

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
COUNCIL AGENDA
October 5th, 2020 – 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 – September 21st, 2020 Council Meeting
4. Declaration of Conflict of Interest
5. Public Hearings - Public Presentations
 - a. Executive Proclamation – World Habitat Day
 - b. Proposed Pageant Hill Bike Trail
 - c. Second Reading – Ordinance #841 – Code Adoption
 - d.
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. Parade Request – Custer High School Homecoming Parade
 - b. 1881 Courthouse Museum Funding Request
 - c. Minor Plat – Ted Tract 1 & Ted Tract 2 of Ramsey Subdivision
 - d. Minor Plat – Tract Leboldus 1 & Tract Leboldus 2
 - e. Minor Plat – Johnson Tract of Block 89
 - f. New Hire
 - g.
9. Presentation of Claims -
10. Department Head Discussion & Committee Reports –
11. Possible Executive Session – Personnel (1&4), Proposed/Pending Litigation (3), & Contract Negotiations (3) (SDCL 1-25-2(1,2,3,4,5,6))
12. Adjournment

**CITY OF CUSTER CITY
BOARD OF ADJUSTMENT AGENDA
October 5th, 2020 – City Hall Council Chambers
Following Council Meeting.**

1. Call to Order - Roll Call
2. Public Hearing–Setback Variance Request, 221 South 9th St, Originally Lots 7,8,9 of Block 98 (In Packet before Claims List)
- 3 Adjournment

REMINDERS

- Planning Commission Meeting – October 13th, 2020 5:00 P.M.
General Government Committee Meeting – October 19th, 2020 4:00 P.M.
Regular City Council Meeting – October 19th, 2020 5:30 P.M.
Public Works Committee Meeting – November 2nd, 2020 4:00 P.M.
Regular City Council Meeting – November 2nd, 2020 5:30 P.M.**

Please join my meeting from your computer, tablet or smartphone.

<https://global.gotomeeting.com/join/127602581>

You can also dial in using your phone.

United States (Toll Free): [1 877 309 2073](tel:18773092073)

United States: [+1 \(646\) 749-3129](tel:+16467493129)

Access Code: 127-602-581

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
September 21st, 2020**

Mayor Corbin Herman called to order the second meeting of the Common Council for the month of September 2020 at 5:30 p.m. Present at roll call were Councilpersons Ryan, Fischer, Nielsen and Schilling. Attorney Beesley was also present. The Pledge of Allegiance was stated.

AGENDA

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

MINUTES

Councilperson Schilling moved, with a second by Councilperson Fischer, to approve the minutes from the September 8th Council Meeting and September 17th Special Council Meeting. The motion carried with Councilperson Fischer, Nielsen, Schilling and Ryan voting yes.

CONFLICTS OF INTEREST

No conflicts of interest were stated.

2021 CUSTER AREA CHAMBER OF COMMERCE BUSINESS DIRECTORY – CHRONICLE

Councilperson Fischer moved to approve a half page ad in the 2021 Custer Area Chamber of Commerce Business & Membership Directory for \$750. Seconded by Councilperson Ryan, the motion carried with Councilperson Nielsen, Schilling, Ryan and Fischer voting yes.

RESOLUTION #09-21-20A – CERTIFYING DELINQUENT ASSESSMENTS

Council heard from Robert Johnson and Jan Gray regarding their Assessments. After some discussion, Councilperson Nielsen moved to adopt Resolution #09-21-20A, Certifying Delinquent Assessments. Seconded by Councilperson Fischer, the motion carried with Councilperson Schilling, Ryan, Fischer and Nielsen voting yes.

**RESOLUTION #9-21-20A
RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF CUSTER
CERTIFYING A DELINQUENT ASSESSMENT PURSUANT TO
SDCL 10-23-1.1**

The City Council of the City of Custer, State of South Dakota does hereby assess and levy on and against the several lots and parcels of land described below the respective sums of money set against each lot or parcel.

This assessment is made to defray the cost of abating a nuisance as per SDCL 21-10-6.

The owners of said described lot or parcel have been noticed by certified mail return receipt requested and have failed to pay the amount of said described abatement.

NAME OF OWNER	DESCRIPTION OF PROPERTY	AMOUNT
JAN CHARLES GRAY	139 MOUNT RUSHMORE ROAD LOT 4 REVISED OF BLOCK 47 SUB CUSTER, SOUTH DAKOTA PARCEL #014860	\$925.00
JAN CHARLES GRAY	145 MOUNT RUSHMORE ROAD EAST ½ OF LOT 5 AND ALL OF LOT 6 IN BLOCK 47, PLUS 25' OF VACATED 2 ND STREET CUSTER, SOUTH DAKOTA PARCEL #008341	\$555.00
ROBERT L. JOHNSON	950 HARNEY STREET THE NORTH 98' OF LOT 7 AND THE EAST 40' OF THE NORTH 98' OF LOT 8, ALL IN BLOCK 49 CUSTER, SOUTH DAKOTA PARCEL #008362	\$950.00
FIRST BANK OF SOUTH DAKOTA	918 HARNEY STREET LOT 10 OF BLOCK 49 CUSTER, SOUTH DAKOTA PARCEL #008366	\$980.00
	TOTAL	\$3,410.00

The City Finance Officer is directed to file this Resolution with the Custer County Auditor's Office to certify the delinquent assessment pursuant to SDCL 10-23-1.1.

City of Custer City

S/Corbin Herman, Mayor

Attest: Laurie Woodward, Finance Officer

SECOND READING – ORDINANCE #840 – APPROPRIATION ORDINANCE FISCAL YEAR 2021

Councilperson Fischer moved to adopt Ordinance #840, Appropriate Ordinance for Fiscal Year 2021. Seconded by Councilperson Nielsen, the motion carried with Councilperson Ryan, Fischer, Nielsen and Schilling voting yes.

FIRST READING – ORDINANCE #841 – CODE ADOPTION

Councilperson Nielsen moved to approve Ordinance #841, Code Adoption. Seconded by Councilperson Schilling, the motion carried with Councilperson Fischer, Nielsen, Schilling and Ryan voting yes.

EXECUTIVE PROCLAMATION – CHRONICLE

Councilperson Schilling moved to approve the executive proclamation for a Day to Celebrate 140 Years of the Chronicle on September 11th, 2020 which is on file in the Finance Office. Seconded by Councilperson Nielsen, the motion carried with Councilperson Nielsen, Schilling, Ryan and Fischer voting yes.

EXECUTIVE PROCLAMATION – CONSTITUTION WEEK

Councilperson Fischer moved to approve the executive proclamation for Constitution Week from September 17th through September 23rd, which is on file in the Finance Office. Seconded by Councilperson Ryan, the motion carried with Councilperson Schilling, Ryan, Fischer and Nielsen voting yes.

EXECUTIVE PROCLAMATION – DISABLED AMERICAN VETERANS DAY

Councilperson Nielsen moved to approve the executive proclamation for Disable American Veterans Day on September 25th, which is on file in the Finance Office. Seconded by Councilperson Schilling, the motion carried with Councilperson Ryan, Fischer, Nielsen and Schilling voting yes.

PUBLIC COMMENTS

No public comments were received.

STATE WATER PLAN APPLICATION

Councilperson Fischer moved to approve the State Water Plan Application and authorize the Mayor to sign and submit the plan to DENR. Seconded by Councilperson Nielsen, the motion carried with Councilperson Fischer, Nielsen, Schilling and Ryan voting yes.

MINOR PLAT – LOT 5R OF BLOCK 1 BOURASSA ADDITION

Councilperson Ryan moved to approve the minor plat of Lot 5R of Block 1, Bourassa Addition. Seconded by Councilperson Schilling, the motion carried with Councilperson Nielsen, Schilling, Ryan and Fischer voting yes.

MINOR PLAT – NIELSEN FAMILY TRACT 1 & NIELSEN FAMILY TRACT 2

Councilperson Fischer move to approve the minor plat of Nielsen Family Tract 1 & Nielsen Family Tract 2. Seconded by Councilperson Nielsen, the motion carried with Councilperson Schilling, Ryan, Fischer and Nielsen voting yes.

CLAIMS

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

605 Creative Co, BID Board, \$4,000.00

Black Hills Urgent Care & Occupational Medicine, Safety, \$255.00

Black Hills Energy, Utilities, \$13,494.91

Code Works, Professional Fees, \$322.40

Complete Concrete, Repairs & Maintenance, \$5,750.00

Core & Main, Repairs & Maintenance, \$108.18

Culligan, Repairs & Maintenance, \$18.50

Chamber of Commerce, Sales Tax Subsidy, \$42,869.78

Custer Ace, Supplies, Repairs & Maintenance, \$323.33

Discovery Benefits, Supplies, Reimbursement, \$1,527.00

Fastenal, Supplies, \$36.18

First Interstate Bank, Supplies, \$77.03

French Creek Supply, Supplies, Repairs & Maintenance, \$710.91

Hach, Repairs & Maintenance, \$230.85

KLJ, Capital Improvements, \$809.79
Lynn's Dakotamart, Supplies, \$34.24
Matthew Bender/Lexis Nexis, Supplies, \$117.43
McDonnell, Chantel, BID Board, \$1,000.00
Metering & Technology Solutions, Supplies, \$3,497.94
Midcontinent Testing Labs, Professional Fees, \$564.00
Northwest Pipe Fittings, Supplies, \$1,831.86
Pace, Supplies, \$634.80
Quality Services, Capital Improvements, \$2,000.00
Regional Health Network, Sales Tax Subsidy, \$90,021.18
State of SD, Sales Tax, \$1,156.19
SD DOT, Capital Improvements, \$12,716.78
USA Bluebook, Repairs & Maintenance, \$264.56
Total Claims \$184,372.84

DEPARTMENT HEADS & COMMITTEE REPORTS

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

ADJOURNMENT

With no further business, Councilperson Schilling moved to adjourn the meeting at 6:22 pm. Seconded by Councilperson Nielsen, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

City of Custer City
From the Desk of the Mayor

EXECUTIVE PROCLAMATION

WHEREAS, without adequate housing, it is impossible to carry out social distancing and good hygiene practices, and more than 109,000 individuals lived below the poverty line in South Dakota in 2018, and 3500 affordable homes are needed in the Rapid City Area; and

WHEREAS, Black Hills Area Habitat for Humanity has served 288 families through affordable housing solutions, and will continue to address the lack of decent housing around the world while reducing environmental impact by recycling building materials through Habitat ReStores; and

WHEREAS, secure housing not only facilitates opportunities for health improvement, civic engagement, investment and wealth accumulation, but also provides a source of dignity and respect and serves as a basis for the pursuit of other rights. Inclusive, affordable and adequate housing is the key to sustainable transformation of our cities and communities; and

WHEREAS, the United Nations General Assembly has declared the first Monday in October as World Habitat Day, a time to unite in a worldwide effort to promote policies to ensure adequate shelter for all. By raising awareness and advocating for universal decent housing, we can change the systems that reinforce poverty housing and make affordable homes a reality for all.

THEREFORE, BE IT RESOLVED that I, Corbin Herman, Mayor of the City of Custer, South Dakota, do hereby proclaim October 5th, 2020, as

World Habitat Day

and encourage all citizens of City of Custer City to work towards the elimination of inadequate housing.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of Custer City this 5th day of October 2020.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Corbin Herman
Mayor

(SEAL)

Laurie Woodward

From: Alecia <Alecia@blackhillshabitat.org>
Sent: Tuesday, September 29, 2020 9:27 AM
To: Laurie Woodward
Subject: WHD Proclamation
Attachments: 2020-09-04 World Habitat Day 2020 Proclamation.docx

September 29, 2020

Mayor Corbin Herman
City of Custer
622 Crook Street
Custer, SD 57730

Dear Mayor Corbin Herman:

Congratulations on your successful leadership in the City of Custer and thank you for your continued support in partnership with Black Hills Area Habitat for Humanity.

More than 30 years ago, the United Nations General Assembly took an important step in promoting the idea that everyone deserves a decent place to live by declaring that the first Monday in October would be World Habitat Day.

Every year, Habitat for Humanity joins our partners around the world to rededicate ourselves to recognizing the basic right of everyone to adequate shelter. Habitat for Humanity asks everyone to join together as one global network in communicating the message that every one of us deserves the opportunity for a better future.

Some specific ways that you can partner with Habitat for Humanity to grow the impact during the month of October:

- **Speak:** Use your voice to read a proclamation at your first City Council meeting of October.
- **Serve:** Initiate a "World Habitat Service Day" during the month of October - a unique opportunity for team members to join you in serving to help a person with their housing needs.
- **Celebrate:** Experience first-hand the impact of a new home with a Habitat partner family by participating in the next upcoming home dedication. (RSVP requested).
- **Advocate:** Post your proclamation/service day activity on social media using #WHD #Costofhome

Together we can continue to make a difference- because everyone deserves a decent place to live.

On behalf of the families we serve,

R. Scott Engmann
Executive Director

ORDINANCE NO. 841

AN ORDINANCE AMENDING TITLE 1 GENERAL PROVISIONS, CHAPTER 1.01 CODE ADOPTION OF THE CITY OF CUSTER CITY MUNICIPAL CODE AND AMENDING, REPLACING AND SUPERSEDING ALL PRIOR ORDINANCES OR AMENDMENTS, AS FOLLOWS:

Chapter 1.01
CODE ADOPTION

Sections:

- 1.01.010 Adoption
- 1.01.020 Title – Citation – Reference
- 1.01.030 Reference Applies to All Amendments
- 1.01.040 Title, Chapter and Section Heading
- 1.01.050 Reference to Specific Ordinances
- 1.01.060 Ordinance Passed Prior to Adoption of this Code
- 1.01.070 Effect of Code on Past Actions and Obligations
- 1.01.080 Constitutionality
- 1.01.090 References to Prior Code
- 1.01.100 Violations – Liability of Corporations

1.01.010 Adoption

There is adopted the “Custer Municipal Code,” as compiled, edited and published by ~~Book Publishing Company, Seattle, Washington~~ American Legal Publishing Corporation of Cincinnati, Ohio. Any and all supplements to the “Custer Municipal Code” of the City of Custer, South Dakota as submitted by American Legal Publishing Corporation are hereby also adopted to the “Custer Municipal Code”. Such supplement shall be deemed published as of the day of its adoption and approval by the Common Council of the City of Custer, the Custer City Finance Officer or designee is hereby authorized and ordered to insert such supplement into the “Custer Municipal Code” on file in the Office of the Finance Officer.

1.01.020 Title – Citation – Reference

This code shall be known as the “Custer Municipal Code” and it shall be sufficient to refer to said code as the “Custer Municipal Code” in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the “Custer Municipal Code.” References may be made to the titles, chapters, sections and subsections of the “Custer Municipal Code” and such references shall apply to those titles, chapters, sections or subsections as they appear in the code.

1.01.030 Reference Applies to All Amendments

Whenever a reference is made to this code as the “Custer Municipal Code” or to any portion thereof, or to any ordinance of the city, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

1.01.040 Title, Chapter and Section Heading

Title, chapter and section heading contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

1.01.050 Reference to Specific Ordinance

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

1.01.060 Ordinances Passed Prior to Adoption of this Code

The last ordinance included in this code was Ordinance 462, passed March 19, 1996. The following ordinances, passed subsequent to Ordinance 462, but prior to adoption of this code, are hereby adopted and made a part of this code: Ordinance No. 463, No. 464, No. 465, No. 466, No. 467, and No. 468.

1.01.070 Effect of Code on Past Actions and Obligations

The adoption of this code does not affect prosecutions for ordinances violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinances.

1.01.080 Constitutionality

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

1.01.090 References to Prior Code

References in city forms, documents and regulations to the chapters and sections of the former city code shall be construed to apply to the corresponding provisions contained within this code.

1.01.100 Violations – Liability of Corporations

For a violation of this code or any other ordinance of the city which, by nature, does not require intent exercisable only by natural persons, a corporation may be fined or punished by appropriate penalties in addition to any punishment provided for its agents who violate this code or other ordinance while acting as the agents.

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 5th day of October, 2020.

City of Custer City

Corbin Herman, Mayor

Attest _____

Laurie Woodward, Finance Officer

(SEAL)

First Reading: September 21st, 2020
Seconding Reading: October 5th, 2020
Publication: October 14th, 2020

Vote:	
Ryan:	Fischer:
Pechota:	Schilling:
Nielsen:	Whittaker:



CITY OF CUSTER CITY
622 Crook Street, Custer SD 57730
Phone 605-673-4824

PARADE REQUEST FORM

THIS FORM MUST BE SUBMITTED TO THE FINANCE OFFICE AT LEAST 45 DAYS IN ADVANCE OF YOUR EVENT WITH ALL REQUIRED OTHER DOCUMENTS.

ORGANIZATION NAME: Custer High School Student Council

MAILING ADDRESS: 1645 Wildcat Lane Custer SD

TYPE OF EVENT: Homecoming Parade

DATE OF EVENT: October 9 RAIN DATE (if any): _____

TIME OF EVENT: 2:30pm ESTIMATE COMPLETION TIME: 3:00pm

ORGANIZATION REPRESENTATIVE CONTACT INFORMATION:

NAME: Sandy Arseneault TITLE: Student Co Advisor

PHONE #: 605-673-4473

EMAIL: Sandy.arseneault@k12.sd.us

ASSEMBLY AREA: CHS Football field Parking lot

ROUTE: Map attached - see request to close Washington 2nd - 4th for
Sheriff's office contacted Short period of
State Hwy forms submitted time 2:30-3:30

The following information must be included:

- ATTACH MAP HIGHLIGHTING ROUTE
- ATTACH A LIST OF ROADS THAT WILL BE TEMPORARILY CLOSED
mt Rushmore Rd
- ORGANIZATION SHALL PROVIDE PROOF OF INSURANCE LISTING THE CITY AS ADDITIONAL INSURANCE AND SIGN INDEMNIFICATION.

MORE INFORMATION TO BE COMPLETED ON BACK SIDE

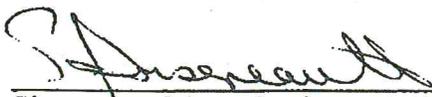
This permit is issued subject to the following stipulations:

- 1) Drugs and alcohol shall not be consumed by any participant on the parade route.
- 2) No candy, prizes, promotional items, etc, shall be thrown from any parade float or vehicle. Such items shall be handed out to the onlookers by walkers, with enough distance from the floats that onlookers do not have to enter the roadway to retrieve them.
- 3) Participants shall not spray liquids at the crowd.
- 4) Each parade participating group must be responsible not only for their own safety and must also take precautions to ensure the safety of their float and its participants.
- 5) Vehicle drivers are solely responsible for the safe operation of their vehicle. Each float/truck driver must be the holder of a valid driver's license and must have valid auto liability coverage in force.
- 6) Participants with horses or animals of any kind shall provide personnel to perform immediate excrement removal.

INDEMNIFICATION

In consideration of approval to conduct this activity, the applicant/organization expressly assumes all risks incident to or in connection with the permitted activity. Any property damage or bodily injury arising out of or in connection with the permitted activity shall be the responsibility of the applicant/organization: provided, that nothing herein shall preclude applicant/organization from seeking recovery from any third party causing such damage or injury. Applicant/Organization agrees to and shall indemnify, defend and hold the City harmless from and against all losses, liabilities, damages, costs, expenses including litigation costs and reasonable attorney's fees, judgments or settlements whatsoever incurred by the City resulting from any claim, demand, action, cause of action or suit arising from or relating to the negligent or intentional acts or omissions of applicant/organization's officers, volunteers, employees, vendors, agents, contractors, subcontractors and other acting on behalf of applicant/organization.

As the representative of the Organization requesting a parade permit, I have read and understand the above stipulations and indemnification.



Signature of Organization Representative

9/23/20

Date

Sandy Arseneault + Custer High School Student Co Advisor

Print Name and Title of Organization Representative

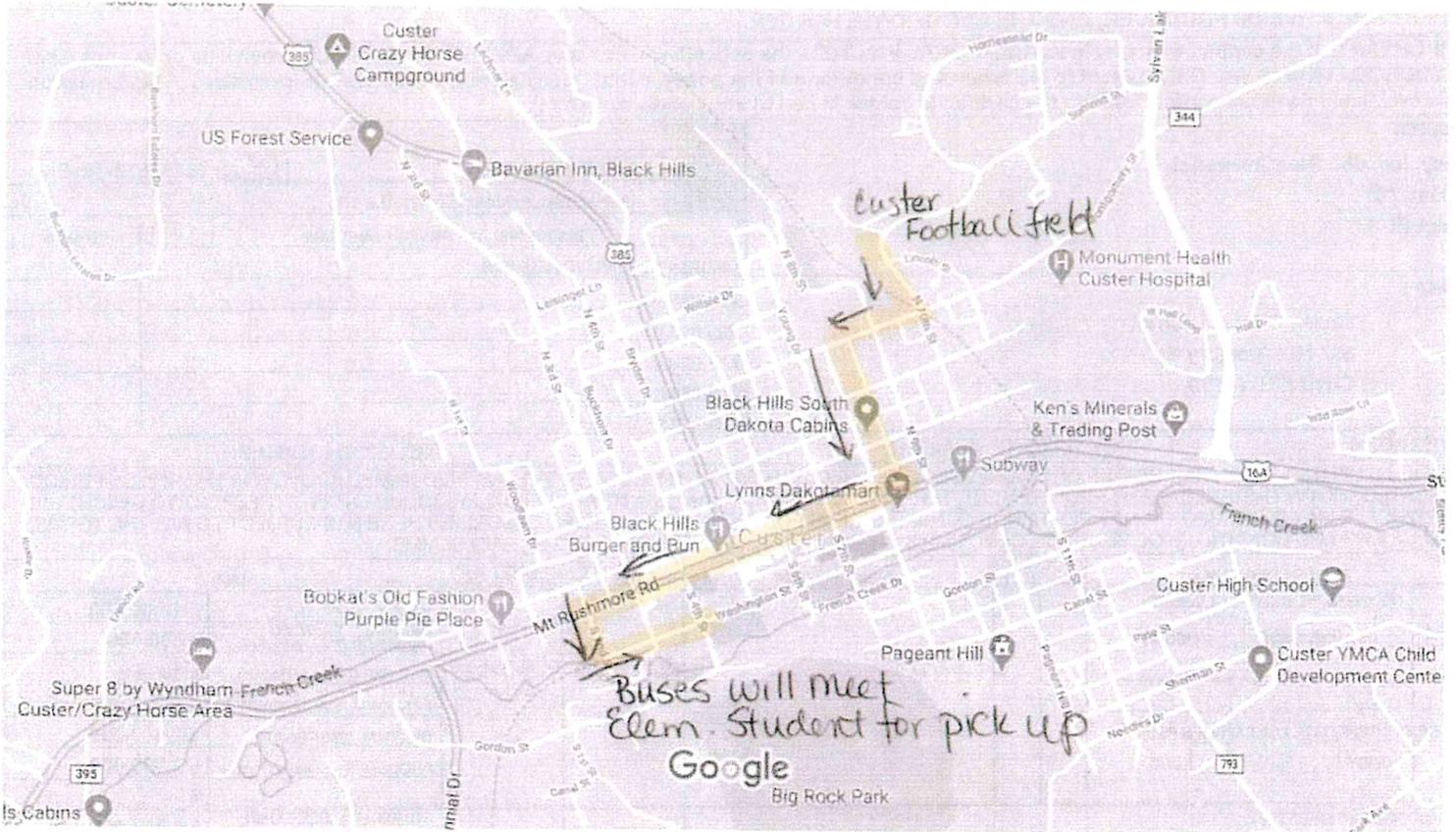
CITY APPROVAL:

Date City Received Parade Request Form: _____

Date City Council Acted on the Parade Request Form: _____

Action taken by Council: _____

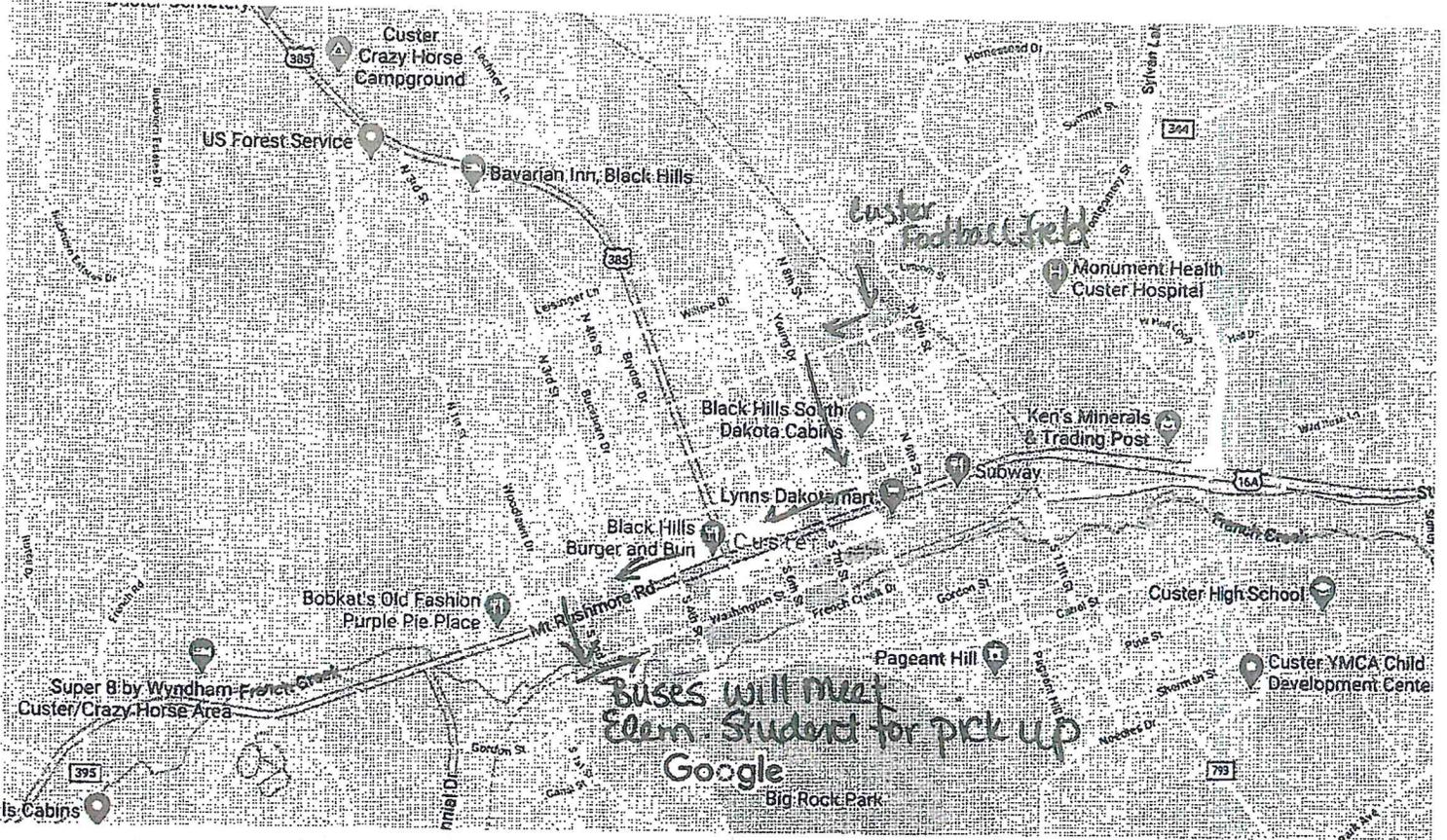
Google Maps



Map data ©2020 Google 1000 ft

* Sheriff's office is requesting us to block off Washington St from 2nd - 4th street to safely load students on buses to take them back to the Elem School.

Google Maps



Map data ©2020 Google 1000 ft

* Sheriff's office is requesting us to block off Washington st from 2nd - 4th street to safely load students on buses to take them back to the Elem School.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR PERMIT TO OCCUPY RIGHT-OF-WAY

Highway No. 16 County Custer Approximately 0.50 Miles N S E W

From Custer Section Township Range

(City or well defined point)

Description of occupancy: Parade Route: CHS Football Field to Montgomery to south on N. 8th St. to west on Mt Rushmore Rd/Hwy 16 to south on S. 2nd St. to east on Washington St.

Purpose of occupancy: Homecoming Parade

Duration of occupancy: PERMANENT TEMPORARY
If temporary, give the estimated date of removal or completion: 10/9/2020

I, the undersigned, request permission to occupy public right-of-way at the above location and as shown on the attached layout sheet. In consideration for this permission, I agree to abide by all conditions as herein stated.

- To furnish all materials, labor, incidentals and pay all costs involved with this occupancy including restoration of any damage to the roadway and right-of-way to equal or better conditions than existed prior to the occupancy covered by this permit.
- To provide protection to highway traffic during occupancy by the use of proper signs, barricades, flagpersons and lights as prescribed in the "Manual of Uniform Traffic Control Devices."
- To indemnify and hold the State of South Dakota, its Department of Transportation, its officers, agents, and employees, harmless from and against any and all actions, suits, damages, liability or other proceedings of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right-of-way designated in this application.

SIGNATURE [Signature] DATE 9/23/2020

ADDRESS 1645 Wildcat Lane Custer SD 57730 TELEPHONE (605) 673-4473

REPRESENTING Custer High School Student Council
(Name of Individual, Company, Organization, etc.)

To be completed by Department of Transportation

Project (Const.) 16A-491 Station 16-491 Milepost US16A 22.5-22.7
16-491 Milepost US16 26.6 - 27.0

Project (Maint.) 16A-496, 16-496 Maintenance Unit 496

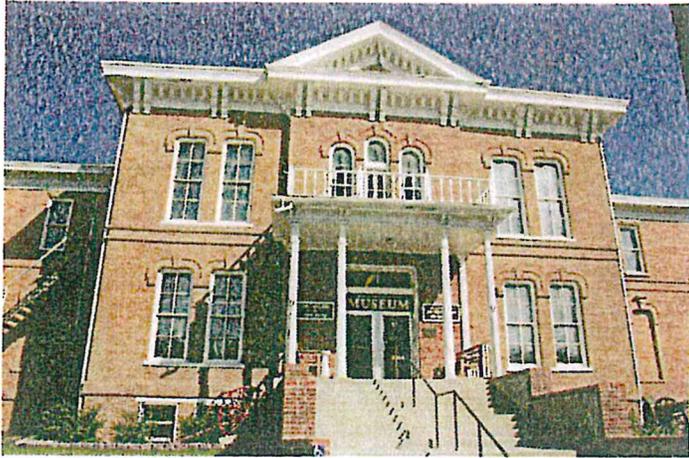
1. Prior to commencing occupancy and at completion of occupancy the applicant shall notify Richard Zacher at Custer Area Office Telephone 605-673-4948

2. Special Conditions Certified flaggers or law enforcement officers used for traffic control
City Council Approval required

3. Failure to accomplish the occupancy in accordance with the provisions of this permit will automatically render this permit null and void and where applicable, constitute grounds for its removal and/or full restoration of the occupancy site all at the applicant's expense.

This permit to occupy right-of-way is granted to all conditions as herein stated on this 23rd day of September, 2020.

Region Engineer
Area



1881 COURTHOUSE MUSEUM

Custer County Historical Society

"WHERE TIME STANDS STILL"

411 Mount Rushmore Road

P.O. Box 826

Custer, SD 57730

Phone: 605-673-2443

E-mail: 1881courthousemuseum@gwtc.net

Visit our Web Site: [1881 Courthouse Museum.com](http://1881CourthouseMuseum.com)

September 29, 2020

RECEIVED

SEP 29 2020

CITY OF CUSTER

Mayor & Member of City Council
City of Custer, South Dakota
622 Crook Street
Custer, SD 57730

Mr. Mayor and Members of the City Council:

First of all I would like to extend the thanks of the volunteer leadership of the 1881 County Museum for your appropriation of \$7,500 in funds to help support the operation of this important attraction in the City of Custer. It is greatly appreciated.

As we stated in our letter of July 2, 2020, the local citizens who donate their time and efforts to operate this facility have faced considerable obstacles this summer to make this facility available to the traveling public who show an interest in this historical facility.

Our decision to offer tours of the museum six days per week and 4 hours per day, has resulted in less than adequate income to support upcoming expenses over the winter months to maintain utilities and on going overhead. It is estimated that this year's income will reach about 20% of normal annual attendance income.

This letter is a request for additional funds of \$2,500 to meet these expenses. This request for additional funding is joined with an increase by Custer County Commissioners of \$8,000 above their earlier authorization of \$12,000.

The leadership and volunteers of the 1881 Courthouse Museum recognize and appreciate the generosity of you and the City Council members. Thank you!

Sincerely,

Gary J. Enright, Director



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

Staff Report

Request: Minor Plat, Ted Tract 1 & Ted Tract 2 of Ramsey Subdivision
Applicant: Ted Hartman
Location: Adjacent to Sunset Lane near the Custer County airport
Legal Desc.: Ted Tract 1 and Ted Tract 2 of Ramsey Subdivision - See plat for full legal
Parcels #s: 013793 & 015147
Fee: \$150.00
Date Prepared: August 17th, 2020
Planning Commission Meeting: September 15th, 2020
City Council Meeting: October 5th, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a non-subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The plat is performing a lot line adjustment between the existing Tract 2 and Lot 3 creating the proposed Ted Tract 1(2.77 acres) and Ted Tract 2(1.51 acres).

COMPREHENSIVE PLAN

The comprehensive plan identifies this area as countryside residential.

ACCESS

Access to the subdivision is gained via Sunset Lane which is accessed directly from US Highway 385. Sunset Lane provides access per the 35' Public Access Utility Easement. Previous plats noted Sunset Lane as a 66' Public Access and Utility Easement. Upon presentation and review of previous action by Custer County and Custer City, the southern 31' of Easement was previously vacated. Such vacation is officially filed in Book 1 of resolutions page 12.

SUMMARY AND STAFF RECOMMENDATION

No additional density is to be served by the previously accepted 35' Public Access and Utility Easement and no issues appear to exist with an existing well and septic system on the proposed Ted Tract 1. Staff supports a recommendation of approval to the Council.

UPDATE AND PREVIOUS ACTION BY THE PLANNING COMMISSION

PC reviewed this plat at their Sept 15th meeting. Draft excerpt from such meeting minutes is below.

- a. Minor Plat – A Plat of Ted Tract 1 & Ted Tract 2 of Ramsey Subdivision Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the lot line to be adjusted, access to the parcel and acknowledgement of no additional density created. After the discussion, Commissioner Mills moved, with a second by Commissioner Moore to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Moore, Uhrich, Mills, Johnson, Olson and Hudson all voting yes.

Staff supports approval of the minor plat by the Council.

9/9/20

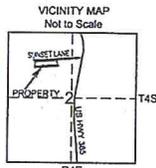
A PLAT OF
**TED TRACT 1 & TED TRACT 2 OF RAMSEY
 SUBDIVISION, LOCATED IN NW1/4 SECTION 2, T4S,
 R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA**
 FORMERLY TRACT 2 OF LOT A OF TRACT RAMSEY OF H.E.S. 177 AND LOT 3 OF
 LOT A OF TRACT RAMSEY OF H.E.S. 177

NOTE: For a plat of Lot 3 of Ramsey Subdivision see Book 12 of Plats on page 625.

NOTE: For a plat of Tract 2 of Ramsey Subdivision see Book 12 of Plats on page 702.

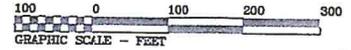
NOTE: FOR A RESOLUTION VACATING THE SOUTH 31' OF SUNSET LANE SEE BOOK 1 RES ON PAGE 12.

NOTE: TED TRACT 1 CONTAINS 0.50 ACRES +/- OF FORMER TRACT 2



LEGEND

- ☑ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
 - Found rebar w/aluminum cap marked "ANDERSEN PLS 2842"
 - Found rebar w/aluminum cap marked "BUCKHORN RLS 4896"
- Stant lettering denotes record calls



DATE SURVEYED
21 July 2020

BASIS OF BEARING - GPS OBSERVATION
 taken N 72°45'45"E 563.81' from the SE corner of TED TRACT 1.
 OPUS Rapid Static Solution NAD83(2011)
 LAT: 43°44'05.94641"
 LONG: -103°36'45.83546"



CERTIFICATE OF SURVEYOR

I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ___ day of ___, 2020.

John D. McBride SDRLS No. 5906

STATE OF _____ COUNTY OF _____

We, Mark Hartman & Cheryl Hartman, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2020.

Mark Hartman

Cheryl Hartman

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
 On this ___ day of ___, 2020, before me, a Notary Public, personally appeared Mark Hartman & Cheryl Hartman, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires

STATE OF _____ COUNTY OF _____

I, William J. Hartman, do hereby certify that I am the owner of the within described lands and that the within plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2020.

William J. Hartman

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
 On this ___ day of ___, 2020, before me, a Notary Public, personally appeared William J. Hartman, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public

My commission expires

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
 Dated this ___ day of ___, 2020.

Director of Equalization of Custer County

OFFICE OF THE REGISTER OF DEEDS

Filed for record this ___ day of ___, 2020, at ___ o'clock ___ M., and recorded in Book ___ of Plats on page ___.

Custer County Register of Deeds

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS, IF THE LINE ABUTS LANDS NOT SUBDIVIDED UNDER THE PROVISIONS OF CUSTER COUNTY SUBDIVISION ORDINANCE #2, THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0425F, effective date: Jan. 6, 2012.

WATER PROTECTION STATEMENT

Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority

Date: _____

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
 Dated this ___ day of ___, 2020.

Custer County Treasurer

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore, BE IT RESOLVED, that said plat is hereby approved in all respects.
 Dated at Custer, South Dakota this ___ day of ___, 2020.

Mayor

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2020.

Custer City Finance Officer

Prepared by
ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by RW	Date 7/29/2020	P.O. Box 448 Edgemont, SD 57735 (605)-562-5500 andersenengineers@gwinc.net
Approved by McB	Date 8/12/2020	
Scale 1"=100'	Sheet 1 of 1	File Name: L2_RAMSEY



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

Staff Report

Request: Minor Plat, Tract Leboldus 1 & Tract Leboldus 2
Applicant: Lawrence Parquet
Location: Sydney Park Road, approximately 0.75 miles South of Custer City
Legal Desc.: Tract Leboldus 1 & Tract Leboldus 2 of Sidney Park Residential Development Subdivision - See plat for full legal.
Fee: \$450.00
Date Prepared: August 13, 2020
Planning Commission Meeting: September 15th, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a subdivision that is not within the corporate limits of the City of Custer but is within the City's extraterritorial jurisdiction. The proposed plat will divide the existing Tract Leboldus into two Tracts, Tract Leboldus 1(19.77 acres) and Leboldus 2(5.00acres). A Private well and septic system serve the existing home on the Proposed Tract Leboldus 1. Tract Leboldus 2 will remain of adequate size to support a well and septic. Staff did have an additional conversation with the applicant regarding the existing well and septic system. These are North and West of the existing home, and therefore judging by the existing road and proposed easement, approximately 150' north of the proposed lot line.

COMPREHENSIVE PLAN

The comprehensive plan identifies this area as countryside residential.

ROUTING SHEET RESPONSES

CCROD – Access Easement and acreage question
CC Highway – Access Easement discussion
CC Planning - Access Easement discussion

ACCESS

The primary access to both parcels is proposed from Sidney Park Road. Proposed Tract Leboldus 2 has access directly onto Sydney Park Road within its 481' of frontage. The proposed Tract Leboldus 1 will then have its primary access path down the existing driveway within a 50' Private Access and Utility Easement. Proposed Tract Leboldus 1 could potentially gain additional access via the H-1 Lot to Sidney Park Road or the 66' dedicated Public R.O.W through Lot 13 to the North.

REGULATORY FLOODPLAIN

A portion of this property is affected by regulatory floodplain. The area of special flood hazard has been noted on the plat and any development within such SFHA would be subject to Custer County's Flood Ordinance.

SUMMARY AND STAFF RECOMMENDATION

Staff supports a recommendation of approval to the Council.

UPDATE AND PREVIOUS ACTION BY THE PLANNING COMMISSION

PC reviewed this plat at their Sept 15th meeting. Draft excerpt from such meeting minutes is below.

- a. Minor Plat – A Plat of Tract Leboldus 1 & Tract Leboldus 2 of Sydney Park Residential Development Subdivision Planning Administrator gave a summary and explanation of the plat. A discussion was held including but not limited to the access to the parcels and location of existing well and septic system. After the discussion, Commissioner Johnson moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Johnsons motion carried with Commissioners Johnson, Olson, Hudson, Moore, Urrich and Mills all voting yes.

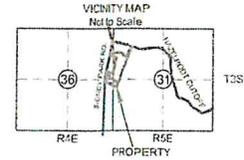
Staff supports approval of the minor plat by the Council.



A PLAT OF
**TRACT LEBOLDUS 1 & TRACT LEBOLDUS 2 OF SIDNEY
 PARK RESIDENTIAL DEVELOPMENT SUBDIVISION,
 LOCATED IN SECTION 31, T3S, R5E, AND SECTION 36, T3S,
 R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA
 FORMERLY TRACT LEBOLDUS**

NOTE: For a plat of Tract Leboldus see Book 11 of Plats on page 512.

DATE SURVEYED
4 June 2020



BASIS OF BEARING - GPS OBSERVATION
 taken N 10°04'36"E 2063.13' from the SW corner of Tract Leboldus 2.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°49'3.14341"
 LONG: -103°34'42.35275"

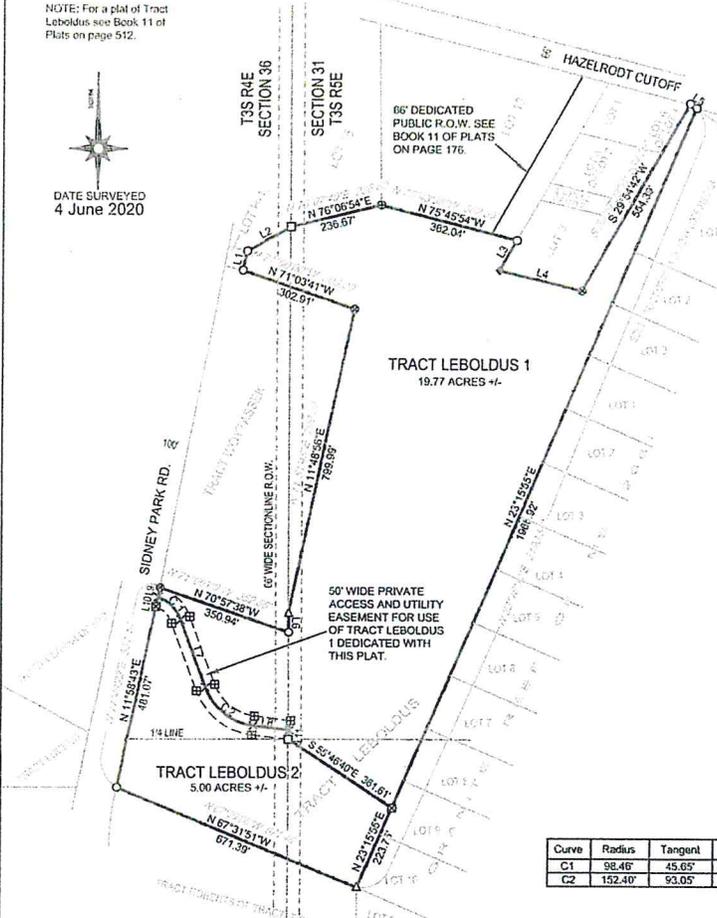
LEGEND

- Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- Set rebar w/plastic cap marked "ANDERSEN ENG PLS 5906"
- Found rebar w/aluminum cap marked "BRYANT LS 4896"
- Found rebar w/aluminum cap marked "BRYANT LS 2196"
- Found rebar
- Found standard BLM brass cap monument
- △ Found stone monument
- Found iron rod
- × angle point not monumented
- Shant lettering denotes record calls

200 0 200 400 600
GRAPHIC SCALE - FEET

Course	Bearing	Distance
L1	S 12°54'54" W	50.11'
L2	S 60°27'02" W	127.69'
L3	N 30°02'01" E	68.70'
L4	N 76°37'23" W	220.35'
L5	S 55°53'24" E	20.55'
L6	N 00°02'46" W	48.79'
L7	S 20°08'03" E	186.38'
L8	S 82°57'02" E	94.11'
L9	S 11°58'43" W	25.00'
L10	S 11°58'43" W	25.00'
L11	S 07°12'26" W	25.00'

Curve	Radius	Tangent	Length	Delta	Degree	Chord	Chord Bear.
C1	98.46'	45.65'	85.49'	49°44'59"	58°11'32"	82.83'	S 45°00'34" E
C2	152.40'	93.05'	167.08'	62°48'59"	37°35'47"	158.84'	S 51°32'33" E



CERTIFICATE OF SURVEYOR
 I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ___ day of ___, 2020.

John D. McBride SDRLS No. 5906

STATE OF _____ COUNTY OF _____
 The Lawrence John Parquet 2002 Trust does hereby certify that it is the owner of the within described lands and that the within plat was made at its direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2020.

Lawrence John Parquet (TRUSTEE)

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this the ___ day of ___, 2020, before me, the undersigned officer, personally appeared Lawrence John Parquet, Trustee of the Lawrence John Parquet 2002 Trust, known to me or satisfactorily proven to be the person described in the foregoing instrument, and acknowledged that she executed the same in the capacity therein stated and for the purposes therein contained.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Notary Public

My commission expires _____

CERTIFICATE OF HIGHWAY AUTHORITY
 It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority

Date: _____

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION
 I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
 Dated this ___ day of ___, 2020.

Director of Equalization of Custer County

OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ___ day of ___, 2020, at ___ o'clock ___ M., and recorded in Book ___ of Plats on page ___.

Custer County Register of Deeds

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF THE LINE ABUTS LANDS NOT SUBDIVIDED UNDER THE PROVISIONS OF CUSTER COUNTY SUBDIVISION ORDINANCE 82, THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

WATER PROTECTION STATEMENT
 Pursuant to SDCL 11-3-6.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF COUNTY TREASURER
 I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
 Dated this ___ day of ___, 2020.

Custer County Treasurer

RESOLUTION OF THE CITY COUNCIL
 Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore, **BE IT RESOLVED**, that said plat is hereby approved in all respects.
 Dated at Custer, South Dakota this ___ day of ___, 2020.

Mayor

CERTIFICATE OF CITY FINANCE OFFICER
 I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2020.

Custer City Finance Officer

Prepared by
ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering & Environmental Consultants

Drawn by RW	Date 8/7/2020	P.O. Box 446 Edgemont, SD 57735 (605)462-5500
Approved by McB	Date 9/7/2020	andersenengineers@qwc.net
Scale 1"=200'	Sheet 1 of 1	File Name: TR_LEBOLDUS_SIDNEY_PARK



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

Staff Report

Request: Minor Plat, Johnson Tract of Block 89
Applicant: Wade and Kathryn Johnson
Location: Block 89, At the Intersection of S 9th St and Gordon
Legal Desc.: A Plat of Johnson Tract of Block 89 - See Plat for full legal
Parcel #(Currently): 008583, 008584 & 008582
Fee Paid: \$150.00
Date Prepared: August 28, 2020
Planning Commission Meeting: September 15, 2020
City Council Meeting: October 5, 2020
Prepared by Tim Hartmann, Planning Administrator

GENERAL

This plat is for a non-subdivision plat intended to incorporate three existing lots into one and eliminate interior lot lines. The incorporation will allow the interior lot lines to be eliminated and therefore not be considered in setbacks for any new construction. This plat ties to a requested plan for single family home addition construction on the lot and the corresponding setback variance with such construction.

This property is within Custer City and is zoned Residential. The proposed Johnson Tract does have City water and sewer services available.

Primary access to the existing home and the planned improvements to the existing home will remain from S 9th Street. The proposed parcel does also have frontage to alleys and Gordon Street.

ROUTING SHEET RESPONSES

SDDOT – No comments

COMPREHENSIVE PLAN

The land use section of the Comprehensive Plan identifies this area as Suburban Commercial.

RESIDENTIAL LOT SIZE

Within a Residential Zone, the minimum lot size shall be seven thousand five hundred (7500) square feet. CMC 17.12.080

STAFF RECCOMENDATION

Staff supports a recommendation to the City Council for approval of the Minor Plat.

UPDATE AND PREVIOUS ACTION BY THE PLANNING COMMISSION

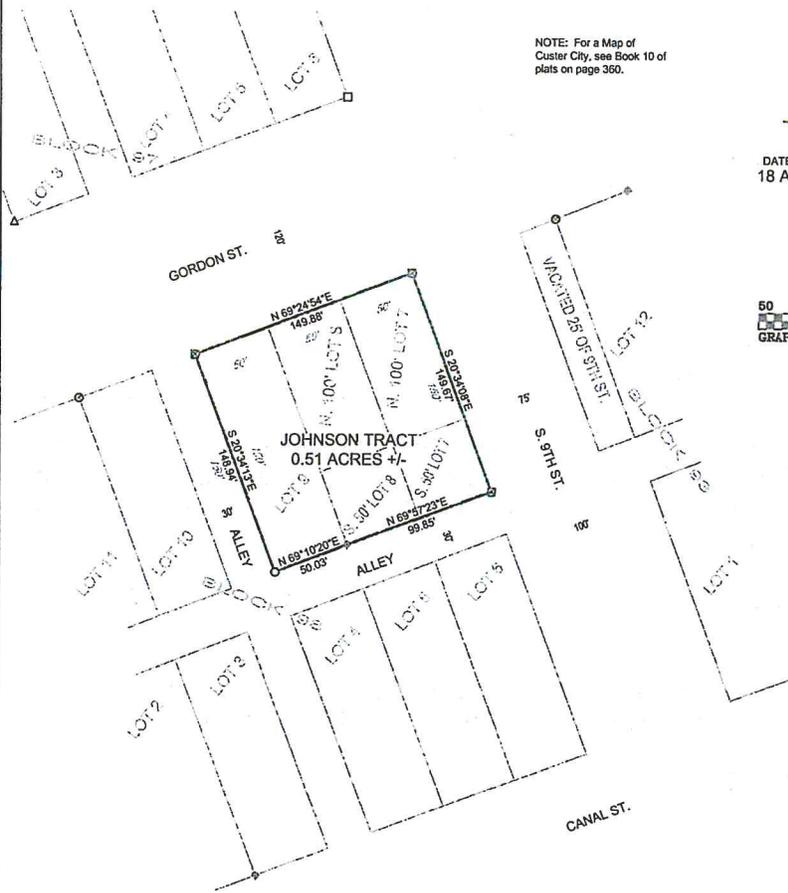
PC reviewed this plat at their Sept 15th meeting. Draft excerpt from such meeting minutes is below.

- a. Minor Plat – A Plat of Lot 5R or Block 1, Bourassa Addition Planning Administrator gave a summary and explanation of the plat. A brief discussion was held. After the discussion, Commissioner Moore moved, with a second by Commissioner Olson to recommend approval of the Plat by the Council. Commissioner Moores motion carried with Commissioners Moore, Uhrich, Mills, Johnson, Olson and all voting yes.

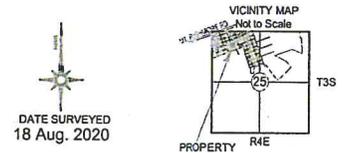
Staff supports approval of the minor plat by the Council.

A PLAT OF JOHNSON TRACT OF BLOCK 98, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

FORMERLY THE N. 100' OF LOTS 7 & 8, THE S. 50' OF LOTS 7 & 8, AND LOT 9



NOTE: For a Map of Custer City, see Book 10 of plats on page 360.



DATE SURVEYED
18 Aug. 2020

GRAPHIC SCALE - FEET

LEGEND

- ⊠ Set rebar w/aluminum cap marked "ANDERSEN ENG PLS 5906"
- ⊙ Found rebar w/aluminum cap marked "BRYANT LS 2196"
- ⊠ Found rebar w/aluminum cap marked "BUCKHORN RLS 4896"
- Found rebar
- △ Found axle
- ◇ Found pipe
- SM.OT* Slant lettering denotes record calls

BASIS OF BEARING - GPS OBSERVATION
taken S 86°34'36"W 2437.38' from the SW corner of Johnson Tract.
OPUS STATIC SOLUTION NAD83(2011)
LAT: 43°45'52.02687"
LONG: -103°56'9.5318"

No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033CD400F, effective date: Jan. 6, 2012.

WATER PROTECTION STATEMENT
Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF SURVEYOR

I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
IN WITNESS WHEREOF, I hereunto set my hand and official seal.
Dated this ___ day of ___, 2020.

John D. McBride SDRLS No. 5906

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.

Highway Authority _____ Date: _____

STATE OF _____ COUNTY OF _____

We, Charles W. Johnson (AKA Col. C. Wade Johnson) and Kathryn J. Johnson, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
Dated this ___ day of ___, 2020.

Charles W. Johnson (AKA Col. C. Wade Johnson)

Kathryn J. Johnson

ACKNOWLEDGMENT OF OWNERSHIP

STATE OF _____ COUNTY OF _____
On this ___ day of ___, 2020, before me, a Notary Public, personally appeared Charles W. Johnson (AKA Col. C. Wade Johnson) and Kathryn J. Johnson, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public _____
My commission expires _____

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION

I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
Dated this ___ day of ___, 2020.

Director of Equalization of Custer County

RESOLUTION OF THE CITY COUNCIL

Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereon have been executed according to law, now therefore,
BE IT RESOLVED, that said plat is hereby approved in all respects.
Dated at Custer, South Dakota this ___ day of ___, 2020.

Mayor _____

CERTIFICATE OF CITY FINANCE OFFICER

I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2020.

Custer City Finance Officer

CERTIFICATE OF COUNTY TREASURER

I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
Dated this ___ day of ___, 2020.

Custer County Treasurer

OFFICE OF THE REGISTER OF DEEDS
Filed for record this ___ day of ___, 2020, at ___ o'clock ___ M, and recorded in Book ___ of Plats on page ____.

Custer County Register of Deeds

Prepared by
ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by RW	Date 8/21/2020	P. O. Box 448 Edgemont, SD 57735 (605)-662-5500 andersenengineers@gwct.net
Approved by DR	Date 8/24/2020	
Scale 1"=50'	Sheet 1 of 1	File Name: L9_B98_CUSTER

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

VARIANCE
221 South 9th Street

WHEREAS, the City has received application for a variance from the provisions of The Custer Municipal Code from **Wade and Kathryn Johnson**, hereinafter described as “Applicant/Owner”, whom reside(s) at 221 S 9th Street, Custer, SD with respect to the setback requirement from the front property line, such property being legally described as Lots 7,8 and 9 of Block 98, all in Custer City, Custer County, South Dakota, and;

WHEREAS, plans and additional details relating to such variance are held on file in the office of the Custer City Planning Administrator and attached hereto, and;

WHEREAS, the following individual and specific reasons have been identified as support for a variance for this situation:

- **The location and construction of the existing home**
- **Location and construction of neighboring homes**
- **Topography of the parcel**
- **Addressing of the parcel and neighboring parcels.**

and;

WHEREAS, the Custer City Planning Commission held a public hearing, reviewed, and recommended approval of such variance at their meeting on September 15th, 2020, and;

WHEREAS, the Common Council of the City of Custer City may approve variances while acting as the City Board of Adjustment.

NOW THEREFORE BE IT RESOLVED that the Board of Adjustment of Custer City hereby grants the applicant/owner a variance from Custer Municipal Code Chapter 17, Section 17.12.080 to allow a front setback variance of 21.5’, thus allowing construction to within 3.5’ of the front property line (S 9th Street).

IT IS FURTHER RESOLVED that Applicant/Owner agrees that the variance described herein is for this particular case only, and that such variance shall be in conformance with the intent and purpose of the regulations set forth in the Custer Municipal Code.

Dated at Custer, Custer County, South Dakota, this 4th day of October 2020.

ATTEST:

CITY OF CUSTER

Laurie Woodward, Finance Officer

Corbin Herman, Mayor

(SEAL)

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

ACCEPTANCE OF VARIANCE

The undersigned Applicants/Owners hereby accept the terms and conditions of the foregoing Variance this ____ day of _____, 20__.

Wade Johnson

Kathryn Johnson

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)

) ss.

COUNTY OF CUSTER)

On this the ____ day of _____, 2020, before me, the undersigned officer, personally appeared **Wade Johnson**, known to me or satisfactorily proven to be the persons whose names is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein container.

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

Notary Public-South Dakota

My Commission Expires: _____

(SEAL)

ACKNOWLEDGMENT

STATE OF SOUTH DAKOTA)

) ss.

COUNTY OF CUSTER)

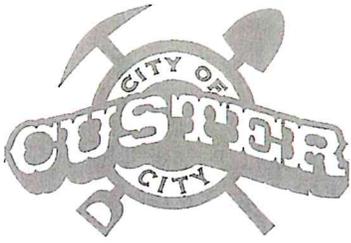
On this the ____ day of _____, 2020, before me, the undersigned officer, personally appeared **Kathryn Johnson**, known to me or satisfactorily proven to be the persons whose names is/are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein container.

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

Notary Public-South Dakota

My Commission Expires: _____

(SEAL)



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

Staff Report

Request: Setback Variance - Single Family Home Addition CMC 17.12.080
Applicant: Wade and Kathryn Johnson
Fee Paid: \$250.00
Location: 221 S 9th, Proposed Johnson Tract
Date: September 2, 2020
Planning Commission Meeting: September 15, 2020
BOA Meeting: October 5, 2020
Prepared by Tim Hartmann - Planning Administrator

GENERAL

The planning office has received a setback variance request for a proposed addition to the existing home. A home with a drive under garage currently exists on the property. The nearby church has recently been demoed.

The owners plan to construct an addition on the existing home. The existing home currently sits approximately 5.5' from the East property line. If the addition is constructed as planned and desired, the cantilevered deck would be the closest portion to the property line with about 3.5' of setback and the remainder of the addition being between 11.5' and 9.5' setback from the property line. Per CMC 17.12.080 a standard front setback is 25', therefore requiring a maximum setback variance of 21.5' for the entire addition as planned.

Planning Commission and Council will also be reviewing a non-subdivision plat in conjunction with this project. This plat will remove all interior lot lines.

If granted, the proposed addition would be subject to building permitting procedures.

VARIANCE

The variance request is to allow a variance from Custer Municipal Code 17.12.080. CMC requires a front yard setback of 25', 6' on sides, and 25' for the rear yard. If granted the main part of the structure would be setback 11.5' and 9.5' from the street right of way and the cantilevered covered porch would be setback 3.5' from the street right of way.

Staff reviewed this lot, potential building plans and topography of the parcel. Due to the location of the existing home, topography of the lot, existing and planned access and addressing of the parcel staff does feel the East side of the lot is the front. While considering those items and the location of the existing home staff feels a variance may be warranted.

PUBLIC HEARING

A Public Hearing will also be held at the October 5th, 2019 Board of Adjustment Meeting.

STAFF SUMMARY AND RECCOMENDATION

Staff feels the setback of the proposed addition is acceptable and that the property owner has presented a reasonable request due to the existing home, the topography of the parcel, and the frontage of the lot. Significant open space will still be maintained to the rear. Staff supports a recommendation to the Board of Adjustment for approval of a 22' the variance, which would allow for no portion of the structure to encroach closer than 3' from the East property line. All other setback requirements (sides and rear) would be applicable.

UPDATE AND PREVIOUS ACTION BY THE PLANNING COMMISSION

PC held a public hearing and reviewed this request at their Sept 15th meeting. Draft excerpt from such meeting minutes is below.

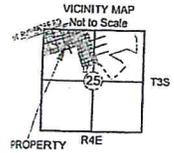
c. Public Hearing – Setback Variance Request, 221 9th Street, Originally Lots 7,8,9 of Block 98

Planning Commission reviewed the request. Public comments were taken. Discussion included but was not limited to the location of the existing home, topography, and street frontage and placement of other nearby structures. After the discussion, Commissioner Moore moved with a second by Commissioner Mills to recommend approval by the Board of Adjustment of the variance as presented. Commissioner Moores motion carried unanimously with Commissioners Olson, Moore, Uhrich, and Mills all voting Yes. Commissioner Johnson moved from the table and abstained from voting.

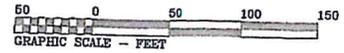
Primarily due to the reasons within the variance document, staff supports approval of the variance by the BOA.

A PLAT OF
JOHNSON TRACT OF BLOCK 98, CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA
 FORMERLY THE N. 100' OF LOTS 7 & 8, THE S. 50' OF LOTS 7 & 8, AND LOT 9

NOTE: For a Map of Custer City, see Book 10 of plats on page 360.



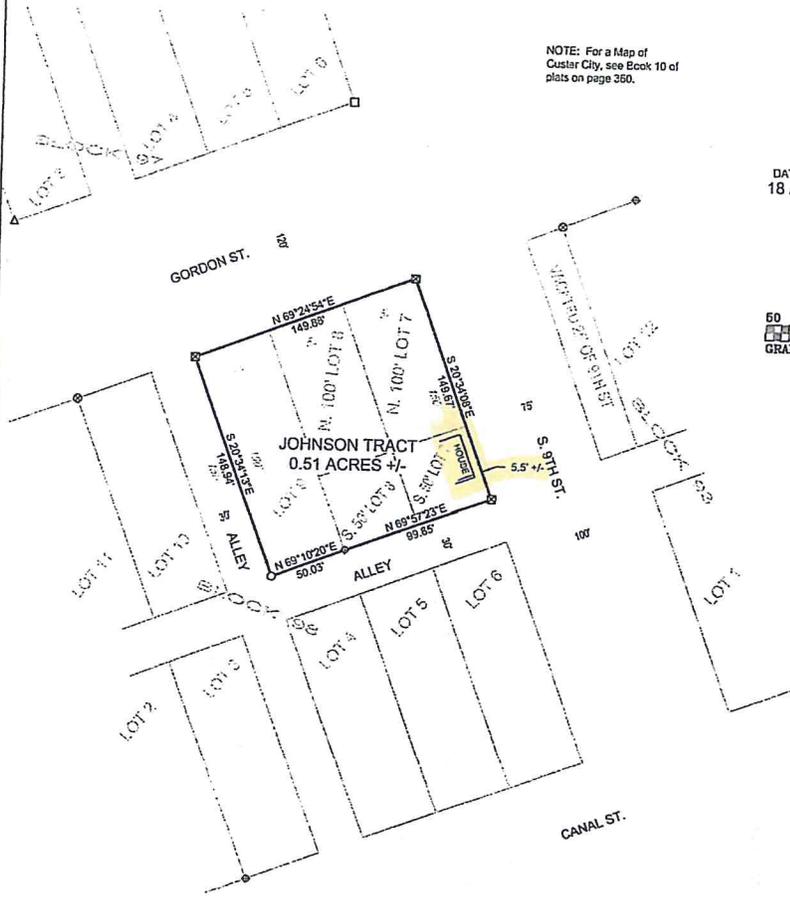
DATE SURVEYED
 18 Aug. 2020



LEGEND

- ☒ Set rebar w/aluminum cap marked "ANDERSEN ENGLS 5906"
- ⊙ Found rebar w/aluminum cap marked "BRYANT LS 2195"
- ☐ Found rebar w/aluminum cap marked "BUCKHORN RLS 4856"
- Found rebar
- △ Found axle
- ◆ Found pipe
- ☞ Slant lettering circles record calls

BASIS OF BEARING - GPS OBSERVATION
 taken S 86°34'36"W 2437.38' from the SW corner of Johnson Tract.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°45'52.0288"
 LONG: -103°39'5.5318"



No area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0400F, effective date: Jan. 6, 2012.

WATER PROTECTION STATEMENT
 Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

CERTIFICATE OF SURVEYOR
 I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ___ day of ___, 2020.

John D. McBride SDRLS No. 5906

CERTIFICATE OF HIGHWAY AUTHORITY
 It appears that every lot has an acceptable approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.
 Highway Authority _____ Date: _____

STATE OF _____ COUNTY OF _____
 We, Charles W. Johnson (AKA Col. C. Wade Johnson) and Kathryn J. Johnson, do hereby certify that we are the owners of the within described lands and that the within plat was made at our direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ___ day of ___, 2020.

Charles W. Johnson (AKA Col. C. Wade Johnson)

Kathryn J. Johnson

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION
 I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
 Dated this ___ day of ___, 2020.
 Director of Equalization of Custer County _____

RESOLUTION OF THE CITY COUNCIL
 Whereas there has been presented to the City Council of Custer, South Dakota, the within plat of the above described lands, and it appearing to the Council that said plat conforms to the existing plats of said City, that the streets set forth therein conforms to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments made upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,
BE IT RESOLVED, that said plat is hereby approved in all respects.
 Dated at Custer, South Dakota this ___ day of ___, 2020.

Mayor _____

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this ___ day of ___, 2020, before me, a Notary Public, personally appeared Charles W. Johnson (AKA Col. C. Wade Johnson) and Kathryn J. Johnson, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

Notary Public _____
 My commission expires _____

CERTIFICATE OF CITY FINANCE OFFICER
 I, Finance Officer of the City of Custer, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the City Council of Custer, South Dakota at a meeting held on the ___ day of ___, 2020.
 Custer City Finance Officer _____

CERTIFICATE OF COUNTY TREASURER
 I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
 Dated this ___ day of ___, 2020.

Custer County Treasurer _____

OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ___ day of ___, 2020, at ___ o'clock ___ M, and recorded in Book ___ of Plats on page ___.

Custer County Register of Deeds _____

Prepared by
ANDERSEN ENGINEERS
 Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by RW	Date 8/21/2020	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500 anderseneng@netnet.net
Approved by DR	Date 8/24/2020	
Scale 1"=50'	Sheet 1 of 1	File Name: L9_B98_CUSTER

AFLAC, Insurance, \$718.98
Amazon, Supplies, \$177.83
Battle Mountain Humane Society, Animal Control Contract, \$1,000.00
Beesley Law Office, Professional Fees, \$2,362.00
Bierschbach Equipment and Supply, Safety Equipment, \$3,505.00
Black Hill Chemical, Supplies, \$39.96
Black Hills Energy, Utilities, \$3,425.31
Century Business Products, Supplies, \$172.49
Custer Do It Best, Supplies, Repairs & Maintenance, \$22.11
Cut Rate Battery, Repairs & Maintenance, \$91.00
Chronicle, Publishing Fees, \$1,441.50
Dacotah Bank, Loan Payment, TIF #2 Payment, \$8,583.76
Dakota Pump, Repairs & Maintenance, \$382.65
Dakota Pump and Control, Repairs & Maintenance, \$254.75
Dakota Supply Group, Repairs & Maintenance, \$151.01
Delta Dental, Insurance, \$212.00
Discovery Benefits, Supplies, \$1,273.06
East Custer Sewer District, Monthly Reimbursement, \$1,300.00
EFTPS, Taxes, \$11,900.87
First Interstate Bank, Supplies, \$222.36
Fastenal, Supplies, \$21.28
Freeman's Electric Service, Repairs & Maintenance, \$122.45
Full Source, Supplies, \$53.28
Golden West Telecommunications, Utilities, \$522.88
Golden West Technologies, Professional Fees, \$3,733.90
Hach, Repairs & Maintenance, \$53.55
Hawkins, Supplies, \$8,055.42
Honeywell, Repair & Maintenance, \$13,324.42
Imageall, Supplies, \$6.50
J & M Lawncare, Cemetery Caretaker Contract, \$5,250.00
Kimball Midwest, Supplies, \$233.64
Lawrence & Schiller, BID Board Marketing, \$2,251.12
Log Me In Go to Meeting, Supplies, \$51.12
Midcontinent Testing Labs, Supplies, \$1,967.00
Pace, Supplies, \$643.65
Petty Cash, Supplies, \$441.89
Quill, Supplies, \$56.13
S & B Motors, Supplies, \$35.25
Sanders Sanitation, Garbage Collection Contract, \$12,979.62
SD DCI, Safety, \$43.25
SD Retirement System, \$6,063.90
Supplemental Retirement, \$670.00
The Hartford, \$64.12
Verizon Wireless, Supplies, \$507.56
Wellmark, Insurance, \$12,612.95
Wright Express, Supplies, \$787.01
Woodward, Laurie, Reimbursement, \$480.00
YMCA, Membership, \$86.00
Urban, Wade, Utility Refund, \$297.38
Mayor & Council, \$4,665.00
Finance Department, \$4,414.76
Planning Department, \$7,590.42
Public Works Department, \$3,292.33
Street Department, \$6,009.46
Cruisin Department, \$159.60
Parks Department, \$6,248.33
Water Department, \$11,968.64
Wastewater Department, \$12,889.46
Total Claims \$165,889.91

