

**CITY OF CUSTER CITY
CITY COUNCIL MINUTES
October 6, 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 October 6, 2025, at 5:30 pm. Present at roll call were Councilpersons Pechota, Jenniges, Ryan, Fischer, Nielsen, and Whittaker. Attorney Peterson 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 15, 2025 Council Meeting Minutes

Councilperson Ryan moved, with a second by Councilperson Jenniges, to approve the minutes from the September 15th Council Meeting. The motion carried unanimously.

Public Hearings

New Malt Beverage & SD Farm Wine License - Xtreme Sports Simulators (750 West Mt Rushmore Road, Suite 2)

Councilperson Fischer moved to approve a new malt beverage & SD farm wine license for Xtreme Sports Simulators (750 West Mt Rushmore Road, Suite 2). Seconded by Councilperson Nielsen, 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

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

Councilperson Ryan moved to adopt Ordinance #936 — Gross Receipts Tax (Chamber Funding). Seconded by Councilperson Pechota, the motion carried with Councilperson Pechota, Jenniges, Ryan, Fischer, Nielsen, and Whittaker voting yes.

New Business

Attorney Oath - Kaleb Peterson

Attorney Kaleb Peterson took his Oath of Office.

Non-Subdivision Plat - Lot 6R Block 3 Stone Hill Subdivision - Applicant Jo Ellen Peters

Councilperson Pechota moved to approve the non-subdivision plat of Lot 6R Block 3 Stone Hill Subdivision for applicant Jo Ellen Peters. Seconded by Councilperson Jenniges, the motion carried unanimously.

Planning Commission Appointments

Councilperson Nielsen moved to approve the appointment of Camillia Belland as Planning Commission Alternate #1 for a three-year term ending October 6, 2028 and Paul Higgs as Planning Commission Alternate #2 for a three year term also ending October 6, 2028. Seconded by Councilperson Whittaker, the motion carried unanimously.

Fireworks Permit & Request to Use Pageant Hill for the Burning Beetle - Custer Arts Council
Councilperson Pechota moved to approve the use of Pageant Hill and fireworks permit on January 17th, 2026, for the Burning Beetle Event, having the Torch March from the High School Parking Lot using Bluebell Lane and Pine Street, use of the City's extra port-a-pots, and for the City to collect Christmas trees on Pageant Hill to be used at the site for pyre. Seconded by Councilperson Whittaker, the motion carried unanimously.

2026 Cemetery Caretaker Contract - J & M Lawn Care LLC

Councilperson Ryan moved to accept the 2026 cemetery caretaker proposal from J & M Lawn Care LLC in the amount of \$44,000 and approve the contract for such. Seconded by Councilperson Fischer, the motion carried with Councilperson Jenniges, Ryan, Fischer, Nielsen, Whittaker, and Pechota voting yes.

Custer Community Center Campus Architectural Services — Authorization to Negotiate with JEO Consulting

Councilperson Ryan moved to authorize the Mayor to negotiate fees and terms of agreement with JEO Consulting Group for architectural services for the Custer Community Center Campus, with the agreement to be presented to the Council for action. Seconded by Councilperson Nielsen, the motion carried with Councilperson Ryan, Fischer, Nielsen, Whittaker, Pechota, and Jenniges voting yes.

Sidewalk Variance Request - 23 N First Street - Premier Family Eye Care and Lloyd Construction

Councilperson Pechota moved to grant a variance to Custer Municipal Code 12.04.040A(1), approving an exemption from the requirement to reconstruct the existing sidewalk on the south side of 23 N First Street. Seconded by Councilperson Nielsen, the motion carried with Councilperson Pechota, Jenniges, Fischer, Nielsen, and Whittaker voting yes while Councilperson Ryan voted no.

Quote to bury power in the West Dam Park and Golf Course Area — Kainz Powerlines Inc.

Councilperson Pechota moved to accept the quote from Kainz Powerlines Inc., not to exceed \$37,000, to bury the power lines in the West Dam and Golf Course area, with Black Hills Energy providing the materials, and the Golf Course reimbursing the City for \$4,000. Seconded by Councilperson Whittaker, the motion carried with Councilperson Fischer, Nielsen, Whittaker, Pechota, Jenniges, and Ryan voting yes.

West Dam Phase 2 Order #3 - Moss Rock Landscaping

Councilperson Fischer moved to approve the West Dam Phase 2 Change Order #3 with Moss Rock Landscaping Inc for \$17,600, contingent upon a signed agreement with the Golf Course for reimbursement. Seconded by Councilperson Nielsen, the motion carried with Councilperson Nielsen, Whittaker, Pechota, Jenniges, Ryan, and Fischer voting yes.

West Dam Phase 2 Order #4 - Moss Rock Landscaping

Councilperson Ryan moved to approve the West Dam Phase 2 Change Order #4 with Moss Rock Landscaping Inc for \$9,400. Seconded by Councilperson Nielsen, the motion carried with Councilperson Whittaker, Pechota, Jenniges, Ryan, Fischer, and Nielsen voting yes.

Presentation of Claims

10.6.2025 Claims List

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

Vendor Name	Funds	Expense Classification	Amount
Adobe	100	Supplies	\$42.46
Aflac	100,300,400	Insurance	\$577.36
Amazon	100	Supplies	\$1,086.35

American Legal Publishing	100	Professional Fees	\$79.80
Battle Mountain Humane Society	100	Animal Control Contract	\$1,000.00
Black Hills Energy	100,300,400	Utilities	\$19,331.92
Black Hills Power Equipment	100	Repairs & Maintenance	\$148.94
Carrot- Top Insudtries	100	Supplies	\$414.34
Century Business Products	100,300,400,500	Supplies	\$408.47
Custer Cares	100	Subsidy	\$28,916.67
Custer Chronicle	100	Publishing Fees	\$1,444.24
Custer Co. Treasurer	100	Law Enforcement Contract	\$108,750.00
Dacotah Bank	300	Loan Payment	\$8,693.52
Dacotah Bank	300	TIF #2 Payment	\$859.72
Delta Dental	100,300,400	Insurance	\$464.00
Discovery Benefits	100,300,400	Supplies	\$4,172.73
East Custer Sewer District	400	Sewer Contract	\$2,000.00
EFTPS	100,300,400	Taxes	\$21,809.54
Express Collection	100	Fees	\$716.73
Fastenal	100,300,400	Supplies	\$501.03
Golden West Telecommunications	100,300,400	Supplies	\$772.11
Golden West Technologies	100,300,400	Supplies	\$4,438.55
Grainger	100	Supplies	\$65.89
Hawkins	100,300,400	Supplies	\$11,316.60
Hustead Law Office	100	Professional Fees	\$5,000.00
J & M Lawncare	100	Cemetery Caretaker Contact	\$6,285.68
J & M Lawncare	100	Weed Spraying	\$2,646.00
Keiffer Sanitation	100,300,400,500	Garbage Contract	\$15,959.89
Log Mein - GoTo Meeting	100	Supplies	\$50.98
Lookout Plan & Code Consulting	100	Professional Fees	\$968.90
Love Communications	213	BID Board Advertising	\$5,043.51
Midco Diving & Marine Services	300	Professional Fees	\$4,323.40
Midcontinent Testing Labs	300,400	Professional Fees	\$906.75
New York Life	100,300,400	Insurance	\$110.00
Petty Cash	100,300,400	Supplies	\$737.88
Quill	100	Supplies	\$257.72
RP Lumber	100	Supplies/Repairs & Maintenance	\$337.48
Servall	100	Supplies	\$199.10
SD DCI	100	Licensing	\$26.75
SD Division of Child Support	100,300,400	Remittance	\$496.62
SD Retirement System	100,300,400	Retirement	\$9,628.14
SRF Loan	400	Loan Payment	\$15,477.11
SRF Loan	400	Loan Payment	\$54,560.14
State of SD	100,300,500	Sales Tax Payable	\$1,175.79
State of SD	100	Licensing	\$150.00

Supplemental Retirement	100,300,400	Retirement	\$1,350.00
Tessiers Mechanical	400	Repairs & Maintenance	\$2,840.59
The Hartford	100,300,400	Insurance	\$202.82
Vector Print and Design	100,300,400	Supplies	\$510.00
Verizon	100,300,400	Utilities	\$655.97
VSP	100,300,400	Insurance	\$208.55
Wellmark	100,300,400	Insurance	\$15,468.34
Wright Express	100,300,400	Supplies	\$1,581.71
YMCA	100,300,400	Membership	\$386.00
McPherson, Deelda	999	Refund	\$1,297.35
Mayor & Council	100	Payroll	\$6,031.57
Finance Department	100	Payroll	\$10,384.83
Public Building Department	100	Payroll	\$3,873.60
Planning Department	100	Payroll	\$10,825.92
Public Works Department	100	Payroll	\$2,607.52
Street Department	100	Payroll	\$14,542.84
Cruisin Department	100	Payroll	\$209.44
Parks Department	100	Payroll	\$13,447.52
Water Department	300	Payroll	\$20,398.85
Wastewater Department	400	Payroll	\$20,211.77
		TOTAL	\$469,388.00

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.

Possible Executive Session – Personnel (1&4), Proposed/Pending Litigation (3), & Contract Negotiations (3) (SDCL 1-25-2(1,2,3,4,5,6))

Councilperson Fischer moved to go into and out of executive session for proposed/pending litigation per SDCL 1-25-2 (3) at 6:06 pm with Hustead Law Representative Attorney Kaleb Peterson and City Administrator/Finance Officer present. Seconded by Councilperson Jenniges, the motion carried unanimously. The Council came out of executive session at 6:17 pm, with no action taken.

Adjournment

With no further business, Councilperson Jenniges moved to adjourn the meeting at 6:17 pm. Seconded by Councilperson Pechota, the motion carried unanimously.

ATTEST:

CITY OF CUSTER CITY

Laurie Woodward
City Administrator/Finance Officer

Robert Brown
Mayor