

All City Council Meetings are recorded.

**CITY OF CUSTER CITY  
COUNCIL AGENDA  
November 19<sup>th</sup>, 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 – November 5<sup>th</sup>, 2018 Regular Meeting and November 9<sup>th</sup>, 2018 Special Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
  - a. Public Hearing – Wine License (2019) & Malt Beverage License (Transfer) – AJ's Ore Car Saloon
  - b. Public Hearing – Liquor & Wine Licenses Renewals
  - c. Second Reading – Ordinance #812 – Water Rates
  - d. Second Reading – Ordinance #813 – Wastewater Rates
  - e. Second Reading – Ordinance #814 – Water Off Rates
  - f. First Reading – Ordinance #815 – Designated Wetland Maintenance
  - g. Resolution #11-19-18A – Position Descriptions (3 Finance Office Positions)
  - h.
6. Public Comments (3-minute max. per person, with total public comment period not to exceed 15 minutes)
7. Old Business
  - a.
  - b.
8. New Business
  - a. Easement & Right-of-Way – Lot 1 of Tract Bennett & a portion of Lot 29 Homestead Addition - Belva Bennett
  - b. Custer Bark Park Volunteer Committee Request to Partner with BHACF for 501(c)3 Status
  - c. Warranty Deed – Tract Hospital & Tract Clinic
  - d. Burning of the Beetle Request
  - e. Employee Leave without Pay Request
  - f. Employee Resignation
  - g. Employee Increase
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 – November 20<sup>th</sup>, 2018 5:30 P.M.  
Public Works Committee Meeting – December 3<sup>rd</sup>, 2018 4:30 P.M.  
Regular City Council Meeting – December 3<sup>rd</sup>, 2018 5:30 P.M.  
General Government Committee Meeting – December 10<sup>th</sup>, 2018 4:30 P.M.  
Planning Commission Meeting – December 11<sup>th</sup>, 2018 5:00 P.M.  
Regular City Council Meeting – December 17<sup>th</sup>, 2018 5:30 P.M.  
Park & Recreation Committee Meeting – December 18<sup>th</sup>, 2018 5:30 P.M.  
\*\*\*End of Year Regular City Council Meeting – December 28<sup>th</sup>, 2018 12:00 P.M.\*\*\*  
Regular City Council Meeting – January 7<sup>th</sup>, 2019 5:30 P.M.**

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



**CITY OF CUSTER CITY  
COUNCIL PROCEEDINGS- REGULAR SESSION  
November 5<sup>th</sup>, 2018**

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

**AGENDA**

Councilperson Fischer moved to approve the agenda with the removal of the Minor Plat – Hendrickson Subdivision item. Seconded by Councilperson Nielsen, the motion unanimously carried.

**MINUTES**

Councilperson Blom moved, with a second by Councilperson Whittaker, to approve the minutes from the October 15<sup>th</sup> regular council meeting and the October 22<sup>nd</sup> special council meeting. The motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**EXECUTIVE PROCLAMATION – BELLS OF PEACE ARMISTICE COMMEMORATION**

Councilperson Moore moved to approve the Executive Proclamation for Bells of Peace Armistice Commemoration. Seconded by Councilperson Fischer, the motion unanimously carried.

Proclamation

CUSTER, South Dakota

*WHEREAS*, a century ago 4.7 million American families sent their sons and daughters off to World War I; and *WHEREAS*, men and women from Custer, South Dakota served selflessly and honorably in World War I; and *WHEREAS*, 116,516 Americans gave their lives in the war, and more than 200,000 were wounded; and *WHEREAS*, the tolling of bells is a traditional expression of honor and remembrance; and *WHEREAS*, in November 2018 the world will commemorate the 100<sup>th</sup> anniversary of the Armistice that ended the fighting in World War I at 11:00 am, November 11, 1918 – the eleventh hour of the eleventh day of the eleventh month; and

*WHEREAS*, on April 6, 2018 the United States World War I Centennial Commission called upon all Americans across the nation to toll bells in remembrance of those who served in World War I on Armistice Day, November 11, 2018;

*NOW, THEREFORE BE IT RESOLVED*, I, Corbin Herman, Mayor of the City of Custer, do hereby call upon all Americans across the community to toll bells in remembrance of those who serviced in World War I at 11:00 am on November 11, 2018, for

Your Bells of Peace Armistice Commemoration

Dated this 5<sup>th</sup> day of November, 2018

CITY OF CUSTER CITY

S/Corbin Herman, Mayor

ATTEST: Laurie Woodward, Finance Officer

**FIRST READING – ORDINANCE #812 – WATER RATES**

Councilperson Fischer moved to approve Ordinance #812, Water Rates. Seconded by Councilperson Nielsen, the motion unanimously carried.

**FIRST READING – ORDINANCE #813 – WASTEWATER RATES**

Councilperson Blom moved to approve Ordinance #813, Wastewater Rates. Seconded by Councilperson Moore, the motion unanimously carried.

**FIRST READING – ORDINANCE #814 – WATER OFF RATES**

Councilperson Nielsen moved to approve Ordinance #814, Water Off Rates. Seconded by Councilperson Blom, the motion unanimously carried.

**RESOLUTION #11-05-18A – WRITE-OFFS**

Councilperson Nielsen moved to adopt Resolution #11-02-18A, Write-Offs. Seconded by Councilperson Whittaker, the motion unanimously carried.

RESOLUTION NO. 11/05/18A

*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:
Tyler Celli	401550-04	\$ 54.62
Ryan Kimball	402270-05	\$ 99.38
Stephanie McFalls	500890-07	\$ 85.63
Alyssa Miller	201670-02	\$ 69.41
Phillip Young	400831-09	\$269.95
Audrey Schauer Kimball	401840-01	\$103.33

TOTAL \$ 682.32

Signed this 5<sup>th</sup> day of November, 2018.

CITY OF CUSTER

S/Corbin Herman, Mayor

ATTEST Laurie Woodward, Finance Officer

**PUBLIC COMMENTS**

Mayor Herman mentioned the Custer Veteran's Memorial Park Dedication on November 11<sup>th</sup> and that this year marks the tenth anniversary of the Custer Disc Golf Course.

**MINOR PLAT – TERRY SUBDIVISION, PLAT OF TRACTS 1 AND 2 OF TERRY SUBDIVISION**

Councilperson Whittaker moved to approve the minor plat of Terry Subdivision, Plat of Tracts 1 and 2 of Terry Subdivision. Seconded by Councilperson Blom, the motion unanimously carried.

**MINOR PLAT – PLAT OF TRACT KUEHL AND TRACT MORROW**

Councilperson Nielsen moved to approve the minor plat of Tract Kuehl and Tract Morrow. Seconded by Councilperson Blom, the motion unanimously carried.

**DOT SIGN & DELINEATION PROJECT AGREEMENT**

Councilperson Fischer moved to approve the sign & delineation project agreement with SD Department of Transportation and authorize the Mayor to sign the agreement. Seconded by Councilperson Moore, the motion unanimously carried.

**DEER MANAGEMENT LETTER**

Councilperson Nielsen moved to approve the letter to SD Game Fish & Parks requesting tags for deer management and authorize the Mayor to sign the letter. Seconded by Councilperson Blom, the motion unanimously carried.

**SD WARN DONATION**

Councilperson Moore moved to approve donating \$200 to SD Water/Wastewater Agency Response Network. Seconded by Councilperson Nielsen, the motion unanimously carried.

**EXECUTIVE SESSION**

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1-4) at 5:50 pm, with the Attorney, Public Works Director, Planning Administrator, and Finance Officer present. Seconded by Councilperson Moore, the motion unanimously carried. Council came out of executive session at 6:01 pm, with no action taken.

**NEW HIRE**

Councilperson Moore moved to approve hiring Brian Raber as Inter Department Operator at \$19.78 per hour effective November 19<sup>th</sup>, 2018, contingent upon successful completion of background check, drug test and pre-employment physical & work screening. Seconded by Councilperson Nielsen, the motion unanimously carried.

**EMPLOYEE LEAVE WITHOUT PAY REQUEST**

Council tabled this item until the November 19<sup>th</sup> Council Meeting.

**EMPLOYEE INCREASES**

Councilperson Whittaker moved to approve the step increases for Sydney Gramkow to step 1 off probation, at \$16.42 per hour effective November 7<sup>th</sup>, 2018. Seconded by Councilperson Moore, the motion unanimously carried.

Councilperson Fischer moved to approve a certification increase for Lance Stansbury, at \$21.85 per hour effective October 19<sup>th</sup>, 2018. Seconded by Councilperson Blom, the motion unanimously carried.

## CLAIMS

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

Aflac, Insurance, \$542.74  
Amazon, Supplies, \$91.48  
Banner Associates, Professional Fees, \$1,589.13  
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00  
Beesley Law Office, Professional Fees, \$1,300.00  
Black Hills Chemical, Supplies, \$180.88  
Black Hills Energy, Utilities, \$1,218.53  
Baymont Inn, Travel, \$360.95  
Chronicle, Publishing, \$568.47  
Custer Do It Best, Supplies, Repair and Maintenance, \$69.51  
Chamber of Commerce, Supplies, \$200.00  
Century Business Products, Supplies, \$172.79  
City of New Underwood, Supplies, \$25.00  
Custer County Auditor, Professional Fees, \$1,414.50  
California State Disbursement, Deduction, \$106.38  
Dacotah Bank, TIF #2 Payment, \$1,256.88  
Delta Dental, Insurance, \$148.20  
Discovery Benefits, Supplies, \$1,210.38  
EFTPS, Taxes, \$19,865.16  
Expedia, Travel, \$886.60  
Fastenal, Supplies, \$716.93  
Fennell Design, Professional Fees, \$11,795.00  
First Interstate Bank, TIF #4 Payment, \$24.76  
First Interstate Bank, TIF #1 Payment, \$1,303.89  
Full Source, Supplies, \$127.46  
Green Owl Media, Professional Fees, \$140.00  
Golden West Telecommunications, Utilities, \$592.05  
Golden West Technologies, Repairs and Maintenance, \$673.50  
Hespen Excavating, Repairs & Maintenance, \$2,521.89  
Hach, Repairs & Maintenance, \$161.12  
Kimball Midwest, Supplies, \$178.98  
Lamonte's Auto Center, Repairs & Maintenance, \$1,777.84  
Northwest Pipe Fitting, Supplies, \$129.89  
Petty Cash, Supplies, \$543.44  
Pitney Bowes, Supplies, \$48.69  
Quality Auto Body, Repairs & Maintenance, \$26.84  
Quill, Supplies, \$292.46  
Ryan, Donald & Kristy, Reimbursement, \$90.00  
Safety Benefits, Conference, \$130.00  
Sanders Sanitation, Garbage Collection Contract, \$14,244.80  
State of SD, Sales Tax, \$1,013.24  
SD DCI, Supplies, \$43.25  
BIT Finance/ State Long Distance, Utilities, \$29.69  
SD Retirement System, \$9,188.00  
SD State Treasurer, Unclaimed Property, \$446.31  
SD One Call, Supplies, \$348.60  
Supplemental Retirement, \$800.00  
The Hartford, Insurance, \$64.12  
USA Bluebook, Repairs & Maintenance, \$303.51  
Unemployment Insurance Division of SD, \$51.10  
Verizon Wireless, Utilities, \$464.19  
Wright Express, Supplies, \$1,491.45  
Custer Industrial, Utility Deposit Refund, \$37.73

CH Housing 10<sup>th</sup> Street, Utility Deposit Refund, \$61.21  
Anderson, Carl, Utility Deposit Refund, \$34.75  
Mayor & Council, \$8,800.00  
Finance Department, \$6,942.37  
Public Buildings, \$4,053.61  
Planning Department, \$10,964.78  
Public Works Department, \$4,555.56  
Street Department, \$12,374.88  
Cruisin Department, \$120.23  
Parks Department, \$7,637.23  
Water Department, \$16,906.66  
Wastewater Department, \$16,787.89  
Total Claims, \$171,247.48

**DEPARTMENT HEADS & COMMITTEE REPORTS**

Various committee reports were given in addition to updates from the department heads.

**ADJOURNMENT**

With no further business, Councilperson Whittaker moved to adjourn the meeting at 6:28 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  
COUNCIL PROCEEDINGS- SPECIAL MEETING  
November 9<sup>th</sup>, 2018**

Mayor Corbin Herman called to order a special meeting of the Common Council at 12:00 p.m. Present at roll call were Councilpersons Blom, Whittaker, Nielsen, and Fischer (by phone). The Pledge of Allegiance was stated.

**AGENDA**

Councilperson Nielsen moved to approve the agenda. Seconded by Councilperson Blom, the motion unanimously carried.

**CONFLICTS OF INTEREST**

No conflicts of interest were stated.

**ELECTION CANVASS**

Councilperson Nielsen moved to approve the official canvass which stated the votes for Referred Ordinance #802 were 529 "Yes" votes and 400 "No" votes. Seconded by Councilperson Whittaker, the motion carried with Councilperson Blom, Whittaker, Nielsen and Fischer voting yes.

**PUBLIC COMMENTS**

No public comments were received.

**ADJOURNMENT**

With no further business, Councilperson Whittaker moved to adjourn the meeting at 12:02 p.m. Seconded by Councilperson Blom, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward  
Finance Officer

Corbin Herman  
Mayor



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

Notice is hereby given that the City Council of the City of Custer City, Custer County, South Dakota will hear and consider the following for the sale of malt beverage at a meeting of the City Council to be held on the 19<sup>th</sup> day of November 2018, in the Council Chambers of City Hall in said City at 5:30 p.m. of said day. Application to be considered for renewal pursuant to SDCL 35-4 is as follows:

AJ's Ore Car Saloon - Retail (On-Off Sale) Malt Beverage & SD Farm Wine - Transfer  
AJ's Ore Car Saloon - Retail (On-Off Sale) Wine and Cider - 2019 License

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

Dated this 2<sup>nd</sup> day of November 2018.

/s/Sydney Gramkow  
Deputy Finance Officer

Custer County Chronicle - Please Publish November 7<sup>th</sup>, 2018

Taxes Paid - Current  
10% Due to City - Current  
Operating Agreement - signed  
Video Lottery - Paid  
Insurance - Pending Modifications



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

UPON APPLICATION for the sale of alcoholic beverage, notice is hereby given that the City Council of the City of Custer City, Custer County, South Dakota will hear and consider all applications for the sale of liquor and wine, at a meeting of the City Council to be held on the 19<sup>th</sup> day of November, 2018, in the Council Chambers of City Hall in said City at 5:30 p.m. of said day. Application to be considered for renewal pursuant to SDCL 35-4 is as follows:

Begging Burro - Retail (On-Off Sale) Wine and Cider  
Begging Burro - Retail (On Sale) Liquor - Restaurant  
Best Western - Buffalo Ridge Inn - On Premise Convention Center Liquor License  
Buffalo Ridge Adventures - Retail (On-Off Sale) Wine and Cider  
Black Hills Burger & Bun Co - Retail (On-Off Sale) Wine and Cider  
Buglin' Bull Restaurant - Retail (On-Off Sale) Wine and Cider  
Buglin' Bull Restaurant - Retail (On Sale) Liquor - Restaurant  
Calamity Jane Winery & Mercantile Inc - Retail (On-Off Sale) Wine and Cider  
Captain's Table - Retail (On Sale) Liquor  
Custer Beacon - Retail (On-Off Sale) Wine and Cider  
Custer Corral/Mt. Rushmore Brewing Company - Retail (On Sale) Liquor  
Custer Corral/Mt. Rushmore Brewing Company - Retail (On-Off Sale) Wine and Cider  
Custer Wolf - Retail (On-Off Sale) Wine and Cider  
Dakota Cowboy - Retail (On-Off Sale) Wine and Cider  
Denial South Dakota/Swan Song LLC - Retail (On-Off Sale) Wine and Cider  
Dollar General - Retail (On-Off Sale) Wine and Cider  
Yesway BW Gas - Package (Off Sale) Liquor  
Yesway BW Gas - Retail (On-Off Sale) Wine and Cider  
Frontier Bar & Grill - Retail (On Sale) Liquor  
Gold Pan Saloon - Retail (On Sale) Liquor  
Kenneth Kuper VFW Post 3442 - Retail (On Sale) Liquor  
Lynn's Dakotamart - Package (Off Sale) Liquor  
Mac's - Retail (On-Off Sale) Wine and Cider  
Rocky Knolls Golf Course - Retail (On Sale) Liquor  
Sage Creek Grille - Retail (On-Off Sale) Wine and Cider  
Shopko #763 - Retail (On-Off Sale) Wine and Cider  
Skogen Kitchen LLC - Retail (On-Off Sale) Wine and Cider

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

Dated this 2<sup>nd</sup> day of November 2018.

/s/Sydney Gramkow  
Custer City Deputy Finance Officer

Custer County Chronicle - Please Publish November 7<sup>th</sup>, 2018

Motion to approve the liquor & wine license and operating agreements renewals as listed (27) contingent upon property taxes being paid and proof of insurance being provided.



ESTABLISHMENT	LICENSE	TAXES		AGREEMENT	INSURANCE	10% DUE		VIDEO
		PAID	PAID			TO CITY	LOTTERY	
AJ'S ORE CAR SALOON	NEW - WINE	✓	✓	✓	3/2019	✓	✓	✓
AJ'S ORE CAR SALOON	TRANSFER	✓	✓	✓	3/2019	✓	✓	✓
BUGLIN BULL RESTAURANT & SPORTS BAR	RR-24018	✓	✓	✓	6/2019	✓	✓	✓
BUGLIN BULL RESTAURANT	RW19355	✓	✓	✓	6/2019	✓	✓	✓
BEGGING BURRO	RR-24019	✓	✓	✓	6/2019	✓	✓	✓
BEGGING BURRO	RW-21629	✓	✓	✓	6/2019	✓	✓	✓
CUSTER CORRAL/MT RUSHMORE BREW	RL-5523	✓	✓	✓	6/2019	✓	✓	✓
SAGACIOUS INC - CUSTER CORRAL	RW-23051	✓	✓	✓	6/2019	✓	✓	✓
BH BURGER AND BUN CO	RB-20218	✓	✓	✓	10/2019	✓	✓	✓
BEST WESTERN - BUFFALO RIDGE INN	CL-22694	✓	✓	✓	5/2019	✓	✓	✓
BUFFALO RIDGE ADVENTURES	RW-25868	✓	✓	✓	5/2019	✓	✓	✓
CALAMITY JANE WINERY	RW-23640	✓	✓	✓	3/2019	✓	✓	✓
CAPTAINS TABLE	RL-5525	✓	✓	✓	PENDING	✓	✓	✓
CUSTER BEACON	RW-25491	✓	✓	✓	5/2019	✓	✓	✓
CUSTERWOLF, LLC	RW-23492	✓	✓	✓	11/2019	✓	✓	✓
DAKOTA COWBOY	RW-24189	✓	✓	✓	PENDING	✓	✓	✓
DENIAL SD	RW-24101	✓	✓	✓	4/2019	✓	✓	✓
DOLLAR GENERAL	RW-24731	✓	✓	✓	2/2019	✓	✓	✓
BW GAS - YES WAY	RB-19299	✓	✓	✓	12/2018	✓	✓	✓
BW GAS - YES WAY	PL-21056	✓	✓	✓	12/2018	✓	✓	✓
FRONTIER	RL-5528	✓	✓	✓	PENDING	✓	✓	✓
GOLD PAN	RL-5524	✓	✓	✓	5/2019	✓	✓	✓
LYNNS DAKOTAMART	PL-4487	✓	✓	✓	3/2019	✓	✓	✓
MAC'S	RW-24968	✓	✓	✓	2/2019	✓	✓	✓
ROCKY KNOLLS GOLF COURSE	RL-5996	✓	✓	✓	1/2019	✓	✓	✓
SAGE CREEK GRILLE	RW-6426	✓	✓	✓	4/2019	✓	✓	✓
SHOPKO	RW-20961	✓	✓	✓	11/2019	✓	✓	✓
SKOGEN KITCHEN	RW-23799	✓	✓	✓	3/2019	✓	✓	✓
VFW	RL-6292	NO	✓	✓	PENDING	✓	✓	✓

LICENSE CODES

\$1500 - PL - OFF ~ SALE PACKAGE LIQUOR LICENSE  
\$1200 - RL - ON ~ PREMISE RETAIL SALE LIQUOR LICENSE  
\$1200 CL - ON ~ PREMISE CONVENTION CENTER LIQUOR LICENSE  
\$1200 - RR - ON ~ PREMISE FULL - SERVICE RESTAURANT LIQUOR LICENSE  
\$500 - RW - ON - OFF ~ SALE WINE & CIDER LICENSE

VIDEO LOTTERY

\$50 - VIDEO LOTTRTY ~ \$50 PER MACHINE

## ALCOHOLIC BEVERAGE LICENSE OPERATING AGREEMENT

THIS AGREEMENT made and entered into by and between the CITY OF CUSTER CITY, South Dakota, a municipal corporation, hereinafter referred to as the 'City' and the business presently known as \_\_\_\_\_, by and through its, \_\_\_\_\_ of \_\_\_\_\_, hereinafter referred to as 'Permittee'.

(BUSINESS NAME)

(OWNER, PARTNER)

(CORPORATION NAME)

That whereas the City is the holder of all Alcoholic Beverage Licenses for the sale of alcoholic beverages (liquor, malt beverage, wine, and non-intoxicating beer and wine), and further desires and intends to enter into an operating agreement for such Alcoholic Beverages establishment by the Permittee, known as \_\_\_\_\_. Said establishment location that sells Alcoholic Beverages shall be referred to as 'site'.

(BUSINESS NAME)

### THE PERMITTEE COVENANTS AND AGREE:

1. To furnish a suitable building situated upon the real property as stated on the Uniform Alcoholic Beverage License Application within the city boundaries.
2. To furnish all utilities and to pay all expenses of said site, unless their rental agreement with property owner states otherwise.
3. To pay all taxes attributable to the fixtures, equipment, and real property employed in or upon said site, unless their rental agreement with property owner states otherwise.
4. To not operate said establishment outside of the days and hours as specified by the laws of the State of South Dakota and the City, as amended, and in accordance with the specific alcoholic beverage license hereinafter designated.
5. To purchase and dispense only alcoholic beverages through the City's Alcoholic Beverage License, and to maintain complete and detailed record of all alcoholic beverages ordered, received, and sold, and to permit the City, the City officials, and personnel of the State of South Dakota to audit and inspect all books and records pertaining to the purchase, inventory and sale of said alcoholic beverages. In the event said audit or inspection reveals a discrepancy between actual purchases and purchases reported to the City by Permittee, Permittee agrees to pay the City not only the amount owed due to such discrepancy but shall also pay the City the sum of \$50.00 as and for administrative costs of such audit or inspection.
6. To pay directly the distributor of all alcoholic beverages any and all invoices attributable to such establishment. To pay to the City on or before the twentieth (20<sup>th</sup>) of each month, a mark-up of ten percent (10%) on all alcoholic, non-alcoholic wine and malt beverage, or malt beverage invoices from the preceding month and submit the monthly Custer City Remittance Form itemizing all invoice costs. Included on the remittance form will be the number of days open the preceding month. Any alcoholic beverage that is manufactured by the Permittee on the Permittees premises that is sold for retail shall have a mark-up of \$0.50 per gallon manufactured, which shall be remitted to the City. If the remittance form and payment are not received by 20th of the month, the City may charge a twenty dollar (\$20.00) late fee.
7. To furnish to the City when requested, evidence of payment of all Social Security, Withholding, Workmen's Compensation, I-9 forms, and Unemployment Insurance payments or premiums and policies or receipts therefore, along with evidence of payments of all rents, utilities and salaries within 30 days.
8. Permittee agrees to hold harmless the Mayor, all City Council Members, and the City of Custer City, its employees or agents, from any liability for any damages arising out of the Permittee's use, occupation or activities whatsoever on the part of the Permittee pertaining to the sale of alcoholic

beverages and to maintain public liability and liquor liability insurance coverage in the amount of one million dollars per person, two million dollars per occurrence, and shall name the City as an additional insured thereunder. Permittee shall provide the City with a copy of such policy or policies annually or upon request.

9. To observe all statutory laws of the State of South Dakota including SDCL 35-2-6.2, which states licensees must have never been convicted of a felony, and all ordinances of the City.

10. The Permittee authorizes and agrees that any and all distributors shall notify the City at such time the Permittee becomes 30 days' delinquent on any invoice. In any event Permittee is more than 30 days late on any three invoices in a calendar year then the Permittee shall be required to maintain in effect a Financial Guarantee Bond guaranteeing the Permittee's performance there under, in the amount of not less than the highest one (1) month of invoices for the preceding (1) year, which amount shall be determined by the City Council of the City. Said bond may be either a Financial Guarantee Bond or may be a cash deposit in the name of the City and the Permittee jointly, on deposit in an account or accounts approved by the City Council of the City, and any interest accruing on said deposit shall be the sole property of said Permittee.

11. To serve no alcoholic beverages or allow any alcoholic beverages to be consumed after the legal closing hour as prescribed by the laws of the State of South Dakota or Custer City, as amended, and to further allow no individuals other than regularly and currently employed help to remain on said premises beyond closing time, after which no alcoholic beverages or liquor may be served.

12. To close the premises and shut off the lights other than 'night lights' and to cause all personnel to vacate the premises of said alcoholic beverage establishment by no later than one hour subsequent to the foretasted hour after which no alcoholic beverages may be served, except the requirement to vacate the premises stated herein shall not apply to a restaurant. The term restaurant as used herein shall mean only a room regularly and in a bona fide manner used and kept open for the serving of meals to guests for compensation which has suitable table accommodations for at least fifty guests therein at the same time, and a kitchen connected therein containing conveniences for cooking sufficient to provide meals in a bona fide manner for fifty guests at the same time.

13. To allow personnel of the City full and complete access at any time to inspect and inventory said alcoholic beverage inventory.

14. Unless otherwise allowed under South Dakota Codified Law, to not allow any minor under the age of twenty-one (21) years to be served or to consume on the premises any alcoholic beverage or liquor of any nature.

15. To make a thorough and complete check of the age of any individual requesting to be served alcoholic beverages as is reasonably necessary to determine if said individual is of lawful age; and to immediately report to the proper officials for prosecution, any individual attempting to falsify his or her lawful age for the purpose of obtaining the service of alcoholic beverages.

THAT Permittee shall require that all it's employees and/or agents shall, at the expense of the Permittee, as a condition of employment, complete a nationally recognized training program approved by the South Dakota State Department of Revenue that provides instruction on techniques to prevent persons under the age of twenty-one (21) years from purchasing alcoholic beverages within sixty (60) days after commencement of employment, or within sixty (60) days after execution of this Agreement, which ever first occurs.

16. To at all times and in every reasonable manner cooperate with the Custer County Sheriff's Office and the law enforcement personnel of the State of South Dakota in allowing access to said premises, to establish the age of any individual or individuals found on said premises, and to maintain law and order of said premises.

17.

18. If the Permittee is a corporation, the corporation agrees to give a complete list of all directors and officers of the corporation for the preceding year to the City.

19. To pay to the City the amount established for each type of license according to the Custer City Municipal Code and to pay to the City at times as set forth in paragraph six (6) the mark-up percentage over and above the cost of alcoholic beverages and non-alcoholic wine and malt beverages including transportation thereof.

20. If the Permittee allows legalized gambling on the premises, the Permittee agrees to be responsible for any and all liability as a result of such gambling and agrees to reimburse and indemnify the City for any action that would result in any damages or liability being assessed against the City as a result of such legal or illegal gambling activities.

21. The Permittee and City agree that if any statement to be given by the Permittee shall be falsely made with the knowledge of the Permittee as being false, this Agreement shall be null and void.

22. The Permittee agrees to operate said establishment for a minimum of 150 days per calendar year for all licenses, except for the convention license which will be operated for a minimum of 180 days per calendar year with availability for the other 180 days of the year. The establishment will not be open outside of the hours as specified by the laws of the State of South Dakota and the City, as amended, and in accordance with the specific alcoholic beverage license hereinafter designated. If a license is obtained after the 1<sup>st</sup> of the year, the licensee is required to be open half of the remaining calendar days of that year. After that first year, the licensee will then be subject to the 150 days previously stated in this agreement. If a business under goes a remodel that prevents such establishment from being open 150 days, they must be open half of the remaining calendar days. For construction lasting longer than 1 year the licensee must get permission from Council to be allowed a variance to this section of the agreement.

#### **THE CITY COVENANTS AND AGREES:**

- A. To furnish the appropriate State of South Dakota Alcoholic Beverage Licenses as hereinafter designated at the location stated in paragraph one (1) and in the name as stated in paragraph two (2) and in the name of the City, pursuant to SDCL 35-3, for sale of alcoholic beverages within the City.
- B. To furnish all policing required, as deemed reasonably necessary by the City Council of the City.
- C. To make all requests and instructions in writing, signed by the Mayor or City Finance Officer.
- D. To make all examinations, audits, inspections and investigations during the hours of operation of the site.

#### **IS MUTUALLY AGREED AS FOLLOWS:**

That this contract shall terminate immediately upon any breach of the terms or covenants herein contained; that such purported breach shall be reported to the City Council of the City, and that a special City Council meeting shall be called for the purpose of hearing said complaint, and that upon reasonable evidence having been presented to said City Council of said breach or violation, said City Council by a majority vote thereof may immediately terminate said contract. It is specifically covenanted and agreed that the laws and rules of criminal procedure shall not apply to said hearing, and that no conviction in any court of any criminal offense shall be necessary to determine such breach or violation; and that the decision of said City Council shall be in all forms and respect final.

That this Agreement refers to the premises stated in paragraph one (1) and does not depend on any individual. It is further agreed that any Permittee or operator-manager of the premises stated in paragraph one (1) does not become an 'owner' of any City alcoholic beverage license.

It is further agreed that if the Permittee of the premises shall change, said information shall be submitted to and approved by the City prior to the new Permittee or operator-manager conducting business. It is further covenanted and agreed that the Permittee or operator-manager hereunder may at any time request and be granted a hearing before complaints relative to the operation of said site, the terms and conditions of this contract, the policing of said facility, and any and all other grievances may

be heard.

That this Agreement is to be for a period of two (2) years commencing January 1 of each year, provided that the Permittee shall not have breached this Agreement and further provided that Permittee shall qualify to use said license. It is further agreed that this Agreement may be terminated by either party upon giving ninety (90) days written notice to the other party of such intention to terminate.

It is further agreed that the Permittee hereunder shall possess the same qualifications as an alcoholic beverage licensee under SDCL 35-2-6.2

It is further agreed that if any part or parts of this contract be declared illegal, unconstitutional, or unenforceable, the same shall not invalidate the remaining sections of this Agreement.

The permittee has also received a copy of Custer City Municipal Ordinance Book Chapter 5.08, Licensing and Regulation of Alcohol, Malt Beverages and Drinking Establishments.

This operating agreement is for the below listed alcoholic beverage license(s) at the appropriate renewal time.

- Retail (On-Off Sale) Malt Beverage / On-Off Sale SD Farm Wines License
- Retail (On Sale) Wine
- Retail (On-Off Sale) Wine
- Retail (On Sale) Liquor
- Retail (On Sale) Convention Center Liquor
- Package (Off Sale) Liquor
- On-Sale Retail Restaurant License

Dated this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
Permittee Signature

\_\_\_\_\_  
Print Name and Title

Dated this \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

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

ATTEST:

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

(SEAL)

ORDINANCE NO. 812

An Ordinance entitled An Ordinance Amending Title 13 Public Services, Chapter 13.08. Section 13.08.010 A & B of the City of Custer City Municipal Code and amending, replacing, and superseding all prior ordinances or amendments, by which amending and superseding said Ordinance as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that section 13.08.010 be amended as follows:

13.08.010 Rates and charges.

There shall be charged by the city, effective for the January 2019 billing upon passage and publication of the ordinance codified in this chapter as provided by law, a charge for water services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms based upon the usage of water. The rates shall be as follows:

A. 1. Operation and Maintenance—Residential (Single Family).

Gallons Used	Water Charge
2,000 (minimum)	\$11.01

On amounts of water used over two thousand (2,000) gallons, add seven dollars and seventy-six cents (\$7.76) per thousand gallons used to the water charge.

B. 1. Operation and Maintenance—Commercial and Multi Family.

Gallons Used	Water Charge
2,000 (minimum)	\$23.71

On amounts of water used over two thousand (2,000) gallons, add nine dollars and thirteen cents (\$9.13) per thousand gallons used to the water charge.

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 19th day of November, 2018.

City of Custer City

Attest \_\_\_\_\_  
Laurie Woodward, Finance Officer

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

(SEAL)

First Reading: November 5<sup>th</sup>, 2018  
Seconding Reading: November 19<sup>th</sup>, 2018  
Publication: November 28<sup>th</sup>, 2018

Vote:  
Arseneault:  
Moore:  
Nielsen:

Fischer:  
Blom:  
Whittaker:



ORDINANCE NO. 813

An Ordinance entitled An Ordinance Amending Title 13 Public Services, Chapter 13.20. Section 13.20.130 of the City of Custer City Municipal Code and amending, replacing, and superseding all prior ordinances or amendments, by which amending and superseding said Ordinance as follows, to wit:

BE IT ORDAINED by the Common Council of the City of Custer City that section 13.20.130 be amended as follows:

13.20.130 Rates and charges.

There shall be charged by the city, effective for the January 2019 billing upon passage and publication of the ordinance codified in this chapter as provided by law, a charge for wastewater services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms based upon the usage of water. The rates shall be as follows:

A. 1. Operation and Maintenance—Residential (Single Family).

Gallons Used	Wastewater Charge
2,000 (minimum)	\$22.65

On amounts of water used over two thousand (2,000) gallons, add two dollar and forty-nine cents (\$2.49) per thousand gallons used to the wastewater charge.

B. 1. Operation and Maintenance—Commercial and Multi Family.

Gallons Used	Wastewater Charge
2,000 (minimum)	\$26.59

On amounts of water used over two thousand (2,000) gallons, add seven dollars and nineteen cents (\$7.19) per thousand gallons used to the wastewater charge.

C. In addition to the charge for wastewater services (operation and maintenance) to persons, associations of individuals, partnerships, corporations or firms, there shall be a surcharge for the services of the facilities financed.

1. Bond Redemption – 2012 SRF. The following surcharge is imposed pursuant to SDCL 9-40-15 to pay, redeem and discharge the 2012 SRF Loan in the amount of nine hundred twenty-five thousand nine hundred and nineteen dollars (\$925,919.00) until such loan is paid full. This charge shall be charged by the city, commencing with the June 2016 billing upon passage and publication of the ordinance codified in this chapter as provided by law.

	Monthly Fee Charged
Residential (Single-family), Commercial, and Multifamily	\$5.50

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 19th day of November, 2018.

City of Custer City

Attest \_\_\_\_\_  
Laurie Woodward, Finance Officer

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

(SEAL)

First Reading: November 5<sup>th</sup>, 2018  
Seconding Reading: November 19<sup>th</sup>, 2018  
Publication: November 28<sup>th</sup>, 2018

Vote:	Fischer:
Arseneault:	Blom:
Moore:	Whittaker:
Nielsen:	



ORDINANCE NO. 814

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 13 PUBLIC SERVICES CHAPTER 13.24 WATER AND SEWER RATE CLASSIFICATIONS SECTION 13.24.060 SERVICE REDUCTION OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING, REPLACING, AND SUPERSEDING ALL PRIOR ORDINANCES OR AMENDMENTS, BY WHICH AMENDING AND SUPERSEDING SAID ORDINANCE AS FOLLOWS, TO WIT:

BE IT ORDAINED by the Common Council of the City of Custer City that section 13.24.60 be amended as follows:

13.24.60 Service Reduction

All residential and commercial customers whose home is not occupied for a period of thirty (30) consecutive days or more shall present a written request for water shut-off in order to have their water and wastewater bill reduced during said period. In order to reinstate water and wastewater service, the customer shall present a written request therefore, at which time the rate reduction will terminate. The following reduced rates will apply for residential customers: water charge – six dollars and seventy-two cents (\$6.72); bond charge – two dollars and sixty cents (\$2.60); wastewater charge - seven dollars and sixty-one cents (\$7.61). The following reduced rates will apply for commercial customers: water charge – eight dollars and seven cents (\$8.07); bond charge – two dollars and sixty cents (\$2.60); wastewater charge - ten dollars and fifteen cents (\$10.15).

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 19<sup>th</sup> day of November, 2018.

City of Custer City

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

Attest \_\_\_\_\_  
Laurie Woodward, Finance Officer

(SEAL)

First Reading: November 5<sup>th</sup>, 2018

Seconding Reading: November 19<sup>th</sup>, 2018

Publication: November 28<sup>th</sup>, 2018

Vote:

Arseneault:

Moore:

Nielsen:

Fischer:

Blom:

Whittaker:



# 2019 UTILITY RATES - 2000 GALLON BASE

<u>Single Family</u>	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000
	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons
Water	11.01	11.01	18.77	26.53	34.29	42.05	49.81	57.57	65.33	73.09
Water Bond	3.40	3.40	4.99	6.58	8.17	9.76	11.35	12.94	14.53	16.12
Wastewater	22.65	22.65	25.14	27.63	30.12	32.61	35.10	37.59	40.08	42.57
Sewer Bond	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Garbage	19.20	19.20	19.20	19.20	19.20	19.20	19.20	19.20	19.20	19.20
Garbage Tax	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25	1.25
<b>Total Residential Rate</b>	<b>63.01</b>	<b>63.01</b>	<b>74.85</b>	<b>86.69</b>	<b>98.53</b>	<b>110.37</b>	<b>122.21</b>	<b>134.05</b>	<b>145.89</b>	<b>157.73</b>

7.76  
1.59  
2.49

<u>Commercial &amp; Multi Family</u>	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000	20000
	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons	Gallons
Water	23.71	23.71	32.84	41.97	51.10	60.23	69.36	78.49	87.62	96.75	188.05
Water Bond	3.40	3.40	4.99	6.58	8.17	9.76	11.35	12.94	14.53	16.12	32.02
Wastewater	26.59	26.59	33.78	40.97	48.16	55.35	62.54	69.73	76.92	84.11	156.01
Sewer Bond	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
<b>Total Commercial Rate</b>	<b>59.20</b>	<b>59.20</b>	<b>77.11</b>	<b>95.02</b>	<b>112.93</b>	<b>130.84</b>	<b>148.75</b>	<b>166.66</b>	<b>184.57</b>	<b>202.48</b>	<b>381.58</b>

9.13  
1.59  
7.19

100000	200000
Gallons	Gallons
918.45	1831.45
159.22	318.22
731.21	1450.21
5.50	5.50
<b>1814.38</b>	<b>3605.38</b>

# 2019 UTILITY RATES - 2000 GALLON BASE

<u>Single Family</u>	1000 Gallons	2000 Gallons	3000 Gallons	4000 Gallons	5000 Gallons	6000 Gallons	7000 Gallons	8000 Gallons	9000 Gallons	10000 Gallons
Water	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Water Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Wastewater	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%
Sewer Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Garbage	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Garbage Tax	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>Total Residential Rate</b>	<b>1.5%</b>	<b>1.5%</b>	<b>1.7%</b>	<b>1.8%</b>	<b>1.9%</b>	<b>2.0%</b>	<b>2.1%</b>	<b>2.1%</b>	<b>2.1%</b>	<b>2.2%</b>

3%  
0%  
7%

<u>Commercial &amp; Multi Family</u>	1000 Gallons	2000 Gallons	3000 Gallons	4000 Gallons	5000 Gallons	6000 Gallons	7000 Gallons	8000 Gallons	9000 Gallons	10000 Gallons	20000 Gallons
Water	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%	3%
Water Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Wastewater	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%	7%
Sewer Bond	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
<b>Total Commercial Rate</b>	<b>3%</b>	<b>3%</b>									

3%  
0%  
7%

100000 Gallons	200000 Gallons
3%	3%
0%	0%
7%	7%
0%	0%
<b>3%</b>	<b>3%</b>

# 2019 UTILITY RATES INCREASE

Single Family	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000
	Gallons									
Water	0.32	0.32	0.55	0.78	1.01	1.24	1.47	1.70	1.93	2.16
Water Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wastewater	1.48	1.48	1.64	1.80	1.96	2.12	2.28	2.44	2.60	2.76
Sewer Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garbage	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Garbage Tax	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Residential Rate</b>	1.80	1.80	2.19	2.58	2.97	3.36	3.75	4.14	4.53	4.92

0.23  
0.00  
0.16  
0.00  
0.00  
0.00

Commercial & Multi Family	1000	2000	3000	4000	5000	6000	7000	8000	9000	10000	20000
	Gallons										
Water	0.69	0.69	0.96	1.23	1.50	1.77	2.04	2.31	2.58	2.85	5.55
Water Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Wastewater	1.74	1.74	2.21	2.68	3.15	3.62	4.09	4.56	5.03	5.50	10.20
Sewer Bond	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Total Commercial Rate</b>	2.43	2.43	3.17	3.91	4.65	5.39	6.13	6.87	7.61	8.35	15.75

0.27  
0.00  
0.47

100000	200000
Gallons	Gallons
27.15	54.15
0.00	0.00
47.80	94.80
0.00	0.00
<b>74.95</b>	<b>148.95</b>

4%  
4%



ORDINANCE NO. 815

AN ORDINANCE ENTITLED AN ORDINANCE AMENDING TITLE 12 STREETS, SIDEWALKS AND PUBLIC PLACES CHAPTER 12.14 CITY TREES AND FOREST OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING, REPLACING, AND SUPERSEDING ALL PRIOR ORDINANCES OR AMENDMENTS, BY WHICH AMENDING AND SUPERSEDING SAID ORDINANCE AS FOLLOWS, TO WIT:

BE IT ORDAINED by the Common Council of the City of Custer City that section 12.14.080 be added as follows:

12.14.80 Designated Wetland Maintenance

The City shall review the total annual cost of maintenance for designated wetlands on an annual basis to assure for proper maintenance as set forth by Federal guidelines and to assure that funds are obtained to adequately maintain the designated wetlands.

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 3<sup>rd</sup> day of December, 2018.

City of Custer City

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

Attest \_\_\_\_\_  
Laurie Woodward, Finance Officer

(SEAL)

First Reading: November 19<sup>th</sup>, 2018  
Seconding Reading: December 3<sup>rd</sup>, 2018  
Publication: December 12<sup>th</sup>, 2018

Vote:  
Arseneault:  
Moore:  
Nielsen:

Fischer:  
Blom:  
Whittaker:



**RESOLUTION # 11-19-18A**

WHEREAS, the City of Custer City has previously adopted an Employee Manual; and

WHEREAS, updating and amending of said Employee Personnel Manual was provided for in Resolution 02-05-18B; and

WHEREAS, the Common Council of the City of Custer City has determined that the Finance Officer, Deputy Finance Officer and Account Receivable Clerk position description are in need of updating; and

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended to include the attached exhibit "A", Finance Officer, Deputy Finance Officer and Account Receivable Clerk Position Descriptions (3 pages each), as though set forth in full herein, and adopted by reference.

Dated this 19<sup>th</sup> day of November, 2018.

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

Attest: \_\_\_\_\_  
Laurie Woodward  
Finance Officer

(Seal)



## CITY OF CUSTER

### POSITION DESCRIPTION

**POSITION TITLE:** Finance Officer

**REPORTS TO:** Mayor

#### POSITION PURPOSE

The Finance Officer manages all funds and official records of the City of Custer and direct the activities of the Finance Department, including accounting, budgetary and business management. The Finance Officer is also responsible for the city's human resources activities, such as employment, compensation, labor relations, benefits, training and employee services.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES:

Essential duties and responsibilities include the following. Other duties may be assigned.

- \*Administrative assistant to the Mayor and Council.
- \*Has a working knowledge of the laws, ordinances and regulations governing operations of the city.
- \*Supervises and manages the City Finance Office staff and other staff as assigned, including interviewing, hiring and training employees; planning, assigning and directing work.
- \*Plan, organize, direct and manage financial activities.
- \*Design, institute and administer the City's accounting, budgeting, investing and financial policies, procedures and practices. Advise Mayor and Council on such.
- \*Oversee the City's entire financial operation, including assessments, receipts, investments, banking, transfers, accounting and auditing procedures, contracts, permits and licenses, insurance, payroll and personnel matters, inventory and property management, and expenditures of municipal funds.
- \*Administer negotiation of terms and conditions of debt financing including bonds, lease/purchase contracts and any other debt financing.
- \*Completes monthly bank and general ledger reconciliations.
- \*Preparation, presentation and implementation of city budget.
- \*Prepare, publish and file annual financial report.
- \*Prepares and maintains all documentation as required by state and federal grant provisions.
- \*Maintains fixed assets database and listing of surplus property.
- \*Interprets various accounting data, analyzes reports and recommends or takes action; implements new procedures and practices to promote efficiency.
- \*Make records available and ready for annual audit.
- \*Adopt and follow appropriate security measures and internal controls to safeguard the city's finances and assets.
- \* Sees that the city correctly responds to all auditing requirements. This includes but is not limited to; preparing accurate reports and analysis in timely manner and answering questions and concerns raised by any authorized person or group.

\*Ensure the city's compliance with all federal, state, county and city ordinances, laws and regulations as they apply to the handling of municipal finances and administrative functions.

\*Act as the official keeper and repository of the city's public records. This includes but is not limited to; duplicating and storing city records, publishing legal notices and proceedings and allowing all legal access to official records. Keep and handle confidential records according to established procedures and statutes.

\*Supervise all Custer City elections.

\* Processes alcohol licenses and maintains accurate alcohol license files; responds to inquires relating to state law and local ordinances governing the issuance of alcohol licenses.

\*Prepares resolutions and ordinances; and works with attorney on legal matters.

\*All duties assigned to the Finance Officer within South Dakota Codified Law.

\*Attend all official meetings as required and assigned, including but not limited to; the Custer City Council meetings, related committee meetings and others assigned. Serve as recording officer of Custer City Council meetings.

\*Represent the city in local and regional meetings and conventions, as appropriate for educational, professional, budgeting, staffing and administrative needs.

\*Oversees the management and coordination of the employee benefits program for the City. Develops, implements and controls programs in a manner that ensures cost-effectiveness and internal equity among employees.

\*Develops and implements personnel policies and procedures, makes recommendations regarding personnel issues, updates and maintains policies and procedures manual and audits programs and documentation for compliance with applicable laws and regulations. Provides advice and assistance in resolving employee and labor relations. Consults with legal counsel on appropriate.

\*Ensures compliance with all legal requirements pertaining to government reporting, records and retention, and personnel files to include but not limited to EEO, ADA, FMLA, COBRA and FLSA guidelines. Is the drug & alcohol testing coordinator.

\*Assist with the negotiations for labor contracts, administers and interprets contracts and assists in resolving grievances, responsible for labor relations, investigations, hearings and provides counsel and assistance on personnel issues.

\*Maintains personnel files in compliance with applicable legal requirements.

\* Work as an effective team member with other Custer City departments, supervisors, employees and staff members. As needed will also serve as the city's liaison with other governmental entities.

\*Maintain an appropriate level of public relations with property owners, citizens and visitors in the City of Custer.

\*In absence of Deputy Finance Officer and/or Accounts Receivable Clerk, The Finance Officer will be able to assist with task outlined in their job descriptions.

#### **PERFORMANCE EVALUATIONS:**

The Mayor, as designated direct supervisor, will complete at minimum an annual performance evaluation.

#### **MINIMUM QUALIFICATIONS:**

The requirements listed below are representative of the knowledge, skill and/or ability

required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience:** At least two years of secondary education, and two years of related job experience, or an equivalent combination of education and experience.

**Communication Skills:** Ability to read, analyze and interpret complex documents. Ability to respond effectively to sensitive inquiries and complaints. Ability to communicate positively and effectively at all levels, from one-on-one to large groups, both verbally and in writing, with employees, staff members, outside professionals, political or neighborhood organizations, the City Council and other governmental and private agencies, and the general public in all areas.

**Mathematical Skills:** Ability to work with mathematical concepts such as probability and statistical inference. Ability to apply concepts such as fractions, percentages, ratios and proportions to practical situations.

**Reasoning Ability:** Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exist. Ability to interpret a variety of instructions furnished in written, oral, diagram or schedule form.

**Computer and Administrative Skills:** To perform this job successfully, an individual should have knowledge of Microsoft Office products.

**Physical Demands:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is regularly required to sit; use hands; talk and hear. The employee is occasionally required to stand; walk and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision.

**Work Environment:** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually quiet.

**Other Skills and Abilities:** Knowledge of the principles and practices of municipal financial management, business administration, public policy, and local/state government issues. Ability to plan, organize and financially direct. Ability to become a notary public and be bonded.

# CITY OF CUSTER

## POSITION DESCRIPTION

**POSITION TITLE:** Deputy Finance Officer (Accounts Payable and Payroll)

**REPORTS TO:** Finance Officer

### POSITION PURPOSE

Under the general direction of the Finance Officer, performs accounting activities and provides administrative support. The Deputy Finance Officer is also responsible for Accounts Payable and Payroll. Assist the Finance Officer with task as directed.

### ESSENTIAL DUTIES AND RESPONSIBILITIES:

Essential duties and responsibilities include the following. Other duties may be assigned.

- \*Reviews all account payable invoices for accuracy, account coding and prepares vouchers for invoices.
- \*Processes account payable including but not limited to inputting data, printing checks and reports.
- \*Answers vendor inquires and analyzes vendor accounts, including assisting internal and external customers regarding accounts payable.
- \*Prepare bills along with disbursement and payroll reports for City Council meetings.
- \*Maintains reports and files of city disbursements.
- \*Prepares and files sales tax payments and 1099's. Processes W-9's
- \*Gathers time keeping information and assembles for data entry into payroll computer program, audits for accuracy, and takes corrective action as necessary.
- \*Processes payroll including but not limited to employee setup, data entry into payroll computer program, calculations, running of payroll checks and reports and audits for accuracy, and takes corrective action as necessary.
- \* Responsible for insuring that all sensitive employee data is maintained in the payroll calculating computer files, including but not limited to leave time, insurance, retirement plans, section 125 plans and all other supplemental deductions.
- \* Monitors out-of-class pay, sick & vacation leave usage, overtime patterns, and other trends; and, reports inconsistencies, irregularities, and/or unusual occurrences to the respective supervisor.
- \*Prepares and maintains various reports and spreadsheets for payroll.
- \*Prepares and files various monthly, quarterly and yearly reports relating to payroll including but not limited to taxes, unemployment, retirement and W-2's.
- \* Assists the Finance Officer in carrying out various human resources and payroll programs and procedures for all city employees.
- \*Coordinates pre-employment related activities to include but not limited to background, drug and pre-work screens to employees and job applicants.
- \*In-processing of employees, enrolls and/or assists employees with updating payroll and benefit information.
- \*Serves as registered City agent for the South Dakota Retirement System.

\*Reviews account payable and payroll documents for compliance with state and local laws and City Council authorization.

\*Assists in processing end-of-month and end-of-year transactions.

\*Assist the Finance Officer in monitoring the budget expenditures.

\*Assists in maintaining fixed assets database.

\*Assists auditors with annual review of financial documents.

\* Maintains all insurance records and files insurance claims.

\*Maintains cemetery records and billing for cemetery, including completing, filing and disseminating records related to cemetery transactions with various official agencies and individuals.

\*Communicates with general public, family of deceased, funeral homes, and monument companies' information regarding grave locations, purchasing graves, funeral arrangements and cemetery rules and regulations. Mark grave and monument locations.

\*Maintains the filing and records management system including records retention.

\*Maintains reports of employee injury accidents as required by worker comp statues and city policy.

\* Processes alcohol licenses and maintains accurate alcohol license files; responds to inquires relating to state law and local ordinances governing the issuance of alcohol licenses.

\*Maintain and update city's webpage.

\*Assists customers, accepts payments and answers phones.

\*Types routine material and reports; maintains various databases.

\*Attend required/requested training

\*Provides administrative and operational support to the Finance Officer and assist with various projects.

\*Fills in for the Finance Officer in her absence at various functions including but not limited to City Council meetings.

\*Act as the Finance Officer in absence.

## **PERFORMANCE EVALUATIONS:**

The Finance Officer will complete at minimum an annual performance evaluation.

## **MINIMUM QUALIFICATIONS:**

The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience:** At least two years of secondary education, and one year of related job experience, or an equivalent combination of education and experience.

**Communication Skills:** Ability to read, analyze and interpret documents. Ability to respond effectively to sensitive inquires and complaints. Ability to communicate positively and effectively at all levels, from one-on-one to large groups, both verbally and in writing, with employees, staff members, outside professionals, political or neighborhood organizations, the City Council and other governmental and private agencies, and the general public in all areas.

**Mathematical Skills:** Ability to work with mathematical concepts such as probability and statistical inference. Ability to apply concepts such as fractions, percentages, ratios and proportions to practical situations.

**Reasoning Ability:** Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exist. Ability to interpret a variety of instructions furnished in written, oral, diagram or schedule form.

**Computer and Administrative Skills:** To perform this job successfully, an individual should have knowledge of Microsoft Office products.

**Physical Demands:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is regularly required to sit; use hands; talk and hear. The employee is occasionally required to stand; walk and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision.

**Work Environment:** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually quiet.

**Other Skills and Abilities:** Knowledge of general accepted accounting principles, practices and procedures. Ability to perform detailed and complex numerical computations and reports. Ability to become a notary public and be bonded.

*\*Nothing in this job description restricts management's right to assign or reassign duties and responsibilities to this job at any time as appropriate to this department.*

## CITY OF CUSTER

### POSITION DESCRIPTION

**POSITION TITLE:** Accounts Receivable Clerk (Utility Billing)

**REPORTS TO:** Finance Officer

#### POSITION PURPOSE

Under the general direction of the Finance Officer, performs accounting activities and provides administrative support. Maintains the city utility billing system. Assist the Finance Officer with task as directed.

#### ESSENTIAL DUTIES AND RESPONSIBILITIES:

Essential duties and responsibilities include the following. Other duties may be assigned.

- \*Processes monthly utility billing and supplemental utility billing including but not limited to generating reports, printing and mailing bills.
- \*Answer inquires and analyzes utility accounts, including assisting internal and external customers regarding utilities.
- \*Performs procedures required to administer and maintain the utility billing software system.
- \*Helps customers with and process utility account setup.
- \*Prepares and reviews related reports for accuracy and distribution.
- \*Schedules monthly billing functions and prepares monthly accounting reports.
- \*Operates utility automated meter reading software to generate readings for billing and reports. Maintains software and all related equipment for meter reading system.
- \*Audits and reviews utility accounts for accuracy and maintains the records and filing system related to utility customers.
- \*Maintains the utility customer files and provides safeguard to sensitive information.
- \* Make necessary corrections to utility accounts, with approval from the Finance Officer.
- \*Provides correspondence to customers.
- \*Process late payment notices, shut off notices and handle payment arrangements.
- \*Maintain ACH payments for city utility accounts and process on schedule.
- \*Process daily receipts; utility and general ledger. Accurately counts money and reconciles deposits.
- \*Ensures proper recording and depositing of all receipts, fees and revenues; for utilities and general ledger.
- \*Maintains file of daily bank records.
- \*Prepare and track billing statements for miscellaneous receivables.
- \*Creates, monitors and files service orders for utility maintenance service work.
- \*Assist Public Works Director in preparation of correspondence, statements or other documentation in regard to utilities.
- \*Assist in scheduling appointments and provide other administrative assistance for the public works departments.
- \*Creates customer informational material.

\*Monitors and audits liquor operating agreements 10% remittance and Business Improvement District occupancy tax remittance.

\*Assist with preparation and filing of sales tax payments

\*Acts as receptionist by answers incoming telephone calls, greeting public and assist customers in resolving problems. Process daily mail.

\*Provides administrative and operational support to the Finance Officer and assist with various projects

\*Assists with conducting of City elections.

\*Assist with maintaining cemetery records, including completing, filing and disseminating records related to cemetery transactions with various official agencies and individuals.

\*Assist with communicating with general public, family of deceased, funeral homes, and monument companies' information regarding grave locations, purchasing graves, funeral arrangements and cemetery rules and regulations. Mark grave and monument locations.

\*Attend required/requested training

#### **PERFORMANCE EVALUATIONS:**

The Finance Officer will complete at minimum an annual performance evaluation.

#### **MINIMUM QUALIFICATIONS:**

The requirements listed below are representative of the knowledge, skill and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience:** At least one years of secondary education, and one year of related job experience, or an equivalent combination of education and experience.

**Communication Skills:** Ability to read, analyze and interpret documents. Ability to respond effectively to sensitive inquires and complaints. Ability to communicate positively and effectively both verbally and in writing. Ability to speak effectively with internal and external customers.

**Mathematical Skills:** Ability to work with mathematical concepts such as addition, subtract, multiply and divide. Ability to compute rate, ratio and percent.

**Reasoning Ability:** Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exist. Ability to interpret a variety of instructions furnished in written, oral, diagram or schedule form.

**Computer and Administrative Skills:** To perform this job successfully, an individual should have knowledge of Microsoft Office products.

**Physical Demands:** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. While performing the duties of this job, the employee is regularly required to sit; use

hands; talk and hear. The employee is occasionally required to stand; walk and reach with hands and arms. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision.

**Work Environment:** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions. The noise level in the work environment is usually quiet.

**Other Skills and Abilities:** General knowledge of accounting practices. Ability to handle many items simultaneously. Ability to become a notary public and be bonded.

*\*Nothing in this job description restricts management's right to assign or reassign duties and responsibilities to this job at any time as appropriate to this department.*



Prepared by:  
SWORD & AHRENDT, Law Office, P.C  
702 Jennings Ave.  
Hot Springs, SD 57747  
605-745-5422

### ***EASEMENT AND RIGHT OF WAY***

On behalf of the City of Custer, South Dakota, a municipality duly incorporated pursuant to the laws of the State of South Dakota, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, receipt of which is hereby acknowledged, does hereby grant to ***BELVA BENNETT***, a widowed woman, and to her successors and assigns, an easement and right of way to maintain a log-built garage which is located on the real property described as follows:

Lot 1 of Tract Bennett and a portion of Lot 29 of Homestead  
Addition to the City of Custer, Custer County, South Dakota

and encroaches upon Summit Street by +/- 5 feet and the road easement by +/- 8.7 feet.

Attached hereto as Exhibit A and incorporated herein by this reference is the Improvement Location Exhibit dated November 2, 2018 and created by John McBride with Andersen Engineers. Exhibit A specifically describes the encroachment of the log-built garage upon Summit Street and the road easement.

Such easement granted by the City of Custer, South Dakota shall allow for the encroachment of the log-built garage now owned by ***BELVA BENNETT*** onto Summit Street by +/- 5 Feet. and onto the road easement by +/- 8.7 feet, as set forth on Exhibit A. Such easement shall be for that portion of the property shown on Exhibit A and shall allow for the encroachment of the log-built garage now owned by ***BELVA BENNETT*** onto the property of the City of Custer, South Dakota which encroaches upon Summit Street and the road easement and shall continue for the life of the structure. This easement shall terminate upon the destruction or removal of said present structure, and any

new construction or replacement structure shall not be constructed within or upon the easement granted hereunder.

**DATED** this \_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
The Honorable **CORBIN HERMAN**  
Mayor, City of Custer, South Dakota

STATE OF SOUTH DAKOTA    )  
  )SS  
COUNTY OF CUSTER        )

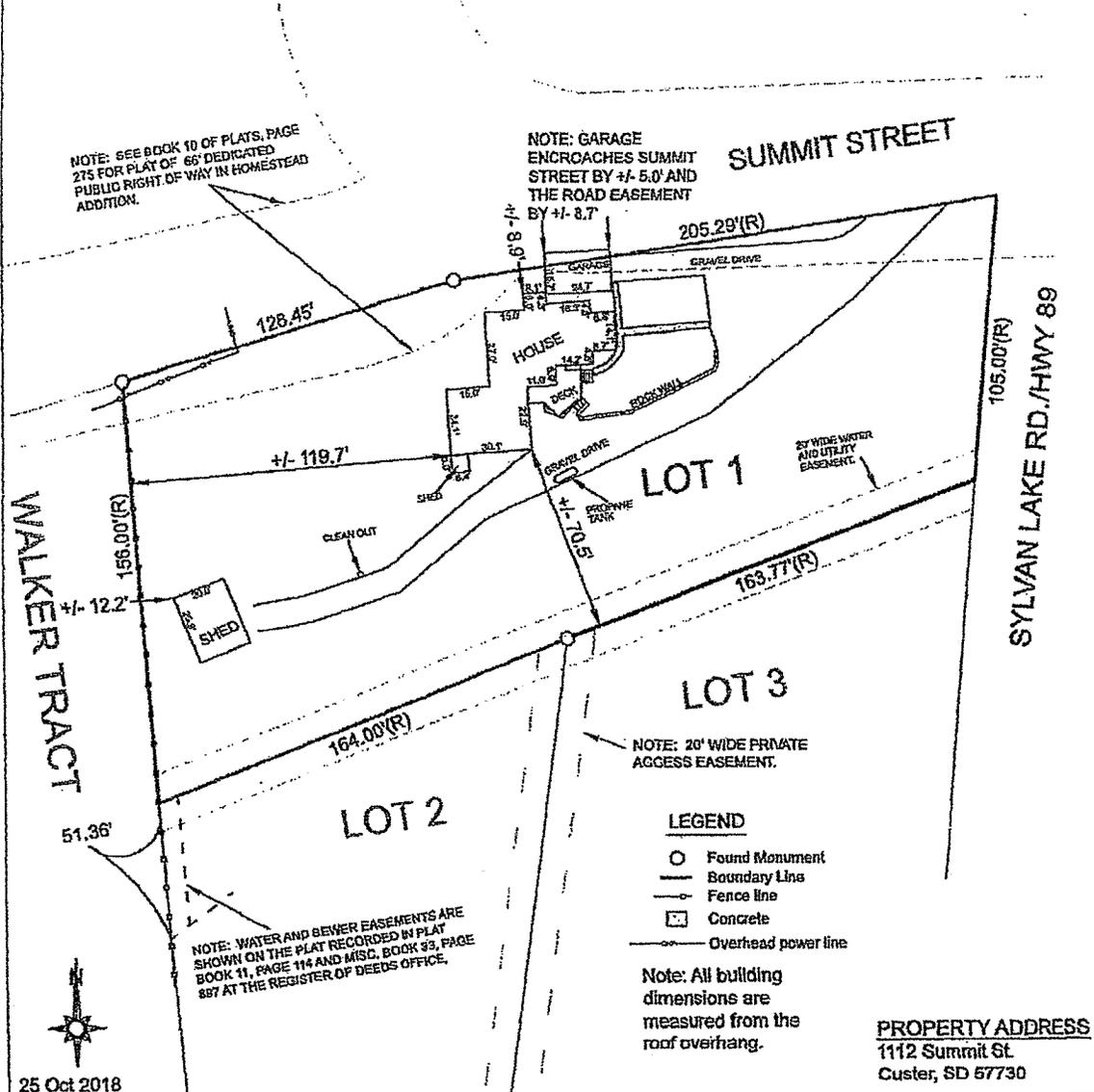
On this \_\_\_\_ day of \_\_\_\_\_, 2018, before me,  
\_\_\_\_\_, the undersigned officer, personally appeared **CORBIN HERMAN**, known to me to be the Mayor of the City of Custer, South Dakota that is described herein and that he executed the within instrument and acknowledged to me that the City of Custer, South Dakota approved and executed the same.

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

\_\_\_\_\_  
Notary Public - South Dakota

My Commission Expires:  
(SEAL)

# IMPROVEMENT LOCATION EXHIBIT



**PROPERTY DESCRIPTION:** LOT 1 OF TRACT BENNETT AND A PORTION OF LOT 29 OF HOMESTEAD ADDITION TO THE CITY OF CUSTER, CUSTER COUNTY, SOUTH DAKOTA

**CLIENT:** Sherri Lockhart (Green Real Estate)

**CERTIFICATE OF SURVEYOR**  
I, John McBride, South Dakota Registered Land Surveyor No. 5706, hereby certify that on October 25, 2018, this Improvement Location was performed by me or under my direct supervision for Sherri Lockhart (Green Real Estate). The boundary lines of the parcel of land shown and described hereon are the lines described on the record plat of said property and have not been verified unless noted. No property corners were set, unless shown as set hereon, and the information shown should not be used to establish any fence, structure or other improvements. The location of the major improvements are geometrically calculated from the nearest reliable property corner monuments or from evidence of occupation. This inspection is not a boundary survey and is subject to any discrepancies that a subsequent boundary survey may disclose. The dimensions of the property lines were not measured, but were of record. Private agreements that are not known to me are not shown hereon.

The information shown on this document is correct to the best of my knowledge and belief as of the date of the Improvement Location and I have executed this document this 2 day of November, 2018.

John D. McBride  
REGISTERED LAND SURVEYOR  
SOUTH DAKOTA

Prepared by <b>ANDERSEN ENGINEERS</b> <i>Land Surveyors, Professional Engineering, &amp; Environmental Consultants</i>		
Drawn by DR	Date 11/2/2018	P.O. Box 446 Edgemont, SD 57735 605-652-5500
Approved by JM	Date 11/2/2018	
Scale 1:50	Sheet 1 of 1	File Name: L1_TR_BENNETT_HOMESTEAD

Exhibit A

November 7, 2018

To: Tim Hartmann, Custer City Planner  
Custer City Planning Commission members  
Custer City Council members

I am Belva Bennett, the owner of the property legally described as:

Lot 1 of Tract Bennett & a portion of Lot 29 of Homestead addition to the City of Custer City, Custer County, SD, also known as 1112 Summit Street, Custer, SD 57730.

Prior to 1930, my husband's family owned the property described above and in 1930, they built a home and a detached garage, before there was a Summit Street located in its current location.

In 1989, the City of Custer annexed our property as part of the Homestead Addition. The plat of that addition shows road rights-of-way across our property. In fact, it is my recollection that we gave up 15 feet of property to the City of Custer at the time of annexation. When the new plat for the Homestead Addition was completed, the right of way for the new wider city street named Summit was platted on top of our existing structure.

I am now engaged in a contract to sell my property, which is supposed to be closing this Friday, 11/9/2018. We received the new location improvement survey, which shows the encroachment as described above. Unfortunately, the lender involved will only approve the buyer's loan if I can show that I have an easement granted by the city for the encroachments that have been identified in the new survey.

I am requesting the city approve a "life of structure" easement for the encroachment, so that I can move forward as quickly as possible to complete the sale of my home, free of any encumbrances.

Thank you for your consideration.

Sincerely,

Belva Bennett





Law Office, P.C.

Veteran Owned

**VIA EMAIL ONLY**

December 9, 2018

Chris Beesley  
email: bees@gwtc.net

Re: Belva Bennett Request for easement for life of structure from Custer

Dear Chris:

Attached with this letter please find the following:

1. Proposed easement for the life of the structure with Exhibit A
2. A statement from Belva Bennett dated November 7, 2018 describing the need for the easement and some of the history surrounding the property.
3. The plats and annex resolution related to the property

Ms. Bennett has contracted to sell the following property

Lot 1 of Tract Bennett and a portion of Lot 29 of Homestead  
Addition to the City of Custer, Custer County, South Dakota

and having the following street address:

1112 Summit Street, Custer, SD 57730.

You can see from Exhibit A (Improvement Location Exhibit) that the log-built garage on Ms. Bennett's lot encroaches upon Summit Street by +/- 5 feet and the road easement by +/- 8.7 feet. This encroachment is not through the fault of Ms. Bennett. The log-built garage was built in the 1930s. The problem arose when Homestead Addition was platted and annexed into the City of

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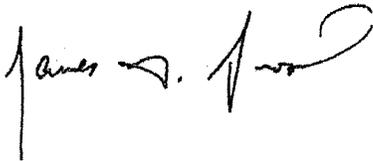
Custer in the 1980s. At the time of the annexation, Summit Street was platted on top of the log-built garage.

Ms. Bennett would like to sell the property, but the bank for the purchaser will not approve the loan with this outstanding issue.

Ms. Bennett had a closing date set for November 9, 2018. Obviously, that date is no longer an option. We would like to get this sale closed by the end of this month.

I am asking that you review the proposed easement and set this matter on the next Custer City Council meeting for their consideration. I know that all the parties greatly appreciate your work on this issue. Thank you.

Sincerely,



JAMES G. SWORD  
JGS/hb

cc: Belva Bennett  
Sheila Green

**Svensson Construction, LLC**

**Karl Svensson  
Lesa McDermott**

PO Box 4051  
Custer, SD, 57730

Phone: 605-517-0737 (Karl)  
605-440-0989 (Lesa)

svenssonconstruction@hotmail.com

[https://www.facebook.com/  
SvenssonConstruction](https://www.facebook.com/SvenssonConstruction)

November 15, 2018

RE: Custer Bark Park

Mayor Herman and Councilwomen:

On behalf of the Custer Bark Park committee, we would like to ask that the City Council approve the Custer Bark Park committee's request to partner with the Black Hills Area Community Foundation (BHACF) and utilize it's Special Project/Fiscal Sponsorship Fund program and to pay for its management fee. This program is designed for committees just like the Bark Park that will be doing short term fundraising and eliminates the need of such committees from creating their own 501(c)3. Under this program the Custer Bark Park could utilize BHACF's 501(c)3 status for it's fundraising. The cost to utilize this program is \$250 which is considerably less than the IRS's nonprofit filing fee of \$600 which the City previously agreed to pay. This program would also allow the Bark Park committee to start fundraising immediately and not have to wait months for the IRS's approval if it filed for its own 501(c)3.

Any need for insurance for fundraising events would still be obtained by the Bark Park committee.

I apologize that I wont be able to attend your meeting Monday as I will be out of town. But I will be available by phone if you have any questions. Please call me at 605-440-0989.

Sincerely

Lesa McDermott  
Committee Chair



PREPARED BY: Jason E. Green  
Associate General Counsel  
Regional Health Network, Inc.  
P.O. Box 6000  
2925 Regional Way  
Rapid City, SD 57709  
(605) 755-9146

**WARRANTY DEED**

**REGIONAL HEALTH NETWORK, INC**, a South Dakota Non-Profit Corporation, of 2925 Regional Way, Rapid City, South Dakota. 57701, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey and warrant to **THE CITY OF CUSTER CITY**, a South Dakota Municipal Corporation, of 622 Crook Street, Custer, South Dakota, 57730, all of their right title and interest in and to the following described real estate:

**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 in the office of the Register of Deeds, Custer County, South Dakota;**

**AND**

**Tract Clinic (formerly a portion of Lot E and 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, in the office of the Register of Deeds, Custer County, South Dakota;**

subject to covenants, easements, restrictions, reservations, and rights of way of record, if any, and further subject to the following covenant, easement restriction and reservation:

Healthcare Facilities are prohibited the above described real property. As used in this Warranty Deed, "Healthcare Facilities" include, but are not limited to

hospitals, clinics, ambulatory surgery centers, urgent or emergency care centers, and offices where healthcare services are provided by licensed or unlicensed healthcare providers and any structure, whether temporary or permanent, where healthcare services are either provided or are held out as being provided. No Healthcare Services may be provided on the real property described above. "Healthcare Services" include, but are not limited to services provided (or traditionally provided) by licensed healthcare professionals. Such professionals include, non-exclusively, physicians, surgeons, dentists, optometrists, podiatrists, physician assistants, nurse practitioners, nurses, physical, occupational, speech and respiratory therapists, chiropractors, psychologists, mental health counselors, and alternative health providers. Healthcare Services also includes any service provided by a person, whether or not the person is licensed or required to be licensed, which purports to treat disease or deformity, or which purports to enhance the health or well-being of a person or which sells or rents health supplies, devices or equipment. The restrictions contained in this paragraph are intended to benefit Grantor and its successors and shall run with the land.

**EXEMPT FROM TRANSFER FEE SDCL § 43-4-22(2).**

DATED this \_\_\_\_\_ day of November, 2018.

REGIONAL HEALTH NETWORK, INC.

By: \_\_\_\_\_  
Its: Chief Executive Officer

State of South Dakota        )  
  ) ss.  
County of Custer                )

On this the \_\_\_\_\_ day of November, 2018, before me, the undersigned officer, personally appeared Paulette Davidson, who acknowledged herself to be the Chief Executive Officer, of Regional Health Network, Inc., and that as such Chief Executive Officer, being duly authorized to do so, executed the foregoing instrument for the purposes herein contained by signing the name of Regional Health Network, Inc. by herself as Chief Executive Officer.

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

\_\_\_\_\_  
Notary Public, South Dakota

My Commission Expires:  
(SEAL)

PREPARED BY: Jason E. Green  
Associate General Counsel  
Regional Health Network, Inc.  
P.O. Box 6000  
2925 Regional Way  
Rapid City, SD 57709  
(605) 755-9146

**WARRANTY DEED**

**REGIONAL HEALTH NETWORK, INC.**, a South Dakota Non-Profit Corporation, of 2925 Regional Way, Rapid City, South Dakota, 57701, Grantor, for and in consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, convey and warrant to **THE CITY OF CUSTER CITY**, a South Dakota Municipal Corporation, of 622 Crook Street, Custer, South Dakota, 57730, all of their right, title and interest in and to the following described real estate:

**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 in the office of the Register of Deeds, Custer County, South Dakota;**

Commented [TH1]: Appears to be a few extra spaces..

**AND**

**Tract Clinic (formerly a portion of Lot E and 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, in the office of the Register of Deeds, Custer County, South Dakota;**

subject to covenants, easements, restrictions, reservations, and rights of way of record, if any, and further subject to the following covenant, easement restriction and reservation:

Healthcare Facilities are prohibited on the above described real property. As used in this Warranty Deed, "Healthcare Facilities" include, but are not limited

Commented [TH2]: We propose this addition

to hospitals, clinics, ambulatory surgery centers, urgent or emergency care centers, and offices where healthcare services are provided by licensed or unlicensed healthcare providers and any structure, whether temporary or permanent, where healthcare services are either provided or are held out as being provided. No Healthcare Services may be provided on the real property described above. "Healthcare Services" include, but are not limited to services provided (or traditionally provided) by licensed healthcare professionals. Such professionals include, non-exclusively, physicians, surgeons, dentists, optometrists, podiatrists, physician assistants, nurse practitioners, nurses, physical, occupational, speech and respiratory therapists, chiropractors, psychologists, mental health counselors, and alternative health providers. Healthcare Services also includes any service provided by a person, whether or not the person is licensed or required to be licensed, which purports to treat disease or deformity, or which purports to enhance the health or well-being of a person or which sells or rents health supplies, devices or equipment. The restrictions contained in this paragraph are intended to benefit Grantor and its successors and shall run with the land.

**EXEMPT FROM TRANSFER FEE SDCL § 43-4-22(2).**

DATED this \_\_\_\_ day of November, 2018.

REGIONAL HEALTH NETWORK, INC.

By: \_\_\_\_\_  
Its: Chief Executive Officer

State of South Dakota        )  
  ) ss.  
County of Custer          )

Commented [TH3]: Where will this document be signed and notarized?

On this the \_\_\_\_ day of November, 2018, before me, the undersigned officer, personally appeared Paulette Davidson, who acknowledged herself to be the Chief Executive Officer, of Regional Health Network, Inc., and that as such Chief Executive Officer, being duly authorized to do so, executed the foregoing instrument for the purposes herein contained by signing the name of Regional Health Network, Inc. by herself as Chief Executive Officer.

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

\_\_\_\_\_  
Notary Public, South Dakota

My Commission Expires:  
(SEAL)

Tim Hartmann

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**From:** Green, Jason (Legal Svcs) <Jason.green@regionalhealth.org>  
**Sent:** Friday, November 16, 2018 8:55 AM  
**To:** Tim Hartmann  
**Cc:** Chris Beesley (bees@gwtc.net); Chris Beesley (chrisbeesley76@gmail.com); Laurie Woodward  
**Subject:** RE: Draft Deed

Thank-you, Tim. I agree with all of the suggested revisions. I will have the revised deed signed today and hopefully, you will have the hard copy in hand late today or Monday.

Jason

**From:** Tim Hartmann [mailto:timh@cityofcuster.com]  
**Sent:** Thursday, November 15, 2018 2:32 PM  
**To:** Green, Jason (Legal Svcs) <Jason.green@regionalhealth.org>  
**Cc:** Chris Beesley (bees@gwtc.net) <bees@gwtc.net>; Chris Beesley (chrisbeesley76@gmail.com) <chrisbeesley76@gmail.com>; Laurie Woodward <laurie@cityofcuster.com>  
**Subject:** Draft Deed

CAUTION! This email originated outside the Regional Health Organization. Do not open attachments or click links if you do not recognize the sender.

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Good afternoon Jason,

Attached is the draft deed for Trs Hospital and Clinic here in Custer.

You will notice a few proposed changes we believe are appropriate.

If you have no concerns with the proposed changes could you please email me the revised version asap as we plan to discuss this with our City Council Monday night and would like to include the document in their packets.

Please let me know if you have any questions.

Thank you,

**Tim Hartmann**

**Planning Administrator**  
City of Custer City  
622 Crook Street  
Custer, SD 57730  
(605) 673-4824  
[timh@cityofcuster.com](mailto:timh@cityofcuster.com)

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Regional Health is an integrated health care system with the purpose of helping patients and communities live well.

**Note:** The information contained in this message, including any attachments, may be privileged, confidential, or protected from disclosure under state or federal laws. If the reader of this message is not the intended recipient, or an

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REQUEST TO BE ON AGENDA  
CUSTER CITY COUNCIL MEETING

RECEIVED  
NOV 14 2018  
CITY OF CUSTER

NAME: Hank FRIDEL PHONE #: 673 2991 440 1405

ADDRESS: 25005 Tanglewood Drive

MEETING DATE: 11/19/18

Council meets on the 1st and 3rd Monday of each month, however if such date follows on a holiday Council will meet the following day.

**ACTION REQUESTED** (Give a brief summary of the action you would like the Council to take):

Request use of Pageant Hill for Burning Beetle event  
on January 19th. ALSO:  
- March march from school to Pageant Hill.  
- Bug crawl downtown.

**REASONS FOR ACTION** (Give a detailed account for the reasons you feel the Council should take the above action. Please state the history behind the request and as much information supporting your request as you can. Attach additional sheets if necessary.):

WITHOUT THE CITY'S SUPPORT, THE ~~BE~~ EVENT WOULD NOT HAPPEN.  
THE EVENT IS BEING PLANNED BY THE DARK BEETLE BLUES  
COMMITTEE, A PROGRAM OF THE CUSTER AREA ARTS  
COUNCIL.

Have you visited with any staff or committees regarding your request, please state who ( General Government Committee, Public Works Committee, Planning Commission, Community Development Director, Public Works Director, Finance Officer):

THIS IS AN ANNUAL EVENT - 6th YEAR! WORKING WITH  
THE FIRE DEPARTMENT

SIGNATURE Hank Fridel DATE 11-14-18

This form must be returned to the Finance Office by noon on the Wednesday preceding a regular scheduled meeting.



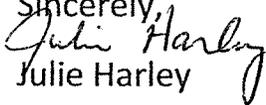
November 15, 2018

City of Custer

To whom it may concern,

I am writing this notification to inform you of my intent to terminate my employment. I will be working through December 14, 2018. This gives 30 days notice which should be adequate as to not leave you shorthanded.

I have been very please to work for the City of Custer and have enjoyed my duties here. I appreciate all that I have learned from Bob and Scott during the past 4 years. Valuable Information and skills that will stay with me a long time I anticipate.

Sincerely,  
  
Julie Harley



Black Hills Chemical, Supplies, \$56.00  
Black Hills Energy, Utilities, \$13,326.28  
California State Disbursement, Deduction, \$53.19  
Culligan, Repairs and Maintenance, \$18.50  
Chamber of Commerce, Sales Tax Subsidy, \$22,052.12  
Custer Ace Hardware, Supplies, Repairs and Maintenance, \$792.86  
Dakota Green, Professional Fees, \$2,696.25  
Discovery Benefits, Supplies, \$25.00  
Fastenal, Supplies, \$8.14  
First Interstate Bank, Supplies, \$207.20  
Freemans Electric, Supplies, \$98.40  
French Creek Supply, Supplies, \$648.99  
Hach, Repairs & Maintenance, \$75.56  
Hawkins, Supplies, \$6,370.09  
Hespen Excavating, Repairs & Maintenance, \$2,961.47  
Imageall, Supplies, \$117.00  
Lynn's Dakotamart, Supplies, \$19.27  
McGas, Repairs and Maintenance, \$294.50  
Metering & Technology Solutions, Supplies, \$1,542.47  
Nielsen Enterprises, Repairs and Maintenance, \$845.57  
Northwest Pipe Fittings Inc, Repairs & Maintenance, \$652.90  
Pace, Supplies, \$670.36  
Promotion Physical Therapy, Safety, \$60.00  
Rapid Delivery, Professional Fees, \$64.70  
Rural Water Center, Supplies, \$200.00  
Servall, Supplies, \$165.42  
SD Department of Revenue, Sales Tax, \$1,055.07  
SD DCI, Supplies, \$43.25  
Bit Finance/ State Long Distance, Utilities, \$30.89  
USDA Loan Payment, \$8,910.00  
Wellmark BCBS, Insurance, \$13,836.75  
Total Claims \$77,898.20

