

**HERMOSA TOWN BOARD
REGULAR MEETING
TUESDAY, DECEMBER 21, 2021 @ 6:00pm**



ROLL CALL: Holsworth called the meeting to order at 6:02 pm with the following members present: Holsworth, King, Schumack and Henrichsen by phone. Flug absent. Johnson, Berg, and Ferguson, Custer County Lieutenant Jeff McGraw and interested citizens also in attendance. Pledge of Allegiance led by Holsworth.

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

CONSENT CALENDAR: Motion made and seconded to approve the December 7, 2021, regular meeting minutes and December 14, special meeting minutes; vote; all aye, motion carried. Henrichsen voiced concern the minutes no longer reflect who makes the motions or depict how the trustees vote, no action. Vote on approving the minutes: one, nay; three ayes, motion carried.

CLAIMS: Motion made and seconded to approve the claims as presented; vote; unanimous; motion carried. Dakota Supply Group, Pump and accessories, \$9,048.45; Fastenal, \$34.37; Ferguson Construction, Inspections, snow removal, \$800.00; Johnson Law Office, Remainder of 12/1/2021 invoice, \$518.50; Lingo, Monthly services, \$31.34; Office Depot, Office supplies, \$96.44; Pioneer Bank and Trust/VISA, Supplies, Travel for Daggett/Westergard, Fuel, \$1,367.32; Rural Development #1, Monthly charges, \$417.00; Rural Development #2, Monthly charges, \$222.00; Rural Development #3, Monthly charges, \$1,278.00; SD Department of Revenue, Balance due, \$5.00; South Dakota 811, Services, \$57.12; Tem Tech, Checked power on pumps for booster systems, \$393.30; Verizon Connect, Monthly services, \$32.38, Westergard, Brad, Monthly services, \$300.00; Payroll related: Payroll, Finance Department, \$2,568.00; Gail Boddicker, Health insurance, \$200.00; EFTPS, 941 payroll tax deposit, \$601.54; TOTAL: \$17,970.76.

LAW ENFORCEMENT/ ABATEMENTS/COMPLAINTS: Citizens in attendance voiced their support of the Custer County Sheriff's Office providing law enforcement services to Hermosa. Long-term Law Enforcement: citizens also voiced their concerns with law enforcement. The citizens provided written letters and requested the letters be published verbatim in the board meeting minutes, however, according to SDCL 1-27-1 .7, "Drafts, notes, recommendations, and memoranda in which opinions are expressed or policies formulated or recommended are exempt from disclosure to the minutes." The board requested the letters be filed in the town office and made available upon request.

EXECUTIVE SESSION: Motion made and seconded to enter into executive session at 6:51; allowable by SDCL 1-25-2; unanimous. Motion made and seconded to exit executive session at 7:20; unanimous. Motion made and seconded to enter into regular session at 7:21pm; unanimous. Motion made and seconded to approve, per our South Dakota Public Assurance Alliance attorney's advisement, the board will be recommending the town attorney draft a letter to Mr. Westergard with hand delivery scheduled for December 22; vote; one, abstain, three ayes, motion carried. Citizen requested the board to consider scheduling the executive session either prior to the meeting or at the conclusion of the meeting.

LEGAL: Attorney Johnson reported the Pennington County Commissioners have requested details as to why the town is requesting an extra-territorial agreement between the town and Pennington County. Boddicker and Berg to provide the details to Johnson so that he can provide the information to the Pennington County Commissioners.

ENGINEER: Water Rehab Project (WRT System), remains pending as awaiting well test results. N Second Street Box Replacement, Guard Rail: Holsworth to follow up with SD DOT inquiring about assistance with the purchase of the guard rails. Lone Coyote Subdivision (Preston Sub) Preliminary Plat Application – Permit #2021-18: pending until after the Pennington County annexation is complete. Hermosa Sidewalk Project: the project is in SD DOT's control and the project will be bid in 2022. Sewer Project (Lagoon expansion): pending following the Facility Plan applications to the SD DANR. Town of Hermosa Water and Sewer Extension Project: town is waiting for communication from the Dollar General contractor regarding Change Order 1 that RCS is affected by changes that were made in the easement by Dollar General.

Water/Sewer Facility Plans, Hermosa Municipal Water System

- Motion made and seconded to approve authorization for president to sign the "Resolution 10-2021, Authorizing an application for financial assistance, authorizing the execution and submittal of the application, and designating an authorized representative to certify and sign payment requests"; vote; all aye, motion carried.
- Motion made and seconded to approve authorization for president to sign the "Certification regarding debarment, suspension, and other responsibility matters"; vote; all aye, motion carried.

Hermosa Municipal Wastewater Treatment and Collection System

- Motion made and seconded to approve authorization for president to sign the "Resolution 11-2021, Authorizing an application for financial assistance, authorizing the execution and submittal of the application, and designating an authorized representative to certify and sign payment requests"; vote; all aye, motion carried.
- Motion made and seconded to approve authorization for president to sign the "Certification regarding debarment, suspension, and other responsibility matters document"; vote; all aye, motion carried.
- Motion made and seconded to approve authorization for president to sign the "Cost effectiveness certification form" vote; all aye, motion carried.

Hermosa Hills Drainage: pending as awaiting response from contractor and developer. Citizen commented there are problems with Marie Street as there is no gravel on the road. When Marie Street was extended this fall, the contractor scraped the gravel off the road

and no gravel was replaced and the road is bare. The board requested Berg to follow up with the contractor and developer. There is an agreement with the developer that must be adhered to as there are gravel requirements and a warranty period before the city takes over the road. It is up to the developer to maintain the roads at this time. Elmer Claycomb/Dollar General: issue is related to the water and sewer expansion project, pending. Holsworth requested Boddicker to add "Certificate of Occupancy Submittals" on the January 4, 2022, BOT meeting agenda for discussion and action.

PLANNING & ZONING: Review P&Z December 14, 2021, minutes; no action. Review ADU ordinance; pending. Motion made and seconded to approve Conditional Use Permit #2021-43, Pumpkin Patch, per the recommendations made by P&Z; vote; all aye, motion carried.

PUBLIC WORKS: Ferguson provided update on streets: there are several lights requiring new bulbs; Ferguson to follow up. There was a water leak on citizen's property on Fairgrounds Place; Ferguson is correcting the problem; no action by BOT. The developer working on homes in Hermosa Hills requested to work on his building project prior to the permit being approved by P&Z and BOT; this request was not granted, and the contractor should stop work on the project until the permit has been approved. The board requested Ferguson to present a Stop Work Order on the project if the contractor proceeds without a permit.

FINANCE OFFICE: Boddicker provided financial reports; no action. The town has received a complaint about stray cats; Boddicker requested to contact the regional humane societies to discuss if there is a possibility of contracting for animal pickup. The board approved Boddicker to take vacation on December 23.

OLD BUSINESS: ANNEXATION: GUMBO LILY, FAIRGROUNDS PLACE: Johnson provided state statute details regarding involuntary annexation; the first step in the process is to conduct a study to determine the need for the contiguous territory and to identify the resources necessary to extend the municipal boundaries. Citizen in attendance questioned the fact there are properties that have farm animals: the town has the Residential Ag Zone for citizens so that they will be protected with their animals. Motion made and seconded to allow ACES to perform the annexation study required by state statute; vote; all aye, motion carried. Town Sign is pending: the board is waiting to hear from DOT for the ROW permit. ACES needs to perform the elevation study yet. Whitney Street Drainage: Berg reported she has received the drainage report and will review the details and report her findings at the January 4 meeting.

NEW BUSINESS: Dollar General Malt Beverage/Wine License: motion made and seconded to reject the Dollar General's revisions they had made to the Alcohol Operating Agreement; the wine/malt beverage license is pending. ADU Zoning Ordinance, pending P&Z review. The 1ST Reading of 2.073A 2021 Supplemental Ordinance was initially read at the December 7, 2021, BOT meeting; however, due to a substantial change in the budget, the ordinance was revised, and the 1st Reading was re-read at this meeting. The 2nd Reading is scheduled for December 28, 2021, at 1:30 pm at a special unpaid meeting. Town Office: Deck Staining and Library: Deck Staining, Mud Jacking, pending. Neighborhood Watch Sign: Harris provided costs associated with signs and poles. This item was moved to pending as Holsworth will conduct an inventory of what the town currently has for poles as it might be possible to utilize those existing poles. Transparency in City Government: citizen requested the board to consider keeping the board meeting recordings and putting the recordings on the town website. Citizen also requested the board to consider the minutes reflect who makes and seconds motions, no action.

ITEMS FROM CITIZENS: Citizen questioned the supplemental budget; no action. Citizen again requested the board to keep the recordings of the minutes plus have the minutes reflect who makes motions and how the board members voted on said items; no action.

TRUSTEE INPUT: King: agreed with citizen that the minutes should reflect how the trustee voted. Schumack: Merry Christmas to all. Holsworth: requested the board to consider the concerns from citizens and plan to discuss at the issue at the January meeting. Henrichsen: requested he board minutes reflect who makes the motions and Merry Christmas. Schumack said there are properties out of city limits that would like to be included in the Christmas light judging contest, no action.

ADJOURN: Motion made and seconded to adjourn the meeting at 8:42; vote; all aye, motion carried.

Dan Holsworth, Town Board President

ATTEST:

Gail Boddicker, Finance Officer

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