

**HERMOSA TOWN BOARD
TUESDAY, OCTOBER 17, 2023
REGULAR MEETING @ 6:00pm**

ROLL CALL: Styles called the meeting to order on Tuesday, October 17, 2023, at 6.00 pm with the following members present: Ferguson, Henrichsen, Holsworth and Styles. Kramer joined via teleconference. Attorney Johnson also present. Special thanks to Chuck Ferguson for his 48 years of service. Welcome to Michael Busskohl, Custer County Commissioner as well as citizens. Pledge of Allegiance led by Jerald Styles.

CALL FOR CHANGES: Motion made and seconded to approve the agenda as presented; vote; all ayes, motion carried.

SPECIAL ITEMS: Meeting Protocol presented.

CONSENT CALENDAR: Motion made and seconded to approve October 3, 2023, BOT regular minutes as presented; vote; all ayes, motion carried.

CONFLICT OF INTEREST DECLARATION: The president requested members to address the chair if they believe there is a conflict of interest.

CLAIMS: Motion made and seconded to approve October 3, 2023, Payroll and Claims; discussion. Claims were approved as amended; vote; all ayes, motion carried. AMERICAN LEGAL PUBLISHING Corp, 2023 S-6 Supplement Page, \$2,325.97; AXON ENTERPRISE INC, Taser, \$1,113.20; GOLDEN WEST TECHNOLOGIES, Monthly service-Oct23, \$563.50; HAGG & HAGG LLP, DANR issue/Services, \$4,621.90; Slade Heeb , Fuel, \$141.55; Hunsaker, Dustin, Refund due to tenant payment, \$78.50; JOHNSON LAW OFFICE, BOT meeting, email, subpoena, \$845.50; MONUMENT HEALTH, Heeb Work Related Exam, \$218.00; MT RUSHMORE TELEPHONE, PHONE/INTERNET, \$257.44; METERING & TECHNOLOGY Solutions, Meters & meter supplies, \$1,775.16; Midcontinent testing lab, Water testing/3rd Qtr, \$2,468.25; Nelson's Oil & Gas Inc, Propane-City Well, \$390.00; Pioneer Bank and Trust, Office supplies, \$770.15; Pioneer Bank and Trust, 2 Signature account-Oct, \$25.00; South Dakota Dept of Revenue, Duplicate payment, \$560.29; Sander Sanitation, Monthly sanitation service, \$4,439.95; Southern Hills Publishing, Publishing/Legal notices, \$472.38; SOUTH DAKOTA 811, Message fees/7-23-9-23, Voice, \$85.05; DANR, Penalty 10-31-2023, \$2,500.00. **ACCOUNTS PAYABLE TOTAL: \$23,651.79.** Total Payroll Paid On: 10/13/23, \$4,483.64. EFTPS-Electronic Federal Tax, FED/FICA TAX, \$1,120.25. **PAYROLL RELATED TOTAL, \$5,603.89 REPORT TOTAL: \$29,255.68**

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS: No marshal's report. Dispatch contract, pending. Street signs at school, pending. Purchase of breathalyzer, pending. Motion made and seconded to change the flashing lights at the school zone to 6:30 am to 8:00 am and 3:00 pm to 5:30 pm.; vote; all ayes, motion carried. Decommission the 2003 Chevy Tahoe, pending. Motion made and seconded to remove Heeb's resignation from agenda; vote; all ayes, motion carried. Approval to hire Lowry, pending. Approval to reimburse for LE duty phone, pending. Abatements: end of year, no abatements. Motion made and seconded to remove: Street signs, Request purchase of 2 Portable Breath Test, School zone time, and decommission the 2003 Chevy Tahoe from the agenda and placed on a tracking list until the items have been accomplished (will be attached to future agenda packets as FYI) vote; all ayes, motion carried.

LEGAL: Engineer expense reimbursement, pending. Resolution assistance to dissolve P&Z, pending. Assistance to review and rewrite ordinances to support dissolving P&Z, pending. Ordinances have been drafted and will be prepared for 1st Reading on November 7, 2023, meeting. Delegation for signing permits, pending the review of Dybvig. Bond Schedule: Attorney Johnson prepared Bond Schedule for board review. Motion made and seconded to schedule a Work Session (once Marshal is hired) to work on Bond Schedule; vote; all ayes, motion carried.

ENGINEER: Engineer: Attorney reviewed contract provided by the engineering firm for services; no action at this meeting. Boddicker to request information from SDML regarding additional insurance on our policy as noted in the engineering contract. Hermosa Sidewalk Project, pending final bill from SD DOT. Boddicker to follow up on when we might expect the final invoice. Sewer Project (Lagoon design & expansion): AET completed their geotechnical report and the report was provided to ACES, ACES resubmitted the package for approval to SDDANR; they have up to thirty days for comment. As soon as DANR approves the plan, we want to have the contractors online ready to go out for bids. Town of Hermosa Water and Sewer Extension Project – ACES has provided the pressure test to SBHW – pending. Hermosa Hills Drainage, motion made and seconded to request the town to accept Walter Street, discussion. Contractor has laid gravel, after the last rain they went out with a smooth face packer and MAG Water added last Sunday. Vote; on accepting Walter Street; all ayes, motion carried.

PLANNING & ZONING: P&Z October 10, 2023, minutes reviewed; no action. Permit 2022-25, Revised Digging/ROW, design on the lift station is in final stages – will need to be submitted to SD DANR. DSG working on schematic for control box and pumps. Claycomb contacted for engineering services for Ferguson's property; Claycomb concerned it is a conflict of interest; discussion. Motion made and seconded, the board does not see there is a conflict of interest and does not have an issue with Claycomb working with Ferguson on the project; vote; all ayes, motion carried. Motion made and seconded to approve Permit 2023-21, Steve Patton,

Digging/Grading and Conditional Use; with no work in the Right-of-Way, discussion. Motion amended to require the utilities (water, sewer, and electric) must be in place before the citizen can live in the RV on site; seconded; vote; all ayes, motion carried. Vote on original motion as amended; all ayes, motion carried.

PUBLIC WORKS: Streetlights on Whitney – there will be need for lighting on the street as the town develops. Boddicker requested to research grants for solar lighting. Highway 79 and Whitney streetlight not working, will be repaired soon. Met our criteria on quarterly testing. The lagoon is full; Ferguson will call DANR regarding pumping the lagoon before 1 November. 2nd Street Bridge was cleaned up. Awaiting a second quote on sealing on the tank. Styles requested meeting with Holsworth to look at street conditions.

FINANCE OFFICE: September bank reconciliation and financial reports included packet. Property Valuation Survey scheduled for 10:00 AM MT, Monday, November 20, 2023. Statement of Values and Property Exclusion List included for board review. Motion made and seconded to hire Jodi Simons for part-time finance officer position, \$25.00 per hour, sharing the position with Boddicker (Boddicker will stay and help train); vote; all ayes, motion carried. Motion made and seconded to hire Dybvig back to her position, \$20.00 per hour, with full credit for time accrued toward vacation hours as of the date she terminated her employment, discussion. Motion amended to take out the vacation accrual portion of the motion; motion failed for lack of second. Discussion. Vote on original motion; Holsworth, nay; Ferguson, Henrichsen, Kramer, Styles, ayes; motion carried. Motion made and seconded to remove Hiring Simons as Finance Officer and Rehiring Dybvig from the agenda; vote; all ayes, motion carried.

OLD BUSINESS: Annexation: Voluntary Annexation, pending. Hermosa Connects: Henrichsen reported Hermosa Connects will meet the second Monday of each month at 9:00 am, Hermosa Coffee Shop. They have been discussing holding a soap box derby, inviting area businesses to present at next meeting; no action.

NEW BUSINESS: SBHW presentation – pending. Motion made and seconded to remove Administrative Assistant Position from the agenda; vote; all ayes, motion carried. Headwaters Economics: a public meeting will be scheduled to get the word to the public what the project is, what and why Claycomb will need from the citizens. Andersen Engineers, Survey; Locate 9 Corners: pending. Shorb's easement requirements: Holsworth to meet with Shorb's. Town office camera system investigation: awaiting a quote. Motion made and seconded to remove, Terminate Town Shop Lease from the agenda; vote; all ayes, motion carried. Leasing the Town Shop: motion made and seconded to approve the town board president to contact businesses to determine if there is a need in the business arena for the shop building, targeting businesses that have a potential to generate a sales tax revenue for the town; discussion. Vote; all ayes, motion carried. 2nd Reading Hermosa Ordinance: 30.07. Motion made and seconded to approve Ordinance 30.07; vote; Holsworth, nay; Ferguson, Henrichsen, Kramer and Styles, ayes; motion carried.

ITEMS FROM CITIZENS: Question why Heeb resigned; it was explained he had other business/personal issues taking his time. Question whether the Tahoe is available for purchase; it was explained it needs to go through public auction, sealed bids, or surplus. The board made a motion and approved the Tahoe will go on Ramsey Auction for public auction.

TRUSTEE INPUT: Holsworth: motion made and seconded to remove, Permit 2023-21 and 2nd Reading of Ordinance 30.07 from agenda; vote; all ayes, motion carried. Ferguson: very pleased to have Dybvig return to the office. Kramer: happy to hear of Dybvig's return, thanked the board to allow her to attend via telephone. Henrichsen: grateful to have Ordinance 30.07 pass. Styles: thanked the board for their input, thanked Chuck Ferguson for his 48 years of service.

EXECUTIVE SESSION: Motion made and seconded to enter into executive session allowable by SDCL 1-25-2.1 for Contract purposes at 7:37 pm.; Vote: all ayes, motion carried. Motion made and seconded to come out of executive session at 8:00 pm; vote: all ayes, motion carried. Motion made and seconded to terminate ACES on the WRT contract; vote; Holsworth, Kramer, nay; Ferguson, Henrichsen, and Styles, ayes; motion carried.

ADJOURN: Motion made, seconded, to adjourn the meeting at 8:01 pm; vote: all ayes, motion carried.

ATTEST:

Gail Boddicker, Finance Officer

Jerry Styles, Town Board President

Published once at the approximate cost of __