

All City Council Meetings are recorded.

**CITY OF CUSTER CITY
COUNCIL AGENDA
November 21st, 2016 – 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 7th, 2016 Minutes
4. Declaration of Conflict of Interest
5. Department Head Discussion
 - Public Works Director – General Discussion
 - Planning Administrator – General Discussion
 - Finance Officer – General Discussion
6. Public Presentations - Public Hearings
 - a. Public Hearing & First Reading – Ordinance #783 -Saxton Subdivision Zoning
 - b. Public Hearing – Resolution #11-21-16A – Vacation of Right-of-Way – Tract Free Way
 - c. Public Hearing – Liquor License Renewal - VFW
 - d. Second Reading – Ordinance #778 – Water Rates
 - e. First Reading – Ordinance #782 – Cemetery
 - f. Resolution #11-21-16B – Write-off's
 - g. Resolution #11-21-16C – East Custer Sewer District Agreement
 - h.
7. Old Business
 - a.
 - b.
8. New Business
 - a. Christmas Parade Route Extension – Chamber of Commerce
 - b. Fourth of July Celebration Request – Chamber of Commerce
 - c. Custer Cruisin Committee Appointment
 - d.
9. Presentation of Claims –
10. Committee Reports –
11. Executive Session – Personnel, Proposed Litigation, & Contract Negotiations (SDCL 1-25-2(1-4))
12. Adjournment

REMINDERS

Planning Commission Meeting – November 22nd, 2016 7:00 P.M.

Public Works Committee Meeting – November 28th, 2016 5:00 P.M.

Regular City Council Meeting – December 5th, 2016 5:30 P.M.

General Government Committee Meeting – December 12th, 2016 4:00 P.M.

Planning Commission Meeting – December 13th, 2016 7:00 P.M.

Regular City Council Meeting – December 19th, 2016 5:30 P.M.

Park & Recreation Committee Meeting – December 20th, 2016 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. This institution is an equal opportunity provider.

**CITY OF CUSTER CITY
COUNCIL PROCEEDINGS- REGULAR SESSION
November 7th, 2016**

Mayor Jared Carson called to order the first meeting of the Common Council for the month of November, 2016 at 5:30 p.m. Present at roll call were Councilpersons Maciejewski, Heinrich, Nielsen, Fischer, Blom and Schleining. City Attorney Chris Beesley was also present. The Pledge of Allegiance was stated.

AGENDA

Councilperson Fischer moved, with a second by Councilperson Blom, to approve the agenda. The motion unanimously carried.

MINUTES

Councilperson Nielsen moved, with a second by Councilperson Heinrich, to approve the minutes from the October 17th regular council meeting. The motion unanimously carried.

CONFLICTS OF INTEREST

Mayor Carson stated he had a conflict of interest with the Vacation Home Rental Survey and Liquor & Wine License Renewals. Councilperson Maciejewski stated he had a conflict of interest with the Liquor & Wine License Renewals. No other conflicts of interest were stated.

DEPARTMENT HEAD DISCUSSION

Bob Morrison, Public Works Director, mentioned that he has been working on the presentation for the Eleventh Street bridge and pedestrian walkway project to be presented in Pierre as the next step in the TAP grant application process. Bob also mentioned the upcoming Safety Conference that Kim and him will be attending, in addition to the status of the water treatment evaluation working that's being done by AE2S Engineering.

Laurie Woodward, Finance Officer, mentioned that September sales tax was down 9.58% from last year and the year to date sales tax is down 3.32%. She also mentioned the Mayor, Sheriff and herself meet with Battle Mountain Humane Society to discuss how the animal control contract was working. It was also mentioned that if Council has questions on the law enforcement spreadsheets and financial spreadsheets to let her know.

PUBLIC HEARING – MALT BEVERAGE LICENSE TRANSFER & NEW WINE LICENSE – CALAMITY JANE WINERY

Councilperson Schleining moved to approve the retail on-off sale malt beverage & SD farm wine license transfer and new on-off sale wine license for Calamity Jane Winery & Mercantile Inc, contingent upon proof of insurance being provided and background check being completed. Seconded by Councilperson Nielsen, the motion unanimously carried.

Mayor Carson and Councilperson Maciejewski left the meeting at 5:36 pm.

PUBLIC HEARING – LIQUOR & WINE LICENSE RENEWALS

Councilperson Nielsen moved to approve the liquor and wine licenses (twenty licenses) for renewal for 2017 contingent upon receiving proof of insurance, current operating agreements being signed and all financial obligations with the City being paid current, with the except of the VFW's license to allow for a meeting to clarify some information. Seconded by Councilperson Blom, the motion unanimously carried.

Councilperson Maciejewski rejoined the meeting at 5:38 pm.

VACATION HOME RENTAL SURVEY

After some discussion, Councilperson Fischer moved to abandon the vacation home rental survey and let the Planning Commission review the issue and work through the ordinance and/or possible solution. Seconded by Councilperson Nielson, the motion unanimously carried.

Mayor Carson rejoined the meeting at 6:13 pm.

FIRST READING – ORDINANCE #778 – WATER RATES

Councilperson Fischer moved to approve the first reading of Ordinance #778, Water Rates. Seconded by Councilperson Maciejewski, the motion unanimously carried.

SECOND READING – ORDINANCE #779 – WASTEWATER RATES

Councilperson Maciejewski moved to adopt Ordinance #779, Wastewater Rates. Seconded by Councilperson Heinrich, the motion carried with Councilperson Maciejewski, Heinrich, Nielsen, Fischer, Blom and Schleining voting yes.

SECOND READING – ORDINANCE #780 – SERVICE REDUCTION RATES

Councilperson Nielsen moved to adopt Ordinance #780, Service Reduction Rates. Seconded by Councilperson Schleining, the motion carried with Councilperson Heinrich, Nielsen, Fischer, Blom, Schleining and Maciejewski voting yes.

SECOND READING – ORDINANCE #781 – 2016 SUPPLEMENTAL APPROPRIATION

Councilperson Schleining moved to adopt Ordinance #781, 2016 Supplemental Appropriation. Seconded by Councilperson Nielsen, the motion carried with Councilperson Nielsen, Fischer, Blom, Schleining, Maciejewski and Heinrich voting yes.

RESOLUTION #11-07-16A – PERSONNEL MANUAL – PUBLIC WORKS DEPARTMENT WORKING FOREMAN POSITION DESCRIPTION

Councilperson Schleining moved to adopt Resolution #11-07-16A, Personnel Manual – Public Works Department Working Foreman Position Description. Seconded by Councilperson Heinrich, the motion unanimously carried.

RESOLUTION # 11-07-16A

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 6-06-16B; and

WHEREAS, the Common Council of the City of Custer City has determined that a Public Works Department Working Foreman position description is necessary and desirable.

WHEREAS, the Common Council of the City of Custer City has determined that the Park Supervisor position is no longer desirable.

NOW THEREFORE BE IT RESOLVED that the Employee Personnel Manual is amended to include the attached exhibit "A", Public Works Department Working Foreman Position Description, as though set forth in full herein, and adopted by reference; and the Park Supervisor position removed.

Dated this 7th day of November, 2016

City of Custer City

S/Jared Carson, Mayor

Attest: Laurie Woodward, Finance Officer

RESOLUTION #11-07-16B – ADOPTING WEST DAM EMERGENCY ACTION PLAN

Councilperson Heinrich moved to adopt Resolution #11-07-16B, Adopting West Dam Emergency Action Plan. Seconded by Councilperson Maciejewski, the motion unanimously carried.

RESOLUTION # 11-07-16B

RESOLUTION ADOPTING THE CUSTER CITY WEST DAM EMERGENCY ACTION PLAN

WHEREAS, the City of Custer West Dam Emergency Action Plan (EAP) has been prepared;

WHEREAS, Custer County and South Dakota Department of Environment & Natural Resources has been afforded the opportunity to participate, comment, and provide input in the plan content and mitigation strategies; and

WHEREAS, Custer County and South Dakota Department of Environment & Natural Resources has reviewed and signed off on the Emergency Action Plan; and

WHEREAS, the City of Custer will annually review and update as necessary the Emergency Action Plan.

NOW THEREFORE BE IT RESOLVED by the Custer City Council that it adopts the Custer City West Dam Emergency Action Plan, and resolves to participate in the accomplishments of the actions therein.

Dated this 7th day of November, 2016

City of Custer City

S/Jared Carson, Mayor

Attest: Laurie Woodward, Finance Officer

DEER COUNT

Public Works Director, Bob Morrison, presented the deer survey worksheet to Council, which compared the deer count from last year to this year. After reviewing the numbers with Council, Mr. Morrison stated he didn't feel it necessary to implement the deer management process for this year.

CLAIMS

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

AE2S, Professional Fees, \$1,960.00

Aflac, Insurance, \$612.75
Banner Associates, Capital Improvements, \$11,409.79
Battle Mountain Humane Society, Animal Control Contract, \$1,600.00
Black Hill Power & Light, Utilities, \$8,386.30
Blom, Kris, Travel, \$75.60
Century Business Products, Supplies, \$296.72
Crazy Horse/Laughing Water, Conference, \$254.83
Chronicle, Publishing, \$1,059.33
Custer Do It Best, Supplies, \$232.12
Custer Industrial, Repair/ Maint, \$129.00
Custer Regional Medical Clinic, Safety, \$18.00
Delta Dental, Insurance, \$268.30
EFTPS, Taxes, \$14,091.47
First Interstate Bank, Utilities, Supplies, Repair & Maintenance, \$1,623.94
French Creek Supply, Supplies, \$224.22
Frontier Photo, Safety, \$110.00
First Interstate Bank, Supplies, \$48.30
Green Owl Media, Professional Fees, \$255.00
Gunderson, Palmer, Nelson & Ashmore, Professional Fees, \$100.00
Hawkins, Supplies, \$6,047.49
Kimball Midwest, Supplies, \$268.80
Lasting Impressions Unlimited, Supplies, \$315.00
Leo's Auto Repair, Repair & Maintenance, \$20.00
Petty Cash, Supplies, \$475.25
Quill, Supplies, \$49.00
Paypal, Supplies, \$268.71
Rancher's Feed and Supply, Utilities, \$1,122.40
Rapid Delivery, Professional Fees, \$37.95
Sanders Sanitation, Capital Improvements, Repair & Maintenance, \$440.00
Servall, Repair & Maintenance, \$161.01
State of SD, Sales, Tax, \$1,053.12
SD Retirement System, \$6,082.84
Supplement Retirement, \$345.00
Us Department of Treasury, Deductions, \$142.55
Wellmark, Insurance, \$10,585.01
Mayor & Council, \$4,400.00
Finance Department, \$10,892.25
Public Buildings, \$2,403.94
Planning Department, \$4,879.80
Public Works Department, \$9,865.09
Street Department, \$7,023.58
Parks Department, \$3,367.29
Water Department, \$8,839.85
Wastewater Department, \$5,182.81
Total Claims \$127,166.96

COMMITTEE REPORTS

Various committee reports were given.

EXECUTIVE SESSION

Councilperson Fischer moved to go into and out of executive session for personnel per SDCL 1-25-2(1-4) at 6:29 pm, with the Attorney, Public Works Director and Finance Officer present. Seconded by Councilperson Nielsen, the motion unanimously carried. Council came out of executive session at 6:50 pm, with no action taken.

EMPLOYEE STEP INCREASE

Councilperson Fischer moved to approve the step increase for John Cotner to Step 2, off probation, at \$15.09 per hour effective October 31, 2016. Seconded by Councilperson Schleining, the motion unanimously carried.

EMPLOYEE JOB TITLE CHANGE

Councilperson Schleining moved to approve a job title change for Tim Wollaston to Public Works Department Working Foreman effective November 7, 2016 at his current rate of pay, as the Public Works Department Working Foreman position will replace the Parks Supervisor position. Seconded by Councilperson Blom, the motion unanimously carried.

ADJOURNMENT

With no further business, Councilperson Blom moved to adjourn the meeting at 6:52 p.m. Seconded by Councilperson Heinrich, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
Finance Officer

Jared Carson
Mayor

ORDINANCE NO. 783

AN ORDINANCE ENTITLED "AN ORDINANCE AMENDING CUSTER CITY MUNICIPAL CODE, TITLE 17 ZONING BY REZONING CERTAIN PROPERTIES TO HIGHWAY COMMERCIAL ZONING DISTRICT."

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF CUSTER CITY, SOUTH DAKOTA THAT Title 17 Chapter 17.20 Highway Commercial District of the Custer Municipal Code be amended by Rezoning the following property from Unzoned to Highway Commercial Zoning District, and the same shall be subject to the provision of Chapter 17.20:

SAXTON SUBD - REVISED TR B2 OF TR B2 & TR B IN A PT OF E2NE4
SEC 27 T3 R4

and

THAT PORTION OF SAXTON SUBD - LOT B2 OF LOT B OF REVISED TR
STODDARD OF TR B2 & TR STODDARD OF TR B IN E2NE4 SEC 27 T3 R4
NOT PREVIOUSLY ZONED HIGHWAY COMMERCIAL BY ORDINANCE
644

Dated this ___ day of ___ 2016, at the City of Custer City, South Dakota.

CITY OF CUSTER CITY

ATTEST:

Jared Carson, Mayor

Laurie Woodward
Finance Officer

(SEAL)

First Publication:

First Reading:

Second Reading:

Final Publication:

Vote:



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

Staff Report

Request: Zoning - SAXTON SUBD - REVISED TR B2 OF TR B IN A PT OF E2NE4 SEC 27 T3 R4 and SAXTON SUBD - LOT B2 OF LOT B OF REVISED TR STODDARD OF TR B2 & TR STODDARD OF TR B IN E2NE4 SEC 27 T3 R4

Applicant: Paradise Land Company, LLC

Location: North of intersection of HWY. 16 and Little Teton Road

Legal Desc.: SAXTON SUBD - REVISED TR B2 OF TR B2 & TR B IN A PT OF E2NE4 SEC 27 T3 R4 and SAXTON SUBD - LOT B2 OF LOT B OF REVISED TR STODDARD OF TR B2 & TR STODDARD OF TR B IN E2NE4 SEC 27 T3 R4

Date: November 17, 2016

City Council Meeting: November 21, 2016

Prepared by Elmer Claycomb, P.E., Interim Planning Director

GENERAL

These parcels were annexed into the city in 2005. No zoning was established at the time of annexation. The applicant now wishes to have the property zoned as Highway Commercial. The intended use of the property is for about 7 resort cabins on Revised Tract B2. No specific plans exist for uses on Lot B2.

PREVIOUS ACTION

The City Council approved rezoning the property to Highway Commercial on September 6, 2016. The action to be taken at the current meeting is to conduct the Public Hearing and first reading on the Ordinance rezoning the property. The Planning Commission reviewed the Ordinance on November 8, 2016 and recommends approval. The notice for the public meeting has been published in the newspaper.

ACTION TO BE TAKEN BY COUNCIL

Conduct Public Hearing and first reading of Rezoning Ordinance.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of Custer City, South Dakota shall hold a public hearing on the 21st day of November, 2016, at 5:30 p.m. at the regular meeting of the City Council to be held in the Council Chambers at City Hall, 622 Crook Street, on the following;

AN ORDINANCE AMENDING CUSTER CITY MUNICIPAL CODE, Title 17 Zoning by zoning certain properties to HIGHWAY COMMERCIAL Zoning District

SAXTON SUBD - REVISED TR B2 OF TR B2 & TR B IN A PT OF E2NE4 SEC 27 T3 R4

and

SAXTON SUBD - LOT B2 OF LOT B OF REVISED TR STODDARD OF TR B2 & TR STODDARD OF TR B IN E2NE4 SEC 27 T3 R4

all in Custer City, South Dakota.

If someone is unable to attend the Public Hearing, written comments will be taken. Please send your comments to Custer City, 622 Crook Street, Custer, SD 57730

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the City Finance Office no less than 24 hours prior to the meeting to make necessary arrangements.

Dated this 27th day of November, 2016.

/s/ Elmer Claycomb
Planning Director

Please publish on November 2nd and November 9th, 2016

Prepared by:
Elmer Claycomb
Planning Director
City of Custer
622 Crook Street
Custer, SD 57730
(605) 673-4824

RESOLUTION NO 11-21-16A

WHEREAS, the verified Petition and application of the owners of all real property adjoining the hereinafter described portion of a certain public Right-Of-Way in the City of Custer City, Custer County, South Dakota, praying that said tract be vacated as it serves no useful purpose as part of the streets and alleys in the City of Custer City, the same not being necessary for the use and location of public streets and alleys thereon, has been heretofore filed, and

WHEREAS, the Common Council of the City of Custer City, Custer County, South Dakota, has heretofore caused notice of the time and place of hearing said Petition to be published once a week for two (2) consecutive weeks, to-wit: on the 2nd day of November, 2016, and on the 9th day of November, 2016, in the Custer County Chronicle, a legal newspaper published in Custer City, Custer County, South Dakota, setting forth the 21st day of November, 2016, for the hearing thereon.

NOW THEREFORE BE IT RESOLVED that the public Right-Of-Way described as follows:

Tract Free Way of Tracts Morris and Free Way which are portions of Tract Bowden which is a portion of Tract "A" located in the SE ¼ of Section 27; T 3 S; R 4 E of the B. H. M. in Custer County, South Dakota, as recorded in Plat Book 1 at Page 139 of the Register of Deeds of Custer County, South Dakota;

be, and the same is, forever vacated, however all rights to maintain or establish utilities or subsequent easements shall be retained

Dated at Custer City, Custer County, South Dakota, this 21st day of November, 2016.

CITY OF CUSTER CITY

ATTEST:

Jared Carson, Mayor

Laurie Woodward, Finance Officer

(SEAL)



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

Staff Report

Request: Vacation of Street Right-of-Way
Applicant: Black Hills Pizza Hut Inc.
Location: Extending south from Highway 16 about 515 feet, located between Wazi Lane and O'Connor Road
Legal Desc.: Tract Free Way, a portion of Tract A in the Sec. 27, T3S, R4E
Date: November 17, 2016
City Council Meeting: November 21, 2016
Prepared by Elmer Claycomb, P.E., Interim Planning Director

GENERAL

Tract Free Way was platted in 1949 along with Tract Morris. The Plat describes Tract Free Way as "to serve as ingress and egress to tract Morris and adjacent lands". The Tract is about 24 feet wide by 515 feet long, extending south from Highway 16, midway between Wazi Lane and O'Connor Road. It has not been named as a street nor have any street improvements been constructed. The south end abuts Groat Tract, but does not provide physical access, as it crosses French Creek without a bridge. The applicant owns the property on both sides of the tract.

PREVIOUS ACTIONS

The Council previously passed Resolution No. 06-20-16B vacating the alley. The Custer County Register of Deeds would not accept the Resolution as she felt it did not have an adequate legal description. The City Attorney felt that a new Resolution must be approved by the City Council. The current Resolution includes a legal description acceptable to the Register of Deeds. It has been reviewed and recommended for approval by the Planning Commission and advertised in the newspaper for Public Hearing at this meeting.

RECOMMENDED ACTION BY CITY COUNCIL

Hold Public Hearing and approve Resolution.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of Custer City, South Dakota shall hold a public hearing on the 21st day of November, 2016, at 5:30 p.m. at the regular meeting of the City Council to be held in the Council Chambers at City Hall on following;

A request by owner to consider an application for vacation of Tract Free Way of Tracts Morris and Free Way which are portions of Tract Bowden which is a portion of Tract "A" located in the SE ¼ of Section 27; T 3 S; R 4 E of the B. H. M. in Custer County, South Dakota, as recorded in Plat Book 1 at Page 139 of the Register of Deeds of Custer County, South Dakota;

If someone is unable to attend the Public Hearing, written comments will be taken. Please send your comments to Custer City, 622 Crook Street, Custer, SD 57730

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the City Finance Office no less than 24 hours prior to the meeting to make necessary arrangements.

Dated this 27th day of October, 2016.

/s/ Elmer Claycomb

Planning Director

Please publish on November 2 and November 9, 2016

ESTABLISHMENT	LICENSE	TAXES PAID	AGREEMENT	INSURANCE	10% DUE TO CITY	VIDEO LOTTERY
VFW	RL-6292	YES	11/2018	01/2017	\$	350.00

ORDINANCE NO. 778

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:

13.08.010 Rates and charges.

There shall be charged by the city, effective for the January 2017 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)	\$10.38

On amounts of water used over two thousand (2,000) gallons, add seven dollars and thirty-one cents (\$7.31) per thousand gallons used to the water charge.

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

Gallons Used	Water Charge
2,000 (minimum)	\$22.35

On amounts of water used over two thousand (2,000) gallons, add eight dollars and sixty cents (\$8.60) 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 21th day of November, 2016

City of Custer City

Attest _____
Laurie Woodward, Finance Officer

Jared Carson, Mayor

(SEAL)

First Reading: November 7th, 2016
Seconding Reading: November 19th, 2016
Publication: November 28th, 2016

Vote:
Schleining:
Heinrich:
Nielsen:

Fischer:
Blom:
Maciejewski:

2017 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	10.38	10.38	17.69	25.00	32.31	39.62	46.93	54.24	61.55	68.86
Water Bond	4.75	4.75	6.95	9.15	11.35	13.55	15.75	17.95	20.15	22.35
Wastewater	20.55	20.55	22.80	25.06	27.32	29.57	31.83	34.08	36.34	38.59
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
Total Residential Rate	61.63	61.63	73.39	85.16	96.93	108.69	120.46	132.22	143.99	155.75

7.31
2.20
2.26

<u>Commercial & 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	22.35	22.35	30.95	39.55	48.15	56.75	65.35	73.95	82.55	91.15	177.15
Water Bond	4.75	4.75	6.95	9.15	11.35	13.55	15.75	17.95	20.15	22.35	44.35
Wastewater	24.13	24.13	30.65	37.17	43.69	50.21	56.73	63.25	69.77	76.29	141.49
Sewer Bond	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Total Commercial Rate	56.73	56.73	74.05	91.37	108.69	126.01	143.33	160.65	177.97	195.29	368.49

8.60
2.20
6.52

100000 Gallons	200000 Gallons
865.15	1725.15
220.35	440.35
663.08	1315.07
5.50	5.50
1754.08	3486.07

ORDINANCE NO. 782

An Ordinance entitled An Ordinance Amending Title 12 Streets, Sidewalks and Public Places, Chapter 12.12 Cemetery 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 Chapter 12.12 be amended as follows:

Chapter 12.12 CITY CEMETERY

Sections:

- 12.12.010 Name
- 12.12.020 Supervision
- 12.12.030 Powers and authority
- 12.12.035 Records
- 12.12.040 Purchaser to agree
- 12.12.050 Execution of conveyances
- 12.12.060 Monuments
- 12.12.070 Burial vaults
- 12.12.080 Hours—Alcoholic beverages prohibited
- 12.12.090 Reclaiming and resale of lots by city
- 12.12.095 Restrictions on Resale of Lots
- 12.12.100 Planting of trees, shrubs, flowers or plants
- 12.12.110 Concrete borders and Crushed Rock or Quartz
- 12.12.120 Items placed on graves
- 12.12.130 Burial process
- 12.12.140 Disinterment
- 12.12.150 Inadvertent burial or damage
- 12.12.160 Grave Spaces

12.12.010 Name

The cemetery owned and operated by the city and known as the Custer City Cemetery shall be governed, managed and operated under the provisions of this chapter.

12.12.020 Supervision

The Custer City Finance Office shall supervise the Custer City Cemetery; make rules and regulations, which shall be subject to the approval of the Common Council; and see that the provisions of this chapter, rules and regulations of the council governing the cemetery are complied with in every way. The Finance Office shall keep all records of the cemetery and shall procure suitable books, blank forms or other records, written and electronic for the purpose. A map of the cemetery shall be kept in the Finance Office. The Finance Officer shall designate an employee to sell all lots and sign the permit for disposition of dead human remains.

12.12.030 Powers and authority

- A. The Custer City Common Council shall establish rates for the sale of cemetery lots and perpetual care maintenance within the Custer City Cemetery and shall periodically make adjustments to those fees. See the Fee Schedule set by resolution for the rates. The Custer City Finance Office shall receive, receipt for, and deposit moneys from the sale of lots into the general fund for care and maintenance; and the perpetual care fees shall be deposited into the service fund, known as the Custer City Cemetery Perpetual Care Fund. The Perpetual Care Fund balance shall continue to increase to an amount so as the interest earned thereon may provide for all or a portion of the care of the cemetery. The interest shall be receipted into the general fund for care and maintenance. Perpetual care consists of mowing, trimming, raking, refilling as necessary, reseeding as needed, and all care necessary to maintain the property to the best of the ability of the City.
- B. Further, the Custer City Common Council shall have the power to contract with the owners or the families of decedents owning lots within the said Custer City Cemetery for the care of their lots within the cemetery. Further, the Custer City Common Council shall have the power to hire or contract with firms, or individuals for the care, maintenance and improvement of the Custer City Cemetery.
- C. No burials shall be made upon a lot for which the city has not received payment. Should there be an interment on a cemetery space for which full payment has not been made, the City reserves the right to disinter the remains and remove the burial, together with any monument or other structure thereon, to some other portion of the cemetery.
- D. All cemetery lots or grave spaces shall be used for burial purposes only and shall not be resold without the consent of the designated city employee(s).
- E. Cemetery lots or grave spaces shall not be used for any other purpose than as a place for burial of the dead. No interment of remains other than that of a human being shall be made in such cemetery.
- F. No burial other than known members of the family of the lot owner except lots in the county section, will be allowed except written request is made to the Finance Office. Permission, if granted, shall be filed in the Finance Office.
- G. No lot owner shall be allowed to sell or transfer any lot, or portion of such lot for a remuneration or consideration without the approval of the Finance Office.

12.12.035 Records

In addition to all of the records required to be kept by the laws of the State of South Dakota relating to cemeteries, burials and removal of dead, etc., the following records shall be kept by the City Finance Officer or his or her appointee.

- A. A complete plat or map of the Cemetery, showing the exact location of said Cemetery, and describing or indicating all blocks, lots, interments, etc., of said Cemetery, and all other information as may be required by law or ordinance;
- B. A complete record of all lots that have been sold, all Deeds issued, all fees paid, and the names and address of all purchasers;
- C. A complete record of all burial permits; A complete record of all disinterment's made and fees paid therefore;

- D. Any book, or electronic document owned and maintained by the City Finance Office known as Burial Record Book or Document, in which shall be recorded the deceased age and date of death, and number of the lot and block of the burial, copies of burial or removal permits, and all other information which may be required by law or ordinance, or which the City Finance Officer deems important; and
- E. Any other records which the Finance Officer shall deem important or necessary.

12.12.040 Purchaser to agree

The purchaser of any lot does by his/her purchase agree to abide by all provisions of all laws and ordinances of this State and City in force at any time relating to the Cemetery, including all amendments hereafter adopted, and all rules and regulations adopted in connection with said Cemetery. Any purchaser of any lot does by his/her purchase agree that no sale or transfer shall be made of said lot, or any part thereof, to any other person without the approval of the City Finance Office.

12.12.050 Execution of conveyances

The Custer City Finance Office shall execute all conveyances of lots upon the payment of purchase price thereof. Each conveyance shall be signed by two officers of the City. The filing fee will be charged over and above the sale of the lots and perpetual care fees.

12.12.060 Monuments or Grave Markers

No monuments, stone, marker or structure of permanent nature shall be set in the cemetery without permission from the Custer City Finance Office. See the Fee Schedule set by resolution for the fee. Failure to obtain a monument permit could result in a penalty fee not to exceed fifty dollars (\$50.00).

- A. One (1) upright monument or marker shall be allowed per grave space. Additional markers and footstones shall be placed at the foot of the grave and be flat. The location of markers on all graves shall be determined by, and at the discretion of the Finance Office staff.
- B. When one (1) central or family monument or marker is placed on a family plot (four grave spaces in the same lot), the monument or memorial should be centered and set three (3) inches from the west line of the plot. Accompanying monuments or markers in the same plot should be placed three (3) inches from the east line of the plot within the parameters of each grave space, and be flat markers or footstones.
- C. If corner markers are used to mark a plot they must be set at ground level and no larger than four (4) square inches in surface area.
- D. All monuments and markers referred to in this chapter shall not exceed the boundaries of the owners' deeded grave spaces; four feet in width for a single grave space and eight feet in width for a double grave space, and must be set on a poured concrete or granite foundation not less than four inches deep and with a four-inch minimum on all sides flush with the ground level. Monuments and markers placed after the passage of the ordinance shall also be restricted to four (4) feet in height.

- E. Mausoleums or tombs either wholly or partially above ground shall be constructed only upon approval of the governing body and only in those lots approved by the governing body. All plans and materials shall be approved by the governing body.
- F. All monuments, markers and mausoleums shall be of the first quality granite, marble, other natural rocks and stone or memorial grade bronze metal.
- G. Vases shall be allowed to be placed in front of, on the side, or on the base of the monument.
- H. Monuments and markers are not City property. Maintenance and vandalism are the responsibility of the deed holder or personal representative of the estate.

12.12.070 Burial vaults and urns

No remains shall be placed in any grave space in the Custer City Cemetery without the approval of the Custer City Finance Office. All remains must be placed in a burial vault or urn. No surface vaults are allowed. When the ashes of a cremated body are to be interred in the cemetery, the ashes must be in a durable urn or in a strong metal or concrete case. Such container for cremated remains shall be no larger than one (1) foot by one (1) foot. No person shall scatter cremated remains within the cemetery. Vault covers shall not be permitted in the Custer City Cemetery. Old or damaged vault covers shall be removed at the expense of the next of kin.

12.12.080 Hours—alcoholic beverages prohibited

- A. The municipal cemetery shall be open from dawn until dusk or five a.m. to nine p.m., whichever is earlier. There shall be no drinking or alcoholic beverages in the cemetery. Signs specifying the hours and rules shall be placed and maintained in a conspicuous place at each entrance to the cemetery.
- B. Any person who enters the cemetery outside of the posted times will be guilty of a violation of this section and shall pay a fine of twenty-five dollars (\$25.00) to the city. Special exceptions shall be made for religious or sentimental reasons if they are related to the visitation by a friend or relative of a particular person who is buried in the cemetery, if prior approval is given by the Custer City Finance Office.

12.12.090 Reclaiming and resale of lots by city

In addition to the power granted the city in SDCL 9-32-21 & 47-29-9, relating to the reselling of cemetery lots, the city shall have the right to discontinue all rights granted to a purchaser of any lot after a period of thirty (30) years from the date of sale thereof, should the Custer City Finance Officer upon investigation determine that the purchaser or owner thereof has not used said lot, or any part thereof, that such owner is deceased and that such lot will not likely be used as a burial place for the owner or purchaser or any members of his family. In the event that any such lot is to be reclaimed, inquiry shall be made to ascertain the names and addresses of such heirs or any of them, which can be obtained by the making of reasonable inquiry, and notice shall be given to such heirs, by mail, of the intention of the city to reclaim said property, and of the fact that said money will be deposited as hereinafter provided in this section. Notice and transfer shall be in accordance with SDCL. Whether any heirs of such deceased owner or purchaser are located or not, the original cost of said lot, as paid by said owner or purchaser, shall be held in trust by the city until such time as proof satisfactory to the city is made by the heirs of such deceased owner of the right to such proceeds. In case no heir of said deceased

owner is located, notice of the reclaiming of such lot and the deposit of said money shall be published once a week for three (3) successive weeks in the official newspaper in the city. It is the responsibility of the owner, purchaser or any members of their family to maintain updated contact information with the City of Custer City.

12.12.95 Restrictions on Resale of Lots

If the owner or purchaser of any lot, on which no burial has taken place, desires to sell the same, he or she shall inform the City Finance Officer of his/her desire to sell, whereupon the City shall have an option for 30 days thereafter to purchase said property on the basis of the regular selling price by the City of lots in the same section or block. If such option is not exercised by the City, said owner or purchaser may then sell to any other person, however, no lot shall be sold for a price greater than that originally paid to the City for said lot. No transfer or assignment of any lot, or interest therein, shall be valid without the consent of the City Finance Officer. No person shall buy or sell any lot within the Cemetery for purposes of speculation. In the event any lot is purchased by the City, pursuant to the option mentioned in this section, the City Finance Officer shall ascertain that the owner has clear right to the same before such purchase is made.

12.12.100 Planting of trees, shrubs, flowers or plants

- A. The planting of trees, shrubs, flowers or plants shall be prohibited at the cemetery. As existing plantings located on graves or in alleyways die, they shall not be replaced.
- B. Trees growing on any lot shall not be pruned, cut down, or removed without the consent of the City Finance Office, and if any tree or shrub situated on any lot shall, by means of its roots, branches, or otherwise, become detrimental to the adjacent lots, walkways or roadways; or unsightly or inconvenient, the City Finance Office shall have the right to enter upon such lot and remove such trees and shrubs, or such part of such trees or shrubs as deemed necessary.

12.12.110 Concrete borders and Crushed Rock or Quartz

- A. Concrete borders around grave spaces are prohibited. If any previously installed concrete border becomes unsightly, the family will be responsible for repairs. If contact is unable to be made after a reasonable attempt, the City may remove the concrete border and replace the area with grass. Corner markers, if desired, may be placed at the property owner's expense, and shall be flush with the ground and no larger than four (4) square inches in surface area.
- B. No crushed rock, quartz or any other landscaping rock not used as a monument at the head of the grave shall be placed on any lot.

12.12.120 Items placed on graves

- A. City employees or contractors shall not be held responsible for articles left on any lot or grave under any circumstances. City employees or contractors shall reserve the right to remove articles from any lot or grave if they are deemed unsightly or objectionable.
- B. Floral arrangements shall be permitted on any lot or grave from May 1st through October 31st and on Easter, Thanksgiving, Christmas, the decedent's birthday and date of passing.

- C. No glass containers or items of any type will be permitted in the cemetery. Any glass located in the cemetery will be removed and disposed of immediately.
- D. No chairs or benches are permitted on lots, however, stone benches placed at the head of the grave space may be used in place of monuments upon approval from the Finance Office.
- E. Papers, decayed flowers, empty bottles or cans and other rubbish shall not be permitted in any lot, grave space, roadway or cemetery ground.

12.12.130 Burial process

- A. Interments are subject to the laws of South Dakota, and nothing in this section shall conflict with said laws, and such regulations herein provided are in addition to, and supplementary or included in the said laws of the State of South Dakota. No interment of any body shall be permitted in any lot until full compliance is made with all laws and ordinances regarding burials then in force.
- B. All interments in lots shall be restricted to members of the immediate family, or relatives of the deed holder thereof, unless a notarized, written document from the lot owner or their heirs stating their wishes to the contrary is filed with the City Finance Officer.
- C. A designated city employee within the finance department shall approve the burial setting forth the grave, lot and block number upon which the burial is to be made. After the burial location is approved and sufficient information received on the deceased, the city will stake and inspect the grave space. Double vault burials will be allowed only in spaces previously approved. Temporary grave markers must be used by all mortuaries. The city will not be held responsible for any temporary markers. Under normal circumstances, the city will not be responsible for actual digging of the graves.
- D. The digging of all graves shall only be done by the City's approved contractors, and all surplus earth shall be removed from the lots at the expense of the lot owner. The only exception to this may be for the placements of cremains, in which case the family may dig the space for cremains placement once approval has been received from the Finance Office.
- E. The cost of digging all grave spaces shall be the expense of the lot owner or deceased's family.
- F. Up to two cremains are allowed for each permitted space. If a space already holds a normal burial remains, two cremains may also be placed in the space, if such space does not already contain a cement cover or full grave monument.
- G. No cremains shall be placed between two grave spaces or cement covers.

12.12.140 Disinterment

No disinterment in a lot or grave space will be permitted without documentation as prescribed by South Dakota State law in writing by the surviving husband, wife or next of kin of the person whose body is to be disinterred, and written permit, order for the disinterment from the owner of the lot, or his or her lawful representative.

12.12.150 Inadvertent burial or damage

Any person who purchases any cemetery lot shall, by such purchase, be deemed to have agreed, on behalf of himself and his heirs and assigns, to hold the city harmless for any damages resulting from an inadvertent burial on the wrong lot or for any damage to any stone, marker or other improvement placed on the lot so purchased.

12.12.160 Lot Sizes

The size of all lots shall be five feet wide by ten feet long.

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 December, 2016

City of Custer City

Attest _____

Laurie Woodward, Finance Officer

Jared Carson, Mayor

(SEAL)

First Reading: November 21st, 2016
Seconding Reading: December 5th, 2016
Publication: December 14th, 2016

Vote:
Schleining: Fischer:
Heinrich: Bloom:
Nielsen: Maciejewski:

RESOLUTION NO. 11/21/16 **B**

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 2016 Financial Report.

NAME:	ACCOUNT #:	AMOUNT:
Lionel Ahrendt	400831-07	\$ 121.04
Valarie Crowley	401380-02	\$ 254.90
Lynn Duff	500410-01	\$ 135.78
Brandi Kimbrough	650110-04	\$ 27.36
Steve Monnier	500420-10	\$ 24.91
	TOTAL	<u>\$ 563.99</u>

Signed this 21st day of November, 2016.

ATTEST:

CITY OF CUSTER

LAURIE WOODWARD
FINANCE OFFICER
(SEAL)

JARED CARSON
MAYOR

RESOLUTION #11-21-16C
SEWAGE TREATMENT AGREEMENT

This Agreement for the treatment of non-industrial sewage only, is entered into as of the 21th day of November, 2016, by and between the City of Custer City, South Dakota, hereinafter referred to as the "City" and the East Custer Sanitary Sewer and Water District, Custer, South Dakota, hereinafter referred to as the "District."

This agreement shall specifically supersede and replace that one certain sewage treatment contract originally entered into between the parties hereto, signed March 17, 1975, consisting of three pages, and any and all amendments and addendums executed thereafter.

Witnesseth:

Whereas the District is organized and established under the provisions of SDCL 34A-5 and Acts amendatory thereof, for the purpose of operating, maintaining and repairing sewage collection system serving sewer users within the District, as indicated on exhibit "A" attached hereto, establishing the exterior boundaries of said district.

Whereas, the City now owns and operates a sewage treatment plant with a capacity currently capable of serving the present customers of the City's system and the estimated number of sewer users to possibly be served by the said District.

Whereas, treatment of sewage for the District in accordance with the terms set forth herein is approved, and the execution of this contract is duly authorized by Resolution hereinafter set forth, and

Whereas, by Resolution of the Board of Trustees hereinafter set forth, treatment of the District's sewage by the City is hereby approved and the execution of this contract is duly authorized;

Now therefore, in consideration of the foregoing and the mutual agreements hereinafter set forth,

A. The City Agrees:

1. (Quality and Quantity) To adequately treat the non-industrial sewage of the District, during the term of this Agreement or any renewal or extension thereof, according to the standards established by the South Dakota Department of Environmental Protection in such quantity as may be required by

the District; however, not to exceed the design capacity of the City Sewage Treatment Plant.

2. (Billing Procedure) The District certifies that they are authorized by their bylaws and regulations to enter into this Agreement on behalf of their members. The District shall be responsible to charge for, bill and collect for all sewer fees or charges, or debt therefore, directly to the District's members, and to pay the appropriate amount owed by the District to the City on or before the 20th day of each month for the preceding month. The City shall apply late fees as stated in section 13.20.090 of the Custer Municipal Code. A Service reduction for those members who do not occupy their place for a period thirty days or greater, will be applied in accordance with section 13.24.060 of the Custer Municipal Code.

In the event any member becomes significantly in default on payments to the District, thereby causing the District to fall in arrears to the City on that member's portion thereof, any penalties shall accrue thereon; the City, however agrees that said arrears shall not constitute default such that the City shall declare the entire contract in default. This section shall only apply in such a situation as herein stated, and shall only apply so long as the District documents to the City that diligent and active efforts are being conducted by the District to collect such arrears from the member.

3. (Rates) The City shall charge each member of the District on a monthly basis at a rate of 1.15 times the rate as stated in section 13.20.130 of the Custer Municipal Code in accordance with section 13.20.140 of the Custer Municipal Code, as the same may be amended. **Each residential member shall be charged a standard 4,000 gallons usage per month.**

B. The District Agrees:

1. (Board of Trustees) The District shall maintain their Board of Trustees who shall be responsible for and govern all activities of the District, and the Board shall be the point of contact for the City. The Board shall provide annually by December 31st each year a list of current members, board members, and contact

information, including current mailing addresses for all members and the District, and appear at the First Council meeting the following year with an annual update to Council for the preceding year. In addition, the Board of Trustees shall provide yearly the name and contact information for their certified operator.

2. (Maintenance) District hereby agrees to be responsible for and provide all costs, repairs, maintenance and replacement of the system, including but not limited to meters, pipes, manholes, lift stations, etc to the point of entry to the City's Sewer Main, as displayed in "Exhibit B" (whether that portion of the system is located on District or City land), attached hereto and incorporated herein by this reference as though set forth in full.

All commercial member's properties must be metered.

The District shall be responsible for reading and reporting all meters within the District on a monthly basis, and ensuring that said meters are working accurately. The parties agree, however, that the City retains the right to independently monitor and verify such meter readings, and that City's employees may enter onto District's property to conduct independent readings of any meters to verify that the same are working accurately, at City's discretion.

3. (Outstanding Bills and Debt) The District shall be responsible for all outstanding bills or debt accruing to or from the District prior to execution of this agreement, and paying for or collection of such. The District shall be responsible for all debt repayment and any reporting requirements in accordance with such debt.

C. It is Further Mutually Agreed Between the City and District:

1. (Term of Agreement) That this Agreement shall extend for a term of five years from the date of execution of this Agreement/Resolution. This Agreement may be extended for an additional five-year period upon agreement of the parties. Written notice of intent to renew shall be provided at least 90 days prior to

- termination of this Agreement to the other party by certified mail, return receipt requested.
2. (Treatment of Sewage) That the City will, at all times, operate and maintain its system in an efficient manner and will take such action as may be necessary to treat the District's sewage. Temporary or partial failure to treat sewage shall be remedied with all possible dispatch.
 3. (Type of Sewage) That the District will discharge only domestic sewage and will allow no storm water, ground water, or grease or oil to enter its collection system. This Agreement does not allow for any treatment of industrial waste. If any industrial waste is intended to be discharged by the District, a separate agreement will be made to provide for its monitoring and treatment, prior to any such discharge.
 4. (Modification of Agreement) The provisions of this Agreement may be modified or altered only by mutual written agreement executed by both parties. The parties further agree that this Sewage Treatment Agreement contains the entire agreement of the Parties, and there are no other terms or conditions, oral or written, not contained herein.
 5. (Regulatory Agencies) That this Agreement is subject to such rules, regulations, or laws as may be applicable to similar agreements in this state, and the City and District will collaborate in obtaining such permits, certifications, or the like, as may be required to comply therewith.
 6. (Miscellaneous) That the construction/operation of the sewage collection system by the District is being financed by a loan made or insured by, and/or grant from, the United States of America, acting through the Farmers Home Administration of the United States Department of Agriculture, and the provisions hereof pertaining to the undertaking of the District are conditioned upon the approval, in writing, of the State Director of the Farmers Home Administration.
 7. (Priority of City's Use) That the City shall have first priority in the use of the said treatment plant.
 8. (Annexation) That annexation of District by the City shall nullify this Agreement, unless only a portion of District shall be so annexed. In that case, the

portion so annexed shall be excluded from this Agreement.

9. (Municipal Code Reference) The parties agree that any reference to the Custer Municipal Code herein shall incorporate all terms of the referred to code section as though set forth in full, and shall apply to any future amendments thereof.
10. (Unenforceability) In the event any portion of this Agreement is determined invalid, illegal, or unenforceable by a court of competent jurisdiction, the remainder of this Agreement shall remain in full force and effect.
11. (Successor to the District) That in the event of any occurrence rendering the District incapable of performing under this Agreement, any successor of the District, whether through result of legal process, assignment, or otherwise shall succeed to the rights of the District hereunder.
12. (Default) Failure by either Party to comply with any term or condition contained in this Agreement shall constitute default; in such an event, the non defaulting Party shall provide written notice to the other Party, advising them they have thirty days to correct such default, and that in the event such default is not satisfactorily resolved within said thirty-day period, the Party claiming default may proceed in accordance with any remedies available to them pursuant to South Dakota law.
13. (Indemnification and Liability Insurance) (a) District shall indemnify, hold harmless and defend City from and against any and all costs, expenses (including reasonable attorney's fees), liabilities, losses, damages, suits, actions, fines, penalties, claims or demands of any kind asserted by or on behalf of any person, entity or governmental authority, arising out of or in any way connected with operation of the District, and City shall not be liable to District on account of, (i) any failure by District to perform any of the terms, covenants or conditions of this Agreement required to be performed by District, (ii) any failure by District to comply with any statutes, ordinances, regulations or orders of any governmental authority, or (iii) any accident, death or personal injury, or damage to or loss or theft of property, which shall occur in or about the District's premises except as the same

may be caused by the gross negligence of City, its employees or agents.

(b) During the term of this Agreement or any renewal thereof, District shall maintain and promptly pay all premiums for general public liability insurance against claims for personal injury, death or property damage occurring upon, in or about the District, such insurance to afford protection in an amount of not less than \$1,000,000 with respect to injury or death to a single person and an amount of not less than \$2,000,000 with respect to any one occurrence, and for damage to property in an amount of not less than \$1,000,000 made by, or on behalf of, any person or entity, firm or corporation arising from, related to or connected with the District's premises, arising from any one occurrence, with such insurance company or companies as shall be satisfactory to City from time to time, and all such policies and renewals thereof shall name the City and the District as insured. On or before the commencement date of the term of this Agreement and thereafter not less than thirty (30) days prior to the expiration dates of said policy or policies, District shall provide copies of policies or certificates of insurance evidencing coverage required by this Agreement; these policies shall name the City as additional named insured party.

14. (Notice) Any notice required or permitted under this Agreement shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows:

If to City to: City of Custer
622 Crook Street
Custer, SD 57730

If to District to: ECSD
PO Box 6046
Custer, SD 57730

In Witness Whereof the acting Mayor of the City of Custer City, South Dakota, and the President of the Board of Trustees of the East Custer Sanitary Sewer and Water District, have hereunto subscribed their names on the date and year hereinbefore mentioned.

Be It Resolved that the Agreement herein written is duly authorized and the terms and conditions thereof are hereby approved.

City of Custer

Jared Carson, Mayor

ATTEST:

Laurie Woodward, Finance Officer

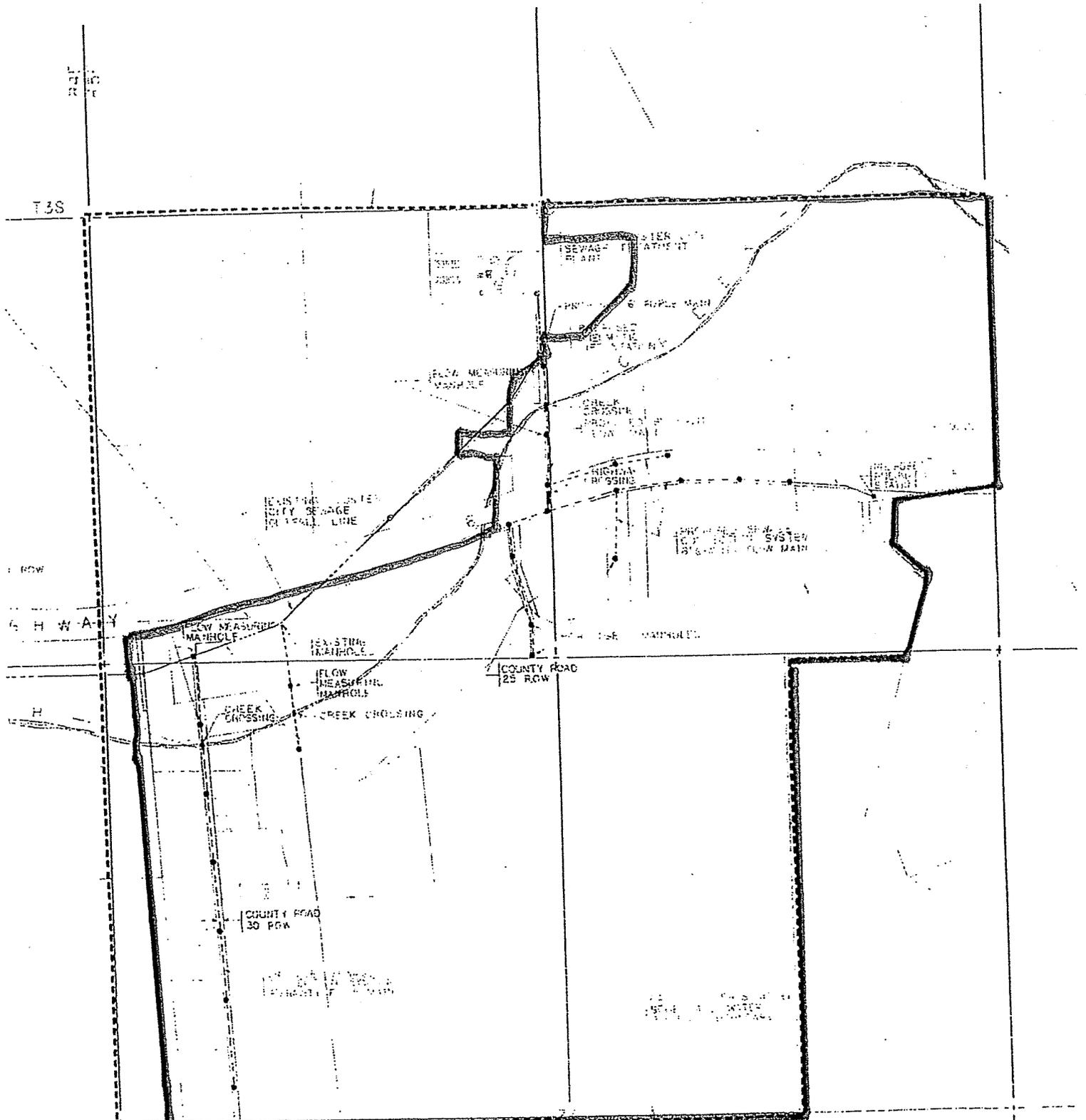
East Custer Sanitary Sewer
and Water District

President, East Custer
Sewer District

ATTEST:

Secretary, East Custer Sewer District

EXHIBIT A



Laurie Woodward

From: Dolsee Davenport <ddavenport@custersd.com>
Sent: Monday, November 14, 2016 11:41 AM
To: Laurie Woodward
Cc: 'Dave Ressler'; 'Dawn Murray'
Subject: Christmas Parade Request update

Laurie,

We would like to extend the Christmas Parade down to ~~1st~~^{2nd} Street by Custer Corral. The initial request we sent to the City had the parade ending at Way Park. Is it possible to get this approved by the City in time for the parade?
Thanks for your help!

Dolsee Davenport
Office Manager & Events Coordinator
Custer Area Chamber of Commerce
(605)673-2244 Phone
(605)673-3726 Fax

Some business requested the Parade ~~route~~
route be extended and go past their
business.



November 10, 2016

City of Custer City
ATTN: City Council
622 Crook Street
Custer, SD 57730

Dear City Council Members:

The Custer Area Chamber of Commerce would like to request the following actions for the Old Time Country Fourth celebration planned for July 2 – 4, 2016. This event will be very similar to the event last summer. This two-day celebration will feature an old-fashioned fair; flag-raising ceremonies; entertainment; and a parade. Of course, the celebration will culminate with the fireworks at Pageant Hill put on by the Custer Volunteer Fire Department, weather permitting. The July 2 is for set up for the City crew only.

Fair: We would like to request Way Park for July 3 – 4 for the purposes of holding a children's fair. This will entail old-fashioned games, face painting, and appearances by people in period attire. There will be snack concessions sold in Way Park by a community group.

Showmobile: We would like to request the use of the Showmobile for July 3 – 4 for entertainment throughout both days. This would be placed on 4th Street, next to Way Park. We would like the Showmobile to be set up on July 2 so that it's ready to go on the morning of July 3.

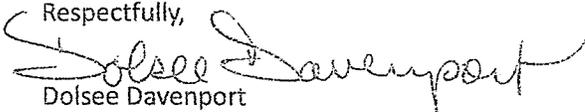
Parade: We would like to request permission to hold a Patriots' Parade on the morning of July 4. The parade would begin on 8th Street at Lynn's Dakotamart and proceed down Mt. Rushmore Road to Custer Corral. Line-up will be on Washington Street, much like it is for the Christmas Parade. This parade will be open only to retired and active military personnel, and emergency personnel, such as law enforcement, fire departments, search and rescue, ambulance, etc.

Flag-raising ceremonies: We would like to hold a flag-lowering ceremony on the evening of July 3, and a flag-raising ceremony on July 4 following the parade, both at the flag pole at the Veterans' Memorial.

Equipment needed: We will need the City's 3 large tents, trash cans, picnic tables, traffic barriers and water key.

We hope to make the Old Time Country Fourth the best Independence Day celebration in the Black Hills.

Respectfully,


Dolsee Davenport
Office Manager

CUSTER AREA CHAMBER OF COMMERCE

PO Box 5018 ♦ Custer, South Dakota 57730 ♦ (605) 673-2244 ♦ 800-992-9818

www.custersd.com ♦ info@ustersd.com ♦ Fax: (605) 673-3726