

**CITY OF CUSTER CITY
CITY COUNCIL MINUTES
September 15, 2025 – City Hall Council Chambers
5:30 PM**

Call to Order - Roll Call - Pledge of Allegiance

Mayor Robert Brown called to order the meeting of the Common Council on September 15, 2025 at 5:30 pm. Present at roll call were Councilpersons Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker. Attorney Schaefer was present. The Pledge of Allegiance was stated.

Approval of Agenda

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

Declaration of Conflict of Interest

No conflicts of interest were stated.

Approval of Minutes

September 2nd Special Council Meeting Minutes, September 2nd Regular Council Meeting Minutes, and September 8th Special Council Meeting Minutes

Councilperson Ryan moved, with a second by Councilperson Jenniges, to approve the minutes from the September 2nd Special Council Meeting, September 2nd Regular Council Meeting, and the September 8th Special Council Meeting. The motion carried unanimously.

Public Comments (Not to include agenda related items, 3-minute max. per person, with total public comment period not to exceed 15 minutes)

No public comments were received.

Ordinance and Resolutions

Resolution #09-15-25A - Approving Property Transfer (Lot 1R of Block 106) Terms, Conditions and Quit Claim Deed for Custer Chamber

Councilperson Pechota moved to adopt Resolution #09-15-25A — Approving Property Transfer (Lot 1R of Block 106) Terms, Conditions, and Quit Claim Deed for Custer Chamber. Seconded by Councilperson Ryan, the motion carried unanimously.

RESOLUTION NO. 09-15-25A

A Resolution Approving Property Transfer Terms and Conditions; and Quit Claim Deed for Lot 1R of Block 106

WHEREAS, this agreement is made by and between the City of Custer City, South Dakota Municipal Corporation, of 622 Crook Street, Custer, SD 57730 (hereinafter designated as the "CITY"), and the Custer Area Chamber of Commerce and Visitors Bureau, a duly formed nonprofit, of PO Box 5018, 615 Washington Street, Custer, SD 57730 (hereinafter designated as the "CHAMBER"); and

WHEREAS, the CITY owns certain property legally described as Lot 1R of Block 106 (attached exhibit "A"), which has historically supported the activities of the CHAMBER; and

WHEREAS, the CITY desired for the consideration of one dollar (\$1.00), to transfer the ownership of Lot 1R of Block 106 to the CHAMBER, with the property to be used for the continued purpose of operating a visitor center; and

WHEREAS, SDCL 6-5-2 provides for the disposition and transfer of government property to other political subdivisions or nonprofit corporations, and

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of Custer City and accepted by the Custer Area Chamber of Commerce and Visitors Bureau as follows:

Agreement of Transfer of Real Property

The CITY agrees to convey to the CHAMBER, and CHAMBER agrees to accept from the CITY, the

following property, for the consideration of one dollar (\$1.00):

Lot 1R of Block 106, Custer City, Custer County, State of South Dakota, as shown on the Plat filed in the office of the Custer County Register of Deeds in Book 13 of Plats, Page 100.

The transfer of Lot 1R of Block 106 shall be effective October 1, 2025, and the Quit Claim Deed shall be filed with the Custer County Register of Deeds immediately after signature.

The Property is conveyed "as is", without any warranties or representations by the CITY as to condition, suitability, or fitness for a particular purpose.

The Property shall be used for the purpose of operating a visitor center for Custer City and the surrounding area.

The CHAMBER shall not transfer, sell, lease, or otherwise convey the Property to another entity for use as a visitor center without the prior written approval of the CITY.

If at any time the Property ceases to be used for the purpose of a visitor center, or if the CHAMBER attempts to transfer the Property without CITY approval, title to the Property shall automatically revert to the City of Custer.

All utilities, maintenance, and operating costs associated with the Property shall be the sole responsibility of the CHAMBER.

The CHAMBER shall grant to the CITY a 20-foot easement for a water line as shown in attached "Exhibit B". A formal easement document will follow this agreement and shall be signed by the Chamber to be recorded with the Register of Deeds.

This agreement constitutes the full understanding of the parties and may only be amended in writing signed by both parties. This agreement shall be binding upon and inure to the benefit of the parties and their successors or assigns, subject to the restrictions contained herein.

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to execute the Quit Claim Deed to Custer Area Chamber of Commerce and Visitors Bureau for the previously referenced property, with the specific restriction that this property shall only be utilized for the purpose of a visitor center for the Custer area. Dated this 15th day of September, 2025.

CITY OF CUSTER CITY

S/Robert Brown, Mayor

Attest: Laurie Woodward, City Administrator/Finance Officer

First Reading - Ordinance #936 - Gross Receipts Tax (Chamber Funding)

Councilperson Ryan moved to approve Ordinance #936 - Gross Receipts Tax (Chamber Funding). Seconded by Councilperson Whittaker, the motion carried unanimously.

Second Reading - Ordinance #935 - Water Off Reduction

Councilperson Fischer moved to adopt Ordinance #935 - Water Off Reduction. Seconded by Councilperson Nielsen, the motion carried with Councilperson Pechota, Jenniges, Ryan, Fischer, Nielsen and Whittaker voting yes.

Second Reading - Ordinance #937 - 2026 Appropriation Ordinance

Councilperson Ryan moved to adopt Ordinance #937 - 2026 Appropriation Ordinance. Seconded by Councilperson Pechota, the motion carried with Councilperson Jenniges, Ryan, Fischer, Nielsen, Whittaker and Pechota voting yes.

New Business

Food Truck on City Property Request - Custer Chamber

Dawn Murray, Executive Director of the Chamber, stated that no action was needed on this item as the food truck is unable to make it.

2026 Custer Area Chamber of Commerce Business and Membership Directory — Chronicle

Councilperson Fischer moved to approve a half-page ad in the 2026 Custer Area Chamber of Commerce Business & Membership Directory for \$875. Seconded by Councilperson Whittaker, the motion carried unanimously.

2026 Animal Control Contract - Battle Mountain Humane Society

Councilperson Whittaker moved to approve the 2026 Animal Control Contract with Battle Mountain Humane Society for \$1,000 per month. Seconded by Councilperson Ryan, the motion carried unanimously.

WWTF Phase 2 Change Order #8 - RCS Construction

Councilperson Nielsen moved to approve Change Order #8 for the WWTF Improvements Phase 2 SAGR & UV Disinfection Construction with RCS Construction for an increase of \$10,000. Seconded by Councilperson Pechota, the motion carried with Councilperson Ryan, Fischer, Nielsen, Whittaker, Pechota and Jenniges voting yes.

Authorization for State Water Plan Application for Drinking Water and Clean Water Projects

Councilperson Nielsen moved to authorize the Mayor to sign and submit the State Water Plan applications to the SD Department of Agriculture & Natural Resources for both the Drinking Water and Clean Water for the North 5th Street Project and other potential projects. Seconded by Councilperson Ryan, the motion carried unanimously.

Presentation of Claims

09.15.25 Claims List

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

Vendor Name	Funds	Expense Classification	Amount
Adobe	100	Supplies	\$42.46
Amazon	100,300,400,500	Supplies	\$615.86
Angel Cam	100	Supplies	\$392.93
American Legal Publishing	100	Supplies	\$159.60
Black Hills Chemical	100	Supplies	\$294.56
Black Hills Energy	100,300	Utilities	\$6,919.67
Century Business Products	100,300,400,500	Supplies	\$351.36
Chase Payments	100,300,400,500	Supplies	\$960.69
Collins Flags	100	Supplies	\$1,193.93
Culligan	100	Supplies	\$45.00
Custer Hospitality	213	BID Board Advertising	\$3,000.00
Custer Ace Hardware	100,300,400	Supplies & Repairs & Maintenance	\$1,076.73
DGR Engineering	300,400	Capital Improvements	\$14,538.00
Diamond Vogel	100	Supplies	\$418.10
Discovery Benefits	100,300,400	Supplies	\$25.00
Fastenal	100,300,400	Supplies	\$1,637.07
First Interstate Bank	100,300,400	Supplies	\$132.78
French Creek Supply	100,300,400	Supplies & Repairs & Maintenance	\$589.92
Golden West Telecommunications	100,300,400	Supplies	\$748.76
Golden West Technologies	100,300,400	Supplies	\$4,438.55
Golden West Technologies	100,300,400	Supplies	\$5,062.92
Hach	300	Supplies	\$502.84
Jenner Equipment	100	Repairs & Maintenance	\$2,592.83
Keiffer Sanitation	100	Supplies	\$150.00
Keiffer Sanitation	100,300,400,500	Garbage Contract	\$15,984.34
L & A Welding	100	Supplies & Repairs & Maintenance	\$485.05
Log Mein - GoTo Meeting	100	Supplies	\$50.98
Lynns Dakotamart	100,400	Supplies	\$55.83

Love Communications	213	BID Board Advertising	\$24,450.02
McGas	100	Propane Contract	\$39,870.00
Quill	100,300,400	Supplies	\$384.85
Raber, Brain	100,300,400	Reimbursement	\$44.56
RCS Construction	400	Capital Improvements	\$3,800.00
Respec	100	Professional Fees	\$16,332.00
SD Dept of Transportation	100	Bridge Inspection	\$661.92
Sanford Health	100	Safety	\$180.00
The Hartford	100,300,400	Insurance	\$202.82
Travelodge	100	Travel & Conference	\$218.00
USA Bluebook	100,400	Supplies	\$1,008.59
Verizon	100,300,400	Utilities	\$692.41
Wester Peaks Logistics	300	Professional Fees	\$85.80
		TOTAL	\$150,396.73

Funds: 100 General, 213 Business Improvement District, 300 Water, 305 Tax Increment Financing, 400 Wastewater, 500 Solid Waste, 800 Promotion

Staff Discussion & Committee Reports

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

Adjournment

With no further business, Councilperson Jenniges moved to adjourn the meeting at 5:53 pm. Seconded by Councilperson Pechota, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
City Administrator/Finance Officer

Robert Brown
Mayor