenson, Professional Fees, \$14,326.86
Kothe, Rick, Reimbursement, \$1,000.00
Log Me In Go to Meeting, Supplies, \$51.12
Lawrence & Schiller, BID Advertising, \$5,955.03
Michael Todd, Supplies, \$1,475.00
NBS Calibrations, Repairs & Maintenance, \$193.00
Petty Cash, Supplies, \$322.12
Piedmont Cutting Edge Meat Market, Professional Fees, \$4,350.00
Sanders Sanitation, Garbage Collection Contract, \$13,253.23
SDARWS, Repairs & Maintenance, \$100.00
SD Department of Revenue, Supplies, \$150.00
SD Retirement System, \$5,939.48

Supplemental Retirement, \$670.00
The Hartford, Insurance, \$59.54
Verizon Wireless, Supplies, \$440.97
Vector Solutions, Supplies, \$50.92
Wellmark, Insurance, \$12,471.58
YMCA, Membership, \$84.00
Granite Building Services, Utility Refund, \$30.91
Mayor & Council, \$4,665.00
Finance Department, \$4,414.80
Public Building Department, \$2,523.20
Planning Department, \$7,361.22
Public Works Department, \$2,684.82
Street Department, \$6,122.74
Cruisin Department, \$153.44
Parks Department, \$4,653.10
Water Department, \$12,057.84
Wastewater Department, \$12,063.70
Total Claims \$168,680.83

EXECUTIVE SESSION

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1,4) at 7:06 pm, with the Public Works Director (by phone), Public Works Supervisor (by phone) and Finance Officer present. Seconded by Councilperson Ryan, the motion carried with Councilperson Blom, Ryan, Nielsen, Moore, Whittaker and Fischer voting yes. Council came out of executive session at 7:21 pm, with no action taken.

STEP INCREASE

Councilperson Moore moved to approve a step increase for Tim Hartmann to Step 4 at \$61,053.44 effective April 29th, 2020. Seconded by Councilperson Nielsen, the motion carried with Councilperson Ryan, Nielsen, Moore, Whittaker, Fischer and Blom voting yes.

ADJOURNMENT

With no further business, Councilperson Moore moved to adjourn the meeting at 7:23 p.m. Seconded by Councilperson Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

**CITY OF CUSTER CITY
BOARD OF ADJUSTMENT MEETING
May 4th, 2020**

Board Chairman Herman called to order the Board of Adjustment Meeting at 7:23 p.m. Present at roll call were Board Members Herman, Moore, Fischer, Ryan, Nielsen, Whittaker and Blom.

APPROVAL OF MINUTES

Board Member Nielsen moved, with a second by Board Member Ryan, to approve the minutes from the April 20th, 2020 meeting. The motion carried with Board Member Herman, Moore, Fischer, Ryan, Nielsen, Whittaker and Blom voting yes.

ADJOURNMENT

With no further business, Board Member Herman moved to adjourn the meeting at 7:24 p.m. Seconded by Board Member Moore, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Board Chairman