

HERMOSA TOWN BOARD  
WEDNESDAY, JANUARY 7, 2026  
REGULAR MEETING @ 6:00 PM



- 1) **ROLL CALL:**
  - A. BOT Roll Call: Kramer, Ferguson, Koontz, Serviss
  - B. Acknowledgement of other Attendees
  - C. Pledge of Allegiance to be led by Koontz
- 2) **CALL FOR CHANGES:**
  - A. Review of current agenda items
  - B. Motion to accept the agenda as presented/amended
- 3) **CONSENT CALENDAR:**
  - A. Approval of December 16, 2025, regular meeting minutes and December 22, 2025, special meeting minutes
- 4) **CONFLICT OF INTEREST DECLARATION:**
- 5) **TOWN/FEMA UPDATES:**
  - A. FEMA BRIC Grant RFP has been advertised with new dates
- 6) **ENGINEER:**
  - A. Review Project Plan – TIF2
  - B. Approve RFP for Vactor Equipment Operations
  - C. ATAC Presentation (power point Organization)
- 7) **PLANNING & ZONING:**
  - A.
- 8) **CLAIMS:**
  - A. Review of payroll and claims. Motion to approve as presented/amended.
- 9) **LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS:**
  - A. Custer County Log
  - B. Discussion on Marshall Vehicle Usage
- 10) **LEGAL:**
  - A.
- 11) **PUBLIC WORKS:**
  - A. Streets
  - B. Street Light Repairs
  - C. Water & Sewer Department Updates
  - D. Open Work Orders
  - E. Request for Quotes: lawn care
  - F. Request for Quotes: snow removal
  - G. Approve draft and posting of job description for public works associate
- 12) **ECONOMIC DEVELOPMENT:**
  - A. Hermosa Connects meeting update
  - B. Approve water use to produce snow community activities

C. Roy's Black Hills Twin Drive-In historical records review

- 13) **FINANCE OFFICE:**  
A. Monthly financials  
B. Department updates  
C. Mail Call
- 14) **OLD BUSINESS:**  
A. 2<sup>nd</sup> Reading 2.077B – Supplemental 2025 Appropriations Ordinance
- 15) **NEW BUSINESS:**  
A. Designation of Custer County Chronicle as Official Newspaper for 2026  
B. Designation of Bank West as Official Financial Institution for 2026  
C. Resolution 01-2026 Town of Hermosa Salaries and Wages  
D. Establish date of municipal election-Approve combined election agreement  
E. Volunteer of the Year for 2025  
F. Direct deposit for Contractors Policy  
F. Review Ordinance 154.05 C- pertaining to repairing storm damage fences in the flood hazard area
- 16) **ITEMS FROM CONSTITUENTS:** No action can be taken by the board on any issue related without being first placed on a future agenda, to allow for proper notice.  
1. Reserved time for public comment is **15 minutes**.  
2. This is a time for citizens of the town of Hermosa or owners of property within town Limits to express concerns or discuss issues having relevance to the town.  
3. Anyone wishing to address the Town Board during this time shall be asked to stand and Identify themselves after being recognized the Board President.  
4. Each person will be allotted **3 minutes** to speak.  
5. After these time limits are reached, all further commentary shall be made only with the Chair's approval.
- 17) **TRUSTEE INPUT:**
- 18) **EXECUTIVE SESSION:**  
A. Motion to enter Executive Session allowable by SDCL 1-25-2.1 – Legal/Personnel/Contract  
B. Motion to exit out of Executive Session  
C. Motions resulting from Executive Session
- 19) **ADJOURN:** Motion by \_\_\_\_\_; Second by \_\_\_\_\_ to adjourn the meeting at \_\_\_\_\_ PM.

HERMOSA TOWN BOARD  
TUESDAY, DECEMBER 16, 2025  
REGULAR MEETING @ 6:00pm

3A

ROLL CALL: Koontz called the meeting to order on Tuesday, December 16, 2025, at 6:00 p.m. Roll Call was held with Kramer, Ferguson, Koontz and Serviss in attendance. Interested citizens, Town Attorney James and Town Engineer Theodorou were also present. Pledge of Allegiance led by Koontz.

CALL FOR CHANGES: Motion by Kramer and seconded by Serviss to move Item 15 A Brosz Engineering 2025 Bridge Maintenance Inspection recommendations to Item 5.5A and add Item 8 H Approve Board President to get quotes for replacement/repair of residential booster pumps and approve agenda as amended; vote: all aye, motion carried.

CONSENT CALENDAR: Motion by Ferguson and seconded by Serviss to approve December 2, 2025, regular meeting minutes and December 8, 2025, special meeting minutes as presented; vote: all aye, motion carried.

CONFLICT OF INTEREST DECLARATION: All board members are responsible for refraining from discussion and voting on issues where they may have a conflict of interest.

TOWN/FEMA UPDATES: Koontz reported that the town is in the process of requesting FEMA BRIC Grant documents from Benesch.

NEW BUSINESS: Doug Wessel, from Brosz Engineering, reviewed the 2025 Bridge Maintenance Inspection recommendations. There were two recommendations: patch spall exposed rebar in top slab of barrel section #7 and remove bridge weight limit signs at the intersection of Main Street to south and intersection 1 mile north of structure.

ENGINEER: The King Brown Welding invoice did not need approval as there was a budget of \$6,500 approved at the October 7<sup>th</sup> regular BOT meeting to modify the Drop Box to protect transmission and motor. Motion by Koontz and seconded by Serviss to remove Item 6A Approve King Brown Invoice from the agenda; vote: all aye, motion carried. Motion by Kramer and seconded by Ferguson to approve Pay Application #2 from Quinn Construction in the amount of \$32,647.36 for steel water storage tank materials; vote: all aye, motion carried.

PLANNING & ZONING: Motion by Koontz and seconded by Kramer to approve the Memorandum of Understanding on TIF2 Tenaya Street and Walter Street Sewer and Road extension and associated eligible expenses for H2O Clear Solutions Developer Agreement with the stipulation that Town Attorney James review within the next week for final approval; vote: all aye, motion carried.

PUBLIC WORKS: Serviss reported that repairs on Taz Court had been completed and he is currently working on West Main and 3<sup>rd</sup> Street. Ferguson gave a report about street lights that need repair and have been reported to electric company and waiting for repairs. Ferguson also reported he had taken the annual nitrate sample in. Open work orders were provided in the packet. Much discussion was held on the 2026 Public Works Contract. A Work Session was scheduled for Monday, December 29, 2025, at 3:00 p.m. to discuss this further. Koontz will meet with Ferguson to determine any town inventory that may be located in the Ferguson shop.

BREAK: The board took a ten minute break and reconvened at 8:09 p.m.

PUBLIC WORKS CONTINUED: A presentation was given in regards to street maintenance done by Dan Holsworth and proposal of \$2,750 had been approved at the October 1, 2024 regular meeting. Finance Officer Cornelison was instructed to issue payment as the work has been completed. Motion by Koontz and seconded by Serviss to approve directing Town Planner to prepare RFP's for Contract Operations: General Facilities

Maintenance, Street Maintenance and Snow Removal; vote: all aye, motion carried. Motion by Serviss and seconded by Kramer to approve the new hire of Laura Eickhoff as meter reader at a wage of \$16.50 per hour with a three-month probationary period and successful background check; vote: all aye, motion carried. Motion by Serviss and seconded by Koontz to approve board president to get quotes for replacement/repair of residential booster pumps; vote: all aye, motion carried.

**LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS:** Marshall Alias is currently attending certification training in Pierre and Serviss reported he is doing well and making a lot of good connections.

**LEGAL:** Town Attorney James reviewed a letter he had drafted in response to an open meeting complaint against the town. James will review the open meeting laws at the February 3, 2026, regular meeting. James reviewed his opinion on the Vaktor Truck/Serviss proposal regarding the town's liability insurance and stated Serviss' proposed use of the Vaktor Truck would be covered by the town's current policy. Motion by Koontz to approve board president to direct the Town Attorney to write opinions. Motion died for a lack of a second.

**CLAIMS:** Motion by Kramer and seconded by Koontz to approve the Payroll and Claims as presented with the addition of the \$2,750 claim to be paid to GJ Holsworth & Son: vote: all aye, motion carried. .ARIC ALIAS, semi-annual allowance firearms/taser ammo/uniform, \$1,050.00; DANR, NDPES surface water fee, \$50.25; CHUCK FERGUSON, now removal/five inspections, \$420.00; GOLDEN WEST TECHNOLOGIES, monthly service fee December 2025, \$583.65; GJ HOLSWORTH & SON, road maintenance, \$2,750.00; HARRIS CONTRACTING, three hours @ \$25/hr for FEMA meetings/emails/phone/reporting, \$75.00; KIEFFER SANITATION, monthly sanitation fee November 2025, \$4,657.96; KING BROWN WELDING, remove motor mount/modify & install new motor mount WWTP, \$1,122.45; MG OIL, fuel for marshal vehicle, \$37.98; MT RUSHMORE TELEPHONE, telephone/fax/internet town office & marshal office, \$406.96; SOUTHERN HILLS PUBLISHING, publishing/legal notices November 2025, \$495.25; SILVERSMITH DATA, annual software/hosting fee, \$571.00; SOUTHERN HILLS LAW PLLC, attorney services 10/29/25 to 12/1/2025 21.4 hours @ \$25/hr & \$10.45 certified mail, \$4,825.48; **Accounts Payable Total: \$17,045.98.** Payroll related: Total Paid on 12/15/2025; General, \$2,876.66; EFTPS-Electronic Federal Tax, \$779.85; **Total Payroll Related Paid: \$3,656.51. REPORT TOTAL: \$20,702.49.**

**ECONOMIC DEVELOPMENT:** No items were presented.

**FINANCE OFFICE:** The monthly financial reports were provided in the packet. Motion by Koontz and seconded by Kramer to approve the new hire of Brylee Camire as administrative assistant at a wage of \$17.50 per hour with a three-month probationary period and successful background check; vote: all aye, motion carried. The 2026 BOT meeting schedule calendar was provided in the packet. Motion by Kramer and seconded by Ferguson to close the town office at noon on December 24<sup>th</sup> and closed all day on December 26<sup>th</sup> with employee using vacation time for the 26th, close at noon on December 31<sup>st</sup> and closed all day on January 2<sup>nd</sup> with employee using vacation time for the 2nd. Motion was amended by Ferguson and seconded by Koontz to allow employee to receive holiday pay for all town office closure hours during the Christmas and new year holiday. Vote on amendment; all aye, motion carried. Vote on original motion: all aye, motion carried.

**OLD BUSINESS:** The traffic fee schedule is pended until the next regular meeting. Discussion was held on Resolution 08-2025 and Resolution 09-2025. More research is needed and both resolutions are pended until the next regular meeting.

**NEW BUSINESS:** The direct deposit for contractors policy is pended until the next regular meeting. The first reading of Ordinance No. 2.077B Supplemental Appropriations Ordinance was held.

CITIZENS/TRUSTEE INPUT: Audience and trustees had input. For full verbiage, please see the video recording posted on the town's You Tube channel. A video presentation of the lagoon expansion project was played and will be made available on the town YouTube channel.

EXECUTIVE SESSION: No Executive Session was held.

ADJOURN: Motion made by Kramer and seconded by Koontz to adjourn meeting at 10:01p.m., vote: all aye, motion carried.

ATTEST:

\_\_\_\_\_  
Terri Cornelison  
Finance Officer

\_\_\_\_\_  
Kelburn Koontz  
Town Board President

Published once at the approximate cost of \_\_\_\_\_.



**HERMOSA TOWN BOARD  
TUESDAY, DECEMBER 22, 2025  
SPECIAL MEETING @ 6:00 pm**

ROLL CALL: Koontz called the meeting to order on Tuesday, December 22, 2025, at 6:00 p.m. with the following members present: Kramer, Ferguson, Koontz, and Serviss. Town Attorney James and interested citizens were also present. Pledge of Allegiance led by Koontz.

CALL FOR CHANGES: Motion by Koontz and seconded by Serviss to add the following Items after Executive Session: 4.1 Approve booster pump quote, 4.2 Approve purchase of dump trailer, 4.3 Approve boom rental to Mark Einerwold, 4.4 Change date of BOT meeting from January 6, 2026 to January 7, 2026, 4.5 Approve use of town snow machine for town activity and approve amended agenda; vote: all aye, motion carried.

CONFLICT OF INTEREST DECLARATION: All board members are responsible for refraining from discussion and voting on issues where they may have a conflict of interest.

EXECUTIVE SESSION: Motion by Kramer and seconded by Serviss to enter Executive Session allowable by SDCL 1-25-2.1 – Personnel at 6:03 p.m.; vote: all aye, motion carried. Motion by Serviss and seconded by Ferguson to exit Executive Session at 7:41 p.m.; vote: all aye, motion carried. Motion by Serviss and seconded by Koontz to limit the duties of Marshal Alias to those required for the completion of the law enforcement academy until graduation; vote: all aye, motion carried.

ITEMS OF BUSINESS: Motion by Koontz and seconded by Serviss to approve the removal of residential booster pump and consolidation of plumbing back into closet quote from Action Mechanical in the amount of \$325.00; vote: all aye, motion carried. Motion by Serviss and seconded by Ferguson to approve a budget of \$5,000.00 for purchase of dump trailer; vote: two aye, and two abstained, motion failed. Motion by Ferguson and seconded by Kramer to approve the movement of Time Rental boom truck to Mark Einerwold with understanding he will return. Motion was amended by Koontz and seconded by Ferguson to include transfer of rental with Einerwold filling out proper paperwork with Time Rental and copy submitted to the town office. Vote on amendment: two ayes and two abstain, motion failed. Motion by Ferguson and seconded by Koontz to amend original motion to include Einerwold signing paperwork for rental in his name, being responsible for rental, returning rental and providing paperwork to the town office. Vote on amendment: two ayes, two abstain, motion failed. Vote on original motion: one aye, one nay and two abstain, motion failed. Motion by Kramer and seconded by Koontz to change the BOT meeting date from January 6, 2026, to January 7, 2026; vote: all aye, motion carried. Item 4.5 Approve use of town snow machine for town activity is pended until the next regular meeting.

CITIZENS/TRUSTEE INPUT: Audience and trustees had input. For full verbiage, please see the video recording posted on the town's You Tube channel.

ADJOURN: Motion made by Koontz and seconded by Ferguson to adjourn meeting at 8:21 p.m., vote: all aye, motion carried.

ATTEST:

\_\_\_\_\_  
Terri Cornelison  
Finance Officer

\_\_\_\_\_  
Kelburn Koontz  
Town Board President

Published once at the approximate cost of \_\_\_\_\_.



## **Town of Hermosa South Dakota Request for Proposal**

The Town of Hermosa, South Dakota is seeking proposals from qualified and experienced consulting engineering firms to provide the Town with drainage and sanitary sewer assessment and preliminary design services. The project will build on flood mitigation and drainage assessment work the town has done to date. It will include assessment, feasibility analysis, environmental planning, and design. The intent is to identify and prioritize drainage and sewer projects through feasibility analysis, conceptual design, environmental planning, design, and grant writing for construction funding. The prioritized projects will be those that provide the most flood and drainage resiliency for the community and will improve equity outcomes by mitigating flood risk while strengthening the community's overall resilience to disasters.

This project is funded through the Federal Emergency Management Agency (FEMA) Building Resilient Infrastructure and Communities (BRIC) Grant Program. As a recipient of BRIC funding, The Town of Hermosa is committed to ensuring that all aspects of this project comply with FEMA's grant requirements, including but not limited to federal procurement standards, reporting obligations, and compliance with applicable federal, state, and local laws.

All proposals submitted in response to this RFP must acknowledge that the funding for this project is made possible through a grant from FEMA BRIC. The successful bidder will be required to adhere to all grant conditions and provide any necessary documentation to support compliance with FEMA regulations.

Submissions must be received no later than Tuesday, January 20, 2026

A copy of the request document will be available on the Town of Hermosa website at [www.hermosasd.com](http://www.hermosasd.com).

Any questions or requests can be referred to Terri Cornelison, Town of Hermosa Finance Officer [terri@hermosasd.com](mailto:terri@hermosasd.com) or 605.255.4291



6B

**REQUEST FOR PROPOSALS (RFP)**  
**Equipment Operator Services – 2-man team**

**RFP Number:** [Insert Number]  
**Issue Date:** [Insert Date]  
**Proposal Due Date:** [Insert Date & Time]

**1. Introduction**

The Town of Hermosa is seeking proposals from qualified contractors to provide **equipment operator services** for Sewer and Drain Cleaning, Hydro Excavation, and lift station maintenance. The contractors will operate the town’s Vactor truck with Jetter to conduct routine sewer cleaning (step cleaning and pump station cleaning) and maintenance in accordance with the directives of the Town Engineer. The contractors will invoice the town at the rates agreed upon. The contractors will maintain accurate records of all sewer maintenance activities completed Monthly and submitted to the Town Engineer. The contractors must have at least one worker with a current Commercial SD Driver’s License (CDL). Second worker must have a valid SD Driver’s License.

**2. Scope of Work**

The selected contractors will be responsible for:

- Operating the town’s Vactor truck.
- Performing routine equipment inspections and maintenance checks.
- Transport the truck for scheduled repairs at a designated repair shop.
- Following all safety protocols and operational guidelines.
- Coordinating with the Town Engineer (for directives) and Town Finance Officer (for payment) to meet quality standards and deadlines, respectively.
- Employment Type: Contract Labor  
Hours of Work: As needed, Weekdays or Weekends.  
Estimated Hourly Pay per worker: from \$25/hour.

**3. Minimum Qualifications**

- Valid SD driver’s license and applicable equipment operator certifications and SD Commercial driver’s license.
- Minimum 1-2 years of relevant experience.
- Demonstrated safety record and compliance with OSHA standards.
- Both proposed workers must Pass a Criminal Background Check.

- Contractor must provide proof of the following insurance:
  - General Liability insurance protecting against claims resulting from property damage or bodily injury due to the actions of the operator. Additionally, coverage should extend to any environmental damage that may occur, particularly when dealing with hazardous materials. \$1,000,000 per occurrence and \$2,000,000 aggregate is required.
  - Collision insurance coverage protects vehicles in the event of an accident, while cargo insurance safeguards against loss or damage to the materials being transported. \$1,000,000 per accident.
  - Workers' compensation insurance, to protect operators from potential workplace injuries.

#### **4. Proposal Requirements**

Proposals must include:

- Company profile and relevant experience.
- List of equipment previously operated and proof of certification.
- Hourly or project-based rate per employee.
- References from at least 2-3 similar projects.

#### **5. Evaluation Criteria**

Proposals will be evaluated based on:

- Experience and qualifications.
- Cost competitiveness.
- Safety record.
- Availability and responsiveness.

#### **6. Submission Instructions**

Submit proposals electronically to: [terri@hermosasd.com](mailto:terri@hermosasd.com)

Or deliver to: 230 Main Street, Hermosa SD 57744

**Deadline:** [date & time]

#### **7. Contact Information**

For questions or clarifications, contact:

Anthony Theodorou PE – Town Engineer

(605) 569-3646 | [anthony@gotheodorou.com](mailto:anthony@gotheodorou.com)

8A

## Claims End of Year 12-31-2025

| VENDOR                        | REFERENCE  | AMOUNT              |
|-------------------------------|--|---------------------|
| CALIFORNIA STATE DISBURSEMENT | CHILD SUPPORT                                    | \$ 437.50           |
| CHUCK FERGUSON                | CONTRACT SERVICES - DECEMBER 2025                | \$ 3,120.00         |
| GJ HOLWORTH & SON INC.        | REIMBURSE STREET MAINTENANCE WORK                | \$ 2,750.00         |
| QUINN CONSTRUCTION            | PAY APPLICATION #2 - NORTH WATER TANK PROJECT    | \$ 32,647.36        |
| RURAL DEVELOPMENT             | RD 1 LOAN-DECEMBER INTEREST & PRINCIPAL          | \$ 1,278.00         |
|                               | RD 2 LOAN - DECEMBER INTEREST & PRINCIPAL        | \$ 417.00           |
|                               | RD 3 LOAN - DECEMBER INTEREST & PRINCIPAL        | \$ 222.00           |
| <b>Accounts Payable Total</b> |  | <b>\$ 40,871.86</b> |
| <b>Payroll related</b>        |  |                     |
| Total Paid On: 12/31/2025     |  |                     |
|                               | Legislative, Financial Administration, Govt Bldg | \$ 3,596.09         |
|                               | Water  | \$ 101.85           |
|                               | Sewer  | \$ -                |
|                               | Promoting City/BBB                               | \$ -                |
| EFTPS-ELECTRONIC FEDERAL TAX  | FED/FICA TAX                                     | \$ 970.59           |
| SOUTH DAKOTA RETIREMENT       |  | \$ 1,033.82         |
| SD HEALTH POOL-LIFE INSURANCE |  | \$ 10.50            |
| <b>Payroll Total</b>          |  | <b>\$ 5,712.85</b>  |
| ***** REPORT TOTAL *****      |  | <b>\$ 46,584.71</b> |

**CLAIMS REPORT**  
 Check Range: 12/17/2025-12/31/2025

| VENDOR NAME                    | REFERENCE                     | AMOUNT   | VENDOR TOTAL | CHECK# | CHECK DATE |
|--------------------------------|-------------------------------|----------|--------------|--------|------------|
| CALIFORNIA STATE DISBURSEMENT  | CHILD SUPPORT                 |          | 437.50       | 18501  | 12/31/25   |
| EFTPS-Electronic Federal Tax   | FED/FICA TAX                  |          | 970.59       | 666    | 12/31/25   |
| CHUCK FERGUSON                 | CONTRACT SERVICES-WATER       |          | 3,120.00     | 665    | 12/31/25   |
| G.J. HOLSWORTH & SON, IN.      | REIMBURSE ST MAINTENANCE WORK |          | 2,750.00     | 18490  | 12/17/25   |
| HEALTH POOL OF SOUTH DAKOTA    | LIFE INS                      |          | 10.50        | 18500  | 12/31/25   |
| QUINN CONSTRUCTION             | NORTH HERMOSA WATER TANK PROJ |          | 32,647.36    | 18491  | 12/17/25   |
| RURAL DEVELOPMENT              | RD LOAN 1-DEC 25 PRNCPL/INTER | 1,278.00 |              | 674    | 12/23/25   |
| RURAL DEVELOPMENT              | RD 2 LOAN-DEC 25 INTEREST     | 417.00   |              | 675    | 12/23/25   |
| RURAL DEVELOPMENT              | RD 3 LOAN-DEC 25 INTEREST     | 222.00   | 1,917.00     | 676    | 12/23/25   |
| SILVERSMITH DATA               | SOFTWARE INTEGRATION/SETUP    |          |              |        |            |
| SOUTH DAKOTA RETIREMENT SYSTEM | SDRS                          |          | 1,033.82     | 18499  | 12/31/25   |
|                                | Accounts Payable Total        |          | 42,886.77    |        |            |
|                                | Utility Refund Checks         |          |              |        |            |
|                                | Refund Checks Total           |          |              |        |            |
|                                | Payroll Checks                |          |              |        |            |
|                                | 101 GENERAL                   |          | 3,596.09     |        |            |
|                                | 602 WATER                     |          | 101.85       |        |            |
|                                | Total Paid On: 12/31/25       |          | 3,697.94     |        |            |
|                                | Total Payroll Paid            |          | 3,697.94     |        |            |
|                                | Report Total                  |          | 46,584.71    |        |            |

# CLAIMS REPORT

## CLAIMS FUND SUMMARY

| FUND  | NAME        | AMOUNT    |
|-------|-------------|-----------|
| 101   | GENERAL     | 8,966.07  |
| 602   | WATER       | 35,959.94 |
| 604   | SEWER       | 1,658.70  |
| ----- |             |           |
|       | TOTAL FUNDS | 46,584.71 |



## Claims for approval 1-07-2025

| VENDOR                          | REFERENCE   | AMOUNT              |
|---------------------------------|---|---------------------|
| A & B BUSINESS EQUIPMENT        | MONTHLY PRINTER/FAX FEE                             | \$ 557.32           |
| ATAC                            | DWSRF-MADISON WELL ENGINEERING                      | \$ 6,020.00         |
| ATAC                            | EVALUATE SEWER LINE BASED ON TOPGRAPHIC DATA        | \$ 680.00           |
| ATAC                            | PLANNER TIME-DEVELOP COST ESTIMATES/WRITE PROJ PLAN | \$ 1,560.00         |
| ATAC                            | BUILDING OFFICIAL TIME-DECEMBER 2025                | \$ 715.00           |
| ATAC                            | PLANNER TIME-COMP PLAN/TAX VALUATIONS               | \$ 1,560.00         |
| BANK WEST                       | CLASSIC WEB BANKING FEE                             | \$ 25.00            |
| BANK WEST CREDIT CARD           | SDML DUES/ATTORNEY NAME PLATE/ADOBE/STAMPS/WWTP     | \$ 1,679.13         |
| BENESCH                         | FEMA BRIC GRANT SERVICES-FINAL BILLING              | \$ 31,796.71        |
| CLAYCOMB ENGINEERING            | FLOODPLAIN PERMIT 2025-22                           | \$ 360.00           |
| GOLDEN WEST TECHNOLOGIES        | DISABLE EMAIL ACCT AND CREATE GENERIC ADMIN EMAIL   | \$ 90.00            |
| CONNIE LEIMER                   | TRAP/NEUTER/RELEASE PROGRAM                         | \$ 40.00            |
|                                 |   |                     |
| <b>Accounts Payable Total</b>   |   | <b>\$ 45,083.16</b> |
|                                 |   |                     |
| <b>Payroll related</b>          |   |                     |
| Total Paid On: 1/31/2025        |   |                     |
|                                 | Legislative, Financial Administration, Govt Blds    |                     |
|                                 | Water   |                     |
|                                 | Sewer   |                     |
|                                 | Promoting City/BBB                                  |                     |
| SOUTH DAKOTA RETIREMENT         | SDRS  |                     |
| EFTPS-ELECTRONIC FEDERAL TAX    | FED/FICA TAX  |                     |
| HEALTH POOL OF SD               | ADMIN/FO SINGLE HEALTH 1/26                         | \$ 875.96           |
| <b>Payroll Total</b>            |   | <b>\$ 875.96</b>    |
|                                 |   |                     |
| <b>***** REPORT TOTAL *****</b> |   | <b>\$ 45,959.12</b> |

**CLAIMS REPORT**  
 Check Range: 1/01/2026- 1/07/2026

| VENDOR NAME                   | REFERENCE                      | AMOUNT   | VENDOR TOTAL | CHECK# | CHECK DATE |
|-------------------------------|--------------------------------|----------|--------------|--------|------------|
| A & B BUSINESS EQUIPMENT INC  | MONTHLY PRINTER/FAX FEE        | 557.32   |              | 667    | 1/03/26    |
| A & B BUSINESS EQUIPMENT INC  | MONTHLY PRINTER/FAX FEE        |          | 557.32       |        |            |
| ANTHONY THEODOROU AND COMPANY | DWSRF-MADISON WELL ENGINEERING | 6,020.00 |              | 668    | 1/07/26    |
| ANTHONY THEODOROU AND COMPANY | BUILDING OFFICIAL TIME         | 715.00   |              | 670    | 1/07/26    |
| ANTHONY THEODOROU AND COMPANY | PLANNER TIME-COMP PLAN         | 1,560.00 |              | 671    | 1/07/26    |
| ANTHONY THEODOROU AND COMPANY | PLANNER TIME                   | 2,240.00 |              | 678    | 1/07/26    |
| ANTHONY THEODOROU AND COMPANY | DWSRF-MADISON WELL ENGINEERING |          | 10,535.00    |        |            |
| BANK WEST                     | CLASSIC WEB BANKING FEE        |          | 25.00        | 672    | 1/05/26    |
| BANKWEST CARDMEMBER SERVS     | WWTP CLUTCH REPAIR             |          | 1,679.13     | 673    | 1/07/26    |
| BENESCH                       | FEMA BRIC GRANT ENGINEERING    |          | 31,796.71    | 18502  | 1/07/26    |
| CLAYCOMB ENGINEERING          | FLOODPLAIN PERMIT 2025-22      |          | 360.00       | 18503  | 1/07/26    |
| CONNIE LEIMER                 | TRAP/NEUTER/RELEASE PROGRAM    |          | 40.00        | 18505  | 1/07/26    |
| GOLDEN WEST TECHNOLOGIES      | DISABLE EMAIL/CREATE GENERIC   |          | 90.00        | 677    | 1/07/26    |
| HEALTH POOL OF SOUTH DAKOTA   | FO SINGLE HEALTH INSURANCE     |          | 875.96       | 18504  | 1/07/26    |
| Accounts Payable Total        |                                |          | =====        |        |            |
|                               |                                |          | 45,959.12    |        |            |
| Utility Refund Checks         |                                |          |              |        |            |
| -----                         |                                |          |              |        |            |
| Refund Checks Total           |                                |          |              |        |            |
| -----                         |                                |          |              |        |            |
| Payroll Checks                |                                |          |              |        |            |
| -----                         |                                |          |              |        |            |
| Report Total                  |                                |          | =====        |        |            |
|                               |                                |          | 45,959.12    |        |            |
|                               |                                |          | =====        |        |            |

# CLAIMS REPORT CLAIMS FUND SUMMARY

| FUND  | NAME              | AMOUNT    |
|-------|-------------------|-----------|
| 101   | GENERAL           | 6,509.90  |
| 272   | FEMA/CONSTRUCTION | 31,796.71 |
| 602   | WATER             | 6,081.00  |
| 604   | SEWER             | 1,571.51  |
| ----- |                   |           |
|       | TOTAL FUNDS       | 45,959.12 |

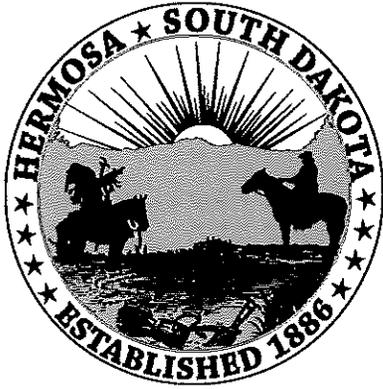


11D

| WO Title                                     | Progress    | Date Created | Date Completed | Priority | Service Address             |
|--|-------------|--------------|----------------|----------|-----------------------------|
| Needs new pit lid                            | Not Started | 12/22/2025   | --             | None     | 37 2nd St                   |
| New pit lid                                  | Not Started | 12/22/2025   | --             | None     | 129 3rd St                  |
| Check water meter                            | Not Started | 12/22/2025   | --             | None     | 198 Fairgrounds Place       |
| Move water meter                             | Not Started | 12/22/2025   | --             | None     | 150 Rupp St Lot 1           |
| Water Meter broken                           | Not Started | 12/22/2025   | --             | None     | 298 N Wilder Blvd           |
| Meter not reading                            | Not Started | 12/13/2025   | --             | None     | 350 Vilas St                |
| Lot C move meter                             | Not Started | 12/13/2025   | --             | None     | 300 E Main St Lot C         |
| Lot 12 Check meter                           | Not Started | 12/13/2025   | --             | None     | 300 E Main St Lot 12        |
| Saddle at sewer tap                          | Not started | 2/3/2023     | --             | Medium   | 280 Manning                 |
| Meter not reading                            | Not Started | 12/13/2025   | --             | None     | 350 Vilas St                |
| Lot C move meter                             | Not Started | 12/13/2025   | --             | None     | 300 E Main St Lot C         |
| Lot 12 Check meter                           | Not Started | 12/13/2025   | --             | None     | 300 E Main St Lot 12        |
| Booster Pump leaking                         | Not Started | 12/01/2025   | --             | None     | 27 N 5th St                 |
| Issues with booster pump                     | Not Started | 09/22/2025   | --             | None     | 27 N 5th St                 |
| Low water pressure                           | Not Started | 08/11/2025   | --             | None     | 855 Main Street             |
| Evidence of sewage leak                      | Not Started | 07/03/2025   | --             | High     |                             |
| Water Meter Remote Reader Repair - Follow Up | Not Started | 05/16/2025   | --             | Low      | 51 N 5th Street, PO Box 282 |
| #2025-01 WILES                               | Not Started | 04/30/2025   | --             | Medium   | 27 N 4TH ST                 |



WE



**Town of Hermosa, South Dakota**

Streets Committee

Office of the Board of Trustees

**REQUEST FOR QUOTE (RFQ)**

**Municipal Lawn Care and Grounds Maintenance Services**

Date: Draft

Issued by: Aaron Serviss

Trustee, Town of Hermosa

Chair, Street Committee

Office: (605) 255-4291

Cell: (845) 381-6790

Email: [aaron.serviss.87@gmail.com](mailto:aaron.serviss.87@gmail.com)

This Request for Quote is issued for informational and preparatory purposes only and does not constitute authorization, award, or commitment by the Town of Hermosa. Any contract award shall be subject to approval by the Board of Trustees.

## 1. INTRODUCTION

The Town of Hermosa, South Dakota ("Town") is soliciting written quotes from qualified contractors for municipal lawn care and grounds maintenance services.

This Request for Quote (RFQ) is not a Request for Proposals (RFP) or an Invitation for Bids (IFB). Quotes are being gathered to inform potential future Board consideration.

## 2. SCOPE OF SERVICES

### A. Routine Lawn Care (Base Services)

Routine mowing and trimming on Town-owned properties including town parcels, rights-of-way, pump house, lagoon grounds, and water tower hill. Weed eating around hydrants, signs, fences, and structures.

### B. Chemical Weed Control

Licensed herbicide application on Town property. Contractor shall supply chemicals, comply with all regulations, and disclose chemicals for Town approval.

### C. Tree Trimming and Pruning

Trimming and pruning of municipal trees as directed. Tree removal excluded unless authorized.

## 3. EXCLUSIONS

Debris hauling, snow removal, ice control, and private property work are excluded.

## 4. PRICING STRUCTURE

A. Fixed annual base price for routine mowing and trimming.

B. Separate unit or hourly pricing for chemical weed control and tree trimming.

## 5. CONTRACT TERM

One-year term with Town option to renew.

Note: Contractors may, at their option, submit alternate pricing for multi-year contract terms (e.g., two or three years). Submission of alternate pricing does not obligate the Town to consider or accept any multi-year term. Any multi-year agreement would remain subject to annual appropriation and approval by the Board of Trustees.

## 6. CONTRACT OVERSIGHT

The Street Committee Chair shall serve as the primary point of contact for oversight and coordination, with Vice-Chair as secondary point of contact.

## 7. INSURANCE REQUIREMENTS

Contractor must carry general liability, auto liability, workers' compensation, and name the Town as additional insured.

## 8. SUBMISSION

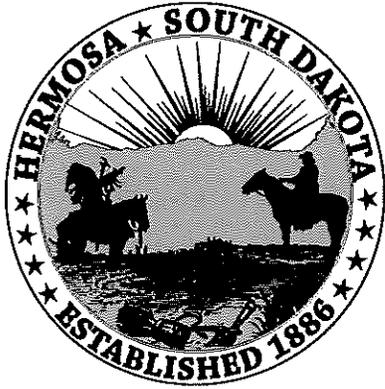
Quotes should include pricing, licensing, insurance, and contact information.

## 9. RESERVATION OF RIGHTS

The Town reserves the right to reject any or all quotes and make no award.



11F



**Town of Hermosa, South Dakota**

Streets Committee

Office of the Board of Trustees

**REQUEST FOR QUOTE (RFQ)**

**Snow Removal Services**

Date: Draft

Issued by: Aaron Serviss

Trustee, Town of Hermosa

Chair, Street Committee

Office: (605) 255-4291

Cell: (845) 381-6790

Email: [aaron.serviss.87@gmail.com](mailto:aaron.serviss.87@gmail.com)

This Request for Quote is issued for informational and preparatory purposes only and does not constitute authorization, award, or commitment by the Town of Hermosa. Any contract award shall be subject to approval by the Board of Trustees.

## 1. INTRODUCTION

The Town of Hermosa, South Dakota ("Town") is soliciting written quotes from qualified contractors for municipal snow removal. Information received may be used to support future contracting decisions or to establish on-call or supplemental snow removal services.

This Request for Quote (RFQ) is not a Request for Proposals (RFP) or an Invitation for Bids (IFB). Quotes are being gathered to inform potential future Board consideration.

## 2. SCOPE OF SERVICES

Contractors may submit quotes for some or all of the following services:

- Snow plowing of town streets and alleys
- Priority route clearing
- Early morning and overnight response
- Snow removal during drifting or adverse conditions when safe
- Ice control (sand and/or salt application, if offered)
- Clearing of approaches and secondary streets as directed
- Sidewalks and entryways at town-owned properties (if offered)
- Emergency or on-call snow removal services

Respondents should clearly identify included and excluded services.

## 3. Operational Context (Informational)

Snow removal decisions are typically based on snowfall depth, wind and drifting, temperature, forecasted conditions, and safety considerations. Priority routes may include school routes, town office areas, and critical access routes. Final operational decisions are made by the Town and are not dictated by this RFQ.

## 4. PRICING STRUCTURE

Contractors should clearly state their pricing model(s), which may include:

- A. Hourly equipment and/or operator rates
- B. Per-event pricing
- C. Per-inch or accumulation-based pricing
- D. Minimum call-out charges, if any
- E. Separate pricing for ice control, sidewalk clearing, or hauling, if offered

## 5. CONTRACT TERM

One-year term with Town option to renew.

Note: Contractors may, at their option, submit alternate pricing for multi-year contract terms (e.g., two or three years). Submission of alternate pricing does not obligate the Town to consider or accept any multi-year term. Any multi-year agreement would remain subject to annual appropriation and approval by the Board of Trustees.

## 6. CONTRACT OVERSIGHT

The Street Committee Chair shall serve as the primary point of contact for oversight and coordination, with Vice-Chair as secondary point of contact.

## 7. INSURANCE REQUIREMENTS

Contractor must carry general liability with coverage limits consistent with standard municipal requirements, auto liability, workers' compensation, and name the Town as additional insured.

## 8. SUBMISSION

Quotes should include pricing, licensing, insurance, and contact information.

## 9. RESERVATION OF RIGHTS

The Town reserves the right to reject any or all quotes and make no award.



**Terri Cornelison**

13C

**From:** Vick Henrichsen <vickilhenrichsen@gmail.com>  
**Sent:** Tuesday, December 16, 2025 11:37 AM  
**To:** Town Email  
**Subject:** Website Contact

I am requesting this letter be placed in the Town board packet for December 16, 2025 under mail call. I am writing in response to the anonymous letter sent to the Hermosa town board and then posted in the packet for everyone in town to read. This letter is a bold, blatant Campaign tactic against Kathy Pillen, who was also running for a trustee position on the Board of trustees against Trina it is slanderous, insulting, and does not belong in a packet for viewing by a township. The president of the board should be chastised for such poor judgment As to attempting To persuade the board and the citizens to vote for Trina. In my opinion, this is a cheap shot. I felt the town had more integrity than this. Much less, the sixth member of the board has always been opposed to an anonymity and now it is acceptable because it is for a candidate being backed by the sixth member. I was going to suggest the election be totally canceled due to this biased, slanderous letter submitted by a person who doesn't have the integrity and the dignity to stand behind what they write.

I also feel Donna Ferguson was unjustly portrayed and does not deserve to be treated as stated nor does Kathy Pillen. Donna has come a long way and is doing her research and learning to think for herself. The concerned Citizen is certainly judgmental and should be disregarded. Citizen should think for themselves, attend meetings and form their own opinions, not be given them in an Anonymously signed letter.

I am requesting this letter put forth by a "concerned citizen" be pulled from the packet prior to the meeting on December 16, 2025 and Be disregarded.

I would also like to stress your board president failed the citizens by putting forth, slanderous, unjust, one-sided campaign material in a town board packet. Mr. Koontz, You should apologize to all of the Town, Mrs. Pillen, Mrs. Ferguson and Trina for allowing this situation to happen.

There Could not have been a fair election given this letter and the presentation put forth.

Signed,

Vicki Henrichsen. And other concern citizen, but I stand behind what I say!



**Terri Cornelison**

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**From:** South Dakota Municipal League <info@sdmunicipalleague.org>  
**Sent:** Tuesday, December 2, 2025 1:12 PM  
**To:** Terri Cornelison  
**Subject:** Rib Dinner Registration Now Open!



## **Register today for the 2026 SDML Legislative Rib Dinner!**

The annual rib dinner is your opportunity to visit with your state legislators in an informal setting. Prior to dinner, a legislative briefing will be held with updates on discussion topics and on the committee meetings for the next day's Municipal Government Day.

### **Rib Dinner | Feb. 3**

Tasty ribs and essential info in an informal setting.  
Drifters Bar & Grille, Fort Pierre, SD.  
\$35 per person.

Prices increase Jan. 20th, so don't wait-register today!

# Municipal Day | Feb. 4

Front row seat to the legislature in action.  
State Capitol, Pierre SD.  
No registration required.  
Packet with more details available at the Rib Dinner.

[Register Now](#)

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## South Dakota Municipal League

208 Island Drive, Fort Pierre, SD 57532 | 605.224.8654  
[sdmunicipalleague.org](http://sdmunicipalleague.org)

If you would like to unsubscribe:

[sdmunicipalleague.org/members/EmailOptPreferences.aspx?id=76982654&e=terri@hermosasd.com&h=2b05a649f15c95b7586c633cad40373d773](http://sdmunicipalleague.org/members/EmailOptPreferences.aspx?id=76982654&e=terri@hermosasd.com&h=2b05a649f15c95b7586c633cad40373d773)

TOWN OF HERMOSA  
ORDINANCE NO. 2.077B  
SUPPLEMENTAL APPROPRIATION ORDINANCE

14A

Be it ordained by the Town of Hermosa that the following sums are supplementally appropriated to meet obligation of the municipality.

**EXPENDITURES**

**General Fund  
Fund 101**

**41110 Board of Trustees**

Professional Fees

\$ 1,601.00

Website hosting fees

\$ 1,601.00

Total Board of Trustees

\$ 1,601.00

**Total Appropriations**

\$ 1,601.00

**EXPENDITURES**

**TIF Debt Service  
Fund 301**

**46500 TIF Debt Service**

Debt Service Expense

\$ 12,000.00

TIF #1 taxes received  
and disbursed

Total TIF Debt Service

\$ 12,000.00

**Total Appropriations**

\$ 12,000.00

The following designates the fund or funds to which the money derived from the following source is applied.

**REVENUE**

**General Fund  
Fund 101**

**SOURCE OF FUNDING**

Unassigned Fund Balance

\$ 1,601.00

**TOTAL MEANS OF FINANCE**

\$ 1,601.00

**REVENUE**

**TIF Debt Service  
Fund 301**

**SOURCE OF FUNDING**

Unassigned Fund Balance

\$ 12,000.00

**TOTAL MEANS OF FINANCE**

\$ 12,000.00

Dated this 16th day of December, 2025.

ATTEST:

\_\_\_\_\_  
Terri Cornelison, Finance Officer

Vote:      Kramer:  
              Koontz:  
              Ferguson:  
              Serviss:

\_\_\_\_\_  
Kelburn Koontz, Board President

First Reading: December 16, 2025  
Second Reading: January 7, 2026  
Publication: January 14, 2026

Published once at the approximate cost of \$\_\_\_\_\_.



15C

**RESOLUTION 01-2026  
TOWN OF HERMOSA  
SALARIES AND WAGES**

**WHEREAS**, the Board of Trustees for the Town of Hermosa, Custer County, South Dakota a resolution providing for the classification and salaries of the Municipal employees and officers for the Town of Hermosa, for the period commencing January 1, 2026;

**AND WHEREAS**, all salaries and compensation of the Town of Hermosa’s officer’s and employee’s names herein shall be as follows;

|  |   |
|--|---|
| BOARD OF TRUSTEES                      | \$75.00 each regular meeting and \$50.00 each special meeting |
| FINANCE OFFICER/Terri Cornelison       | \$27.00 per hour  |
| ADMINISTRATIVE ASSISTANT/Brylee Camire | \$17.50 per hour  |
| GOVERNMENT OFFICE/Vonda Belt           | \$17.00 per hour  |
| MOSQUITO CONTROL/Monte Waltman         | \$16.00 per hour  |
| WATER METER READING/Linda Kramer       | \$17.00 per hour  |
| WATER METER READING/Laura Eickhoff     | \$16.50 per hour  |
| BOARD OF EQUALIZATION                  | \$50.00 per meeting   |
| ELECTION BOARD                         | \$15.00 per hour  |

**NOW THEREFORE, BE IT RESOLVED** that these wages and salaries are hereby approved this 7th day of January 2026.

\_\_\_\_\_  
Kelburn Koontz, Town Board President

ATTEST:

\_\_\_\_\_  
Terri Cornelison, Finance Officer

|       |          |   |                |                  |
|-------|----------|---|----------------|------------------|
| Vote: | Kramer   | - | First Reading: | January 7, 2026  |
|       | Ferguson | - | Published:     | January 14, 2026 |
|       | Koontz   | - |                |                  |
|       | Serviss  | - |                |                  |



COMBINED ELECTION AGREEMENT  
HERMOSA TOWN AND CUSTER COUNTY

15 D

This agreement is entered into between Hermosa Town, hereinafter referred to as the "City", and Custer County, hereinafter referred to as the "County", both governmental subdivisions of the State of South Dakota, for the purpose of conducting a combined election as provided under the provisions of SDCL 12-2-5.

With the approval of the Custer County Board of Commissioners, this is an agreement to combine the 2026 City election with the State Primary Election. The City authorizes the staff of the County Auditor's Office to handle and tabulate the City ballots and to forward the returns to the City Official.

EFFECTIVE DATE: This agreement shall become effective on the date that all parties have signed the agreement.

PURPOSE: It is the purpose of this agreement for the parties to conduct their individually required elections in one combined election. The combined election will be held on June 2nd, 2026, which is the date of the regular primary election. Elections are being combined in an effort to save tax dollars on the cost of individually conducted elections and to encourage a better voter turnout.

COST SHARING: The parties to this agreement shall share the costs of the combined election as set forth herein:

Each Governmental entity shall publish and pay for its own required notices. The cost of the publication for the test of the automatic tabulating system will be the expense of the County.

The County shall lay out the ballot form from the certified form provided by the City.

The County agrees to charge, and the City agrees to pay, for the total cost of any additional items required to conduct the election, such as ballots, ballot set-up costs, poll books, recapitulation sheets, etc.

ABSENTEE BALLOTS: Absentee ballots shall be available at the office of the County Auditor for voters in Hermosa Town who wish to vote absentee.

CANVASSING OF THE VOTE: On the night of the election, the County shall record the unofficial canvass. The County shall be responsible for collecting all ballots, poll book(s), and any other miscellaneous supplies. The County shall provide the official poll book to the City to perform the Official Canvass of their respective election returns. The City shall return the official poll book to the County following their Official Canvass.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026 in Custer, South Dakota. \_\_\_\_\_  
Dawn McLaughlin, Finance Officer  
Custer County

Dated this \_\_\_\_ day of \_\_\_\_\_, 2026, in Custer, South Dakota. \_\_\_\_\_  
Terri Cornelison, Finance Officer  
Town of Hermosa

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026, in Custer, South Dakota. \_\_\_\_\_  
Kelburn Koontz, Board President  
Town of Hermosa

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2026, in Custer, South Dakota. \_\_\_\_\_  
Jim Lintz, Chairman  
Custer County Commissioners



## CHAPTER 131: OPEN BURNING AND FIREWORKS

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### Section

- 131.01 Definitions
- 131.02 Open fires unlawful
- 131.03 Burn barrel fires unlawful
- 131.04 Certain fires lawful
- 131.05 Firework regulations

131.99 Penalty

### § 131.01 DEFINITIONS.

**BURN BARREL.** A metal container used to hold combustible or flammable waste materials so they can be ignited outdoors for the purpose of disposal.

**CAMPGROUND.** Any permitted commercial campground operated by private individuals or corporations, the state, or the United States Forest Service.

**CHARCOAL GRILL.** A metal or stone device not resting on the ground with a metal grate designed to cook food using charcoal briquettes, char wood, hard wood, or similar fuel.

**LIQUID FUEL GRILL.** A metal or stone device designed to cook food using liquified or gaseous combustible fuel.

**OPEN FIRE.** Any outdoor fire, including campfires and burn barrels, which has been banned or, if legal, is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, chimney, and/or spark arrester. **OPEN FIRE** shall not include charcoal grills and liquid fuel grills, as defined herein.

**OUTDOOR FIREPLACE.** A manufactured appliance constructed of non-combustible materials, with a maximum fuel area of three feet, fueled by cut or split wood, located not closer than 15 feet to any combustible surface and continually attended and must pass through a stack, duct, chimney and/or a spark arrester.

(Ord. passed 4-18-2023)

### § 131.02 OPEN FIRES UNLAWFUL.

It is unlawful for any person to ignite any open fires or outdoor fires, including campfires and burn barrels, within the town limits, which have been banned or, if legal, are not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, chimney, and/or spark arrester.

(Ord. passed 4-18-2023)

### § 131.03 BURN BARREL FIRES UNLAWFUL.

## § 154.05 BUILDING AND GRADING PERMITS.

(A) Building permits are required in the town for any of the following:

- (1) Construction of all major structures;
- (2) Additions made to any major structure;
- (3) Major structures that are to be moved from one parcel to another;
- (4) Major structures that are to be demolished or removed from the property;
- (5) Mobile homes that are to be located within the town, moved from one location to another within the town, or moved out of the town; and
- (6) Construction or installation of communications towers and other unoccupied structures.

(B) Grading permits are required in the town for all clearing or grading except when: grading for agricultural or gardening purposes; grading for a single-family dwelling where less than 5,000 square feet of soil is disturbed; clearing less than 5,000 square feet; excavating or filling less than 100 cubic yards of soil; installing less than 100 feet of utility line; excavating below finished grade for a basement or foundation for a major structure authorized by a valid building permit; or for clearing or grading for the installation of a minor structure.

(C) Building permits are not required for normal maintenance of existing buildings or for repair to facilitate the maintenance. Fire or storm damage repair of foundations, supporting walls or roof trusses shall require a building permit. Repair of fire- or storm-damaged structures located in flood hazard areas is also subject to the provisions of the town's floodplain development provisions, Chapter 151.

(D) All construction shall conform to codes and regulations adopted by the town including, but not limited to, individual and small on-site wastewater systems, plumbing, electrical and standard building codes.

(E) Building or grading permits shall only be issued to the owner of the property or the owner's designated (in writing) agent.

(F) If the work described in any building or grading permit has not begun within six months from the date of issuance thereof, the permit shall expire. The permit shall be canceled by the Finance Officer and notice thereof shall be given to the person affected.

(G) If the work described in any building or grading permit has not been substantially completed within one year of the date of issuance thereof, the permit shall expire. Notice shall be given to persons affected that further work as described in the expired permit shall not proceed unless and until an extension has been obtained.

(H) All structures will in general comply with sound engineering and safety regulations normally required by the town's adopted building codes.

(I) There are no exceptions for building or grading permits.

(J) Building or grading permits shall not be issued for construction on any land in the town that fails to conform to the requirements of this chapter.

(K) Fees for all permits shall be set by the governing body and shall be due and payable upon application for the permit.

(Ord. 10.9, passed - -2005)

## GENERAL PROVISIONS

### § 151.01 FINDINGS, PURPOSE, METHODS.

(A) *Statutory authorization.* The legislature of the state has in SDCL §§ 9-36 and 11-4 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Board of Trustees does ordain as follows.

(B) *Findings of fact.*

(1) The flood hazard areas of the town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood-proofed or otherwise protected from flood damage.

(C) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in a manner so as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is in a flood area.

(D) *Methods of reducing flood losses.* In order to accomplish its purposes, this chapter uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve those uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;

(4) Control filling, grading, dredging and other development which may increase flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

## § 151.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**AREA OF SHALLOW FLOODING.** A designated AO, AH or VO zone on a community's flood insurance rate map (FIRM) with a 1% chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. The flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD.** The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year designated as Zones A, AE, AH, AO, AR, A1-99, VO, V1-30, VE or V on the flood insurance rate map.

**BASE FLOOD.** The flood having a 1% chance of being equaled or exceeded in any given year.

**BASE FLOOD ELEVATION (BFE).** The water surface elevation of the 1% annual chance flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.

**BASEMENT.** Any area of the building having its floor sub-grade (below ground level) on all sides.

**BUILDING.** See **STRUCTURE**.

**CRITICAL FEATURE.** An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**DEVELOPMENT.** Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, fences, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

### **ELEVATED BUILDING.**

(1) A non-basement building: built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X and D, **ELEVATED BUILDING** also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

(2) In the case of Zones V1-30, VE or V, **ELEVATED BUILDING** also includes a building otherwise meeting the definition of **ELEVATED BUILDING**, even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of § 60.3(e)(5) of the National Flood Insurance Program regulations.

**EXISTING CONSTRUCTION.** For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

**FLOOD or FLOODING.** A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters; and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

**FLOOD INSURANCE RATE MAP (FIRM).** An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**FLOOD INSURANCE STUDY.** The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood insurance rate map.

**FLOODPLAIN or FLOOD-PRONE AREA.** Any land area susceptible to being inundated by water from any source (see definition of **FLOODING**).

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS.** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes the state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOOD PROOFING.** Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**FLOOD PROTECTION SYSTEM.** Those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. This system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**FLOOD WAY (REGULATORY FLOOD WAY).** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**FREEBOARD.** A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. **FREEBOARD** tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

**FUNCTIONALLY DEPENDENT USE.** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE.** Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior; or

(b) Directly by the Secretary of the Interior in states without approved programs.

**LEVEE.** A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**LEVEE SYSTEM.** A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**; provided that the enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of § 60.3 of the National Flood Insurance Program regulations.

**MANUFACTURED HOME.** A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a "recreational vehicle".

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MEAN SEA LEVEL.** For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88) or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**NEW CONSTRUCTION.** For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to the structures. For floodplain management purposes, **NEW CONSTRUCTION** means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to the structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets

and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**RECREATIONAL VEHICLE.** A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projections;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use

**START OF CONSTRUCTION.** For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. No. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual **START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE.** A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**SUBSTANTIAL DAMAGE.** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
- (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**VARIANCE.** A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A **VARIANCE**, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements, see § 60.6 of the National Flood Insurance Program regulations.)

**VIOLATION.** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) of the National Flood Insurance Program Regulations is presumed to be in violation until a time as that documentation is provided.

**WATER SURFACE ELEVATION.** The height, in relation to North American Vertical Datum of 1988 (NAVD 88) (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ord. 10.03R, passed 11-15-2011; Ord. 10.03R(A1), passed 10-7-2014)

### **§ 151.03 GENERAL PROVISIONS.**

(A) *Lands to which this chapter applies.* This chapter shall apply to all areas of special flood hazard within the jurisdiction of the town.

(B) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled *Flood Insurance Study for Custer County and Incorporated Areas*, dated January 6, 2012, with accompanying flood insurance rate maps (FIRM) dated January 6, 2012 and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.

(C) *Establishment of development permit.* A development permit shall be required to ensure conformance with the provisions of this chapter.

(D) *Compliance.* No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

(E) *Abrogation and greater restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions; however, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(F) *Interpretation.* In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(G) *Warning and disclaimer or liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within the areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 10.03R, passed 11-15-2011)

### **§ 151.04 ADMINISTRATION.**

(A) *Designation of the Floodplain Administrator.* The Floodplain Administrator shall be appointed by the Board of Trustees to administer and implement the provisions of this chapter and other appropriate sections of C.F.R. Title 44 (National Flood Insurance Program Regulations) pertaining to floodplain management.

(B) *Duties and responsibilities of the Floodplain Administrator.* Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter;

(2) Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;

(3) Review, approve or deny all applications for development permits required by adoption of this chapter;

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including § 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required;

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation;

(6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is the State Division of Emergency Management, prior to any alteration or relocation of a watercourse, and submit evidence of the notification to the Federal Emergency Management Agency;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) When base flood elevation data has not been provided in accordance with this division (B), the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this chapter;

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community; and

(10) Under the provisions of 44 C.F.R. Chapter 1, § 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision).

(C) *Permit procedures.*

(1) Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard.

(2) Additionally, the following information is required:

(a) Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

(b) Elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;

(c) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of § 151.16; and

(d) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(3) The Floodplain Administrator shall maintain a record of all the information in accordance with division (B)(1) above.

(4) Approval or denial of a development permit by the Floodplain Administrator shall be based on all of the provisions of this chapter and the following relevant factors:

(a) The danger to life and property due to flooding or erosion damage;

(b) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;

(c) The danger that materials may be swept onto other lands to the injury of others;

(d) The compatibility of the proposed use with existing and anticipated development;

(e) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(f) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

(g) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

(h) The necessity to the facility of a waterfront location, where applicable;

(i) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and

(j) The relationship of the proposed use to the comprehensive plan for that area.

(D) *Variance procedures.* The Appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this chapter.

(1) The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

(2) Any person or persons aggrieved by the decision of the Appeal Board may appeal the decision in the courts of competent jurisdiction.

(3) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(4) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in division (C) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(5) Upon consideration of the factors noted above and the intent of this chapter, the Appeal Board may attach those conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.

(6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(7) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(8) Prerequisites for granting variances:

(a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(b) Variances shall only be issued upon:

1. Showing a good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(c) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(9) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(a) The criteria outlined in divisions (D)(1) through (9) of this section are met; and

(b) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. 10.03R, passed 11-15-2011)