

**HERMOSA TOWN BOARD
WORK SESSION
Tuesday, August 23 – Following P&Z Meeting**



- 1) **ROLL CALL:**
 - A) BOT Roll Call: Henrichsen, Holsworth, Kramer, Schumack & Thomason
 - B) P&Z Roll Call: Harris, Irvine & Waltman
 - C) Acknowledgement of other attendees

- 2) **CALL FOR CHANGES:**
 - A) Review current agenda items
 - B) Motion to accept the agenda as presented/amended

- 3) **NEW BUSINESS:**

- 4) **WORK SESSION ITEMS**
 - A) Annexation: Gumbo Lily, Fairgrounds Place, McDermant Street
 - B) Concrete Ordinance
 - C) Public Works
 - D) Mosquito Spraying

- 5) **ITEMS FROM CITIZENS:** No action will be taken (3-minute time limit per speaker)

- 6) **TRUSTEE INPUT:**

- 7) **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

- 8) **ADJOURN:**
Motion by _____; second by _____ to adjourn the meeting at _____ pm.

ATTEST:

Gail Boddicker
Finance Officer

Dan Holsworth
Town Board President

CONCRETE ORDINANCE

No.

AN ORDINANCE TO PROVIDE FOR THE UNIFORM AND SAFE CONSTRUCTION OF CONCRETE WORK INCLUDING BUT NOT LIMITED TO SIDEWALKS, CURBS, DRIVEWAYS, OR SLABS WITHIN THE TOWN OF HERMOSA, CUSTER COUNTY, SOUTH DAKOTA.

Sections:

- 1. Applicable Conditions**
- 2. Base Preparation**
- 3. Construction Specifications**
- 4. Sidewalks (see also Chapter 93)**
- 5. Curb and Driveway Construction**
- 6. Framework Removal and Backfilling**
- 7. Finishing**
- 8. Permitting requirements**
- 9. Nuisance declared when**
- 10. Violation-Penalty**

1. Applicable Conditions

This ordinance applies only to public right of ways, along with government and commercial properties. All work shall be completed by contractors licensed to work in the Town of Hermosa. Contractors must secure a permit to work in the right-of-way as required, prior to beginning work.

2. Base Preparation:

- a.) Remove all roots, broken concrete, trash, etc. Contact Public Works if tree roots are in the right of way and need cutting.

- b.) Excavate soil to the required depth of 10" below subgrade, thoroughly tamp the entire area, water the subgrade thoroughly the day before, and moisten the subgrade immediately before placing the concrete. Contact Public Works if tree roots are in the right of way and need cutting. Add rebar and compact the soil for longevity.
- c.) Six inches of crushed stone or gravel should be used for most driveways. Proper application requires that the driveway hole be dug out, and the soil has to be prepared.
- d.) Clods or hard lumps of earth shall be broken up and no rocks or lumps of material over 2½ inches in size shall remain in the upper six inches of the fill. The relative compaction of the earthy material composing each layer of fill shall not be less than 90%.
- e.) Forms shall be nominal 2-inch lumber properly set and substantially held to the correct grade and line. Curb forms shall be full depth in back as well as in front. Front forms for driveway side slopes may be nominal 1-inch lumber. Freehand shaping of driveway side slopes is not permissible; the forms must be cut on an angle to the proper length. Measurement of Concrete Materials: Transit Mixed Concrete is acceptable on all.

3. Construction specifications.

- a.) The installation and maintenance of all sidewalks, curbs, driveways, and slabs on public right of ways within the town limits of Hermosa shall be constructed using good and practical engineering and drainage standards and shall be approved by the Board of Trustees prior to commencement of construction.
- b.) All Drainage Designs, Excavation Embankments, sidewalks, curbs, and approaches constructed or installed or any replacements thereof in the Town of Hermosa shall conform to the following specifications unless specially authorized otherwise in Town of Hermosa, Street Specifications, Resolution No. 2006-4, Chapter 93 and/or by the city engineer of the Town of Hermosa:

4. Sidewalks

- a.) All sidewalks shall follow Chapter 93. Sidewalks shall be at least four inches thick, except where automobile driveways cross the same, in which case the sidewalks shall be at least six inches in thickness for residential driveways and at least eight inches in thickness for commercial and industrial driveways for that portion used as the driveway; that part of the driveway extending from the curb to the sidewalk shall also be at least six inches in thickness for residential driveways and eight inches in thickness for commercial and industrial driveways.
- b.) All sidewalks shall be at least four feet in width, unless Resolution No. 2006-4 or Chapter 93 requires otherwise, and have a slope of not less than one-fourth inch to each foot, with the edge of the sidewalk nearest the street to be at a level not lower than the crown of the street.

- c.) All curbs and gutters shall be twelve inches high, five and one-half inches *in width* at the top, eighteen inches in width on the bottom, with slope to the street side, and with not more than six inches of the curb to protrude above the surface of the road.

- d.) All approaches to driveways shall be at least one and five-eighths inches higher than the gutter and not less than twelve feet in width at the curb.

- e.) All curbs and sidewalks at intersections shall be constructed in such manner as not to create a hazard to pedestrian or automobile traffic.

- f.) All concrete and cement shall be of a mixture of at least one part cement, three parts sand, and five parts crushed rock or gravel.

- g.) All surfaces shall be of a toughened texture so as to provide suitable footing for foot traffic.

- h.) All sidewalks shall be maintained in a level, nonhazardous condition. Sidewalks shall be deemed to be defective and require repair when deficiencies such as are illustrated in the standard details.

- i.) Sidewalks shall provide transition for handicapped at each intersection and construction specifications will be adopted as found in the Town of Hermosa Street Specifications. No. 2006-4

2. Curb construction.

The standard for construction of curbs on each side of any street, or any connecting street or road for which curbs and sidewalks have been prescribed, shall not be less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least forty-eight inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons.

- a.) The standards herein set for curb ramping shall not apply to any curbs presently existing, but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk.

- b.) The total width of all curb cuts for any one ownership on a street shall not exceed fifty percent (50%) of the frontage of the ownership along that street.
- c.) If a property has frontage on more than one street, access will be permitted only on the less traveled street frontage, where standards can be met. If a property cannot be served by any access point meeting these standards, the Engineer shall designate access points based on traffic safety, operational needs, and in conformance with the requirements of this policy.
- d.) Where several adjacent roadside establishments each have limited frontage or where there is probability. Of such developments, consideration shall be given to the provision of a frontage road for the several driveways so as to reduce the number of separate accesses to the public roadway. The frontage road access points to the public roadway shall be at the extremities of the frontage road or at well-spaced intervals along it.
- e.) All work shall be completed by contractors licensed to work in the Town of Hermosa. Contractors must secure a permit to work in the right-of-way as required, prior to beginning work.
- f.) The distance between adjacent driveway approaches must be sufficient to allow vehicles to safely queue, accelerate, decelerate, and cross-conflicting traffic streams without excessive interference with through traffic using adjacent driveways.
- g.) For arterial and high-volume collectors in commercial areas, an approach separation of two hundred feet (200') or more of full vertical curb is desirable. Where this spacing cannot be attained, acceptable minimum driveway approach spacing shall be approved by the Hermosa Town Engineer.

Driveways Construction

- a.) The design and location of driveway approaches are directly related to their specific use and the functional classification of the street. Paved driveways and driveway approach curb cuts shall be as provided herein and in accordance with the Town of Hermosa Standard in the Subdivision Ordinance Chapter 154. All driveway approaches constructed, relocated, widened, or altered in any way shall be in compliance with the following conditions:
 - b.) In residential areas, the driveway approach openings shall not be less than twelve feet (12 ') in width and no more than twenty feet (20') in width, exclusive of the taper. Where two- family units or larger are built or where a shared approach is used, a driveway opening of twenty-four feet (24') is acceptable.
 - c.) In commercial, highway service, general industrial areas, the driveway openings shall not be less than sixteen feet (16') in width and no more than twenty-eight feet (28') in width, exclusive of the taper. Reinforced driveway and sidewalk shall be placed at all alley entrances and at driveways into property, which is zoned Commercial, Highway Service, and

General Industrial. No driveway approach shall be so located as to interfere with intersecting sidewalks or within five feet (5') of any existing utility facility. Any necessary adjustments to any utility facility or any other public structure must be approved by the Town Board. Any approved adjustments shall be accomplished in accordance with the standard construction practice and at no cost to the Town.

d.) No driveway approach shall be located so as to create a hazard to pedestrians or motorists or to invite or compel illegal or unsafe vehicular movements.

e.) The person doing the construction or alteration work shall maintain the premises in a safe manner using adequate barricades, signing, and lighting to protect the safety of the public using the adjacent streets and sidewalks. These shall be in conformance with the US Federal Highway Department Manual on Uniform Traffic Control Devices (MUTCD) and shall be provided at the builder's expense. The builder shall remove all debris, dirt, or other construction materials immediately upon completion of the work and shall hold the Town free from any damages incurred by this operation.

f.) Town streets and highway rights-of-way shall not be used for private or commercial purposes or for parking. A permit to work in the right-of-way for construction of a driveway approach shall not be issued unless all vehicles to be serviced can maneuver and park entirely within the private property lines. Not more than one driveway will be allowed to any single residence and not more than two to any business establishment. Frontages of fifty feet (50') or less shall be limited to one driveway.

g.) On low volume, low-speed roads, a minimum driveway approach spacing of 35' is acceptable with Town Board approval. In residential and commercial areas, approaches serving separate but adjacent parcels of property under different ownerships shall be separate by a minimum of five feet (5'). At locations where the required corner clearances cannot be attained, a minimum corner clearance of fifty feet (50') shall be maintained.

h.) The location of driveway approaches to properties on opposite sides of the roadway shall be coordinated so that they do not interfere with each other. Adequate sight distance must be provided for vehicles exiting and entering an approach. Driveway approach locations shall be evaluated to determine whether sight obstructions such as buildings, signs, vegetation, parked vehicles, highway alignments, etc. exist.

When one approach is to be used by adjacent properties under different ownership, each property owner must provide the necessary legal documents to establish an access easement. Joint access will be encouraged whenever practical. Driveway and approach grades shall be

compatible with their intended use. Approach permits are required for access onto all public roads. The Town Board shall approve access permits. Permit to work in the Right-of-Way.

Approaches may be allowed with lesser shoulder radius, with prior approval of the Town Board.

5. Removal of Formwork and Construction of Superimposed Elements

In the determination of the time for the removal of false work and forms, consideration shall be given to the location and character of the structure, the weather, and any other conditions influencing the setting of the concrete.

Methods of false work and form removal likely to cause overstressing of the concrete shall not be used. Supports shall be removed in a manner that permits the concrete to uniformly and gradually take the stresses due to its own weight.

When field operations are not controlled by tests, false work and forms shall not be removed nor superposed concrete placed without the approval of the Inspector. The following periods are exclusive of days when the temperature is below 40°F.

If field operations are controlled by tests., either cylinders or Swiss hammer, false work and forms may be removed from the affected concrete and placement of superimposed concrete may proceed when such concrete reaches the strength in the following table:

Figure 8.2

Structural Elements	Time	Concrete Strength	Concrete Time	PSI
Footings	12-24 hrs.	800	48-72 hrs.	1600
Columns	12-24 hrs.	800	7-12 days	2000
Pier & Bent Caps	10-15 days	2400	15-20 days	3000
Abutment & Sill	12-24 hrs.	800	15-20 days	3000
Deck Slabs - Concrete Bridges	10-15 days	2400	36-48 hrs.	1200
Other Deck Slabs & Top Slab of RCBC	7-12 days	2400	36-48 hrs.	1200

a.) The standard for construction of curbs on each side of any street, or any connecting street or road for which curbs and sidewalks have been prescribed, shall not be less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least forty-eight inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons.

b.) The standards herein set for curb ramping shall not apply to any curbs presently existing, but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk.

c.) The total width of all curb cuts for any one ownership on a street shall not exceed fifty percent (50%) of the frontage of the ownership along that street.

d.) If a property has frontage on more than one street, access will be permitted only on the less traveled street frontage, where standards can be met. If a property cannot be served by any access point meeting these standards, the Engineer shall designate access points based on traffic safety, operational needs, and in conformance with the requirements of this policy.

e.) Where several adjacent roadside establishments each have limited frontage or where there is probability. Of such developments, consideration shall be given to the provision of a frontage road for the several driveways so as to reduce the number of separate accesses to the public roadway. The frontage road access points to the public roadway shall be at the extremities of the frontage road or at well-spaced intervals along it.

3. The distance between adjacent driveway approaches must be sufficient to allow vehicles to safety queue, accelerate, decelerate, and cross-conflicting traffic streams without excessive interference with through traffic using adjacent driveways.

Driveways

a.) The design and location of driveway approaches are directly related to their specific use and the functional classification of the street.

b.) aved driveways and driveway approach curb cuts shall be as provided herein and in accordance with the Town of Hermosa Standard Chapter 154.

All driveway approaches constructed, relocated, widened, or altered in any way shall be in compliance with the following conditions:

c.) In residential areas, the driveway approach openings shall not be less than twelve feet (12') in width and no more than twenty feet (20') in width, exclusive of the taper. Where two-family units or larger are built or where a shared approach is used, a driveway opening of twenty-four feet (24') is acceptable.

d.) In commercial, highway service, general industrial areas, the driveway openings shall not be less than sixteen feet (16') in width and no more than twenty-eight feet (28') in width, exclusive of the taper.

e.) Entrances and at driveways into property, which is zoned Commercial, Highway Service, and General Industrial. No driveway approach shall be so located as to interfere with intersecting sidewalks or within five feet (5') of any existing utility facility.

f.) Any necessary adjustments to any utility facility or any other public structure must be approved by the Town Board. Any approved adjustments shall be accomplished in accordance with the standard construction practice and at no cost to the Town.

g.) No driveway approach shall be located so as to create a hazard to pedestrians or motorists or to invite or compel illegal or unsafe vehicular movements.

6. Framework Removal, Backfilling and Application

All concrete, except approach slabs, footings, columns, curb and gutter, and sidewalk shall have attained design strength before backfilling or before applying highway live loads. Approach slabs may be open to traffic when a compressive strength of 4000 psi is attained. Footings, columns, curb and gutter, and sidewalks shall not be backfilled until permission *has* been given by the Town Inspector.

Joints

Joints shall be constructed at the locations and of the dimensions shown on the plans or as directed by the Town Inspector. In joining fresh concrete to that which has already set at a construction joint, the concrete in place shall have all loose material removed.

Curing Concrete

Concrete shall be promptly protected by covering with canvas, straw, burlap, sand, or other satisfactory material and kept moist by flushing or sprinkling -with water. Forms remaining in place shall be considered as adequate cover for curing for the number of days such forms remain in place, providing all exposed concrete surfaces are so covered. Curing shall continue for a period of not less than seven days after placing the concrete. Other precautions to ensure development of strength shall be taken as the Inspector may direct.

In lieu of the above method of curing, white pigmented membrane curing compound may be used. The compound shall be uniformly applied after the final finishing operations are completed and immediately after the free water has left the surface.

The curing compound may be applied in either one or two applications in accordance with the direction of the manufacturer.

Equipment, workers, or materials will not be allowed on the - concrete surface for a minimum of seven days after the application of the curing compound, unless the surface is adequately protected with a layer of: fine sand or other approved material. Such covering shall not be applied for at least eight hours after application of the curing compound. If during the seven (7) day curing period, the membrane film is broken or damaged, the areas affected shall be given a duplicate treatment of the curing material, applied at the same rate as the first treatment.

Surfaces, which are to receive a commercial texture finish, shall be cured by a method other than membrane cure. Surfaces, which are to receive a rubbed finish or a brush finish, shall be done by a method other than membrane cure until the robbing or brushing has been completed after which the membrane curing may be used as directed above. Membrane curing compound will not be allowed on any surface to which concrete is to be bonded.

7. Surface Finish

The surfaces of all concrete masonry shall be worked during placing. The worker shall force all coarse aggregate from the surface and thoroughly work the mortar against the forms to produce a smooth finish relatively free of water, air pockets, or honeycombing.

As soon as the concrete has set sufficiently, the forms on all exposed surfaces shall be carefully removed, and all depressions resulting from the removal of metal ties or other causes shall be carefully pointed with a mortar of sand and cement in the same proportions as the concrete being treated. All fins and rough corners on the surfaces shall be removed to present a neat and uniform appearance.

Additional finishing may be required as follows:

Rubble Brushed, and Commercial Texture Finishes

One of these three finishes will be required for all railing, curb, parapets, wings and other surfaces not subject to wear, which are visible to the traveling public. A selected finish must be used throughout the entire structure, except the finish for the top and inside of the curb may be different than that used for the other parts of the structure.

Rubbed Finish

As soon as the pointing has set sufficiently, the surfaces to receive a rubbed finish shall be thoroughly wetted with a brush and rubbed with a medium coarse carborundum stone or an abrasive of equal quality using a small amount of mortar on its face. The rubbing shall be continued until all form marks and projections are removed, producing a relatively smooth clean surface free from pits or irregularities.

The final finish shall be obtained by robbing with a fine acrobranching stone or an abrasive of equal quality. This rubbing shall continue until the entire surface has a smooth texture and a uniform color.

Brushed Finish

This finish will be permitted only if it is accomplished within 12 hours of concrete placement. The forms shall be removed as soon as the concrete is able to stand firm without slumping. The surface shall be worked with a rubber float, which may be clipped in a very wet three to one (3:1) sand and cement grout mixture. Immediately after the surface is worked into a lather: a soft bristle brush shall be used to smooth the surface, leaving a fine grain smooth, but sanded texture. A plastering job resulting from the use of an excess of grout on the surface will not be permitted.

Commercial Texture Finish

This finish shall consist of an application, using a rubber float or approved equal, of latex or acrylic-based bonding agent mixed with a standard or commercial packaged mortar.

The mixture shall be applied in sufficient thickness to completely cover the original surface with a one-coat application, but shall not be so thick as to cause runs, sags, or a plastered effect. The final surface after drying shall be uniform in color and texture, with no evidence of cracks or breaks in continuity.

Corrective work will be required over areas, which have not been satisfactorily finished, at the Contractor's expense, including as much adjacent area as necessary to provide uniformity of appearance.

Preferably, application of the commercial texture finish shall not be started until other work, which might mar the finish has been completed. Should the Contractor elect to commence with the finishing operation prior to completion of any work that might mar the surface, provisions shall be made to protect the surface. The finishing operation shall be carried on continuously from beginning to completion on any one surface.

Float Finish

Unfinished surfaces, except bridge decks, shall be given a float finish. After the concrete has been struck off, the surface shall be thoroughly worked and floated with a suitable floating tool of wood canvas, magnesium, or cork. Before the finish has set, the surface cement film shall be removed with a fine brush in order to have a fine-grained, smooth but sanded texture.

Plantings

Safety (CLEAR) Zone, no tree nor shrub shall be planted where there is less than current desirable clear zone separation between the back of curb and the projected near edge of the tree trunk or shrub when mature.

8. Permitting requirements.

All persons, prior to the construction of any sidewalks or curbs or any replacements thereof, shall apply to the city clerk of the Town of Hermosa for a right-of-way permit. The application shall set out the location, size, type, and other pertinent data relative to such construction and such other data as may be required by the Town of Hermosa. The town engineer, upon receipt of such application, shall review and present the same to the inspector of the Town of Hermosa and, upon approval, a permit for the construction of the sidewalk shall be issued to the applicant. Appeals of a decision on a permit shall be made consistent with ordinance 111.6. Fees shall be per the adopted fee schedule.

9. Nuisance declared when.

All sidewalks that are constructed and which fail to conform to the standards set out in this ordinance are a nuisance and subject to any ordinance or law of the Town of Hermosa, State of South Dakota providing abatement of nuisances.

10. Violation-Penalty.

Any person, firm, or individual constructing or allowing to be constructed any walk, curb or approach in violation of this chapter shall be subject to a civil penalty, not to exceed the amount stated in the Town of Hermosa schedule of fees. And may appeal any decision as per the Town Hermosa's Appeal process.

RESOLUTION 2006-4

WHEREAS, an initiated measure self-titled as “The J.A.I.L. Amendment” has been designated as Amendment E by the Secretary of State and will appear on the November, 2006 general election ballot; and

WHEREAS, Amendment E would abolish the doctrine of judicial immunity, create a special grand jury with an annual budget of over two million dollars, allow for the creation of special court under the jurisdiction of the special grand jury apart from the Unified Judicial System and would allow for jury nullification (a measure previously submitted to and rejected by the electorate); and

WHEREAS, the stated purpose of Amendment E is to correct the abuse of judicial power; and

WHEREAS, the South Dakota and the United States Constitutions and the laws made pursuant to these Constitutions by publicly elected officials currently provide remedies for the correction of any abuse of the judicial power; and

WHEREAS, Amendment E would subject any person or group of persons who exercise judicial authority, including quasi-judicial actions such as members of zoning boards of adjustment, planning commissions, and municipal governing bodies, to limitless liability; and

WHEREAS, Amendment E prevents public money from being used to defend a public official from a claim brought by the special grand jury, subjecting the official to massive personal liability; and

WHEREAS, a number of groups including the South Dakota Municipal League, the South Dakota Republican and Democratic parties, the South Dakota State Bar, and many others have voiced opposition to Amendment E because of the threat it poses to the judicial system and to public officials; and

WHEREAS, the Legislature of the State of South Dakota has unanimously approved House Concurrent Resolution 1004 strongly urging the voters of South Dakota to defeat Amendment E “to protect our system of justice, to protect economic development” and “to protect citizens from frivolous lawsuits”; and

WHEREAS, the Town of Hermosa has determined that Amendment E would be contrary to the best interests of the Town of Hermosa because of the potential damage Amendment E could do to South Dakota’s judicial system and the threat it poses to public servants who serve on many municipal boards, such as the Zoning Board of Adjustment; the Planning Commission, as well as the Town Board of Trustees.

NOW THEREFORE BE IT RESOLVED by the Town of Hermosa that the Hermosa Town Board joins with the South Dakota Legislature, the South Dakota Municipal League, and other groups and strongly urges the voters of South Dakota to reject Amendment E when voting at the 2006 general election.

Dated this 5TH day of JuLY, 2006.

TOWN OF HERMOSA

Town President

ATTEST:

Finance Officer

(SEAL)