

**HERMOSA TOWN BOARD
TUESDAY, AUGUST 19, 2025
REGULAR MEETING @ 6:00pm**

ROLL CALL: Koontz called the meeting to order on Tuesday, August 19, 2025, at 6:00 p.m. with the following members present: Kramer, Ferguson, Koontz, and Serviss. Harris attended via the telephone. Interested citizens and Attorney Hagg were also present. Pledge of Allegiance led by Koontz.

CALL FOR CHANGES: Motion by Serviss and seconded by Ferguson to move Item 11 Public Works to Item 5.5 and move Item 15 A Alcohol License discussion to Item 7.5 and approve the agenda as amended; vote: all aye, motion carried.

CONSENT CALENDAR: Motion by Ferguson and seconded by Kramer to approve August 5, 2025, regular meeting minutes, August 13, 2025, budget meeting minutes and August 14, 2025, budget 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 UPDATES: Joan Harris gave an update on the approval of the generator grant from South Dakota Department of Public Service Emergency Management, and it is now being forwarded to FEMA for final approval.

PUBLIC WORKS: Serviss gave a presentation on the cumulative plans for streets. Motion by Serviss and seconded by Ferguson to approve the purchase of 30 tons of riprap and 30 ton of gravel to stockpile at site identified as material stockpile with a budget not to exceed \$2,500.00; vote: all aye, motion carried. Ferguson gave an update on repair of a couple of street lights that are currently not working. Pot hole repair has been completed on Fairgrounds Place. Repair of the Vac Truck is pending until the next meeting as we are still waiting on cost of parts to repair. Motion by Serviss and seconded by Ferguson to remove Item F Quote for Mag-Chloride from the agenda; vote: all aye, motion carried.

ENGINEER: John Burckhard from Benesch was introduced. John will be handling operation of the new wastewater treatment plant as he holds the necessary certification.

PLANNING & ZONING: Motion by Koontz and seconded by Harris to approve Permit #2025-16 – Carport - 51 N 5th St – Parcel #009284, contingent upon a favorable inspection from Benesch; vote: all aye, motion carried. A temporary sign permit application from Dan and Deb Holsworth was presented for informational purposes only. Motion by Harris and seconded by Kramer to acknowledge the temporary sign permit; vote: all aye, motion carried. Motion by Serviss and seconded by Kramer to approve permit in extra-territorial jurisdiction – James & Julie Bendlin – 850 Marie St; vote: all aye, motion carried. It was noted if the town was issuing the building permit, the mobile home being moved to this location would not be allowed as it does not meet our Ordinance requirement because it is more than twenty years old.

NEW BUSINESS: Michael Steve, attorney for Lane Brengle from the Hermosa Community Center was in attendance to discuss the process to obtain a Malt Beverage and South Dakota Wine and On-Sale Liquor License for the Hermosa Community Center. Motion by Serviss and seconded by Koontz to convert the scheduled August 26, 2025, budget meeting to a special meeting and move this item to that agenda; vote: three aye, two nay; motion carried.

BREAK: The board took a five minute break and reconvened at 7:40 p.m.

CLAIMS: ARDVARK PEST CONTROL, pest control for town office, \$211.34; BENESCH, Lone Coyote Water & Sewer Extension engineering, \$1,244.00; BENESCH, Hermosa Wastewater Treatment Plant engineering, \$1,608.00; BENESCH, Comp Plan/Lagoon Operations Contract, \$1,896.00; BENESCH, FY22 Drinking Water SRF engineering, \$6,295.00; BENESCH, On-call Services – Building Official, \$3,058.50; DAKOTA ASPHALT, shoulder repair N 2nd street, \$6,751.50; CHUCK FERGUSON, pull Ferguson lift station pump/gravel Fairgrounds and Tower Hill, \$733.00; GOLDEN WEST TECHNOLOGIES, Monthly service fee – August 2025, deactivate old admin email set up new, \$763.65; KIEFFER SANITATION, monthly sanitation service – July 2025, \$4,175.73; MT RUSHMORE TELEPHONE, phone & fax, \$268.85; SOUTHERN HILLS PUBLISHING, publishing/legal notice – July 2025, \$346.15; Accounts **Payable Total: \$27,351.72. UTILITY DEPOSIT REFUNDS:** NANCY LEWELLEN, \$30.60; **Deposit Refund Total: 30.60.** Payroll related: Total Paid on 8/15/2025; General, \$3,073.93; Water, \$227.44; Sewer, \$136.46; Promoting City/BBB, \$45.49; EFTPS-Electronic Federal Tax, FED/FICA TAX, \$973.56; **Total Payroll Related Paid: \$4,456.88. REPORT TOTAL: \$31,839.20.**

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS: Marshal Alias gave a Marshal report. Still having issues with motorist speeding through town. The Custer County log was provided. It was noted that Hermosa School starts back up next week.

LEGAL: Motion by Koontz and seconded by Kramer to request Attorney Hagg to draft an opinion of what enumerated powers of board president should be; vote: three aye, two nays, motion carried. Motion by Koontz and seconded by Harris to dismiss Attorney Hagg from remainder of meeting and give president the ability to summon or dismiss Mr. Hagg from future meetings up until we determine if that is going to be or not going to be an enumerated power; vote: three aye, two abstain, motion carried.

ECONOMIC DEVELOPMENT: Motion by Serviss and seconded by Ferguson to approve negotiations of contract with Game, Fish & Parks for rental amount of \$250 per month and made valid once signed by the board president: vote: all aye, motion carried.

FINANCE OFFICE: Monthly financial reports were provided excluding the bank reconciliation. Motion by Serviss and seconded by Ferguson to approve the new hire of Kim Muir as part-time Administrative Assistant, not to exceed 24 hours per week at a rate of \$17 per hour; vote: all aye, motion carried. Motion by Ferguson and seconded by Kramer to allow the town office to close at noon on Fridays; vote: all aye, motion carried.

BREAK: The board took a short break and reconvened at 8:26 p.m.

OLD BUSINESS: The second reading of Ordinance No. 2.077A Supplemental Appropriations Ordinance was held.

**TOWN OF HERMOSA
ORDINANCE NO. 2.077A
SUPPLEMENTAL APPROPRIATION ORDINANCE**

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**

41400 Finance Office

Wages	\$ 12,000.00
Total Finance Office	<u>\$ 12,000.00</u>

41410 Legal

Professional Fees	\$ 10,000.00
Total Legal	<u>\$ 10,000.00</u>

41960 Engineer

Professional Fees	\$ 250,000.00
Total Engineer Fees	<u>\$ 250,000.00</u>

<u>Total Appropriations</u>	<u>\$ 272,000.00</u>
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EXPENDITURES

**TIF Debt Service
Fund 301**

46500 TIF Debt Service

Debt Service Expense	\$ 106,000.00
Total TIF Debt Service	<u>\$ 106,000.00</u>

<u>Total Appropriations</u>	<u>\$ 106,000.00</u>
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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	\$ 272,000.00
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TOTAL MEANS OF FINANCE

\$ 272,000.00

REVENUE

TIF Debt Service Fund 301

SOURCE OF FUNDING

Unassigned Fund Balance	\$	106,000.00
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TOTAL MEANS OF FINANCE

\$ 106,000.00

Motion by Kramer and seconded by Harris to approve as presented: vote: three aye, one nay and one abstain, motion carried.

The second reading of Ordinance 116.04 Alcoholic Beverages and Wine License Requirements and Fees was held.

AN ORDINANCE TO AMEND TOWN OF HERMOSA ORDINANCE SECTION 116.04 (ALCOHOLIC BEVERAGES, MALT BEVERAGES AND WINE LICENSE REQUIREMENTS AND FEES) BY AMENDING SECTION 116.04 THERETO TO ENSURE CONSISTENT AND APPLICATION OF RELATED FEES

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HERMOSA THAT THE TOWN OF HERMOSA ORDINANCE SECTION 116.04(ALCOHOLIC BEVERAGES, MALT BEVERAGES AND WINE LICENSE REQUIREMENTS AND FEES) BE ENACTED TO ENSURE CLARITY AND SUSTAINABILITY AS FOLLOWS:

§ 116.04 Alcoholic beverages, malt beverages and wine license requirements and fees.

(A) With the exception of any considerations referenced within the sections of this chapter, classifications and fees are established for on-sale, off-sale, on/off-sale, and/or package dealers in distilled spirits, liquors, wines, and malt beverages, as outlined per the fee schedule.

(B) The monthly operating agreement fee for a non-profit organization or association applicant, or holder, shall be reviewed and set annually by the Hermosa Town Board upon the issuance, or renewal, of any liquor, liquor restaurant, wine, malt beverage, or temporary, license, and shall not exceed the monthly amount listed for the equal classification of license listed within the fee schedule.

(C) Non-profit organizations and associations shall be required to provide a copy of the following items; Federal EIN letter, letter of incorporation, bi-laws, tax exempt status. Additionally, an annual report, along with any changes made to addresses, directors, officers, or registered agents, shall be submitted annually to effectively maintain non-profit status with the town.

(D) [Repealed]

(Ord. 4.0, passed 9-15-2015; Ord. Passed 08-19-2025)

Motion by Serviss and seconded by Ferguson to approve as presented; vote: all aye, motion carried.

NEW BUSINESS: The first reading of Ordinance Chapter 91: Public Nuisances was held. The item for Board President enumerated powers is pending until the next regular meeting. Discussion was held on issues with prairie dogs on Tower Hill. Marshal Alias volunteered to take care of that.

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

EXECUTIVE SESSION: Motion by Koontz and seconded by Serviss to enter Executive Session allowable by SDCL 1-25-2.1 – Personnel at 9:45 p.m., after a three-minute recess; vote: all aye, motion carried. Motion made by Serviss and seconded by Ferguson to exit Executive Session at 10:30 p.m.; vote: all aye, motion carried. There were no motions made from executive session.

ADJOURN: Motion made by Ferguson and seconded by Serviss to adjourn meeting at 10:32 p.m., vote: all aye, motion carried.

ATTEST:

Terri Cornelison
Finance Officer

Kelburn Koontz
Town Board President

Published once at the approximate cost of _____.