

**HERMOSA TOWN BOARD
TUESDAY, OCTOBER 1, 2024
REGULAR MEETING @ 6.00pm**

1) **ROLL CALL:**

- A. BOT Roll Call: Kramer, Ferguson, Koontz, Harris, Serviss
- B. Acknowledgement of other Attendees
- C. Pledge of Allegiance to be led by Kramer

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 the September 17, 2024, regular meeting minutes

4) **CONFLICT OF INTEREST DECLARATION:**

5) **ENGINEER:**

- A. Smoke Testing Services - Approve Benesch Work Authorization to perform smoke testing services for 7 sewer customers at \$300 per customer
- B. Approve final Purchase Agreement with Preston's -.48 acre parcel for North Water Tank
- C. Approve the transfer of \$140,501.08 from checking account to an interest-bearing CD for up to 12 months.
- D. Review and Approve Burckhardt Construction Proposal to move and install Apple Springs WWTP
- E. Approve Ferguson Construction 1725 ft x \$8/LF for 1-inch water line to new WWTP = limit not to exceed \$13,800 (from WWTP loan budget)
- F. Gradual or Immediate rate increase on WWTP surcharge – Vote on two options from Colliers
- G. Approve purchase of 342 LF of 4-inch SDR-35 Sewer Pipe from Preston Family for the WWTP. The original design called for SCH-40 (92LF) and SCH-80 (250 LF) at prices of \$6.41/LF and \$11.08/LF, respectively. The SDR35 from Preston's is \$5.68/LF, for a total savings of \$1,417.16
- H. Town planner to discuss by phone his recommendations for the TIF 1 and future TIF

6) **PLANNING & ZONING:**

- A. 2024-35 – Floodplain Development – 259 Donna St.
- B. 2024-33 – Floodplain Development/Subdivision Plat Application – Parcel 004139
- C. 2024-38 – Digging/Grading – 500 & 510 Walter St. – FYI

7) **CLAIMS:**

- A. Review payroll and claims. Motion to approve as presented/amended

8) **LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS:**

- A. Custer County Log
- B. Abatements

9) **PUBLIC HEARING AT 7:00 PM**

- A. Public Hearing for transfer of malt beverage South Dakota wine license – TW Saloon LLC
- B. Motion for approval
- C. Public Hearing for new application for on-sale liquor license – TW Saloon LLC
- D. Motion for approval

- 10) **LEGAL:**
 - A. TIF Presentation

- 11) **PUBLIC WORKS:**
 - A. Committee Report
 - B. Streets, Street Light Repairs, Water & Sewer Department Updates
 - C. Open Work Orders

- 12) **FINANCE OFFICE:**
 - A. Monthly financials
 - B. Department updates
 1. SDML Annual Conference
 2. Volunteers added to work comp policy

- 13) **OLD BUSINESS:**
 - A. Update on gravel on Tower Road
 - B. Hermosa Connects – request for funding for Fuel the Growth 2024
 - C. Website design – Trena Matheny

- 14) **NEW BUSINESS:**
 - A. Street contract
 - B. Plug in Town Christmas Tree to town office
 - C. Steet sign height regulations

- 15) **ITEMS FROM CITIZENS:** No action will be taken by the board on any issue related without being first placed on a future agenda, by the board, to allow for proper notice. (Reserved time for public comment is 15 minutes). Meetings of the Board of Trustees are open to the public. The audience will be allowed to comment on specific agenda items during the time allotted on the agenda for those items, according to established procedures of the Board. This is a time for members of the public (citizens, business owners, and those living within one mile of the town limits) to express concerns or discuss issues having relevance to the town. Anyone wishing to address the Town Board during this time shall be asked to stand and identify themselves after being recognized by the Board President.

- 16) **TRUSTEE INPUT:**

- 17) **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

- 18) **ADJOURN:** Motion by _____; Second by _____ to adjourn the meeting at _____ PM.

6A

Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744

Phone (605) 255-4291 • Fax (605) 255-4094

Email: town@hermosasd.com

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION INFORMATION

DATE 8/16/24

AES No.:

PERMIT # 2024-35

Receipt # <u>679585</u>	Cash <input checked="" type="checkbox"/>	Check # _____	Application Fee <u>\$100.00 - Residential</u> / \$500.00 - Commercial
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***Please be advised all permits are reviewed by the town engineer; those expenses will be included with the permit fees and applicant will be responsible for those expenses.

OWNER Bonnie Morelli TELEPHONE (605) 5453972

ADDRESS 259 Donna St

EMAIL banditrockstar966@gmail.com

CONTRACTOR me, my son, my daughter

ADDRESS same as above

PROJECT LOCATION/DIRECTIONS 259 Donna St
Ferguson tract

PROJECT DESCRIPTION

- | | | |
|---|--|----------------------|
| <input checked="" type="checkbox"/> Single Family Residential | <input checked="" type="checkbox"/> New Construction | _____ Channelization |
| _____ Multi-Family Residential | _____ Substantial (>50%) Improvements | _____ Fill |
| _____ Manufactured (Mobile) Home Nonresidential | _____ Improvements (<50%) | _____ Bridge/Culvert |
| | _____ Rehabilitation | _____ Levee |

Other/Explanations 10'x8' wooden shed

Project Valuation: _____

Market Value of Structure: _____

FLOOD HAZARD DATA

Watercourse Name _____

The project is proposed in the Floodway _____ Floodway Fringe _____

Base (100-year flood elevations(s)) at project site _____

Elevation required for Lowest Floor _____ NAVD/Floodproofing _____ NAVD

Source Documents: Reports/Maps _____

Parcel # D107164
FOR OFFICE USE ONLY

(Lot #, Subdivision, City/Town, State)

COMPLETE IF APPLICABLE TO THIS PROJECT

Does this project involve the placement of an external fuel storage tank? NO
Compliance of FEMA regulation CFR44 60.3, (a) (3) requires that all liquid storage tanks be properly anchored.

Does this project involve the placement of a manufactured/mobile home? NO
Compliance of FEMA regulation CFR44 60.3, (b) (8) requires that all manufactured/mobile homes be properly anchored.

Initial

In accepting this permit, the applicant understands that all conditions of the permit must be met, all other regulatory permits have been obtained, an elevation certificate will be provided once project is completed, and agrees to allow on-site inspections, as needed during or after construction, to determine compliance with this permit.

Initial

The applicant also acknowledges that he/she is aware of the risks associated with the above development within the Flood Plain and has evaluated that risk.

Initial

The applicant acknowledges that Flood Insurance is available to anyone in an eligible community, which Hermosa is eligible, whether in the Flood Plain or Not.

Initial

It's the Applicants responsibility is to provide copies of the approved documents to all architect(s), engineer(s), general contractor(s) and any other interested parties as are appropriate for each job.

Accepted this 16th day of August year 2024.

Bonnie L. Morelli
(Applicant)

PROPOSAL REVIEW CHECKLIST

- Site development plan is complete and depicts flood hazard.
- Engineering data is provided for provided for proposed map and floodway revision.
- Floodway Certification and data document no increase in flood heights.
- Subdivision proposal minimizes flood damage and protects utilities.
- Lowest floor elevation is 1' above the BFE.
- Manufactured homes meet elevation and anchoring requirements.
- A Floodproofing Certificate certifies floodproofing designs.
- Other: _____

PERMIT ACTION

PERMIT APPROVED WITH CONDITIONS: The information submitted for the proposed project was reviewed and is in compliance with approved floodplain management standards (site development plans are on file). (Building Site Plan)

PERMIT DENIED: The proposed project does not meet approved floodplain management standards (explanation is on file).

VARIANCE GRANTED: A variance was granted from the base (100-year) flood elevations established by FEMA consistent with variance requirements of NFIP regulations Part 60.6 (variance action documentation is on file).

Recommendation by Authorized Staff:

Floodplain Administrator's Signature

Date

Comments: See Conditions of Approval – page 4 of 4

COMPLIANCE DOCUMENTATION

_____ MAP REVISION DATA: Certified documentation by a registered professional engineer of as-built conditions for floodplain alterations were received and submitted to FEMA for a flood insurance map revision.

_____ FILL CERTIFICATE: A community official certified the elevation, compaction, slope, and slope protection for all fill placed in the floodplain consistent with NFIP regulations Part 65.5 for map revisions.

_____ ELEVATION AND FLOODPROOFING CERTIFICATES: The as-built elevation of the building's lowest floor was certified as _____ NGVD; or the building's floodproofing level was certified as _____ NGVD by a registered professional engineer or licensed surveyor and is on file.

_____ CERTIFICATE OF OCCUPANCY OR COMPLIANCE ISSUED ON _____ Date

APPROVAL CONDITIONS

(Lot #, Subdivision, City/Town, State)

NOTES:

1. Lowest Floor must be 1-foot above the BFE per local ordinance.
2. An elevation certificate will be required following construction to verify compliance.
3. All fill must be placed in accordance with FEMA requirements and cannot be placed to raise natural grade above BFE.
4. (Stick Built) Recommend that the enclosed AREA meet FEMA defined crawl space requirements. (See Tech Bulletin 11-01, Fig. 3)
5. (Stick Built) Enclosed space below the BFE must be vented in accordance with FEMA requirements.
6. No Mechanical Equipment is allowed below BFE.
7. Lowest floor of attached garage **must be** above the BFE or will require venting as an enclosed space.
8. Detached Garage is an accessory building and cannot be used for living space and the use cannot be converted at a later time.
9. (Modular) Skirting on modular must meet FEMA definitions of Breakaway Skirting or the enclosed space under the modular must meet FEMA requirements of an Enclosed Area, (Vented).
10. (Modular) Must be Anchored in accordance with FEMA requirements

It is the Owner's and Builder's responsibility to insure ALL FEMA requirements are understood and complied with before beginning construction in the flood plain.

The BFE is calculated but may change if FEMA reviews – this document provides no guarantee that the calculated BFE will match FEMA's determined BFE.

Flood Insurance can be purchased on this structure and should be evaluated by the Owner.

ALL APPLICATIONS MUST BE APPROVED BY THE HERMOSA PLANNING AND ZONING COMMISSION AND THE HERMOSA BOARD OF TRUSTEES PRIOR TO COMMENCEMENT

<p style="text-align: center;">PLANNING AND ZONING COMMISSION</p> <p style="text-align: center;"><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>SIGNATURE: _____</p> <p>DATE: _____</p> <p>APPLICATION FEE: \$100.00 DATE PAID: _____</p>	<p style="text-align: center;">HERMOSA BOARD OF TRUSTEES</p> <p style="text-align: center;"><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>SIGNATURE: _____</p> <p>DATE: _____</p> <p>DATE PERMIT ISSUED: _____</p>
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CLAYCOMB ENGINEERING
PO BOX 57
815 2nd STREET
FAIRBURN, SD 57738
(605)255-4049
elclaycomb@gmail.com

September 10, 2024

TOWN OF HERMOSA

Floodplain Development Permit 2024-35

FLOODPLAIN ADMINISTRATOR STAFF REPORT: Floodplain Development Permit for installation of storage building, Lot 31, Ferguson Subdivision, 259 Donna Street submitted by Bonnie Morelli.

Physical Conditions

The subject lot is within the Ferguson Split Flow Floodway of Battle Creek as delineated on the current FEMA Flood Insurance Rate Map (FIRM). The ground surface elevation at the location of the proposed shed is about 3290.5. The Base Flood Elevation at that location is about 3292. The depth of flow for the 1% return chance event is about 1.5 feet according to the Flood Insurance Rate Map (FIRM) at the location of the proposed structure. Exhibit A is a map plotted from the Custer County Beacon data. It illustrates the location of the proposed shed in the Floodway. Exhibit B shows the Base Flood Elevations (BFE) and existing ground elevations on a topographic map.

Proposed Construction

The site plan submitted by the applicant illustrates that the building would obstruct a portion of the floodway. This represents a significant obstruction to the limited area between existing buildings through which water must flow during a flooding occurrence.

Regulations

151.19 FLOODWAYS

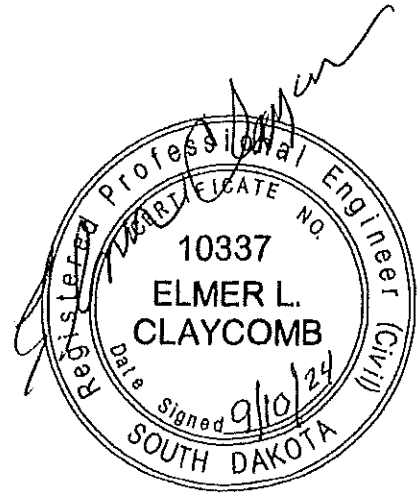
Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway *unless* it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Staff Report, 259 Donna St.
October 10, 2016

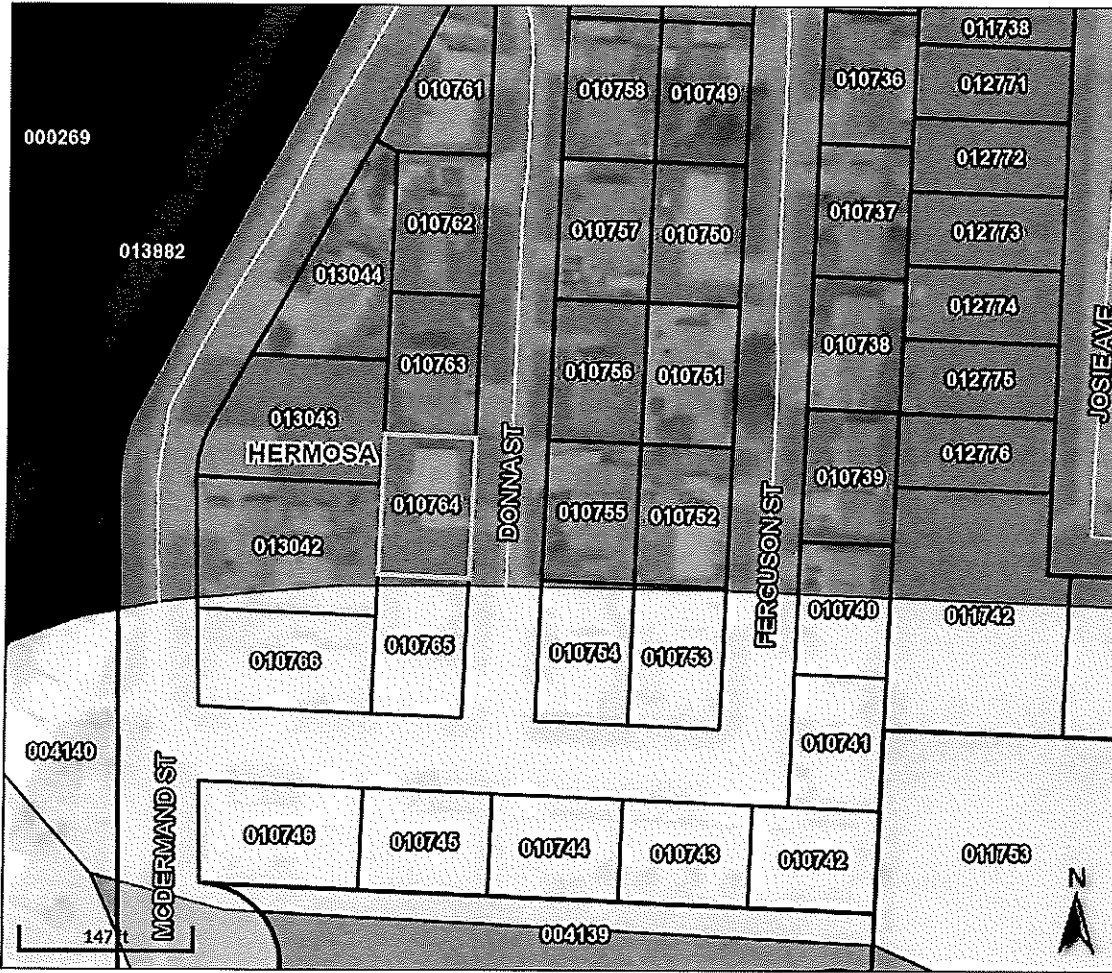
Recommendation *

The application does not include any hydraulic analysis as required by Section 151.19 of the Flood Damage Prevention Ordinance. The application should therefore be denied until a hydraulic analysis is submitted showing that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge. It is unlikely that an analysis can be performed that will show no increase in the BFE due to the size of the obstruction to the Floodway.

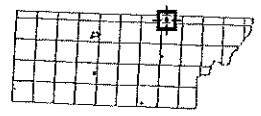
Elmer Claycomb, P.E.
Floodplain Administrator













C:\CLAYCOMB ENGINEERING\Hermosa\259 Donna St-Morelli\Shed
2024\Staff Report 9-10-24.doc



Overview



Legend

-  Corporate Limits
- Highways
 -  SD Hwy
 -  US Hwy
- Roads
-  Parcels
- Flood Zones
 -  A
 -  AE
 -  AE, FLOODWAY
 -  AO
 -  X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
 -  X, AREA OF MINIMAL FLOOD HAZARD

Parcel ID	010764	Alternate ID	n/a	Owner Address	MORELLI BONNIE J
Sec/Twp/Rng	n/a	Class	Residential		PO BOX 354
Property Address	259 DONNA ST HERMOSA	Acreage	0.196		HERMOSA, SD 57744-0354
District	16.1-7-0-0-0-0				
Brief Tax Description	FERGUSON SUBD - LOT 31 IN NW4 SEC 32 T2 R8 0.196 AC, HERMOSA (Note: Not to be used on legal documents)				

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

Date created: 9/10/2024
Last Data Uploaded: 9/10/2024 6:55:01 AM


Developed by  Schneider GEOSPATIAL

EXHIBIT A

259 DONNA ST.

PROPOSED
SHED

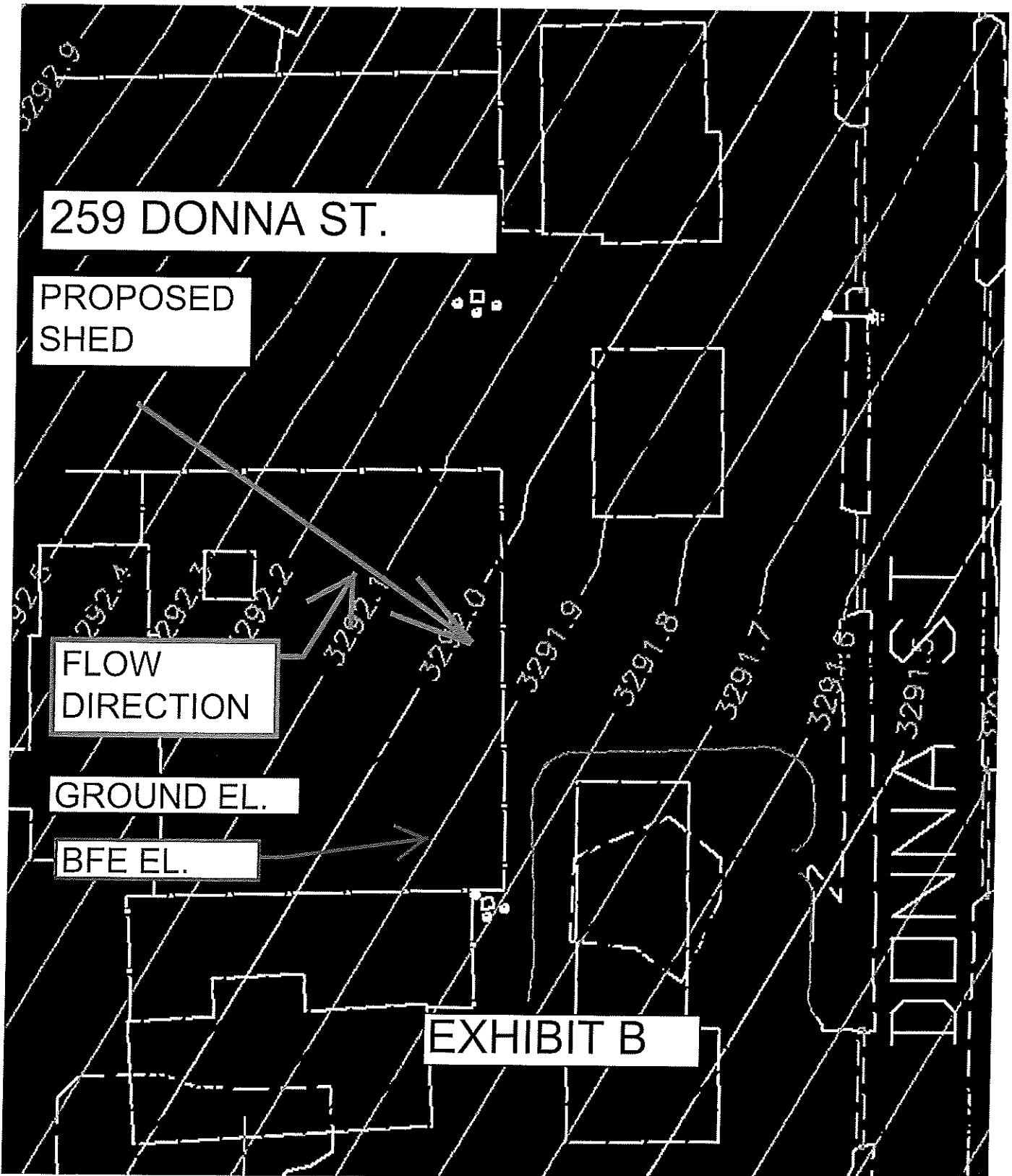
FLOW
DIRECTION

GROUND EL.

BFE EL.

EXHIBIT B

DONNA ST



Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744
Phone (605) 255-4291 • Fax (605) 255-4094
Email: town@hermosasd.com

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION INFORMATION

DATE 8/14/24

AES No.:

PERMIT # 2024-35

Receipt # 679585 Cash Check # _____ Application Fee \$100.00 - Residential \$500.00 - Commercial

***Please be advised all permits are reviewed by the town engineer; those expenses will be included with the permit fees and applicant will be responsible for those expenses.

OWNER Bonnie Morelli TELEPHONE (605) 5453972

ADDRESS 259 Donna St

EMAIL banditrockstar966@gmail.com

CONTRACTOR me, my son, my daughter

ADDRESS same as above

PROJECT LOCATION/DIRECTIONS 259 Donna St
Ferguson tract

PROJECT DESCRIPTION

- | | | |
|---|--|----------------------|
| <input checked="" type="checkbox"/> Single Family Residential | <input checked="" type="checkbox"/> New Construction | _____ Channelization |
| _____ Multi-Family Residential | _____ Substantial (>50%) Improvements | _____ Fill |
| _____ Manufactured (Mobile) Home | _____ Improvements (<50%) | _____ Bridge/Culvert |
| _____ Nonresidential | _____ Rehabilitation | _____ Levee |

Other/Explanations 10'x8' wooden shed

Project Valuation: _____

Market Value of Structure: _____

FLOOD HAZARD DATA

Watercourse Name FERGUSON SPLIT FLOW FROM BATTLE CREEK

The project is proposed in the Floodway Floodway Fringe _____

Base (100-year flood elevations(s)) at project site 3292

Elevation required for Lowest Floor 3293 NAVD/Floodproofing _____ NAVD

Source Documents: Reports/Maps CURRENT FIRM

Parcel # D107164
FOR OFFICE USE ONLY

COMPLIANCE DOCUMENTATION

_____ MAP REVISION DATA: Certified documentation by a registered professional engineer of as-built conditions for floodplain alterations were received and submitted to FEMA for a flood insurance map revision.

_____ FILL CERTIFICATE: A community official certified the elevation, compaction, slope, and slope protection for all fill placed in the floodplain consistent with NFIP regulations Part 65.5 for map revisions.

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_____ CERTIFICATE OF OCCUPANCY OR COMPLIANCE ISSUED ON _____
Date

APPROVAL CONDITIONS

(Lot #, Subdivision, City/Town, State)

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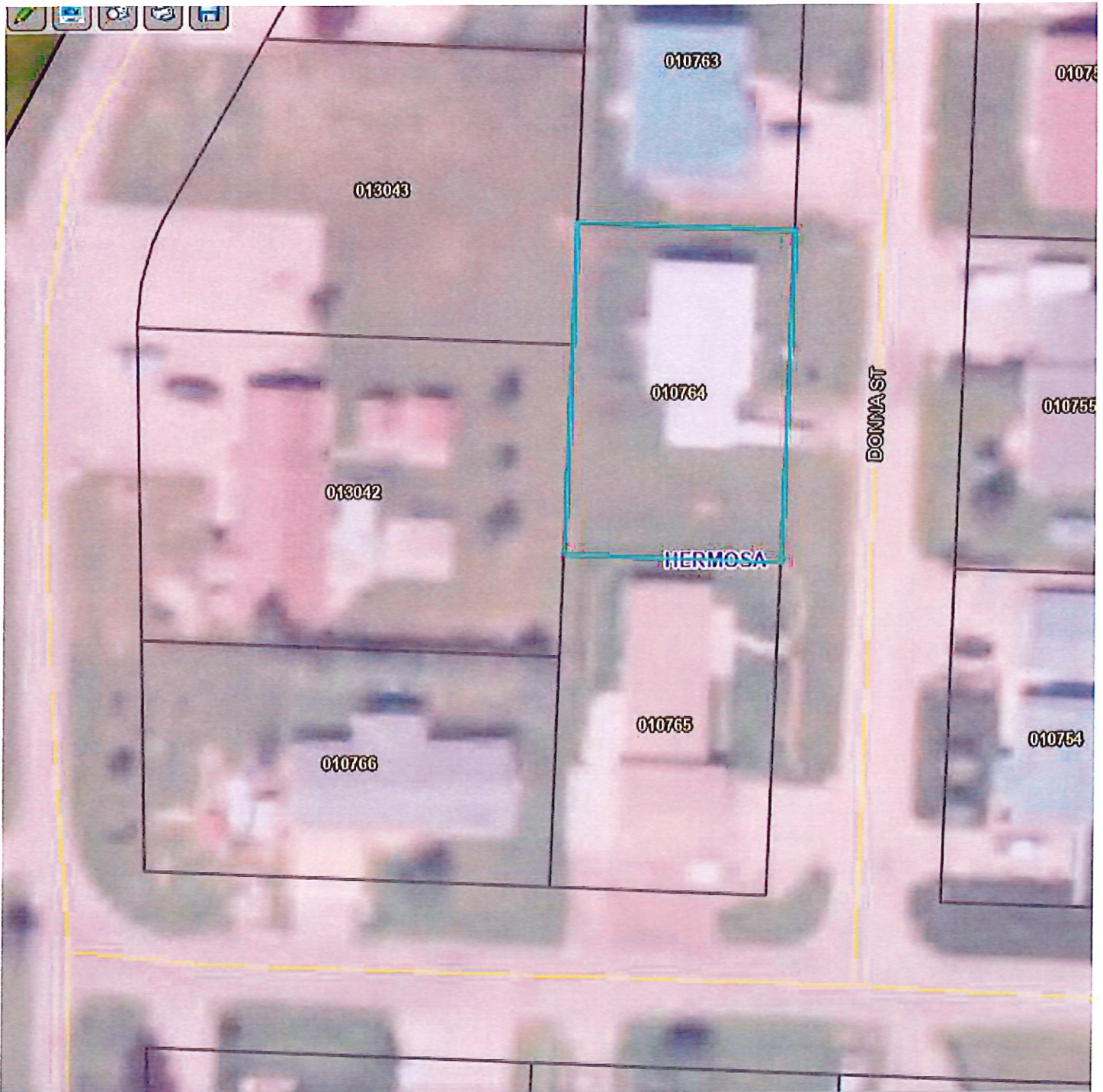
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Flood Insurance can be purchased on this structure and should be evaluated by the Owner.

ALL APPLICATIONS MUST BE APPROVED BY THE HERMOSA PLANNING AND ZONING COMMISSION AND THE HERMOSA BOARD OF TRUSTEES PRIOR TO COMMENCEMENT

<p style="text-align: center;">PLANNING AND ZONING COMMISSION</p> <p style="text-align: center;"><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>SIGNATURE: _____</p> <p>DATE: _____</p> <p>APPLICATION FEE: \$100.00 DATE PAID: _____</p>	<p style="text-align: center;">HERMOSA BOARD OF TRUSTEES</p> <p style="text-align: center;"><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>SIGNATURE: _____</p> <p>DATE: _____</p> <p>DATE PERMIT ISSUED: _____</p>
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259 Donna St. – Parcel #010764



Alternate ID n/a
Class Residential
Acreage 0.196

Owner Address MORELLI BONNIE J
PO BOX 354
HERMOSA, SD 57744

.-7-0-0-0-0
GUSON SUBD - LOT 31 IN NW4 SEC 32 T2 R8 0.196 AC, HERMOSA

N

W

House

DOWNDA STREET

E

2103

2149

CARPORT

DRIVEWAY

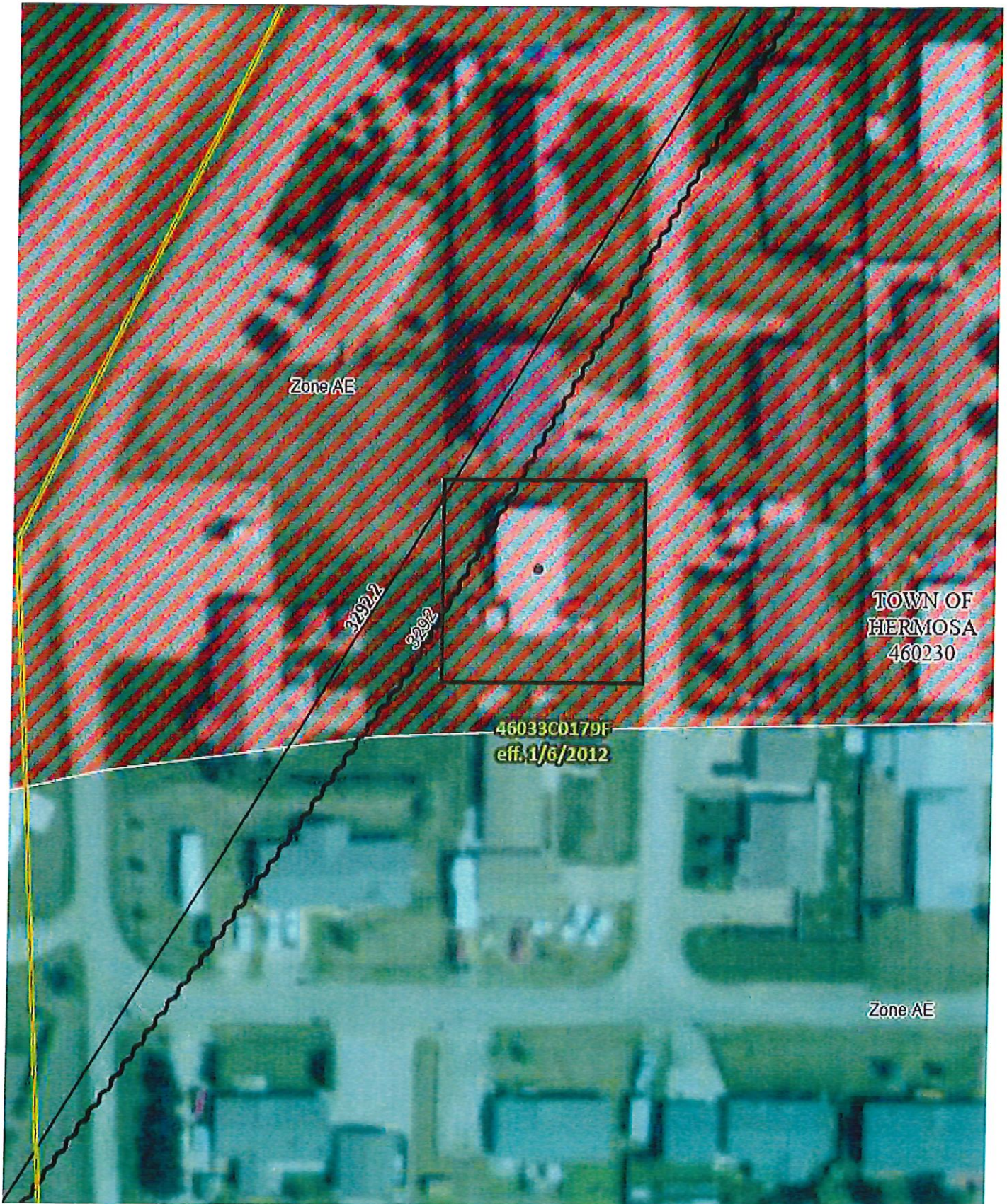
SHED

S

259 Donna St.



259 Donna St.



Zone/AE

TOWN OF
HERMOSA
460230

46033C0179F
eff. 1/6/2012

Zone/AE

3202

3202

Town of Hermosa

6B

PO Box 298 • 230 Main Street • Hermosa, SD 57744
Phone (605) 255-4291 • Fax (605) 255-4094, Email: town@hermosasd.com

SUBDIVISION PLAT APPLICATION

Sketch Plan _____ Preliminary Plan Final Plat

X Date: 8-9-2024

Permit # 2024-33

Is any property in the Flood Plain? Yes No **** IF YES- YOU WILL NEED A FLOODPLAIN DEVELOPMENT PERMIT ****

Receipt # _____ Cash _____ Check # 2081 Amount 7500 (\$75.00)

Applicant:

Name: Greg Barrner
Address: 3960 City View Drive
City, State, Zip: Rapid City, SD 57701
Phone & Email: gbarrner09@gmail.com
X Sign & Date: Greg Barrner
8-9-2024

Other Owners:

Name: _____
Address: _____
City, State, Zip: _____
Phone & Email: 605-490-8982
Sign & Date: _____

Agent:

Name: _____
Address: _____
City, State, Zip: _____
Phone & Email: _____
Sign & Date: _____

Name: _____
Address: _____
City, State, Zip: _____
Phone & Email: _____
Sign & Date: _____

Surveyor/Engineer:

Name: Anderson Engineers
Address: P.O. BOX 446
City, State, Zip: Edgemont, SD 57735
Phone & Email: 605-662-5500
Registration Number: 5906
Sign & Date: _____

Name: _____
Address: _____
City, State, Zip: _____
Phone & Email: _____
Sign & Date: _____

Current Legal Description:

Subdivision/H.E.S./M.S. Title: Lot Dale, McDermant Subdivision
Secondary Title/Description: N.A.
Aliquot Location: SE 1/4 NW 1/4 Section 32 Total Acres: 10.55
Township: 2S Range: 8E Section(s): 32 Book: 11 Page: 93

Proposed Legal Description:

Primary Title (Subdivision Name): McDermant Subdivision
Secondary Title (Description): Tracts 1, 2, 3, 4

Does this plat continue to divide an existing subdivision? Yes No FIRM Panel _____

Will this subdivision require construction of roads or installation of other improvements? NO

What is the intended land use within the subdivision? Residential Commercial _____ Industrial _____ Mixed Use _____ (Specify on attached plat copy)

ALL APPLICATIONS MUST BE APPROVED BY THE HERMOSA PLANNING AND ZONING COMMISSION AND THE HERMOSA BOARD OF TRUSTEES PRIOR TO COMMENCEMENT. *** Engineering fees may apply *******

Original Parcel # 004139
Office Use

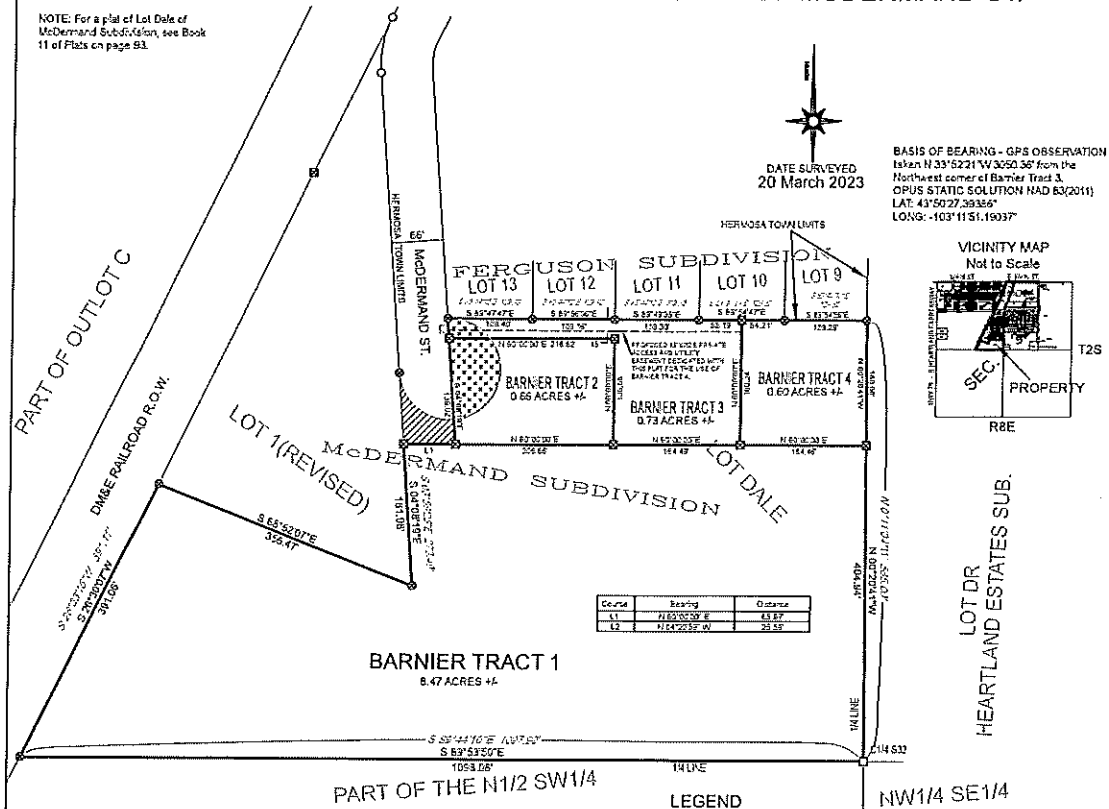
PLANNING AND ZONING COMMISSION	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Name: _____	
Title: _____	
Signature: _____	
Date: _____	Application Fee: <u>\$75.00</u>
Register of Deeds Fee: <u>\$60.00</u>	Date Paid: _____ Balance Due: _____

HERMOSA BOARD OF TRUSTEES	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
Name: _____	
Title: _____	
Signature: _____	
Date: _____	Date Permit Issued: _____

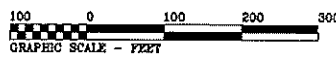
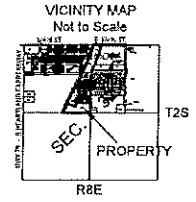
(2 pages attached)

A PLAT OF
BARRIER TRACTS 1 THRU 4 OF McDERMAND
SUBDIVISION, LOCATED IN THE SE1/4 NW1/4 OF SECTION
32, T2S, R8E, BHM, CUSTER COUNTY, SOUTH DAKOTA
FORMERLY LOT DALE AND VACATED PORTION OF McDERMAND ST.

NOTE: For a plat of Lot Dale of McDermand Subdivision, see Book 11 of Plats on page 83.



BASIS OF BEARING - GPS OBSERVATION
 Station N 33° 52' 21" W 3250.56' from the
 Northwest corner of Barrier Tract 3,
 OPUS STATIC SOLUTION NAD 83(2011)
 LAT: 43° 50' 27.39386"
 LONG: -103° 11' 51.19037"



- LEGEND**
- Set rebar with aluminum cap marked "ANDERSEN ENGR. PLS 9605"
 - Found rebar with plastic cap marked "MILTON 2899"
 - Found stone monument
 - Found rebar
 - AREA OF CUL-DE-SAC VACATED WITH RESOLUTION FILED IN BOOK 118 ON PAGE 1
 - 66' WIDE PUBLIC ROW DEDICATED WITH THIS PLAT, CONTAINS 0.05 ACRES +/- OF FORMER LOT DALE.
 - Start lettering denotes record calls

NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF THE LINE ABUTS LANDS NOT SUBMITTED UNDER THE PROVISIONS OF CUSTER COUNTY SUBDIVISION ORDINANCE #2, THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C0179F, effective date: Jan. 6, 2012. The placement of (R), any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the Town's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Town of Hermosa's Flood Ordinance.

CERTIFICATE OF SURVEYOR
 I, John D. McBride Registered Land Surveyor No. 5906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described herein from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN WITNESS WHEREOF, I hereunto set my hand and official seal.
 Dated this ____ day of _____, 2024.

WATER PROTECTION STATEMENT
 Pursuant to SDCL 11-3-8.1 and 11-3-8.2, the developer of the property described within this plat shall be responsible for protecting any waters of the state, including groundwater, located adjacent to or within such platted area from pollution from sewage from such subdivisions and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Agriculture and Natural Resources relating to the same.

STATE OF _____ COUNTY OF _____
 I, Gregory J. Barrier, do hereby certify that I am the owner of the within described lands and that the within plat was made at my direction for the purposes indicated therein, and that the development of this land shall conform to all existing zoning, subdivision, and erosion and sediment control regulations.
 Dated this ____ day of _____, 2024.

CERTIFICATE OF COUNTY TREASURER
 I, Custer County Treasurer, do hereby certify that all taxes and special assessments which are liens upon the within described lands are fully paid according to the records of this office.
 Dated this ____ day of _____, 2024.

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this ____ day of _____, 2024, before me, a Notary Public, personally appeared Gregory J. Barrier, known to me to be the person(s) described in the foregoing instrument, and acknowledged to me that they signed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

RESOLUTION OF THE TOWN BOARD OF TRUSTEES
 Whereas there has been presented to the Town Board of Trustees of Hermosa, South Dakota, the within plat of the above described lands, and it appearing to the Board that said plat conforms to the existing plats of said Town, that the streets set forth therein conform to the system of streets of the municipality, that all provisions of the subdivision regulations have been complied with, that all taxes and special assessments upon the tract have been fully paid, and that said plat and the survey thereof have been executed according to law, now therefore,
BE IT RESOLVED, that said plat is hereby approved in all respects.
 Dated at Hermosa, South Dakota this ____ day of _____, 2024.

CERTIFICATE OF HIGHWAY AUTHORITY
 It appears that every lot has an accessible approach location onto a public road and the location of the intersection(s) of the proposed subdivision road(s) with the existing public road(s) is hereby approved.
 Date: _____

CERTIFICATE OF TOWN FINANCE OFFICER
 I, Finance Officer of the Town of Hermosa, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the resolution adopted by the Town Board of Hermosa, South Dakota at a meeting held on the ____ day of _____, 2024.

CERTIFICATE OF COUNTY DIRECTOR OF EQUALIZATION
 I, Director of Equalization of Custer County, do hereby certify that my office has been furnished with a true copy of the within plat.
 Dated this ____ day of _____, 2024.

OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ____ day of _____, 2024, at _____ o'clock ____ M, and recorded in Book _____ of Plats on page _____
 Custer County Register of Deeds

Prepared by
ANDERSEN ENGINEERS
Land Surveyors

Drawn by DR	Date 6/4/2024	P.O. Box 446 Edgemont, SD 57735 (605) 662-5500 andersenengineers@gmail.net
Approved by McB	Date 6/4/2024	
Scale 1"=100'	Sheet 1 of 1	File Name: L_DALE_MCDERMAND_proposed_lets_new

Town of Hermosa

PO Box 298 • 230 Main Street • Hermosa, SD 57744
Phone (605) 255-4291 • Fax (605) 255-4094
Email: town@hermosasd.com

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION INFORMATION

AES No.:

DATE 8-16-24

PERMIT # 2024-34

Receipt # _____	Cash _____	Check # <u>2085</u>	Application Fee <u>\$100.00</u>
-----------------	------------	---------------------	---------------------------------

***Please be advised all permits are reviewed by the town engineer; those expenses will be included with the permit fees and applicant will be responsible for those expenses.

OWNER Greg Barnier TELEPHONE 605-490-8982

ADDRESS 3980 City View Drive, RCSD 57701

EMAIL gbarnier09@gmail.com

CONTRACTOR NA

ADDRESS _____

PROJECT LOCATION/DIRECTIONS PLAT Review

PROJECT DESCRIPTION

<input type="checkbox"/> Single Family	<input type="checkbox"/> New Construction	<input type="checkbox"/> Channelization
<input type="checkbox"/> Residential	<input type="checkbox"/> Substantial (>50%)	<input type="checkbox"/> Fill
<input type="checkbox"/> Multi-Family	<input type="checkbox"/> Improvements	<input type="checkbox"/> Bridge/Culvert
<input type="checkbox"/> Residential	<input type="checkbox"/> Improvements (<50%)	<input type="checkbox"/> Levee
<input type="checkbox"/> Manufactured	<input type="checkbox"/> Rehabilitation	
<input type="checkbox"/> (Mobile) Home		
<input type="checkbox"/> Nonresidential		

Other/Explanations PLAT REVIEW

Project Valuation: NA

Market Value of Structure: NA

FLOOD HAZARD DATA

Watercourse Name _____

The project is proposed in the Floodway _____ Floodway Fringe _____

Base (100-year flood elevations(s)) at project site _____

Elevation required for Lowest Floor _____ NAVD/Floodproofing _____ NAVD

Source Documents: Reports/Maps _____

Parcel # 004139
FOR OFFICE USE ONLY

(Lot #, Subdivision, City/Town, State)

Tracts 2, 3, 4. McDermand Subdivision, Section 32
T2S, R0E, Custer County

COMPLETE IF APPLICABLE TO THIS PROJECT

Does this project involve the placement of an external fuel storage tank? _____

Compliance of FEMA regulation CFR44 60.3, (a) (3) requires that all liquid storage tanks be properly anchored.

Does this project involve the placement of a manufactured/mobile home? _____

Compliance of FEMA regulation CFR44 60.3, (b) (8) requires that all manufactured/mobile homes be properly anchored.

Initial

In accepting this permit, the applicant understands that all conditions of the permit must be met, all other regulatory permits have been obtained, an elevation certificate will be provided once project is completed, and agrees to allow on-site inspections, as needed during or after construction, to determine compliance with this permit.

Initial

The applicant also acknowledges that he/she is aware of the risks associated with the above development within the Flood Plain and has evaluated that risk.

Initial

The applicant acknowledges that Flood Insurance is available to anyone in an eligible community, which Hermosa is eligible, whether in the Flood Plain or Not.

Initial

It's the Applicants responsibility is to provide copies of the approved documents to all architect(s), engineer(s), general contractor(s) and any other interested parties as are appropriate for each job.

Accepted this 16th day of August year 2024.

Greg Barrier
(Applicant)

PROPOSAL REVIEW CHECKLIST

- _____ Site development plan is complete and depicts flood hazard.
- _____ Engineering data is provided for provided for proposed map and floodway revision.
- _____ Floodway Certification and data document no increase in flood heights.
- _____ Subdivision proposal minimizes flood damage and protects utilities.
- _____ Lowest floor elevation is 1' above the BFE.
- _____ Manufactured homes meet elevation and anchoring requirements.
- _____ A Floodproofing Certificate certifies floodproofing designs.

Other: _____

PERMIT ACTION

_____ PERMIT APPROVED WITH CONDITIONS: The information submitted for the proposed project was reviewed and is in compliance with approved floodplain management standards (site development plans are on file). (Building Site Plan)

_____ PERMIT DENIED: The proposed project does not meet approved floodplain management standards (explanation is on file).

_____ VARIANCE GRANTED: A variance was granted from the base (100-year) flood elevations established by FEMA consistent with variance requirements of NFIP regulations Part 60.6 (variance action documentation is on file).

Recommendation by Authorized Staff:

Floodplain Administrator's Signature

Date

Comments: See Conditions of Approval - page 4 of 4

COMPLIANCE DOCUMENTATION

_____ MAP REVISION DATA: Certified documentation by a registered professional engineer of as-built conditions for floodplain alterations were received and submitted to FEMA for a flood insurance map revision.

_____ FILL CERTIFICATE: A community official certified the elevation, compaction, slope, and slope protection for all fill placed in the floodplain consistent with NFIP regulations Pare 65.5 for map revisions.

_____ ELEVATION AND FLOODPROOFING CERTIFICATES: The as-built elevation of the building's lowest floor was certified as _____ NGVD; or the building's floodproofings level was certified as _____ NGVD by a registered professional engineer or licensed surveyor and is on file.

_____ CERTIFICATE OF OCCUPANCY OR COMPLIANCE ISSUED ON _____
Date

APPROVAL CONDITIONS

(Lot #, Subdivision, City/Town, State)

NOTES:

1. Lowest Floor must be 1-foot above the BFE per local ordinance.
2. An elevation certificate will be required following construction to verify compliance.
3. All fill must be placed in accordance with FEMA requirements and cannot be placed to raise natural grade above BFE.
4. (Stick Built) Recommend that the enclosed AREA meet FEMA defined crawl space requirements. (See Tech Bulletin 11-01, Fig. 3)
5. (Stick Built) Enclosed space below the BFE must be vented in accordance with FEMA requirements.
6. No Mechanical Equipment is allowed below BFE.
7. Lowest floor of attached garage must be above the BFE or will require venting as an enclosed space.
8. Detached Garage is an accessory building and cannot be used for living space and the use cannot be converted at a later time.
9. (Modular) Skirting on modular must meet FEMA definitions of Breakaway Skirting or the enclosed space under the modular must meet FEMA requirements of an Enclosed Area, (Vented).
10. (Modular) Must be Anchored in accordance with FEMA requirements

It is the Owner's and Builder's responsibility to insure ALL FEMA requirements are understood and complied with before beginning construction in the flood plain.

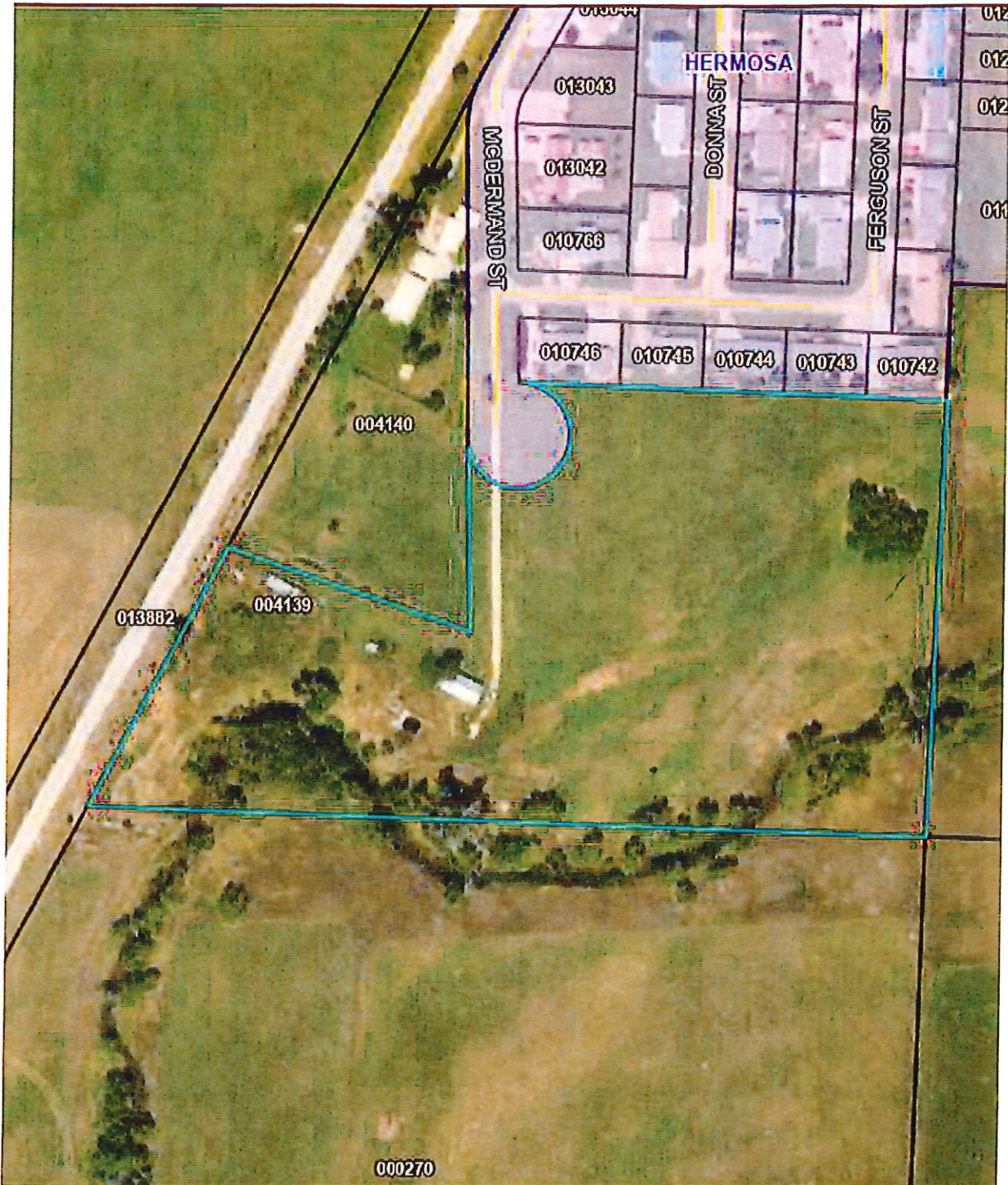
The BFE is calculated but may change if FEMA reviews – this document provides no guarantee that the calculated BFE will match FEMA's determined BFE.

Flood Insurance can be purchased on this structure and should be evaluated by the Owner.

ALL APPLICATIONS MUST BE APPROVED BY THE HERMOSA PLANNING AND ZONING COMMISSION AND THE HERMOSA BOARD OF TRUSTEES PRIOR TO COMMENCEMENT

<p style="text-align: center;">PLANNING AND ZONING COMMISSION</p> <p style="text-align: center;"><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>SIGNATURE: _____</p> <p>DATE: _____</p> <p>APPLICATION FEE: \$100.00 DATE PAID: _____</p>	<p style="text-align: center;">HERMOSA BOARD OF TRUSTEES</p> <p style="text-align: center;"><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>NAME: _____</p> <p>TITLE: _____</p> <p>SIGNATURE: _____</p> <p>DATE: _____</p> <p>DATE PERMIT ISSUED: _____</p>
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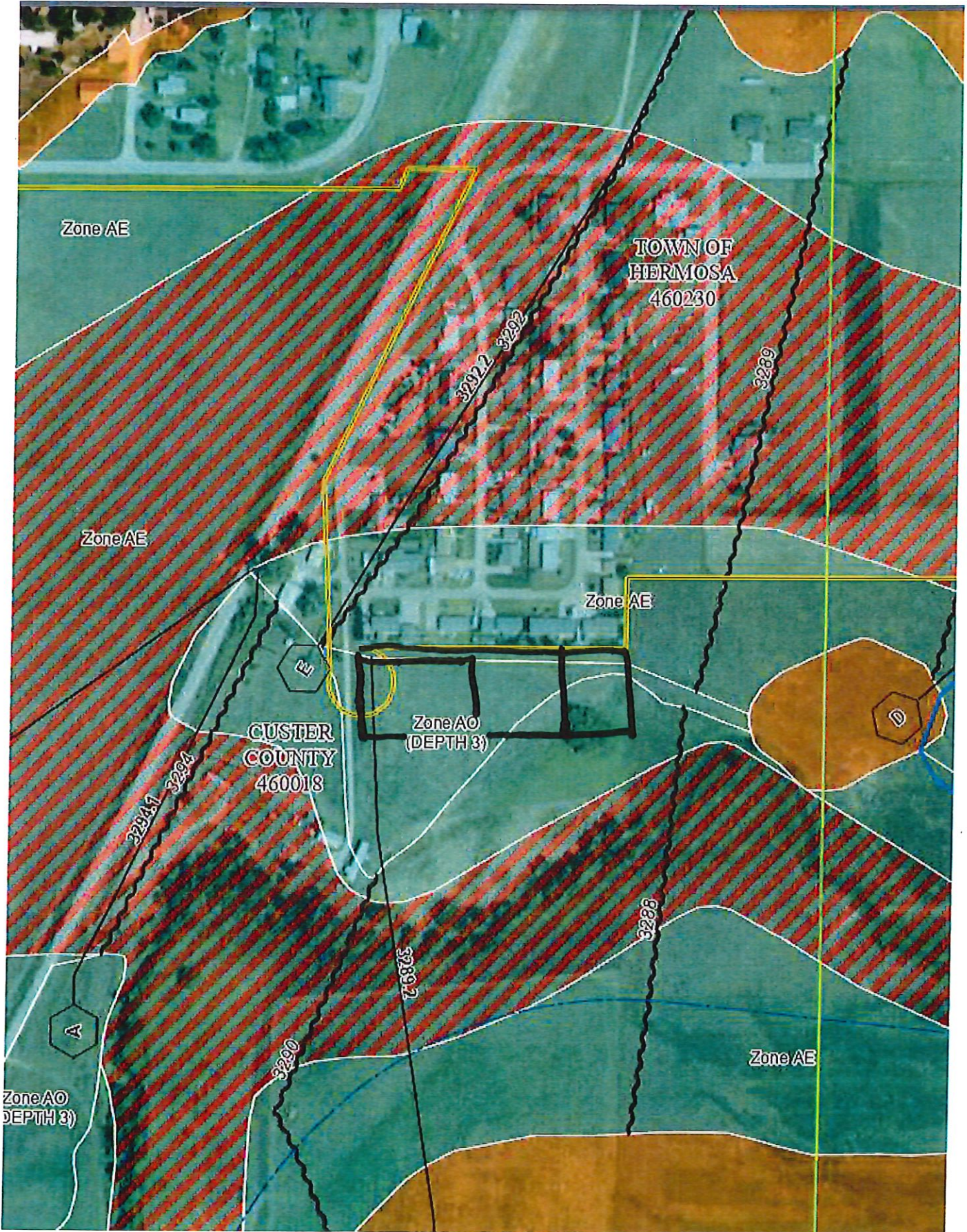
Parcel 004139



Alternate IDn/a
Class Residential
Acreage 10.55

Owner Address BARNIER GREGORY J
3960 CITY VIEW DR
RAPID CITY, SD 57701-2365

Parcel 004139



TOWN of HERMOSA ---- Additional Plat Information for

- **BARNIER TRACTS 1 through 4** of McDermant Subdivision, located in SE1/4 NW1/4 OF SECTION 32, T2S, R8E, BHM, CUSTER COUNTY, SD (Formerly Lot Dale and vacated portion of McDermant Street)

1. The proposed plat of Tracts 1 through 4 of McDermant Subdivision will all continue to have access by McDermant Street. This is consistent with the current Street Plan for the Town, with development in the adjoining residential neighborhood and complies with state law. (*SDCL 11-3-6*)
 - a. Proposed Tracts **#1, #2, and #3** adjoin McDermant Street. This access to McDermant Street meets the access requirements of the Subdivision Ordinance, section #154.22(A) (1,3).
 - b. Proposed Tract **4** has access to McDermant Street by a Private Access Easement, located along the north edge of Tract 3. This access to McDermant Street meets the Private Access requirements of the Subdivision Ordinance sections #154.02 (Streets) (4); and #154.35(K).
2. The proposed plat of Tracts 2 through 4 of McDermant Subdivision will be served by the municipal water system. Lot Dale has had Town water service since late 2014. This is required by Town Ordinance section #50.01(A) and state law.
3. The proposed plat of Tracts 2 through 4 of McDermant Subdivision will be served by the municipal sewer system. Lot Dale has had Town sewer service since late 2014. This is required by Town Ordinance section #51.02(C) (2) and state law.
4. The proposed plat of Tracts 1 through 4 of McDermant Subdivision will all exceed the minimum lot area of 7500 square feet required for the RS zoning district; #155.30(D) (4)
5. The proposed plat of Tracts 2 through 4 of McDermant Subdivision will have a 20 foot wide utility easement centered on shared lot lines and a 10 foot easement on each exterior lot line. This meets Ordinance sections #154.23(D) and #154.38 (A) and (B), and is consistent with development in the adjoining neighborhood.
6. The proposed plat of Tracts 2 through 4 of McDermant Subdivision will have a drainage easement 20 feet wide centered on each shared lot line and 10 foot wide on each exterior lot line. This follows Ordinance sections #154.23(D) and #154.38(A) and (B), and is consistent with development in the adjoining residential neighborhood.

Custer County

1. All proposed residential subdivisions shall conform to Custer County Ordinance #2.
2. Residential developments are those that are intended for dwelling purposes. Individual mobile homes are permitted in residential subdivisions and are subject to the same building and lot requirements as other residential dwellings. The following requirements are established to provide for orderly development of residential uses of various types along with accessory uses and structures in a pleasant and stable manner.
3. Densities established by Ordinance #2 shall be observed by the subdivider.
4. The following activities are permitted under this Section:
 - A. single family dwellings;
 - B. duplexes;
 - C. individual mobile homes;
 - D. home occupations and home professional offices; and
 - E. accessory uses and structures normally appurtenant to residential uses and structures.
5. Building and Grading Permits are required for new residential and accessory structures constructed in Custer County.
6. No more than two (2) dwelling units shall be allowed on any lot, tract or parcel. Each dwelling unit is required to have a separate wastewater disposal system.
7. Building and Lot Requirements:
 - A. In no case shall a lot be less than one (1) acre (43,560 square feet) in size.
 - B. The minimum distance between any structure and a public road right-of-way boundary shall be thirty feet (30').
 - C. The minimum distance between any structure and any property line other than a right-of-way shall be fifteen feet (15').
8. All sites for parks, schools and other public facilities shown on plats and located within the proposed subdivision shall be dedicated to Custer County or the Independent School District Board, subject to their consent.
9. Any improvements the owner proposes to make outside the boundaries of the proposed subdivision, pursuant to the development of the subdivision, shall be submitted to the Planning Commission, in writing, with the preliminary plat. These improvements shall relate to roads, drainage,

AGENDA
CUSTER COUNTY PLANNING COMMISSION
REGULAR MEETING SEPTEMBER 3, 2024 *
4:00 PM, COMMISSIONERS' ROOM, CUSTER COUNTY
COURTHOUSE

Call to Order

Approval of Agenda

The Chairman may change the order of agenda items during the meeting for the convenience of the meeting attendees.

A. Approval of Minutes.

Approval of the Draft Minutes for August 6, 2024 Meeting

B. Conflict of Interest Declaration

C. PERMIT, PETITION AND PLAT REVIEW:

AGENDA ITEM #1:

PRELIM/FINAL PLAT OF: LOTS 1 THRU 5 OF H.E.S NO. 477, LOCATED IN THE SE ¼ OF SECTION 10 AND NE ¼ OF SECTION 15, T5S, R5E, BHM, CUSTER COUNTY, SOUTH DAKOTA

Applicants: Ron Bradeen
Current Parcel ID: 002001

AGENDA ITEM #2:

PRELIM/FINAL PLAT OF: LOT 34A & LOT 34B OF SOUTH PARK RANCH SUBDIVISION PHASE THREE, LOCATED IN THE S ½ SW ¼ OF SECTION 8 AND THE N ½ NW ¼ OF SECTION 17, T6S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

Applicants: John Allen
Current Parcel ID: 015046

AGENDA ITEM #3:

VARIANCE: *To Ordinance #2, Article IV (4), Section 1, 7, A.
In no case shall a lot be less than on (1) acre in size.*



Applicants: Greg Barnier
Current Parcel ID: 004139

AGENDA ITEM #4:

VARIANCE: *To Ordinance #2, Article IV (4), Section 1, 7, B.
The minimum distance between any structure and a right-of-way boundary line shall be thirty feet (30').*

Applicants: Jeff Prior
Current Parcel ID: 014168

AGENDA ITEM #5:

PRELIM/FINAL PLAT OF: TIMM TRACT, AND WOOD TRACTS 1 THRU 4, ALL OF PACER SUBDIVISION, LOCATED IN THE SE ¼ OF SECTION 2, T4S, R4E, BHM, CUSTER COUNTY, SOUTH DAKOTA

Applicants: Danny & Carol Wood
Current Parcel ID: 014877, 005709, 005708 & 013933

AGENDA ITEM #6:

VARIANCE: *Ordinance #2's regulations of road development and public access requirements.*

Applicants: Trevor Schmidt
Current Parcel ID: 007078 & 007079

D. Public Comment

E. Discussion:

- Statement of Policy-Subdivision Classifications
- Ordinance #2 review

F. Items from Members:

Meeting Adjourned

The next Planning Commission meeting will be held at 4:00 P.M. on Tuesday October 1, 2024 in the in the Commissioners' Room of the Custer County Courthouse Facility.

Jill Dybvig

From: Elmer Claycomb <elclaycomb@gmail.com>
Sent: Thursday, September 5, 2024 2:52 PM
To: Jill Dybvig
Subject: Barnier Tracts Floodplain Development Permit 2024-34
Attachments: Staff Report.pdf

**CLAYCOMB ENGINEERING
PO BOX 57
815 2nd STREET
FAIRBURN, SD 57738
605-255-4049
elclaycomb@gmail.com**

Jill,

The Staff Report for the Barnier Tracts is attached. It took me quite a while to gather the pertinent information related to the submittal. You will see that my recommendation is that the Town disapprove the subdivision.

Please contact me if you have questions. I'll get the invoices to you shortly for the jobs I've completed.

Elmer

CLAYCOMB ENGINEERING
P.O. BOX 57
815 2nd Street
FAIRBURN, SD 57738
(605)255-4049
elclaycomb@gmail.com

September 5, 2024

TOWN OF HERMOSA

Floodplain Development Permit 2024-34

STAFF REPORT: Floodplain Development Permit for proposed subdivision plat for
Barnier Tracts 1 Thru 4 of McDerand Subdivision, Custer County, SD

PHYSICAL CONDITIONS

The proposed subdivision is totally within FEMA delineated flood hazard zones. Three maps are attached that illustrate the FEMA delineated Flood Hazard Zones.

Exhibit A is a map from the Custer County GIS data that shows the outline of the proposed subdivision and the flood hazard zones.

Exhibit B is a FIRMette taken from the National Flood Hazard Layer. It illustrates the Flood Hazard Zones as well as Base Flood Elevations.

Exhibit C is a portion of a work map by the consultant who prepared the FEMA maps. This map shows the location of the Ferguson Split Flow, the Railroad Split Flow and the main channel of Battle Creek. The north edge of the proposed subdivision is within the Ferguson Split flow and the Base Flood Elevation is established by the Ferguson Split Flow. The center portion of the subdivision is within the Railroad Split Flow and the Base Flood Elevation is established by the Railroad Split Flow. The southern portion of the subdivision falls within the main flow area of Battle Creek and the Base Flood elevations are therefore established by the Battle Creek elevations.

The central portion of the proposed subdivision primarily falls within the AO Zone with a regulatory depth of 3 feet. The AO Zone represents sheet flow that is migrating from the Ferguson and Railroad Split flow areas to the main Battle Creek Zone.

Exhibit D is a copy of the proposed plat.

BACKGROUND

Flooding of this area occurred on August 17, 2007. Damage within the Ferguson Subdivision, just north of the proposed subdivision, was extensive, with some homes being washed off of their foundations.

The plat of the Ferguson Subdivision was never actually approved by action of the Town. It was accepted by the Town in 1999 based on SDCL 11-6-32 which deemed

the Plat approved since it had not been disapproved by the Town within 90 days. A copy of the Certificate of Deemed Approval of Plat is attached as Exhibit E. Discussions with the Custer County Planning Department in the past revealed that the plat had first been submitted to the County. The County denied the plat. The property was subsequently annexed to the Town. The Town was unwilling to approve the plat, nor did they disapprove the plat. The flooding potential for the area was the concern of both the County and Town.

A plat of Heartland Estates Subdivision, located just northeast of the proposed Barnier Subdivision, containing about 56 lots was approved by the Town in 2004. All of the area is within the FEMA delineated flood hazard area. The majority of the lots were consolidated into a single 19.3 acre lot in 2017.

A single building permit was issued for a modular home on Lot Dale of McDerand Subdivision in 2014. The modular home has subsequently been removed.

REGULATIONS

CHAPTER 151: FLOOD DAMAGE PREVENTION

§ 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

§ 151.17 STANDARDS FOR SUBDIVISION PROPOSALS.

(A) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with this chapter.

(B) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of this chapter.

(C) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser.

(D) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(E) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

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

§ 151.16 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in: § 151.03(B); § 151.04(B)(8); or § 151.17(C), the following provisions are required.

(A) Residential construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated at least one foot above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this division as proposed in § 151.04(C) is satisfied

§ 151.18 AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in § 151.03(B) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. The flooding is characterized by ponding or sheet flow; therefore, the following provisions apply.

(A) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least one foot higher than the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified).

PLAT CONSIDERATIONS

The proposed plat will create 3 small tracts, each less than 1 acre, and a 4th tract with an area of about 8 acres. These tracts present the possibility of 4 building permits being requested. These building permits would be subject to the provisions of the Flood Damage Prevention Ordinance. Tracts 2 and 3 are totally within the AO Zone With a depth number of 3 feet. The Town's Flood Damage Prevention Ordinance requires that the finished floor be at least 1 foot above the depth number, resulting in the requirement that the finished floor be at least 4 feet above the existing ground. Tract 4 has enough area south of the AO Zone that the finished floor requirement would be 1 foot above the Base Flood Elevation of Battle Creek. The Base Flood Elevation is about 3288.3. The ground elevation of the tract ranges from 3284 to 3288.

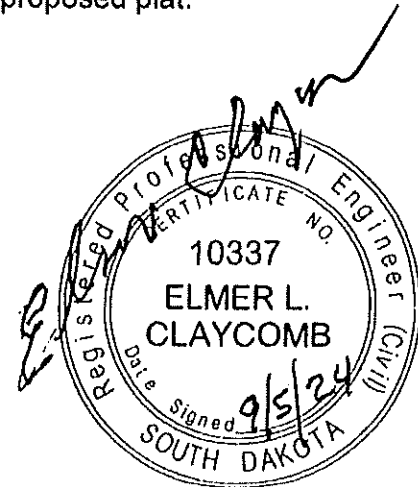
Flood insurance is a prerequisite for receiving money from a federal agency or a federally-supported financial program.

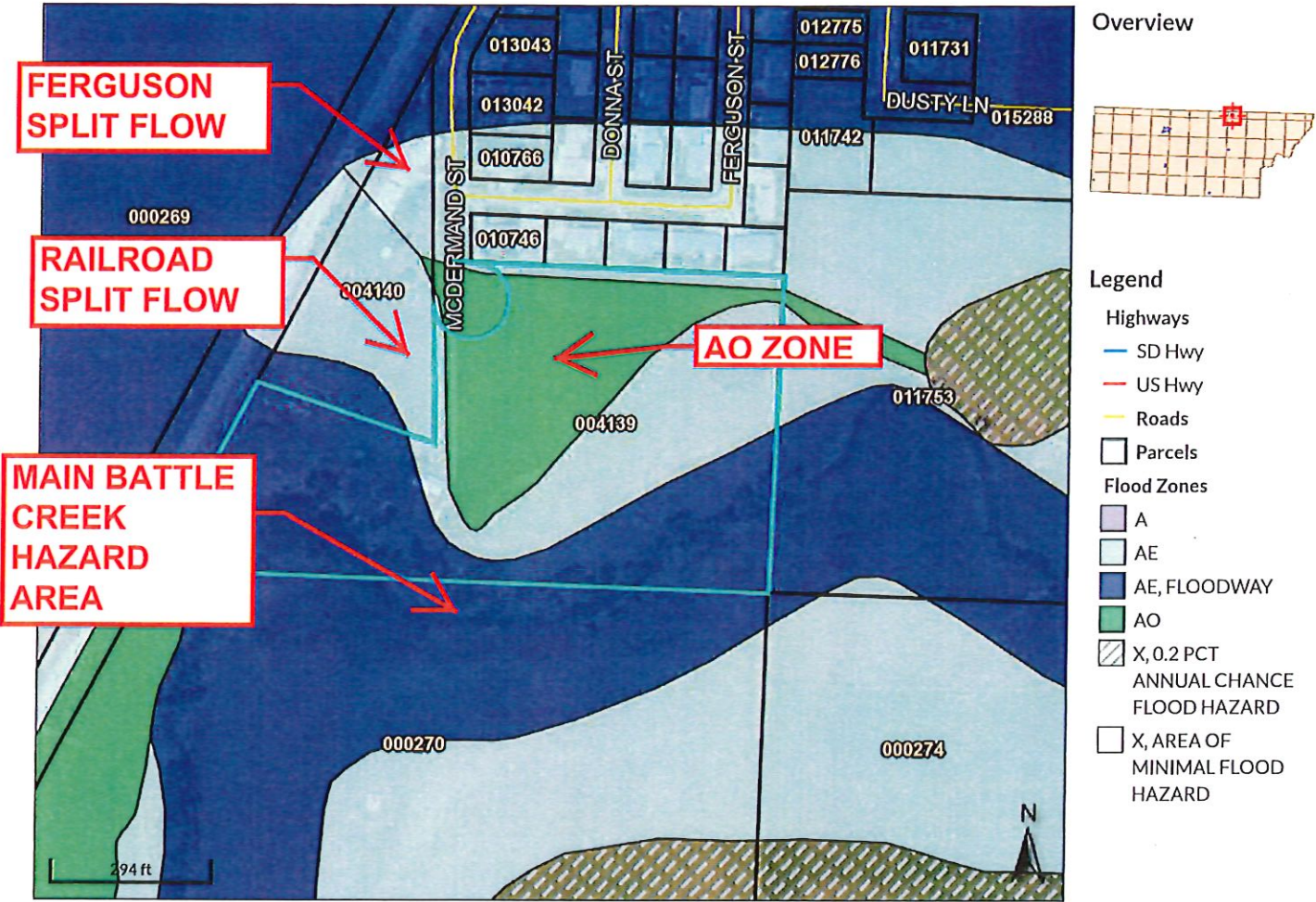
RECOMMENDATIONS

Approving a plat that creates additional tracts within the FEMA Flood Hazard Zones is contrary to the objective of the Town's Flood Damage Prevention Ordinance. It is therefore recommended that the Town disapprove the proposed plat.

Elmer Claycomb, P.E.
Floodplain Administrator

C:\CLAYCOMB ENGINEERING\Hermosa\BARNIER TRACTS\Staff
Report.doc





Parcel ID	004139	Alternate ID	n/a	Owner Address	BARNIER GREGORY J
Sec/Twp/Rng	032/0002/008	Class	Residential		3960 CITY VIEW DR
Property Address	349 MCDERMAND ST	Acreage	10.55		RAPID CITY, SD 57701-2365
	HERMOSA				

District 16.1-7-1-0-0-0
 Brief Tax Description MCDERMAND SUBD - LOT DALE SEC 32 T2 R8 10.550 AC (CORRECTION PLAT)
 1320803200000200
 (Note: Not to be used on legal documents)

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

Date created: 9/2/2024
 Last Data Uploaded: 9/2/2024 1:49:25 AM

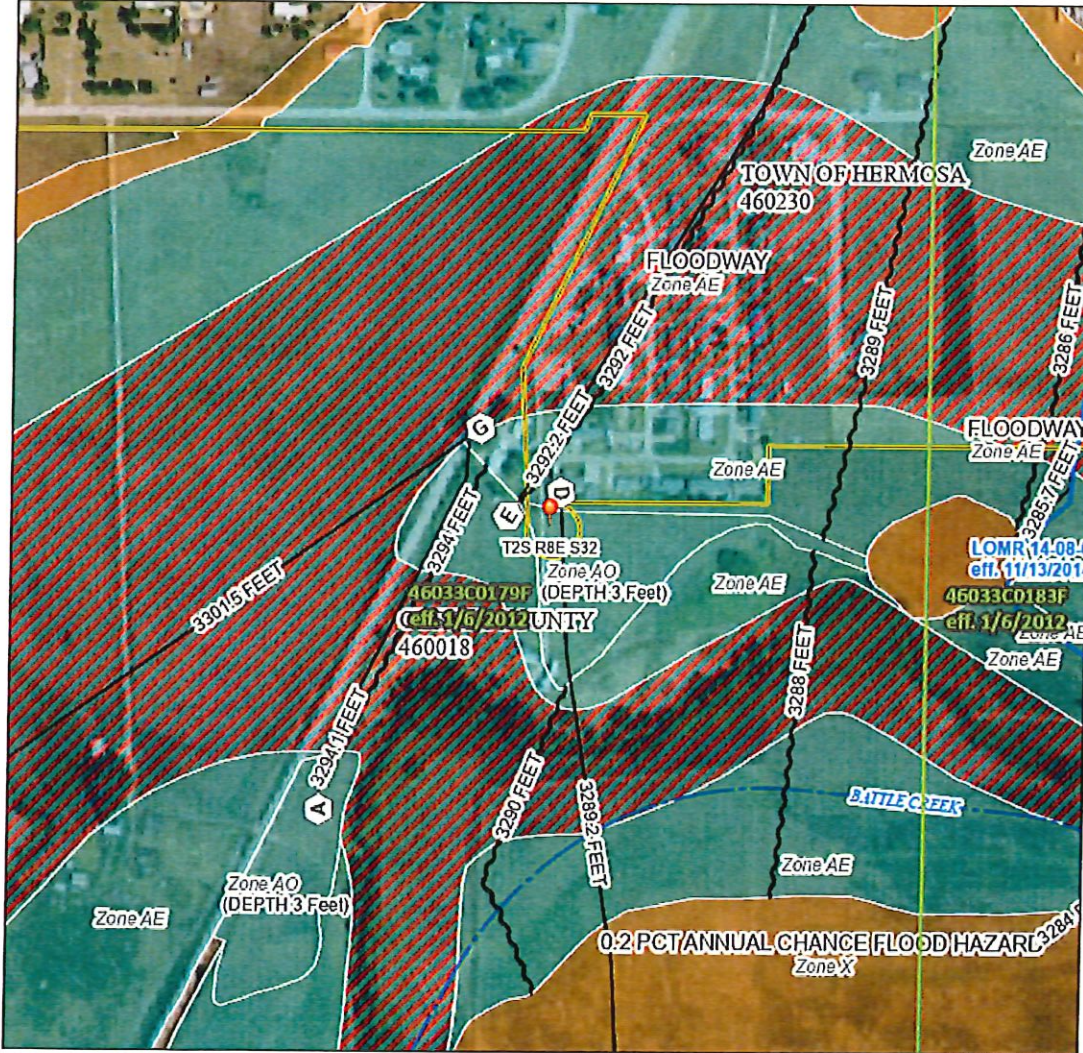
Developed by Schneider
 GEOSPATIAL

EXHIBIT A MAP FROM COUNTY GIS

National Flood Hazard Layer FIRMette



103°11'47"W 43°50'15"N



Basemap Imagery Source: USGS National Map 2023

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

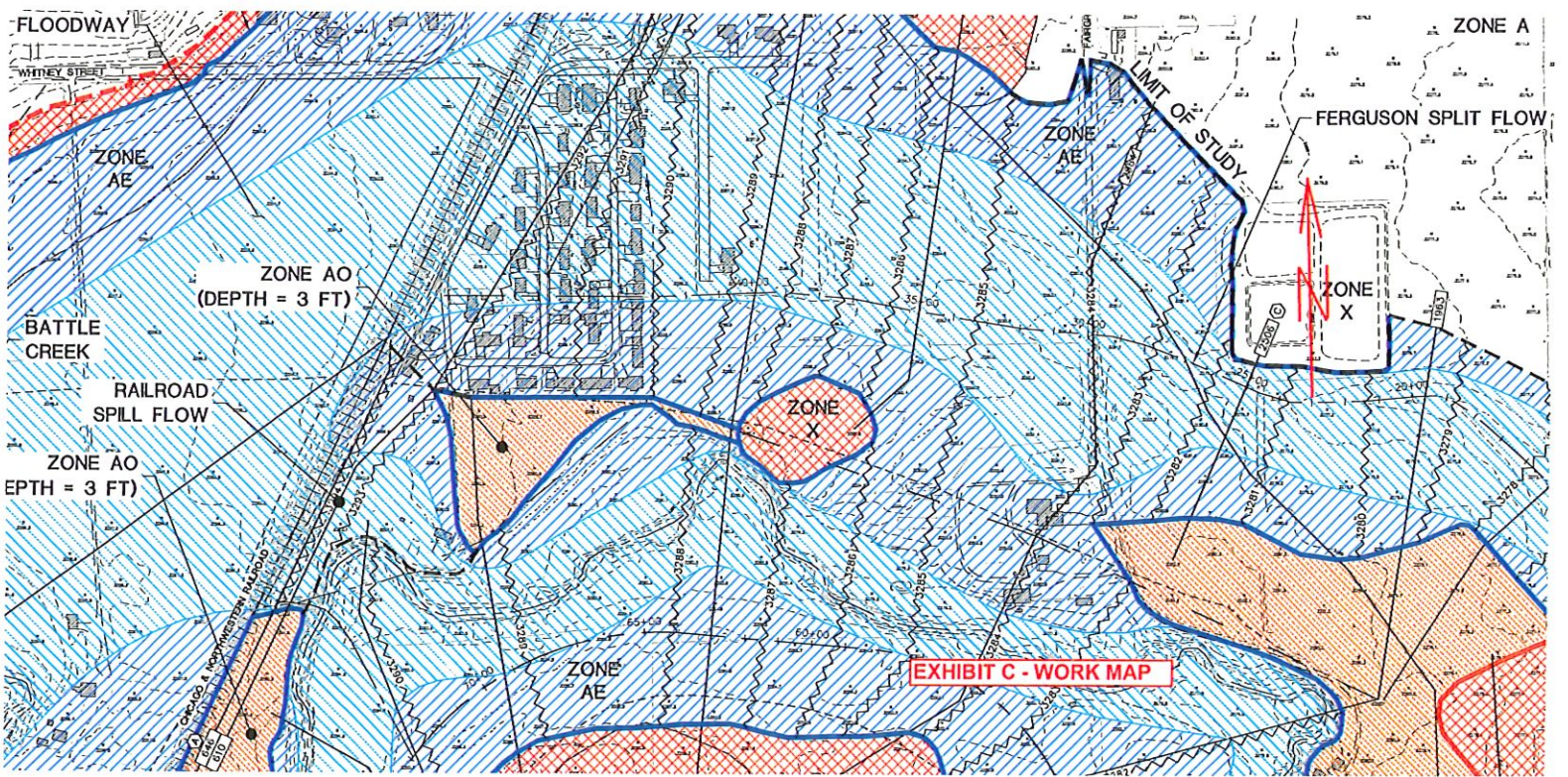
- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, V, A99
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee, See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER AREAS**
 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Effective LOMRs
 - Area of Undetermined Flood Hazard Zone D
- GENERAL STRUCTURES**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- OTHER FEATURES**
 - 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
 - 17.5 Coastal Transect
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
- MAP PANELS**
 - Digital Data Available
 - No Digital Data Available
 - Unmapped

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/1/2024 at 9:06 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

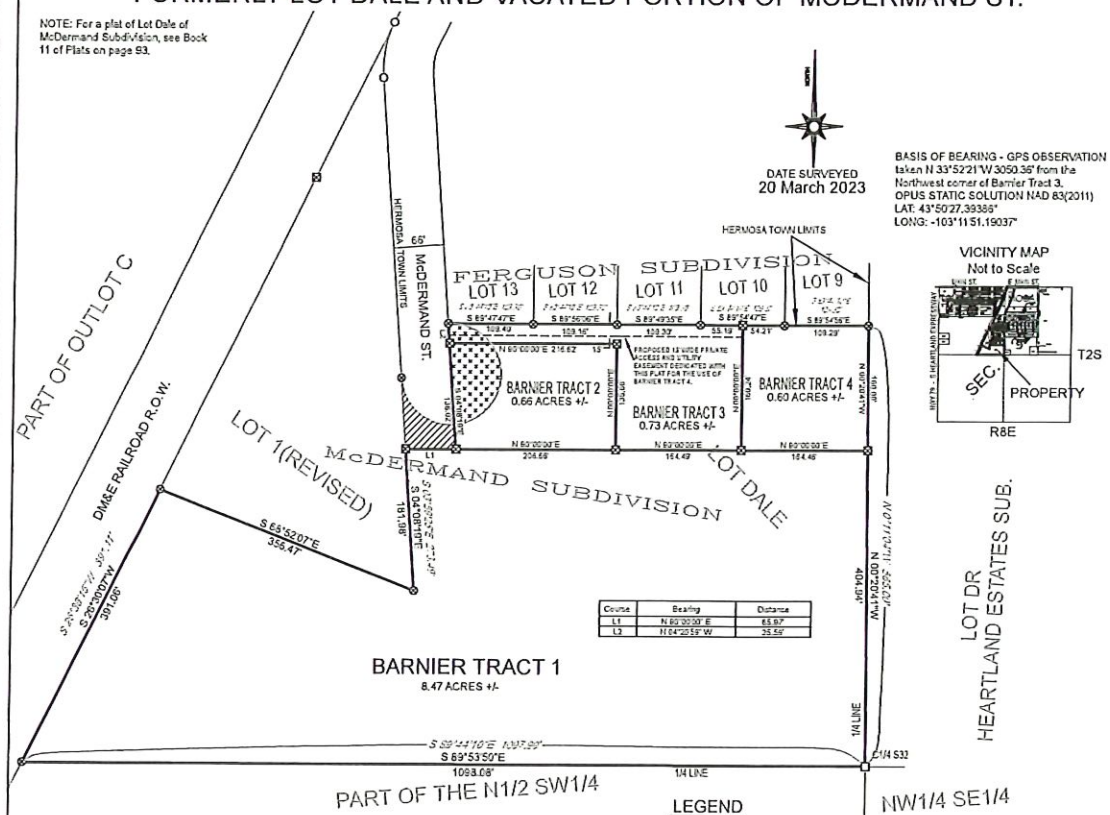
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number and FIRM effective date. Map images for regulatory purposes.

EXHIBIT B - FIRMette



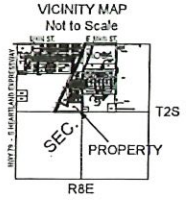
A PLAT OF
BARNIER TRACTS 1 THRU 4 OF McDERMAND
SUBDIVISION, LOCATED IN THE SE1/4 NW1/4 OF SECTION
32, T2S, R8E, BHM, CUSTER COUNTY, SOUTH DAKOTA
FORMERLY LOT DALE AND VACATED PORTION OF McDERMAND ST.

NOTE: For a plat of Lot Dale of McDermand Subdivision, see Book 11 of Plats on page 93.

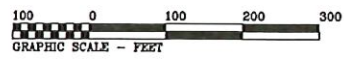


DATE SURVEYED
 20 March 2023

BASIS OF BEARING - GPS OBSERVATION
 taken N 33°52'21"W 3050.35' from the
 Northwest corner of Barnier Tract 3.
 OPUS STATIC SOLUTION NAD 83(2011)
 LAT: 43°50'27.39385"
 LONG: -103°11'51.19037"



Count	Bearing	Distance
L1	N 60°00'00" E	88.97'
L2	N 64°20'35" W	35.55'



NOTE: 10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENTS. IF THE LINE ABUTS LANDS NOT SUBDIVIDED UNDER THE PROVISIONS OF CUSTER COUNTY SUBDIVISION ORDINANCE #2, THE ENTIRE 20' WIDE EASEMENT WILL BE TAKEN FROM THE LOT.

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel No. 46033C01795, effective date: Jan. 6, 2012. The placement of fill, any new construction, substantial improvements, or another development within the 100-year flood plain as designated by the Town's Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, shall be in conformity with Town of Hermosa's Flood Ordinance.

LEGEND

- ☒ Set rebar w/aluminum cap marked "ANDERSEN ENGR. PLS 5506"
- ⊙ Found rebar w/plastic cap marked "HILTON 26509"
- Found stone monument
- Found rebar
- ▨ AREA OF CUL-DE-SAC VACATED WITH RESOLUTION FILED IN BOOK 1195 ON PAGE _____
- ▨ 65' WIDE PUBLIC ROW DEDICATED WITH THIS PLAT. CONTAINS 0.65 ACRES +/- OF FORMER LOT DALE.
- 521.02' Start lettering denotes record calls

CERTIFICATE OF SURVEYOR
 I, John D. McBride Registered Land Surveyor No. 5905 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described herein from notes taken during an actual survey made by me or under my direct supervision, and that to the best of my knowledge and belief, the same is a true and correct representation of said survey.
 IN

CERTIFICATE OF DEEMED APPROVAL OF PLAT

NOTICE IS HEREBY GIVEN that the Hermosa City Council has not disapproved the plat of Ferguson Subdivision which was submitted to the City Council on or about December 8, 1998. Because the plat was not disapproved within 90 days as provided by SDCL §11-6-32, the plat is deemed to be approved and this certificate is filed to show such statutory approval.

The property which is the subject of the plat is more specifically described as Ferguson Subdivision and the plat is described as:

Plat of Lots 1-37 (inclusive) Ferguson Subdivision (Includes Right-of-Way for Ferguson Street and Donna Street), Formerly Lots Quint and Vicki, McDermand Subdivision, a portion of Outlot D, all located in NW1/4 Section 32, Township 2 South, Range 8 East, Black Hills Meridian, Hermosa, Custer County, South Dakota.

This certificate is hereby given to show that the plat is deemed to be approved by statute although the town board did not pass the resolution approving the plat.

This certificate may be attached to the plat of Ferguson Subdivision in place of the resolution of the town board approving the plat as provided by SDCL §11-6-32.

Dated this 3rd day of ~~May~~ June, 1999.

HERMOSA TOWN COUNCIL

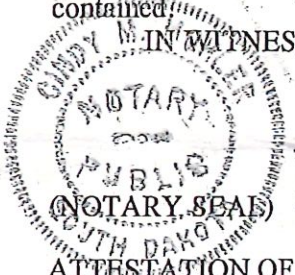
By: Steve Hammer

Its: Town Board President

STATE OF SOUTH DAKOTA)
) SS
COUNTY OF CUSTER)

On this the 3rd day of June, 1999, before me, Cindy M. Mohler, the undersigned officer, personally appeared Steve Hammer, who acknowledged himself/herself to be the President of the Hermosa Town Council, and that he/she, as such Town Board President being authorized so to do, executed the foregoing instrument for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.



Cindy M. Mohler
Notary Public,
My Commission Expires: 06-04-2005

ATTESTATION OF TOWN FINANCE OFFICER

I, finance Officer of the Town of Hermosa, South Dakota, do hereby certify that the foregoing instrument is a true and correct copy of the Certificate of Deemed Approval of Plat adopted by the Town Board of Hermosa, South Dakota pursuant to SDCL §11-6-32.

Dated this 1st day of ~~May~~ June, 1999.

Hermosa Finance Officer:
Cindy Mohler

STATE OF SOUTH DAKOTA, COUNTY OF CUSTER, SS 16 6 32
Filed this 28 Day of June, 2001, at 2:00 O'clock PM
BOOK 39 of Plats, PAGE 121
Hermosa
Fee \$ 10.00 pd. Registrar of Deeds

File with 11 plat

EXHIBIT E - CERTIFICATE OF PLAT

Jill Dybvig

From: Jesse Doyle <jdoyle@custercountysd.com>
Sent: Tuesday, August 13, 2024 7:30 AM
To: Jill Dybvig
Subject: RE: Hermosa-Permit 2024-33

Jill,
Please call me sometime about this proposed plat.
Thanks,

Jesse Doyle

Custer County Highway Superintendent
25365 US Hwy 385
Custer, SD 57730
(605) 673-5678
Fax: (605) 673-8166

The information contained in this message is confidential, protected from disclosure and may be legally privileged. If the reader of this message is not the intended recipient or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any disclosure, distribution, copying, or any action taken or action omitted in reliance on it, is strictly prohibited and may be unlawful. If you have received this communication in error, please notify us immediately by replying to this message and destroy the material in its entirety, whether in electronic or hard copy format. Thank you.



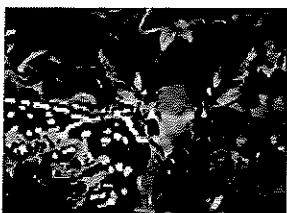
CUSTER COUNTY

From: Jill Dybvig <jill@hermosasd.com>
Sent: Monday, August 12, 2024 4:21 PM
To: Terri Kester <tkester@custercountysd.com>; Laura Rosane <lrosane@custercountysd.com>; Edward Davis <Edward.Davis2@usda.gov>; Jesse Doyle <jdoyle@custercountysd.com>; Jesse Sorenson <jsorenson@bhec.coop>; Rich.Zacher@state.sd.com; Steven Esser <ssesser@custercountysd.com>; Teri L. Morgan <tlmorgan@custercountysd.com>; Tracy L. Kelley <tkelley@custercountysd.com>; Troy Schmidt <tschmidt@custercountysd.com>; Corey Virtue <corey.virtue@blackhillscorp.com>
Cc: Terri Cornelison <terri@hermosasd.com>
Subject: Hermosa-Permit 2024-33

Good afternoon,

Please see attached Permit 2024-33, parcel 004139 for Greg Barnier. I have also sent this to our Floodplain Engineer (Elmer Claycomb). If I could please have any comments or concerns regarding this Plat Application by August 28th so we can have it on the September 3rd BOT agenda that would be great? If you have any questions, concerns or need anything else from me please feel free to email or give me a call?

Thank you and have a great day!



Jill Dybvig

From: Davis, Edward - FS, SD <Edward.Davis2@usda.gov>
Sent: Tuesday, August 13, 2024 8:05 AM
To: Jill Dybvig
Subject: RE: [External Email]Hermosa-Permit 2024-33

There are no known issues involving the USFS and the parcel id 004139.

Thank you,

Clark



E Clark Davis
Realty Specialist

Forest Service
Black Hills National Forest
Hell Canyon Ranger District - Custer

p: 605-673-9325

Edward.Davis2@usda.gov

1019 North 5th Street
Custer, SD 57730

www.fs.fed.us



Caring for the land and serving
people

From: Jill Dybvig <jill@hermosasd.com>
Sent: Monday, August 12, 2024 4:21 PM
To: Terri Kester <tkester@custercountysd.com>; Laura Rosane <lrosane@custercountysd.com>; Davis, Edward - FS, SD <Edward.Davis2@usda.gov>; jdoyle@custercountysd.com; jsorenson@bhec.coop; Rich.Zacher@state.sd.com; Steven Esser <sesser@custercountysd.com>; Teri Morgan (tlmorgan@custercountysd.com) <tlmorgan@custercountysd.com>; tkelley@custercountysd.com; Troy Schmidt <tschmidt@custercountysd.com>; corey.virtue@blackhillscorp.com
Cc: Terri Cornelison <terri@hermosasd.com>
Subject: [External Email]Hermosa-Permit 2024-33

[External Email]

If this message comes from an **unexpected sender** or references a **vague/unexpected topic**;

Use caution before clicking links or opening attachments.

Please send any concerns or suspicious messages to: Spam.Abuse@usda.gov

Good afternoon,

Please see attached Permit 2024-33, parcel 004139 for Greg Barnier. I have also sent this to our Floodplain Engineer (Elmer Claycomb). If I could please have any comments or concerns regarding this Plat Application by August 28th so we can have it on the September 3rd BOT agenda that would be great? If you have any questions, concerns or need anything else from me please feel free to email or give me a call?

Jill Dybvig

From: Jesse Sorenson <jsorenson@bhec.coop>
Sent: Tuesday, August 13, 2024 7:19 AM
To: Jill Dybvig
Subject: RE: Hermosa-Permit 2024-33

Jill,

Black Hills Electric Cooperative has no concerns.

Jesse Sorenson
System Coordinator
Black Hills Electric Cooperative
1-800-742-0085

From: Jill Dybvig <jill@hermosasd.com>
Sent: Monday, August 12, 2024 4:21 PM
To: Terri Kester <tkester@custercountysd.com>; Laura Rosane <lrosane@custercountysd.com>;
edward.davis2@usda.gov; jdoyle@custercountysd.com; Jesse Sorenson <jsorenson@bhec.coop>;
Rich.Zacher@state.sd.com; Steven Esser <sesser@custercountysd.com>; Teri Morgan (tlmorgan@custercountysd.com)
<tlmorgan@custercountysd.com>; Tracy Kelley <tkelley@custercountysd.com>; Troy Schmidt
<tschmidt@custercountysd.com>; corey.virtue@blackhillscorp.com
Cc: Terri Cornelison <terri@hermosasd.com>
Subject: Hermosa-Permit 2024-33

Good afternoon,

Please see attached Permit 2024-33, parcel 004139 for Greg Barnier. I have also sent this to our Floodplain Engineer (Elmer Claycomb). If I could please have any comments or concerns regarding this Plat Application by August 28th so we can have it on the September 3rd BOT agenda that would be great? If you have any questions, concerns or need anything else from me please feel free to email or give me a call?

Thank you and have a great day!



Jill Dybvig

Town of Hermosa
605-255-4291

Engineering Evaluation:

Proposed Plat of Barnier Tracts 1 Thru 4 of
McDermand Subdivision, Located in the SE ¼ NW ¼ of
Section 32, T2S, R8E, BHM, Custer County, South
Dakota

September 19, 2024

Prepared for: Gregory J. Barnier

Prepared by: Kyle Young, PE

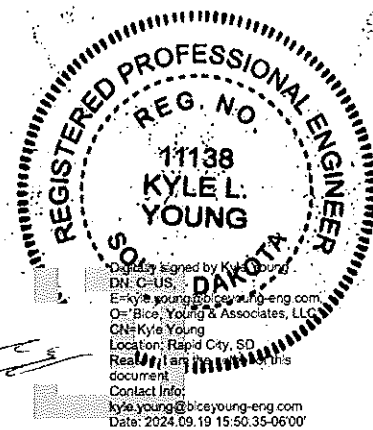
Bice, Young & Associates, LLC

3213 West Main Street

Rapid City, SD 57702

605-430-6054

Kyle.young@biceyoung-eng.com



Introduction

Mr. Greg Barnier applied for a plat of Barnier Tracts 1 Thru 4 of McDermand Subdivision, Located in the SE ¼ NW ¼ of Section 32, T2S, R8E, BHM, Custer County, South Dakota. As part of the application and approval process, Elmer L. Claycomb produced a report titled “STAFF REPORT: Floodplain Development Permit for proposed subdivision plat for Barnier Tracts 1 Thru 4 of McDerand (sic) Subdivision, Custer County, SD”, which will be referred to as “Staff Report” in this report. Staff Report included Exhibits A, B, C, D, and E, which will be referenced in this report.

Staff Report includes a recommendation to disapprove of the proposed plat. The purpose of this report is to clarify the facts and technical merits regarding the floodplain associated with the proposed plat. Information in Staff Report makes a strong case that the Ferguson Subdivision should not be platted but does not support the recommendation to disapprove the plat of Barnier Tracts 1 through 4.

About the Engineer:

Kyle has been practicing engineering in South Dakota since 2007, and has been a licensed Professional Engineer since 2011 and currently is licensed in ten states. He began his career designing subdivisions in and around Sioux Falls, where subdivisions must follow FEMA regulations. Since then, he has had positions with the South Dakota Department of Transportation, South Dakota Department of Military, and consulting engineering firms performing planning and design as well as an electric utility performing project management. Currently, Kyle is the principal engineer for Bice, Young & Associates, LLC and has a specialty of dry floodproofing design and certification. A recent notable project is flood modeling and flood emergency response planning for Vanderbilt University’s campus.

Ferguson Subdivision

Staff Report makes a strong case against the platting of the Ferguson Subdivision. Much of the Ferguson Subdivision is within the Floodway, and, unless the construction met all requirements of ASCE 24 and analysis was completed that it would not raise the base flood elevation, doesn’t meet regulatory requirements. The Barnier preliminary plat application, however, is not part of the Ferguson Subdivision.

Preliminary plat, proposed Barnier Tracts

The proposed Barnier Tracts are mostly in Zone AO, compared to the Ferguson subdivision, which is within the floodway, Zone AE, and is prone to higher velocity stream flow compared to Zone AO. Zone AO is prone to pooling of flood water and sheet flow. Both pooling of floodwater and sheet flow between one channel flow area to another is lower velocity compared to the channel flow in the floodway as experienced by the Ferguson Subdivision. This pooling and sheet flow type of flooding will not wash houses that are constructed to the International Residential Code and other regulatory requirements off their foundations. As explained in the Staff Report, pages 3 and 4, the town ordinance allows development in both the AO and AE zones when the minimum elevation standard is met.

Approving a preliminary plat in Zone AO does not impact the conveyance capacity of the modeled stream splits shown on the FIRM. This area, while identified as a flood hazard area, is outside of the modeled stream flooding. This is contrary to the Ferguson Subdivision which is largely within the designated floodway.

Required lowest floor elevations in Zone AO are higher than what would be required if the property were designated AE. Elevations shown on Exhibit C of Staff Report indicate required floor elevations of Tracts 2 through 4 range between 3292.5 and 3294.5. Corresponding elevations based on established base flood elevations would range between approximately 3291.8 and less than 3294.0. As included in the last paragraph of Page 3 and the beginning of Page 4 of Staff Report, the requirement for Zone AO in this case requires a floor elevation to be 4 feet higher than adjacent ground while the floor elevation for Zone AE is required to be 1' higher than the modeled base flood elevation. At the south boundary of Zone AO, the ground elevation corresponds to the base flood elevation in order to establish the north boundary of adjacent Zone AE. This means that constructing a structure in Zone AE, which is within the predicted extent of the design flood, can be placed 3 feet lower than a house in Zone AO. Construction of a structure in either Zone at the minimum elevation meets accepted safe design standards, but the information presented in this paragraph demonstrates the added safety associated with development of Zone AO.

The portion of Zone AE that may be impacted by the development of Tract 4 is outside of the floodway. Excavation of on-site material will be needed to build the floor elevation to the required level; the most likely scenario is that more excavation below the base flood elevation will be needed than fill that is placed below base flood elevation. This scenario will have a lowering effect on the base flood elevation resulting in less hazard to surrounding properties.

The first item in the statement of purpose of the Flood Damage Prevention Ordinance is to protect human life and health. The Staff Report states that the development of Ferguson Subdivision was contrary to the protection of human life and health, is in a floodway, and is a hazardous condition. However, if homes are built on Tracts 2-4 in the future, then a location in a low velocity area with a structure built to the proper elevation and in accordance with International Residential Code and/or ASCE 24 creates refuge areas for residents of the Ferguson Subdivision who could get stranded on the south side of the Ferguson Split Flow channel.

Elevation Recommendations

To safely develop the proposed properties, the following minimum floor elevations which meet or exceed FEMA and ordinance requirements are recommended. Actual minimum floor elevations should be determined and staked by a Land Surveyor as part of the actual individual building permit application process.

Tract 1: 3294.9

Tract 2: 3294.5

Tract 3: 3293.7

Tract 4: 3292.5- Note: This deviates from the Staff Report, as the Ferguson Split is adjacent to the property with elevations ranging from 3290 to less than 3291, and is within Zone AO which results in a higher required finished floor elevation than needed in Zone AE.

After plat approval, Ability to safely develop property

Construction standards are used to ensure a consistent minimum requirement for all parts of construction planning. These standards are in place to ensure that all of a structure's systems perform adequately for conditions that have been thoroughly vetted by teams of experts in the design of each building system. In the same way that we follow these standards to adequately design roof and wall systems to withstand heavy wind events, there are standards in place that govern flooding. These are the town ordinances, the codes adopted by the ordinances, and the ASCE Standards that the codes reference and are based on. Construction of structures in flood hazard areas have standards in International Residential Code which are based on ASCE 24, Flood Resistant Design and Construction.

Several adjacent properties have been subject to Letters of Map Amendment that remove the property from the flood hazard area. Copies are attached, and These include:

- 301 McDermand Street, which is on Lot 1 (Revised) as shown on the proposed plat, is now in Zone X on the FIRM.
- 345 Ferguson Street, which is across the street to the north of the lot that abuts the north side of proposed Tract 2, is now in Zone X on the FIRM.
- 300 Ferguson Street, which abuts the north side of proposed Tract 4, is now in Zone X on the FIRM.

The fact that these properties, which are all in more flood prone locations than the proposed properties, have homes that have been safely constructed and are now outside of the 500 year floodplain confirms that the three lots in the proposed plat can also be safely developed.

Flood Damage Prevention Ordinance section 151.01 (B) (2) states that flood losses are caused because the uses are inadequately elevated, flood-proofed or otherwise protected from damage. The proposed platting and associated development will be properly protected from flood losses in accordance with building code.

Summary

After approval of the preliminary plat, building or placing homes on the lots proposed with this platting can be performed safely by following building standards that are in place. This proposed plat promotes public safety because the homes in this platting can be a place of refuge during flood events for occupants of homes in the floodway and lower lying areas. This preliminary plat doesn't require additional public infrastructure to be placed in the floodway.

Attachments: Copies of Letters of Map Amendment for nearby properties



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	CUSTER COUNTY, SOUTH DAKOTA (Unincorporated Areas)	Lot 1 (Revised), McDermand Subdivision, as shown on the Plat recorded as Document No. D4378 in Book 11, Page 93, in the Office of the Register of Deeds, Custer County, South Dakota
	COMMUNITY NO: 460018	
AFFECTED MAP PANEL	NUMBER: 46033C0179F DATE: 1/6/2012	
FLOODING SOURCE: BATTLE CREEK-RAILROAD SPILL FLOW		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 43.834240, -103.191800 SOURCE OF LAT & LONG: GOOGLE EARTH DATUM: NAD 83

DETERMINATION

LOT	BLOCK/ SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
1R	-	McDermand	301 McDermand Street	Structure	X (shaded)	--	3294.4 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA/FLOODWAY
eLOMA DETERMINATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. If there are any errors on this eLOMA Determination Letter that cause FEMA to rescind and/or nullify the determination the property owner should consult the Licensed Professional that submitted this eLOMA. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, 3601 Eisenhower Avenue, Alexandria, VA 22304-4605, Fax: 703-751-7415.

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

eLOMA



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL) ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

Structure Removal:

The following considerations may or may not apply to the determination for your Structure:

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA and/or FLOODWAY - Portions of this property, but not the subject of the Determination document, may remain in the Special Flood Hazard Area (SFHA) and/or the regulatory floodway for the flooding source indicated on the Determination Document. The NFIP regulatory floodway is the area that must remain unobstructed in order to prevent unacceptable increases in base flood elevations. Therefore, no construction may take place in an NFIP regulatory floodway that may cause an increase in the base flood elevation. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management. The NFIP regulatory floodway is provided to the community as a tool to regulate floodplain development. Modifications to the NFIP regulatory floodway must be accepted by both the Federal Emergency Management Agency (FEMA) and the community involved. Appropriate community actions are defined in Paragraph 60.3(d) of the NFIP regulations. Any proposed revision to the NFIP regulatory floodway must be submitted to FEMA by community officials. The community should contact either the Regional Director (for those communities in Regions I-IV, and VI-X), or the Regional Engineer (for those communities in Region V) for guidance on the data which must be submitted for a revision to the NFIP regulatory floodway. Contact information for each regional office can be obtained by calling the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or from our web site at <https://www.fema.gov/regional-contact-information>

STUDY UNDERWAY - This determination is based on the flood data presently available. However, the Federal Emergency Management Agency may be currently revising the National Flood Insurance Program (NFIP) map for the community. New flood data could be generated that may affect this property. If a new NFIP map is issued it will supersede this determination. The Federal requirement for the purchase of flood insurance will then be based on the newly revised NFIP map.

EXTRATERRITORIAL JURISDICTION - The subject of the determination is shown on the National Flood Insurance Program map and may be located in an Extraterritorial Jurisdiction area for the community indicated on the Determination Document.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

GREAT LAKES - The Federal Emergency Management Agency (FEMA) has based this determination on elevation data which is published in the current Flood Insurance Study for the community. However, the elevations established in the U.S. Army Corps of Engineers (USACE) reports on the Great Lakes are the best available data known to us. If in the future there are any subsequent map revisions to the National Flood Insurance Program map and the USACE reports remain the best available data known, FEMA will use those elevations for any such revisions. Further, be advised that the elevations on the Flood Insurance Rate Map (FIRM) may only reflect the Stillwater elevation for the lake and may not account for the effects of wind driven waves or wave run-up. On-site conditions such as wind speed, wind direction, fetch distance, water depth and the slope of the beach or bluff may result in significant increases to the base flood elevation. Therefore, it is strongly recommended that the requestor be aware of these circumstances and, if warranted, evaluate the effects of wind driven waves along the shoreline of the property.

STATE AND LOCAL CONSIDERATIONS - Please note that this document does not override or supersede any State or local procedural or substantive provisions which may apply to floodplain management requirements associated with amendments to State or local floodplain zoning ordinances, maps, or State or local procedures adopted under the National Flood Insurance Program.

COASTAL BARRIER RESOURCE SYSTEM - Based upon information provided to FEMA by the U.S. Fish and Wildlife Service (USFWS), the subject property may be within a System Unit or an Otherwise Protected Area (OPA) of the John H. Chafee Coastal Barrier Resource System (CBRS). Federal flood insurance is generally not available within the CBRS for new construction or substantial improvements occurring after the flood insurance prohibition date (which is generally tied to the date that the area was first established as either a System Unit or OPA, but may differ in some cases). Other federal expenditures and financial assistance (including certain types of disaster assistance) are also restricted within System Units of the CBRS. The USFWS is the authoritative source for information regarding the CBRS. Additional information, including the CBRS Mapper, can be found on the USFWS website at: <https://www.fws.gov/cbra>.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, Attn: North Wind Resource Partners (NWRP) eLOMA Coordinator, NWRP eLOMA Coordinator, 3601 Eisenhower Ave., Alexandria, VA 22304-6439, Fax: 703-751-7415

A handwritten signature in black ink, appearing to read "Luis V. Rodriguez".

Luis V. Rodriguez, P.E., Director
Engineering and Modeling Division
Federal Insurance and Mitigation Administration

eLOMA



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	TOWN OF HERMOSA, CUSTER COUNTY, SOUTH DAKOTA	Lot 33, Ferguson Subdivision, as shown on the Plat recorded as Document No. 16631, in Book 11, Page 668, in the Office of the Register of Deeds, Custer County, South Dakota
	COMMUNITY NO.: 460230	
AFFECTED MAP PANEL	NUMBER: 46033C0179F	
	DATE: 1/6/2012	
FLOODING SOURCE: FERGUSON SPLIT FLOW; BATTLE CREEK		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 43.835, -103.191 SOURCE OF LAT & LONG: GOOGLE EARTH PRO DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
33	--	Ferguson	345 Ferguson Street	Structure	X (shaded)	3292.0 feet	3292.2 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA
SUPERSEDES PREVIOUS DETERMINATION

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Revision based on Fill for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document revises the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodríguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP REVISION BASED ON FILL DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

SUPERSEDES OUR PREVIOUS DETERMINATION (This Additional Consideration applies to all properties in the LOMR-F DETERMINATION DOCUMENT (REMOVAL))

This Determination Document supersedes our previous determination dated 5/31/2012, for the subject property.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

A handwritten signature in black ink, appearing to read "Luis Rodriguez".

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

COMMUNITY AND MAP PANEL INFORMATION		LEGAL PROPERTY DESCRIPTION
COMMUNITY	TOWN OF HERMOSA, CUSTER COUNTY, SOUTH DAKOTA	Lot 9, Ferguson Subdivision, as shown on the Plat recorded as Document No. 16631, in Book 11, Page 668, in the Office of the Register of Deeds, Custer County, South Dakota
	COMMUNITY NO.: 460230	
AFFECTED MAP PANEL	NUMBER: 46033C0179F	
	DATE: 1/6/2012	
FLOODING SOURCE: BATTLE CREEK-FERGUSON SPLIT FLOW		APPROXIMATE LATITUDE & LONGITUDE OF PROPERTY: 43.834, -103.189 SOURCE OF LAT & LONG: GOOGLE EARTH PRO DATUM: NAD 83

DETERMINATION

LOT	BLOCK/SECTION	SUBDIVISION	STREET	OUTCOME WHAT IS REMOVED FROM THE SFHA	FLOOD ZONE	1% ANNUAL CHANCE FLOOD ELEVATION (NAVD 88)	LOWEST ADJACENT GRADE ELEVATION (NAVD 88)	LOWEST LOT ELEVATION (NAVD 88)
9	--	Ferguson	300 Ferguson Street	Structure	X (shaded)	3290.2 feet	3290.2 feet	--

Special Flood Hazard Area (SFHA) - The SFHA is an area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood).

ADDITIONAL CONSIDERATIONS (Please refer to the appropriate section on Attachment 1 for the additional considerations listed below.)

PORTIONS REMAIN IN THE SFHA

This document provides the Federal Emergency Management Agency's determination regarding a request for a Letter of Map Amendment for the property described above. Using the information submitted and the effective National Flood Insurance Program (NFIP) map, we have determined that the structure(s) on the property(ies) is/are not located in the SFHA, an area inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood). This document amends the effective NFIP map to remove the subject property from the SFHA located on the effective NFIP map; therefore, the Federal mandatory flood insurance requirement does not apply. However, the lender has the option to continue the flood insurance requirement to protect its financial risk on the loan. A Preferred Risk Policy (PRP) is available for buildings located outside the SFHA. Information about the PRP and how one can apply is enclosed.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

Luis Rodríguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

LETTER OF MAP AMENDMENT DETERMINATION DOCUMENT (REMOVAL)

ATTACHMENT 1 (ADDITIONAL CONSIDERATIONS)

PORTIONS OF THE PROPERTY REMAIN IN THE SFHA (This Additional Consideration applies to the preceding 1 Property.)

Portions of this property, but not the subject of the Determination/Comment document, may remain in the Special Flood Hazard Area. Therefore, any future construction or substantial improvement on the property remains subject to Federal, State/Commonwealth, and local regulations for floodplain management.

This attachment provides additional information regarding this request. If you have any questions about this attachment, please contact the FEMA Map Assistance Center toll free at (877) 336-2627 (877-FEMA MAP) or by letter addressed to the Federal Emergency Management Agency, LOMC Clearinghouse, 847 South Pickett Street, Alexandria, VA 22304-4605.

A handwritten signature in black ink, appearing to read "Luis Rodriguez".

Luis Rodriguez, P.E., Chief
Engineering Management Branch
Federal Insurance and Mitigation Administration

TRACTS 1-4, PLAT APPLICATION

The plat application for Barnier Tracts 1-4 was submitted August 12, 2024. A few days later, as directed by the Town Clerk, a separate Floodplain Development Application and additional fee of \$100.00 were submitted. The plat application proposes to change Lot Dale from a single parcel of 10.5 acres to Tracts 2 through 4 of roughly 2/3 an acre each, and the remaining Tract 1 would be reduced to approximately 8.5 acres. As drawn, Tracts 2, 3, and 4 are each adjacent to the south boundary of the Ferguson subdivision.

After that, the report of the Floodplain Administrator was issued and dated September 5, 2024. Subsequently, an engineering report about the plat application was prepared by Kyle Young of Bice, Young and Associates, dated September 19, 2024. Both reports have been provided to the Finance Office and should be included in the meeting packet for the Board of Trustees meeting on October 1st.

The Young report and the Floodplain Administrator report both identify that Lot Dale includes land designated as FEMA zones AE and A0. Most of the area for proposed Tracts 2, 3 and 4 on the plat application lie within a FEMA A0 zone. Both the Young and Floodplain Administrator reports state that construction is permitted in the AE zone if the occupied area of the building is at least one foot above BFE (Base Flood Elevation). Both reports also state that construction is permitted in the A0 zone if the occupied area of the building is at least four feet above the BFE. However, despite those clear FEMA standards, the Floodplain Administrator report also includes information about how the nearby Ferguson Subdivision was platted. His report appears to rely on some past problems in that subdivision to support his recommendation that the plat application for Tracts 1 through 4 should be denied.

Six reasons the Plat application for Tracts 1-4 should be approved.

1. The plat application meets the requirements of the Town subdivision ordinance:
 - a. the final plat will contain a notation for FEMA flood zones on the plat;
 - b. the proposed Tracts each adjoin or have legal access to McDermand street;
 - c. the proposed Tracts each are larger than the minimum required lot size of 7500 square feet;
 - d. the proposed Tracts would connect to the Town water system, as required by state law;
 - e. the proposed Tracts would connect to the Town sewer system, as required by state law.

2. The Town flood ordinance does not apply to a plat application and approval.
 - a. The ordinance applies only to new construction or a substantial improvement to an existing structure:

151.03(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.*

Consistent with this compliance requirement, there is no change in use of a structure or land by the plat application.

b. Approval of a plat application is not Development as defined by the flood ordinance:

#2 Definitions -- 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;

c. the General Standards of the flood ordinance, #151.15, (A - H) all refer to construction or utility design and installation;

d. the Specific Standards of the flood ordinance, #151.16(A-F), refer to construction, manufactured homes or recreational vehicles;

e. the Subdivision Proposals text of the flood ordinance, #151.17 (A- E), to all refer to construction or placement of manufactured home parks;

f. the Shallow, AO Zone, standards of the flood ordinance, #151.18(A-C), refer to construction, utility design and drainage grading.

3. Both the Young report and the Floodplain Administrator reports state that FEMA regulations allow for future residential construction in both the AO and AE zones.

a. The Floodplain Administrator report at page 3, #151.16(A), for Zone AE, lowest floor of construction must be at least one foot above BFE.

b. The Floodplain Administrator report at page 4, #151.18(A), for Zone A0, lowest floor of construction be at least four feet above BFE.

c. The Young report at page 3, 3rd paragraph, #151.16(A), for Zone AE, lowest floor of construction to be at least one foot above BFE.

d. The Young report at page 4, Elevation Recommendations.(A), for Zone A0, lowest floor of construction to be at least four feet above BFE.

4. The plat application does NOT include any land within the Ferguson Subdivision.

a. The Floodplain Administrator report includes considerable background information about the plat process for Ferguson Subdivision. That plat was approved roughly 25 years ago, in May of 1999. The land identified in the proposed plat application is not located within, or in any manner linked to, either the plat for the Ferguson Subdivision or later development within that subdivision.

b. Neither the Town subdivision ordinance nor the Town flood ordinance provide any authority for the Floodplain Administrator to recommend denial of a plat application based upon the Floodplain Administrator's opinion about the wisdom or benefit which he believes may have resulted from approval of a past subdivision plat or development.

5. The recommendation of the Floodplain Administrator report is based on his personal preference for land use within the plat application, not the requirements established by the flood ordinance.

a. The highlighted language about safety and health on page 3 of his report is presented out of context. That language is part of the introductory text of the ordinance, stating the general findings and purposes for the Town to adopt the flood ordinance. It does not give authority to the Floodplain Administrator to impose an additional or outside requirement which he may believe would be better than the actual ordinance requirements.

b. The language of the flood ordinance grants no authority to the Floodplain Administrator to impose an additional requirement on land use regulated by the town which is not stated in sections #151.15 through #151.19 of the ordinance.

6. This plat application results in no change in water flow, and is consistent with recent decisions by the Board of Trustees to approve limited work in a flood hazard zone
 - a. Permit #2024-29, 500 and 510 Walter Street.
 - b. Permit #2024-2, 520 Walter Street.

Thank you, Greg Barnier

FYI

Town of Hermosa

6C

PO Box 298 • 230 Main Street • Hermosa, SD 57744

Phone (605) 255-4291 • Fax (605) 255-4094

Email: town@hermosasd.com

Is Property in the Flood Plain? Yes No Zoning District CO

IF YES - YOU NEED A FLOODPLAIN DEVELOPMENT PERMIT

DIGGING/GRADING PERMIT

DATE 9/16/24

PERMIT # 2024-38

Receipt # _____ Cash _____ Check # 659 Amount 50.00 (\$50.00) up to 100CY *
\$20.00 each additional 100 CY

Name Tad Rocco Lot Address Lot 23 & 24 500/510 Walter
Mailing Address 2820 Lenark Rd. Email focoelectrical@gmail.com
Legal Description Lot 23 in SE4 SEC 30 T2 R8. Lot 24 in SE4 SEC 30 T2 R8
Telephone # _____ Cellphone # 907 371 0415
*Contractor _____ Phone# _____

***Contractors must all be registered with the Town of Hermosa**

All provisions of the Laws and Ordinances of the Town of Hermosa and the State of South Dakota governing the type of work being done and will be complied with, whether specified herein or not.

The granting of a permit does not presume to give authority to violate, cancel, or set aside any of the provisions of the building code, zoning ordinances, or any other local law or ordinance regulating construction or the performance of construction in the Town of Hermosa.

Sketch and/or describe work: (use separate sheet, or attach grading plan)

Will grading operation be located in the floodplain? Yes No
If yes, have ordinance requirements been met? Yes No
Will drainage patterns be altered? Yes No
Will grading operation take place in a geologically hazardous area? Yes No
If yes, have proper precautions been taken? Yes No

Quantity of Grading or Excavation: _____ Cubic Yards Area to be disturbed by proposed work: 1.5 acres.

Identify types of erosion control to be applied: _____

Source/Destination of materials: Local

Provide traffic control per Manual on Uniform Traffic Control Devices.

Hard route: Off of Hwy 79 to Walter Street.

* will come in to pay for additional-100 CY when finished.

Buildings constructed on fill will be required to have foundations designated by a professional engineer, per SDCL 36-18 and the current building codes adopted by the Town of Hermosa.

A stormwater discharge permit from the South Dakota DENR (605-773-3351) may be required if the work under this application or the overall plan of development will result in the disturbance of over 1 acre of land.

Stormwater permit application attached. Yes No N/A

The Town Office will be notified upon start of work and completion of work for inspection purposes (255-4291).

Relationship to Property: Owner Contractor Owners Representative

I certify that I have read and understand and agree to all terms and conditions set forth herein this entire document. I specifically understand that by signing this document I agree to be jointly and severally responsible, personally, and for any and all work done under this permit. This permit will expire one year from date of issuance.

Tad Rocco

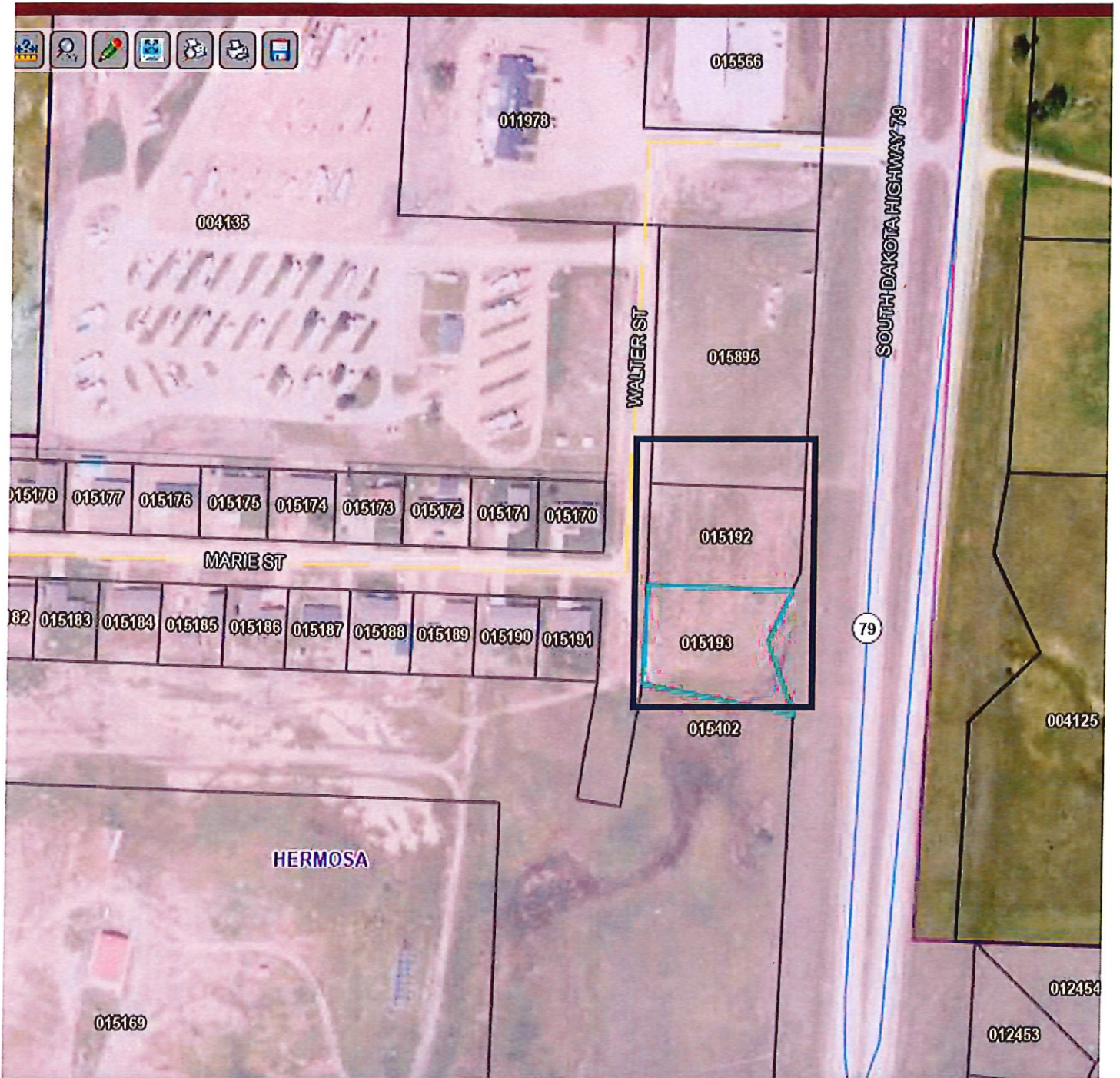
Signature _____ Date _____

PLANNING COMMISSION	
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied
NAME: <u>Jill Dybvig</u>	
TITLE: _____	
SIGNATURE: <u>[Signature]</u>	
DATE: <u>9-16-2024</u>	
APPLICATION FEE: \$50.00	DATE PAID: <u>yes</u>

HERMOSA BOARD OF TRUSTEES	
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied
NAME: _____	
TITLE: _____	
SIGNATURE: _____	
DATE: _____	
DATE PERMIT ISSUED: _____	

Parcel # 015192
015193
OFFICE USE ONLY

Parcel #015192 & #015193 – 500 & 510 Walter St.



Alternate ID n/a
 Class Residential
 Acreage 0.73

Owner Address ROC ELECTRIC, LLC
 2820 LANARK RD
 RAPID CITY, SD 57702

HERMOSA TOWN BOARD
TUESDAY, SEPTEMBER 3, 2024 *
REGULAR MEETING @ 6:00pm

ROLL CALL: Kramer called the meeting to order on Tuesday, September 3, 2024, at 6:04 pm with the following members present: Ferguson, Kramer, Koontz, and Harris. Interested citizens and attorney Hagg were also present. Pledge of Allegiance led by Kramer.

CALL FOR CHANGES: Motion made and seconded to approve agenda with the addition of Item 6A Land Purchase Agreement Under Engineer to be pending and add Item 14 C Dumpster Camera Quote under New Business; vote: all aye, motion carried.

SPECIAL ITEMS: meeting protocol presented.

CONSENT CALENDAR: Motion made and seconded to approve August 20, 2024, regular meeting minutes, August 22, 2024, budget meeting minutes, August 27, 2024, special and budget meeting minutes, and August 29, 2024 budget meeting minutes; 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.

ENGINEER: Item A Land Purchase Agreement for North Water Tank is pending. Motion and second to approve the purchase of Apple Springs Wastewater System in the amount of \$535,000 and explore other financing options with town's best interest in mind. Motion amended to include generator in the agreement. Motion died for a lack of a second. Vote on the original motion: all aye, motion carried. Motion made and seconded to approve the quote from Black Hills Electric Cooperative for \$35,000 for power at Lagoons; vote: all aye, motion carried. Motion made and seconded to approve and authorize Kramer to sign the Wastewater Treatment Plan Construction Management and Startup Support Consulting Services Agreement from Benesh; vote: all aye, motion carried. Motion made and seconded to approve Resolution 2024-03 A Resolution Authorizing the Use of ARPA Grand Funding and FY22 DWSRF Loan Funding; vote: Kramer, aye; Ferguson, aye; Koontz, aye; Harris, aye; motion carried.

Motion made and seconded to approve and authorize Kramer to sign the North Water Tank Survey, Geotechnical Investigation, Water Model Final Design, Permitting, Construction Management Consulting Services Agreement with Benesh and Black Hills Electric Cooperative quote for \$3,700 for power at North Water Tank; vote: all aye, motion carried.

PLANNING & ZONING: Motion made and seconded to waive vendor fees for Hermosa Arts & History Museum – Artist Reception/Art Sale on October 5, 2024; vote: all aye, motion carried. Motion made and seconded to approve Permit 2024-27 – Plat Application – 440 Main St. – Parcel 013913; vote: all aye, motion carried. Motion made and seconded to approve Permit 2024-29 – Floodplain Development – 500 & 510 Walter Street – Placement of fill for future development as long as applicant follows Floodplain Administrator's conditions; vote: all aye, motion carried. *

CLAIMS: Motion made and seconded to approve Payroll and Claims with amendment of Hagg & Hagg LLP invoice to state for attorney services in August 2024 and September 2024 retainer fee; vote: all aye, motion carried. BANK WEST CREDIT CARD, stamps/label maker/labels, \$570.41; BENESCH, update water map for well #2/water model, \$15,110.00; CONNIE LEIMER, trap/neuter/release program; \$66.00; CHUCK FERGUSON, August 2024 services/consult with engineer, \$4,045.00; HAGG & HAGG LLP; August 2024 attorney service and September 2024 retainer fee, \$5,841.25; PENINGTON TITLE COMPANY, ownership/encumbrance report, \$650.00; RAMKOTA HOTEL, two rooms for new officials workshop, \$297.00; RURAL DEVELOPMENT, RD1 loan-August interest/principal, \$1,278.00, RD2 loan-August interest/principal, \$417.00, RD3 loan-August interest/principal, \$222.00; US BANK, DWSRF August quarterly payment, \$1,493.23; **Accounts Payable Total: \$ 29,989.89. Utility Deposit Refunds: Tyler Weyant, \$64.23. Deposit Refund Total: \$64.23.** Payroll related: Total Paid On: 8/30/2024: General, \$3,541.63, Water, \$463.09, Sewer, \$209.31, Promoting City/ BBB, \$69.72, EFTPS-Electronic Federal Tax, FED/FICA TAX, \$1,143.62; South Dakota Retirement, \$1,001.26; Health Pool of South Dakota, \$1,969.00 **Total Payroll Related Paid: \$8,397.63. REPORT TOTAL: \$38,451.75.**

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS: Custer county log was provided to board members. Discussion was held on current abatements.

LEGAL: Kramer administered the Oath of Office to Town Attorney Kent Hagg.

PUBLIC WORKS: Ferguson provided updates on streets, water, and sewer departments.

FINANCE OFFICE: Monthly financial reports will be provided at the next meeting.

OLD BUSINESS: Gravel on Tower Road is pending. Motion made and seconded to approve South Dakota Department of Transportation Application for Permit to Occupy Right of Way for Christmas Parade on December 14, 2024; vote: all aye, motion carried.

NEW BUSINESS: Discussion was held on the town's opposition of Initiated Measure 28 regarding the repeal of certain grocery tax as it will mean a considerable loss in revenue for the town. First Reading: Ordinance 2.077 Appropriate Funds for the Fiscal Year 2025, no action (2nd Reading scheduled for September 17, 2024). Motion and second to approve the quote from Door Security Products in the amount of \$400 to replace camera and switch at the dumpster location; vote: all aye, motion carried.

ITEMS FROM CITIZENS/TRUSTEE INPUT: Audience and trustees had input.

EXECUTIVE SESSION: There was no executive session

ADJOURN: Motion made and seconded to adjourn meeting at 8:44 p.m., vote: all aye, motion carried.

ATTEST:

Terri Cornelison
Finance Officer

Linda Kramer
Town Board President

Published once at the approximate cost of _____.

7A

Claims for approval 10-01-2024

VENDOR	REFERENCE	AMOUNT
AMERICAN LEGAL PUBLISHING	2-7 SUPPLEMENT PAGES	\$ 802.35
BLACK HILLS ELECTRIC COOP	POWER AT LAGOON FOR WASTEWATER TREATMENT SYSTEM	\$ 29,872.50
BLACK HILLS LANDSCAPES	SEWER LINE EXCAVATE/REPAIR 470 MANNING STREET	\$ 2,847.34
CONNIE LEIMER	TRAP/NEUTER/RELEASE PROGRAM	\$ 20.00
DOOR SECURITY PRODUCTS	REPLACE DUMPSTER CAMERA/IC REALTIME/SMART IR	\$ 652.43
DSG-DAKOTA SUPPLY GROUP	8 FLEX CPLG CONCXPVC	\$ 31.38
CHUCK FERGUSON	SEPTEMBER 2024 SERVICES	\$ 3,120.00
CHUCK FERGUSON	DISCHARGE PIPE/PULL PUMP #1/WATERLINE FOR LAGOON	\$ 3,536.00
GOLDEN WEST TECHNOLOGIES	MFA SETUP FOR ADMINISTRATIVE ASSISTANT	\$ 90.00
H2O CLEAR SOLUTIONS	DOWN PAYMENT ON WASTERWATER TREATMENT SYSTEM	\$ 100,000.00
HAGG & HAGG LLP	OCTOBER RETAINER/8 BILLABLE HRS/98 COPIES	\$ 4,724.50
RURAL DEVELOPMENT	RD 1 LOAN-SEPTEMBER INTEREST & PRINCIPAL	\$ 1,278.00
	RD 2 LOAN - SEPTEMBER INTEREST & PRINCIPAL	\$ 417.00
	RD 3 LOAN - SEPTEMBER INTEREST & PRINCIPAL	\$ 222.00
NORTHWEST PIPE FITTINGS	TEST BALL PLUG/EXTENSION HOSE FOR PUMP	\$ 229.14
NORTHWEST PIPE FITTINGS	NPT SADDLE/BUSHING/PVC SEWER	\$ 316.11
SD DEPARTMENT OF REVENUE	SALES TAX JULY/AUGUST 2024	\$ 569.45
Accounts Payable Total		\$ 148,728.20
Utility Deposit Refund		
BRANDON/ELIZABETH ALLEN	355 MANNING ST	\$ 65.04
NICOLE/JARED BARLOW	765 MARIE ST	\$ 154.95
TRIPLE J & K PROPERTIES	220 FOLSOM ST	\$ 200.00
	Deposit Refund Total	\$ 419.99
Payroll related		
Total Paid On: 9/30/24		
	Legislative, Financial Administration, Govt Blds	\$ 3,686.60
	Water	\$ 454.58
	Sewer	\$ 191.29
	Promoting City/BBB	\$ 63.67
SOUTH DAKOTA RETIREMENT	SDRS	\$ 972.54
EFTPS-ELECTRONIC FEDERAL TAX	FED/FICA TAX	\$ 1,100.94
HEALTH POOL OF SD	ADMIN/FO SINGLE HEALTH 8/24	\$ 1,969.00
Payroll Total		\$ 8,438.62
***** REPORT TOTAL *****		\$ 157,586.81

CLAIMS REPORT
 Check Range: 9/18/2024-10/01/2024

VENDOR NAME	REFERENCE	AMOUNT	VENDOR TOTAL	CHECK#	CHECK DATE
A & B BUSINESS EQUIPMENT INC	MONTHLY PRINTER/FAX FEE				
AMERICAN LEGAL PUBLISHING Corp	2024 S-7 SUPPLEMENT PAGE		802.35	18014	10/01/24
BLACK HILLS ELECTRIC COOP.,Inc	WO#20240915-PWR SEWER LAGOON		29,872.50	324	9/18/24
BLACK HILLS LANDSCAPES	SEWER LINE EXCAVATE/REPAIR		2,847.34	18015	10/01/24
CONNIE LEIMER	TRAP/NEUTER/RELEASE PROGRAM		20.00	18016	10/01/24
Door Security Products Inc.	REPLACE DUMPSTER CAMERA		652.43	18017	10/01/24
DSG-DAKOTA SUPPLY GROUP	8 FLEX CPLG CONCPVC		31.38	18018	10/01/24
EFTPS-Electronic Federal Tax	FED/FICA TAX	1,089.46		326	9/30/24
EFTPS-Electronic Federal Tax	FED/FICA TAX	11.48	1,100.94	327	10/01/24
CHUCK FERGUSON	SEPTEMBER 2024 SERVICES	3,120.00		323	9/30/24
CHUCK FERGUSON	WORK ON WATERLINE FOR LAGOON	3,536.00	6,656.00	18019	10/01/24
GOLDEN WEST TECHNOLOGIES	MFA SETUP FOR ADMN ASSISTANT		90.00	18020	10/01/24
H2O CLEAR SOLUTIONS	DOWN PAYMENT FOR WWTs		100,000.00	322	9/23/24
HAGG & HAGG LLP	OCTOBER 2024 RETAINER FEE		4,724.50	18023	10/01/24
HEALTH POOL OF SOUTH DAKOTA	LIFE INS	21.00		18009	9/30/24
HEALTH POOL OF SOUTH DAKOTA	FO SINGLE HEALTH INSURANCE	1,969.00	1,990.00	18021	10/01/24
NORTHWEST PIPE FITTINGS Inc.	TEST BALL PLUG	229.14		18022	10/01/24
NORTHWEST PIPE FITTINGS Inc.	NPT SADDLE/BUSHING/PVC SEWER	316.11	545.25	18024	10/01/24
RURAL DEVELOPMENT	RD 1 LOAN SEPT 2024 PRINCP	1,278.00		328	9/24/24
RURAL DEVELOPMENT	RD 2 LOAN - INTEREST	417.00		329	9/24/24
RURAL DEVELOPMENT	RD 3 LOAN - INTEREST	222.00	1,917.00	330	9/24/24
SD DEPT OF REVENUE	SALES TAX JULY/AUGUST 2024		569.45	325	9/23/24
SOUTH DAKOTA RETIREMENT SYSTEM	SDRS		972.54	18008	9/30/24
Accounts Payable Total			152,791.68		
Utility Refund Checks					
602	WATER		419.99		
Refund Checks Total			419.99		
Payroll Checks					
101	GENERAL		3,617.34		
211	BBB GROSS RECEIPTS TAX		63.67		
602	WATER		454.58		
604	SEWER		191.29		
Total Paid On: 9/30/24			4,326.88		
101	GENERAL		69.26		
Total Paid On: 10/01/24			69.26		
Total Payroll Paid			4,396.14		
Report Total			157,607.81		

- 21.00 Life Ins pd by
 Employees
157,586.81

CLAIMS REPORT
CLAIMS FUND SUMMARY

FUND	NAME	AMOUNT
101	GENERAL	14,569.18
211	BBB GROSS RECEIPTS TAX	82.46
602	WATER	4,317.80
604	SEWER	138,638.37

	TOTAL FUNDS	157,607.81



Date Received: _____
 Date Issued: _____

Uniform Alcoholic Beverage License Application

9A License No. RB-27834

A. CORPORATION, LLC OR SOLE PROPRIETOR NAME AND MAILING ADDRESS

Name <u>TW Saloon, LLC</u>		Phone Number <u>605-430-7471</u>	
Address <u>P.O. Box 49</u>	City <u>Fairburn</u>	State <u>SD</u>	Zip <u>57738</u>

B. DOING BUSINESS AS NAME AND PHYSICAL ADDRESS

Name <u>Trails West Saloon</u>		Phone Number <u>605 430 7471</u>	
Address <u>122 Vilas Street</u>	City <u>Hermosa</u>	State <u>SD</u>	Zip <u>57744</u>

C. INDICATE CLASS OF LICENSE BEING APPLIED FOR
 (Submit separate application for each class of license).

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Convention Center (on-sale) Liquor
- Package (off-sale) Liquor
- Retail (on-off sale) Wine and Cider
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package Delivery
- Hunting Preserve
- Other _____

Is this license in active use?	<input checked="" type="checkbox"/> YES [] NO
Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? (If yes, please list on additional sheet)	[] YES <input checked="" type="checkbox"/> NO


Is place of business located in a municipality?	<input checked="" type="checkbox"/> YES [] NO
County	<u>Custer</u>
Do you own or lease this property?	[] OWN <input checked="" type="checkbox"/> LEASE
Are real property taxes paid to date?	<input checked="" type="checkbox"/> YES [] NO
Are you of good moral character having never been convicted of a felony?	<input checked="" type="checkbox"/> YES [] NO

D. LEGAL DESCRIPTION OF LICENSED PREMISE:

Legal Description: Lots 23-24 Block 5 744-00 ⁻⁰⁵⁰⁻⁰⁰⁵⁻⁰²³⁻⁸⁰

- E. State Sales Tax Number 1041-6587-5T
- F. [] New License Transfer? (\$150) [] Re-issuance

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are correct; that the said applicant complies with all of the statutory requirements for the class of license being applied in SDCL 35-2-2.1 and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date <u>9-16-24</u>	Print Name <u>Moritz A. Espy</u>	Signature 
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H. APPROVAL OF LOCAL GOVERNING BODY Notice of hearing was published on _____ . Public hearing on the application was held _____, not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

FOR LOCAL GOVERNMENT USE

(Seal) Mayor or Chairman	Date

Renewal—no public hearing held: []
 Establishment is ineligible for video lottery: []
 Amount of fee collected with application: \$ _____
 Amount of fee retained: \$ _____
 Forwarded with application: \$ _____

If disapproved, endorse reason thereon and return to applicant

**Uniform Alcoholic Beverage License Application
(For corporate/partnership/LP/LLC applicants)**

Name of corporation/partnership/LP/LLC <i>TW Saloon, LLC</i>		
Address of office and principal place of business of corporation/partnership/LP/LLC <i>P.O. Box 49 / 14193 East French Creek Rd</i>		
City <i>Fairburn</i>	State <i>SD</i>	Zip Code <i>57738</i>
Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

Name, title of office, occupation, and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
<i>Moritz Espy</i>	<i>Owner</i>	<i>25346 Hwy 79 Hermosa SD 57744</i>	<i>Manager</i>

Name of any officers, directors, partners, or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License	License #	Financial Interest Held	Address of Business Location
<i>N/A</i>				

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc.?

<i>14193 East French Creek Rd Fairburn SD 57738 / Moritz Espy</i>

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license that that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner 	Date <i>9-16-24</i>
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A F F I D A V I T

STATE OF SOUTH DAKOTA)
) ss
COUNTY OF Custer)

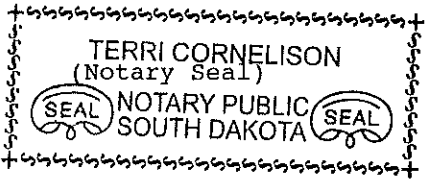
Lane Brengle _____, being first duly sworn on oath deposes and says: That on the 23 day of August 2024 he was the owner of the license/business/stock of Hermosa Community Center LLC situated on (legal description) Lots 23 & 24, Block 5 in the city/county of Hermosa/Custer South Dakota and that on the said date he made a transfer/sale of said license operated under an alcoholic beverage license to TW Saloon LLC of Custer South Dakota.

[Signature] (owner)
(signature)

_____ (owner)
(signature)

Subscribed and sworn to before me this 23 day of Sept 2024 .

Terri Cornelison (Notary Public)
Commission Expires: 5-28-30 .



PRINT FOR MAILING

CLEAR FORM

Date Received: _____
Date Issued: _____

Uniform Alcoholic Beverage License Application

License No. 9C

A. CORPORATION, LLC OR SOLE PROPRIETOR NAME AND MAILING ADDRESS

Name <i>TW Saloon, LLC</i>		Phone Number <i>605-430-7471</i>	
Address <i>P.O. Box 49</i>	City <i>Fairburn</i>	State <i>SD</i>	Zip <i>57738</i>

B. DOING BUSINESS AS NAME AND PHYSICAL ADDRESS

Name <i>Trails West Saloon</i>		Phone Number <i>605-430-7471</i>	
Address <i>122 Vilas Street</i>	City <i>Hermosa</i>	State <i>SD</i>	Zip <i>57744</i>

C. INDICATE CLASS OF LICENSE BEING APPLIED FOR (Submit separate application for each class of license).

- Retail (on-sale) Liquor
- Retail (on-sale) Liquor - Restaurant
- Convention Center (on-sale) Liquor
- Package (off-sale) Liquor
- Retail (on-off sale) Wine and Cider
- Retail (on-off sale) Malt Beverage & SD Farm Wine
- Package Delivery
- Hunting Preserve
- Other

Is this license in active use?	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
Do you or any officers, directors, partners, or stockholders hold any other alcohol retail, manufacturing, or wholesaler licenses? (If yes, please list on additional sheet)	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Is place of business located in a municipality?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
County	<i>Custer</i>
Do you own or lease this property?	<input type="checkbox"/> OWN <input checked="" type="checkbox"/> LEASE
Are real property taxes paid to date?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
Are you of good moral character having never been convicted of a felony?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

D. LEGAL DESCRIPTION OF LICENSED PREMISE:

Legal Description:
Lots 23-24 Block 5 744-00 -050-005-029-00

- E. State Sales Tax Number *1041-6587-5T*
- F. New License Transfer? (\$150) Re-issuance

G. CERTIFICATE: The undersigned applicant certifies under the penalties of perjury that all statements provided herein are correct; that the said applicant complies with all of the statutory requirements for the class of license being applied in SDCL 35-2-2.1 and agrees this application shall constitute a contract between applicant and the State of South Dakota entitling the same or any peace officers to inspect the premises, books and records at any time for the purpose of enforcing the provisions of Title 35 SDCL, as amended.

Date <i>9-16-24</i>	Print Name <i>Moritz A. Espy</i>	Signature <i>[Signature]</i>
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H. APPROVAL OF LOCAL GOVERNING BODY Notice of hearing was published on _____ Public hearing on the application was held _____ not less than SEVEN (7) days after official publication. The governing body by majority vote recommends the approval and granting of this license and certifies that requirements as to location and suitability of premises and applicant have been reviewed and conform to the requirements of local and South Dakota law.

FOR LOCAL GOVERNMENT USE

(Seal) Mayor or Chairman	Date

Renewal—no public hearing held:
 Establishment is ineligible for video lottery:
 Amount of fee collected with application: \$ _____
 Amount of fee retained: \$ _____
 Forwarded with application: \$ _____

If disapproved, endorse reason thereon and return to applicant

Uniform Alcoholic Beverage License Application
 (For corporate/partnership/LP/LLC applicants)

Name of corporation/partnership/LP/LLC <i>TW Saloon, LLC</i>		
Address of office and principal place of business of corporation/partnership/LP/LLC <i>P.O. Box 49 / 14193 East French Creek Rd</i>		
City <i>Fairbury</i>	State <i>SD</i>	Zip Code <i>57738</i>
Are all managing officers of this corporation/partnership/LP/LLC of good moral character having never been convicted of a felony?		<input checked="" type="checkbox"/> YES [] NO

Name, title of office, occupation, and address of each of the officers/owners of the corporation, partnership, LP or LLC:

Name	Office	Address	Occupation
<i>Moritz Espy</i>	<i>owner</i>	<i>25396 Hwy 79 Hermosa SD 57744</i>	<i>Manager</i>

Name of any officers, directors, partners, or stockholders of applicant having a financial interest or capital stock in any other alcoholic beverage license:

Name	Type of License	License #	Financial Interest Held	Address of Business Location
<i>N/A</i>				

Where and with whom are all company records kept, such as charter, by-laws, minutes, accounts, notes payable, and notes and accounts receivable, etc.?

14193 East French Creek Rd, Fairbury SD 57738 / Moritz Espy

With signature the applicant agrees to the following:

That the applicant company will comply with all provisions of ARSD chapter No. 64:75:02 of the Department of Revenue, relating to the transfer of stock and prior approval of the transfer of such stock by the Secretary of Revenue and violation of any of the provisions of said regulation or failure to comply therewith, whether by the undersigned corporation, partnership/LP/LLC or by any stockholder thereof, or by anyone interested in said company, shall constitute cause for revocation or suspension of any license issued pursuant to and in reliance on this application, or for refusal to renew such license upon expiration thereof.

We the undersigned officers and directors of the applicant company acknowledge that the within supplement application form is true and correct in every respect and that there exists no financial arrangement concerning this or any other alcoholic beverage license that that expressly set forth above. If company stock is to be transferred we ask for approval of such voluntary stock transfer.

Signature of Authorized Officer/Director/Partner <i>Moritz Espy</i>	Date <i>9-16-24</i>
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**OPERATING AGREEMENT FOR MUNICIPAL ON-SALE
AND OFF-SALE LIQUOR ESTABLISHMENT**

1. **PARTIES:**

The parties to this agreement are **TW Saloon, LLC** of Hermosa, S. D., hereinafter referred to as the "Operator" and the Town of Hermosa, a political subdivision of the State of South Dakota, hereinafter referred to as the "Town".

2. **PURPOSE:**

Under the provision of SDCL 35-4, the purpose of this agreement is to establish the terms and conditions of an operating agreement between the Operator and the Town as provided by SDCL 35-4.

3. **PROPERTY:**

The real property subject to the terms of this agreement is commonly known as: **Trails West Saloon** located in the Town of Hermosa, Custer County, State of South Dakota.

4. **TERMS OF THE AGREEMENT AND EFFECTIVE DATE:**

This agreement shall expire the 31st day of December, 2024.

5. **RENEWAL:**

Operator agrees to give the Town ninety (90) days advance written notice of its desire to renew.

6. **OBLIGATIONS OF OPERATOR:**

- a) The Operator shall be responsible for all operating expenses including, but not limited to, utilities, purchase of all liquor, taxes, insurance and license fees, if any.
- b) Cancellation of the agreement shall be made upon ninety (90) days written notice by either party.
- c) The Operator shall furnish a suitable building situated upon the following described real property: **Lots 23 & 24, Block 5**, Town of Hermosa, Custer County, State of South Dakota.
- d) Operator shall operate said on-sale establishment so situated and arranged and the business operated therein to be so conducted as to be in conformity with the ordinances of the Town of Hermosa and the laws of the State of South Dakota.
- e) Operator shall operate said off-sale establishment only on the days and during the hours specified by ordinance of the governing body of the Town and also in conformity with the laws of the State of South Dakota. This shall not be construed to mean, however, that there exists any restriction on the seasonal operation of the business provided all license fees hereunder are paid in a timely manner and Operator is in compliance with all laws and town ordinances. Furthermore, the

Operator shall notify local law enforcement of any change in operating hours or planned special events.

- f) Operator is to pay all sales tax and real estate property taxes when they are due and owing prior to becoming delinquent.
- g) Operator shall furnish to the Town, upon request, evidence of payment of all social Security, Withholding, Workmen's Compensation and Unemployment Insurance payments or premiums and the policies receipts therefore, along with evidence of payments of all rents, utilities and salaries on or before the 10th day of the calendar month when the same comes due.
- h) Operator agrees to furnish to the Town all records requested by the Town that are reasonably related to the issues involved in renegotiating this agreement.
- i) Operator shall maintain said premises in good repair so as to provide a safe and clean environment.
- j) Operator shall make a thorough and complete check of the age of any individual requesting to be served intoxicating liquor or other alcoholic beverages as is reasonably necessary to determine if said individual is of lawful age; and to immediately report to the proper officials for prosecution, any individual attempting to falsify his or her lawful age for the purpose of obtaining the service of alcoholic beverages or intoxicating liquor.

That Operator shall require that all it's employees and/or agents shall at the expense of the Operator, as a condition of employment, complete a nationally recognized training program approved by the South Dakota State Department of Revenue that provides instruction on techniques to prevent persons under the age of twenty-one (21) from purchasing alcoholic beverages within sixty (60) days after commencement of employment, or within sixty (60) days after execution of this Agreement for existing employees.

That Operator shall implement and maintain a written age identification policy and shall require each of its employees and/or agents to sign the same, and agree to abide by said age identification policy as a condition of continuing employment and/or agency with said establishment.

- k) Operator shall at all times and in every reasonable manner cooperate with the Hermosa Town Marshall, the Custer County Sheriff's Department, and the law enforcement personnel of the State of South Dakota in allowing access to said premises, to establish the age of any individual or individuals found on said premises, and to maintain law and order of said premises.

7. **RESPONSIBILITIES OF OPERATOR REGARDING PATRONS:**

- a) Any establishment duly permitted by the Town of Hermosa to sell liquor, wine or

malt beverages is charged with the responsibility of maintaining a safe environment for its patrons. Any business establishment offering on-sale or off-sale liquor, wine or malt beverage within the corporate limits of Hermosa, South Dakota, shall adhere to the following requirements, procedures and protocol regarding patron activity and safety.

i.) An owner, manager or employee of an establishment is encouraged to contact the Town Marshall or County Sheriff at the first indication of a situation which appears may result in the escalation of hostility between patrons or a patron and employee. Any failure by an establishment to make such contact resulting in injury to person, damage to property or commission of a criminal act may result in civil penalty against the establishment, ranging from a letter of reprimand to license suspension or revocation.

b) The owner and manager of an offending entity will upon written demand appear before the Town Board within five (5) days of such request or at the next Meeting of the Town Board of Trustees as may be directed by the Board. Any such reports, reprimands or other disciplinary action shall become a part of the licensee's permanent performance records.

8. **LIABILITY INSURANCE:**

Operator shall indemnify and hold the Town free and harmless from any and all liability, loss, damage or expense from accident or damage, either to itself or to persons or property of others, which may occur by reason of the exercise of the rights privileges herein granted, and shall, for the purpose of carrying out the provisions of the agreement, and prior to commencing operations of any kind, have in full force and effect, and file evidence thereof with the Finance Officer, a good and sufficient policy covering Five Hundred Thousand Dollars (\$500,000.00) each occurrence, One Million Dollars (\$1,000,000.00) aggregate overage with said policy to be executed by an insurance company authorized and qualified to do business in the State of South Dakota and conditioned to indemnify and save harmless the Town from and against any and all claims, actions, suits, liability, loss, cost expense or damage of any kind or description which may occur to or be suffered by the Town or by anyone by reason of the use of the real property described in Paragraph 3 herein. Proof of such insurance shall be provided by Operator and kept on file at the Town office. Operator shall also direct the insurance carrier to notify Town of cancellation or suspending policy.

9. **ASSIGNMENT:**

This agreement shall not be assigned, transferred, sold or in any manner conveyed without the express written and prior approval of the Hermosa Town Board and said approval shall not be unreasonably withheld.

10. **LICENSES/FEES:**

- a) Operator agrees to pay the sum of Four Thousand Two Hundred Dollars (\$4,200.00) per year for a retail on-sale liquor license. Said sum shall be payable at the rate of **Three Hundred Fifty Dollars (\$350.00) per month, and 5% of the liquor and beer purchases by the operator for the previous month. Proof of purchases (i.e. copies of invoices from the distributor) of the same must accompany payment each month.** Purchases will be verified by the distributor at the discretion of the Finance Officer. **Payments are to be made on the first day of each month with the right of prepayment.** In the event the Operator does not pay the monthly license fee by the close of business on the fifth day of each month to the Finance Officer at the Hermosa Town Office, PO Box 298, Hermosa, SD 57744, the license may be suspended immediately and Operator shall be subject to a \$50.00 late fee, plus \$25.00 per week thereafter. To redeem the license, the Operator shall pay three (3) monthly payments in advance in addition to the late fees. In addition, any returned checks will be subject to an additional \$100.00 penalty and \$35.00 fee at the first offense. Subsequent returned checks will result in payment terms of cash or money order only. Upon receipt of a returned check the license may be revoked immediately.
- b) The Operator agrees to maintain in good standing a South Dakota Video Lottery License and to operate not less than five (5) video lottery terminals. The Operator further agrees to pay the Town (\$ -0-) per year, per video lottery machine, in addition to the license fee as permitted in SDCL 35-4-103.
- c) Operator shall purchase liquor, beer and wine directly from authorized liquor distributors in conformance with all applicable state laws.

11. **AREA OF LICENSE:**

Alcoholic beverages shall be sold only on the authorized premises authorized by the license in accordance with SDCL 35-4-75.

12. **CANCELLATION AND TERMINATION:**

Cancellation of this agreement shall be made upon ninety (90) days written notice by either party. In the event that either party to this agreement defaults in the performance of any of the terms, covenants, conditions or obligations of their agreement, assumed by that party, the parties agree that the party not in default shall have the option to cancel this agreement. Said option shall be exercisable by giving to the party in default, at their current address, by certified mail, ninety (90) days written notice of the nature of such default. In the event of the failure of the party in default to cure such default, within such ninety (90) day period, this agreement shall be deemed canceled and of no further binding effect on either of the parties to this agreement. If the Operator wishes to cancel this agreement, they may do so with ninety (90) days written notification by certified mailing to the Town.

13. **VIDEO LOTTERY MACHINES:**

Operator must abide by all rules and regulations as set forth in S.D.C.L. Chapter 42-7A, including but not limited to the following:

a) **Placement of machines and separation wall required: S.D.C.L. § 42-7A-37.1**
Restrictions on licensed establishment

A business licensed pursuant to subdivision 35-4-2 (12) and (16) may not be a licensed establishment for video lottery placement pursuant to subdivision 42-7A-1 (6) unless it is a bar or lounge. For the purposes of this section, a bar or lounge is an enterprise primarily maintained and operated for the selling, dispensing and consumption of alcoholic beverages on the premises and may also include the sale and service of food. A bar or lounge may be physically connected to another enterprise within the same building, which enterprise may be owned or operated by the same person. There may be interior access between a bar or lounge and a connected enterprise. However, there shall be a floor to ceiling opaque wall separation between the two enterprises. A separation wall may be constructed to provide visual and physical access for employees from areas in the building not open to the public. The bar or lounge shall have a separate entrance and exit. A separate entrance and exit is not required if entrance to the bar may only be obtained from the other distinct enterprise and the public may not enter the other enterprise by first passing through the bar or lounge. All video lottery machines shall be adequately monitored during business hours. Adequate monitoring shall be accomplished by the personal presence of an employee or by an employee using video cameras or mirrors and periodic inspections of the bar or lounge. No new license may be issued to any establishment after July 1, 1992, unless such establishment complies with this section. No license may be renewed to any establishment after July 1, 1993, unless such establishment complies with this section.

b). **Number of machines and age restrictions to be displayed: S.D.C.L. § 42-7A-44**
Rules for placement of video lottery machines -- Number limited -- Placement in bar or lounge with on-sale License.

The placement of video lottery machines in licensed establishments shall be subject to the rules of the commission promulgated pursuant to chapter 1-26. No more than ten video lottery machines may be placed in any licensed establishment. The bar or lounge with an on-sale license issued pursuant to subdivision 35-4-2 (12) or (16) shall be restricted to persons twenty-one years of age or older. The entrance to the area where video lottery machines are located shall display a sign that the premises are restricted to persons twenty-one years or older. Notwithstanding the restrictions in §§ 35-4-79 to 35-4-79.2, inclusive, persons under the age of twenty-one may only enter the premises where video lottery machines are located provided they are accompanied by a parent, guardian or spouse of twenty-one years or older.

14. **NOTICE:**

Any notice provided for herein may be given by registered or certified United States mail, postage and fees prepaid, and addressed, if to the Operator, as described in

paragraph 1 herein, with the principal office located at 122 Vilas St, Hermosa, SD, addressed to TW Saloon, LLC, PO Box 49, Fairburn, SD, 57738, and if to the Town, at PO Box 298, Hermosa, South Dakota 57744. The places to which notices are to be given hereunder may be changed from time to time by either party by written notice, given to the other.

15. **COMPLIANCE WITH ALL LAWS AND CODES:**

The Operator shall observe all statutory laws of the State of South Dakota, and all ordinances of the Town. Further this Agreement is contingent upon Operator complying with the applicable provisions of the Uniform Fire Code as determined by and consistent with the recommendations of the State Fire Marshall. Failure to comply with such recommendations shall result in termination of this Agreement.

16. **MUTUAL OBLIGATIONS:**

Each of the parties shall fully comply with the provisions of SDCL 35-4, and all related State Laws and Town Ordinances.

17. **MODIFICATIONS:**

This agreement cannot be modified or changed, unless in writing, signed by the Operator(s) and Board of Trustees of the Town.

18. **PERSONAL NATURE OF RIGHTS GRANTED:**

All rights granted hereunder are to be regarded as personal rights granted to the Operator. The release of any of the Operator signatories shall constitute termination of this agreement.

19. **INTEGRATION:**

This agreement constitutes the entire agreement between the parties and there are no agreements, oral or otherwise, other than those contained herein.

20. **RELEASE OF LIABILITY AND INDEMNIFICATION:**

Operator acknowledges that this agreement does not create a relationship of any kind between the Operator and Town other than Town authorizes Operator to possess a valid license for the sale of alcoholic beverages. Operator shall indemnify, defend and hold Town harmless from and reimburse Town with respect to, any and all losses, damages, liabilities, claims, judgments, costs and expenses (including attorney's fees and costs) of any nature whatsoever Town shall suffer as a result of Operator's breach of any representation, warranty, covenant or agreement contained herein or as a result of Operator's operation of Operator's above-listed place of business.

21. **CAPTIONS:**

The paragraph captions contained in this agreement are not intended to either broaden or limit the interpretation of this agreement.

TOWN BOARD APPROVAL DATE: _____

OPERATOR(S):

By: _____
 Owner

DATE: _____

By: _____
 Owner

DATE: _____

ITS: _____

DATE: _____

TOWN OF HERMOSA:

 Linda Kramer
 Town Board President

DATE: _____

ATTEST:

 Terri Cornelison
 Finance Officer

DATE: _____

Date 8/30/24 Page 2
 Primary Account Ending 6395

BUSINESS PLUS ACCOUNT		Image Statement	38
Account Number	Ending 6572	Statement Dates	8/01/24 thru 8/31/24
Previous Balance	1,098,230.77	Days in the statement period	31
51 Deposits/Credits	81,742.58	Average Ledger Balance	1,081,592
53 Checks/Debits	100,002.09	Ave Collected Balance	1,080,657
Service Charge	.00		
Interest Paid	69.76		
Ending Balance	1,080,041.02	2024 Interest Paid	519.57

DEPOSITS AND OTHER CREDITS

Date	Transaction	
8/05	8662240369 MerchPayout SV9T 1043575881	199.50
	08/05/24Town of Hermosa TRACE-242071753552674 CCD	
8/05	8662240369 MerchPayout SV9T 1043575881	311.32
	08/05/24Town of Hermosa TRACE-242071758779000 CCD	
8/06	8662240369 MerchPayout SV9T 1043575881	23.26
	08/06/24Town of Hermosa TRACE-242071751450116 CCD	
8/07	8662240369 MerchPayout SV9T 1043575881	381.98
	08/07/24Town of Hermosa TRACE-242071750381121 CCD	
8/07	REGULAR DEPOSIT	80.00
8/07	REGULAR DEPOSIT	100.00
8/07	REGULAR DEPOSIT	440.44
8/07	REGULAR DEPOSIT	824.16
8/07	REGULAR DEPOSIT	1,070.33
8/07	REGULAR DEPOSIT	1,479.19
8/07	REGULAR DEPOSIT	1,711.58
8/09	8662240369 MerchPayout SV9T 1043575881	113.72
	08/09/24Town of Hermosa TRACE-242071757696517 CCD	
8/09	AP ACH STATE OF SOUTH D 6466000364 08/09/24 PPD	6,828.48
	ID# - 12054624 001701269755	
8/12	8662240369 MerchPayout SV9T 1043575881	259.74
	08/12/24Town of Hermosa TRACE-242071759399484 CCD	
8/12	8662240369 MerchPayout SV9T 1043575881	816.69
	08/12/24Town of Hermosa TRACE-242071755204905 CCD	
8/12	8662240369 MerchPayout SV9T 1043575881	2,813.05
	08/12/24Town of Hermosa TRACE-242071759425869 CCD	
8/14	8662240369 MerchPayout SV9T 1043575881	146.83
	08/14/24Town of Hermosa TRACE-242071759041290 CCD	
8/15	REGULAR DEPOSIT	6.65
8/15	REGULAR DEPOSIT	212.00
8/15	REGULAR DEPOSIT	366.50
8/15	REGULAR DEPOSIT	596.97
8/15	REGULAR DEPOSIT	646.27
8/15	REGULAR DEPOSIT	799.33
8/15	REGULAR DEPOSIT	2,224.94
8/16	PAYABLES Custer School Di 466001309 HERMOSATOW	262.65
	08/16/24HERMOSA TOWN TREASURER TRACE-092901682996195 CCD	
8/16	8662240369 MerchPayout SV9T 1043575881	442.45
	08/16/24Town of Hermosa TRACE-242071757504021 CCD	
8/19	8662240369 MerchPayout SV9T 1043575881	227.61
	08/19/24Town of Hermosa TRACE-242071751115347 CCD	
8/19	8662240369 MerchPayout SV9T 1043575881	877.21
	08/19/24Town of Hermosa TRACE-242071751106142 CCD	



Pioneer Bank & Trust

Local.

Date 8/30/24 Page 3
 Primary Account Ending 6395

BUSINESS PLUS ACCOUNT Ending 6572 (Continued)

DEPOSITS AND OTHER CREDITS

Date	Transaction	
8/19	8662240369 MerchPayout SV9T 1043575881	10,002.68
	08/19/24Town of Hermosa TRACE-242071755820201 CCD	
8/20	REGULAR DEPOSIT	193.53
8/20	REGULAR DEPOSIT	275.00
8/20	REGULAR DEPOSIT	420.00
8/20	REGULAR DEPOSIT	468.17
8/20	REGULAR DEPOSIT	849.86
8/20	REGULAR DEPOSIT	1,021.54
8/21	8662240369 MerchPayout SV9T 1043575881	440.03
	08/21/24Town of Hermosa TRACE-242071750194448 CCD	
8/22	8662240369 MerchPayout SV9T 1043575881	99.74
	08/22/24Town of Hermosa TRACE-242071759062611 CCD	
8/23	8662240369 MerchPayout SV9T 1043575881	384.17
	08/23/24Town of Hermosa TRACE-242071757170730 CCD	
8/26	8662240369 MerchPayout SV9T 1043575881	248.33
	08/26/24Town of Hermosa TRACE-242071754732287 CCD	
8/26	8662240369 MerchPayout SV9T 1043575881	652.00
	08/26/24Town of Hermosa TRACE-242071758618813 CCD	
8/27	8662240369 MerchPayout SV9T 1043575881	24.85
	08/27/24Town of Hermosa TRACE-242071750107397 CCD	
8/29	8662240369 MerchPayout SV9T 1043575881	99.29
	08/29/24Town of Hermosa TRACE-242071758049621 CCD	
8/30	8662240369 MerchPayout SV9T 1043575881	100.01
	08/30/24Town of Hermosa TRACE-242071756861825 CCD	
8/30	AP ACH STATE OF SOUTH D 6466000364 08/30/24 PPD	32,787.29
	ID# - 12054624 001701269755	
8/30	REGULAR DEPOSIT	140.00
8/30	REGULAR DEPOSIT	504.69
8/30	REGULAR DEPOSIT	777.37
8/30	REGULAR DEPOSIT	1,138.93
8/30	REGULAR DEPOSIT	1,245.67
8/30	REGULAR DEPOSIT	1,520.77
8/30	REGULAR DEPOSIT	4,085.81
8/31	INTEREST PAID 31 DAYS	69.76

WITHDRAWALS AND OTHER DEBITS

Date	Transaction	
8/01	USATAXPYMT IRS 3387702000 270461351419552	973.35
	07/31/24TOWN OF HERMOSA TRACE-061036010310904 CCD	
8/02	Charge for 2 signature account	25.00
8/02	Charge for 2 signature account	25.00
8/06	PAYMENT USDA RD DCFO 1220040804 0000	222.00
	08/05/24TOWN OF HERMOSA TRACE-041036044488410 CCD	
8/06	PAYMENT USDA RD DCFO 1220040804 0000	417.00
	08/05/24TOWN OF HERMOSA TRACE-041036044488392 CCD	
8/06	BHEC BILL Black Hills Elec 460111503 0000401100	2,983.14
	08/05/24Town of Hermosa TOWN O TRACE-092901682709815 CCD	
8/08	PAYMENT Sander Sanitatio 7323501000 7732350079332	4,590.88
	08/07/24TOWN OF HERMOSA TRACE-091408597551559 CCD	
8/09	A & B BUSI A & B BUSINESS I 1541507947 ID850AHP8R	535.72
	08/08/24TOWN O HERMOSA TRACE-242071753649617 CCD	



Pioneer Bank & Trust

Local.

Date 8/30/24 Page 4
 Primary Account Ending 6395

BUSINESS PLUS ACCOUNT Ending 6572 (Continued)

WITHDRAWALS AND OTHER DEBITS

Date	Transaction	Amount
8/16	MONTHLYPMT HANSON COMMUNICA 1411506466 00007655-5 08/15/24Town of Hermosa TRACE-091904851710149 CCD	56.97
8/16	MONTHLYPMT HANSON COMMUNICA 1411506466 00030190-2 08/15/24Town of Hermosa TRACE-091904851710166 CCD	66.20
8/16	MONTHLYPMT HANSON COMMUNICA 1411506466 00054247-0 08/15/24Town of Hermosa TRACE-091904851710150 CCD	141.19
8/16	USATAXPYMT IRS 3387702000 270462822797722 08/15/24TOWN OF HERMOSA TRACE-061036010086828 CCD	828.70
8/16	ACH ITEMS WEALTH MGMT TFM 1410257700 31706572 08/15/24Town of Hermosa TRACE-042000017516208 CCD	1,493.23
8/16	WEB PYMT CARDMEMBER SERV 5911111111 08/15/24 WEB ID #-*****6934	5,330.01
8/22	PAYMENT USDA RD DCFO 1220040804 0000 08/21/24TOWN OF HERMOSA TRACE-041036043729225 CCD	1,278.00

Checks in Check Number Order

Date	Check No.	Amount	Date	Check No.	Amount	Date	Check No.	Amount
8/02	17684	410.00	8/13	17702	320.08	8/22	17715	91.75
8/08	17689*	110.82	8/19	17703	2,000.00	8/19	17716	1,809.32
8/02	17690	1,684.27	8/13	17704	6.39	8/19	17717	1,376.82
8/02	17691	184.70	8/09	17705	1,375.00	8/28	17718	34,462.62
8/14	17692	69.26	8/13	17706	90.00	8/27	17719	300.00
8/06	17693	184.70	8/13	17707	42.18	8/27	17720	179.13
8/20	17694	267.46	8/13	17708	1,969.00	8/28	17721	543.00
8/02	17695	1,259.63	8/13	17709	1,360.84	8/27	17722	168.75
8/07	17696	902.40	8/14	17710	844.50	8/27	17724*	175.86
8/13	17697	21.00	8/13	17711	276.78	8/28	17725	227.50
8/02	17698	3,120.00	8/14	17712	71.00	8/26	17726	3,139.50
8/14	17700*	168.86	8/14	17713	35.23	8/26	17728*	5,000.00
8/15	17701	16,758.50	8/14	17714	28.85			

Daily Balances

Date	Balance	Date	Balance	Date	Balance
8/01	1,097,257.42	8/13	1,092,594.33	8/23	1,080,842.61
8/02	1,090,548.82	8/14	1,091,523.46	8/26	1,073,603.44
8/05	1,091,059.64	8/15	1,079,617.62	8/27	1,072,804.55
8/06	1,087,276.06	8/16	1,072,406.42	8/28	1,037,571.43
8/07	1,092,461.34	8/19	1,078,327.78	8/29	1,037,670.72
8/08	1,087,759.64	8/20	1,081,288.42	8/30	1,079,971.26
8/09	1,092,791.12	8/21	1,081,728.45	8/31	1,080,041.02
8/12	1,096,680.60	8/22	1,080,458.44		

INTEREST RATE INFORMATION

Date 7/31 Interest Rate .08%

Saturday, Sept 7th starting at 7PM, we will be performing system upgrades and some online, mobile and phone banking features may not be available until Sunday morning. We apologize for any inconvenience.

2018 Mt Rushmore RD
Rapid City SD 57701
PHONE (605) 399-1510

Date 8/30/24 Page 1
Primary Account Ending 6395

Town Of Hermosa
PO Box 298
Hermosa SD 57744-0298

ACCOUNTS INCLUDED ON THIS STATEMENT

Account Number	Account Type	Current Balance	Enclosures
Ending 6395	Small Business Account	1,500.00	
Ending 6572	BUSINESS PLUS ACCOUNT	1.080.041.02	38

Beginning in 2024, many businesses are required to report information about their Beneficial Owners to FinCEN. Is YOUR business one of them? Visit <https://www.fincen.gov/boi> for details. There are penalties for non-compliance so be sure to review the requirements!

Small Business Account		Image Statement	0
Account Number	Ending 6395	Statement Dates	8/01/24 thru 8/31/24
Previous Balance	1,500.00	Days in the statement period	31
Deposits/Credits	.00	Average Ledger Balance	1,500
Checks/Debits	.00	Ave Collected Balance	1,500
Service Charge	.00		
Interest Paid	.00		
Ending Balance	1,500.00		

Daily Balances
Date Balance
8/01 1,500.00

Beginning in 2024, many businesses are required to report information about their Beneficial Owners to FinCEN. Is YOUR business one of them? Visit <https://www.fincen.gov/boi> for details. There are penalties for non-compliance so be sure to review the requirements!

ACCOUNT NUMBER	ACCOUNT NAME	RCPT DATE	REFERENCE	CHK/CRD#	OTHER INFO	DEBITS	CREDITS
101-00000-10100	CASH	83024	INTEREST EARNED		PIONEER BANK &	69.76	.00
101-10100-36100	INTEREST EARNED REVENUE	83024	INTEREST EARNED		PIONEER BANK &	.00	69.76
TOTALS						69.76	69.76
BANK 1 TOTAL ELECTRONIC DEPOSIT						69.76	

ACCOUNT NUMBER	ACCOUNT TITLE	DEBITS	CREDITS	NET
101-00000-10100	CASH	69.76	.00	69.76
101-10100-36100	INTEREST EARNED REVENUE	.00	69.76	69.76-
TRANSACTION TOTALS		69.76	69.76	.00
FUND	NAME	DEBITS	CREDITS	
101	GENERAL	69.76	69.76	
TOTALS		69.76	69.76	

Transaction No	Date	Mod	Emp1/Vend	Vendor/Employee Name	Other No	Checks	Deposits
1 PIONEER BANK & TRUST CHECKING						Beginning Statement Balance	1,098,230.77
1123	7/31/2024	RM					1,071.07
1124	7/31/2024	RM					.74-
1126	8/01/2024	RM					1,711.58
1127	8/02/2024	RM					100.00
1128	8/04/2024	RM					1,479.19
1129	8/05/2024	RM					824.16
1130	8/07/2024	RM					80.00
1131	8/06/2024	RM					440.44
1132	8/03/2024	BK					199.50
1133	8/04/2024	BK					311.32
1134	8/06/2024	BK					23.26
1135	8/07/2024	BK					381.98
1136	8/07/2024	RM					6.65
1137	8/08/2024	RM					596.97
1138	8/09/2024	RM					212.00
1139	8/11/2024	RM					799.33
1140	8/09/2024	GL					6,828.48
1141	8/12/2024	RM					646.27
1142	8/14/2024	RM					366.50
1143	8/13/2024	RM					2,224.94
1144	8/15/2024	RM					420.00
1145	8/14/2024	RM					1,112.51
1146	8/15/2024	RM					1,021.54
1147	8/18/2024	RM					468.17
1148	8/20/2024	RM					275.00
1149	8/20/2024	GL					133.06
1150	8/20/2024	GL					60.47
1151	8/19/2024	RM					777.37
1152	8/09/2024	BK					113.72
1153	8/10/2024	BK					816.69
1154	8/11/2024	BK					259.74
1155	8/12/2024	BK					2,813.05
1156	8/14/2024	BK					146.83
1157	8/16/2024	BK					442.45
1158	8/19/2024	BK					227.61
1159	8/18/2024	BK					877.21
1160	8/17/2024	BK					10,002.68
1161	8/21/2024	BK					440.03
1162	8/22/2024	BK					99.74
1163	8/23/2024	BK					384.17
1164	8/25/2024	RM					1,138.93
1165	8/26/2024	RM					1,520.77
1166	8/28/2024	RM					4,085.81
1167	8/27/2024	RM					140.00
1168	8/28/2024	RM					504.69
1169	8/29/2024	RM					1,245.67
1170	8/30/2024	GL					69.76
1176	8/30/2024	GL					32,787.29
1179	8/24/2024	BK					248.33
1180	8/25/2024	BK					652.00
1181	8/27/2024	BK					24.85
1182	8/29/2024	BK					99.29

Transaction No	Date	Mod	Emp/Vend	Vendor/Employee Name	Other No	Checks	Deposits
1 PIONEER BANK & TRUST CHECKING					- continued -		
1183	8/30/2024	BK					100.01
17684	7/16/2024	AP	51	SDARWS		410.00	
17689*	7/31/2024	PR	1	VONDA BELT		110.82	
17690	7/31/2024	PR	25	TERESA J CORNELISON		1,684.27	
17691	7/31/2024	PR	20	Donna M Ferguson		184.70	
17692	7/31/2024	PR	9	VICKI L HENRICHSEN		69.26	
17693	7/31/2024	PR	26	KELBURN S KOONTZ		184.70	
17694	7/31/2024	PR	4	LINDA M KRAMER		267.46	
17695	7/31/2024	PR	6	JILL R SWIER-DYBVIG		1,259.63	
17696	7/31/2024	AP	3	SOUTH DAKOTA RETIREMENT SYSTEM		902.40	
17697	7/31/2024	AP	26	HEALTH POOL OF SOUTH DAKOTA		21.00	
17698	7/31/2024	AP	23	CHUCK FERGUSON		3,120.00	
17700*	8/06/2024	AP	91	Ardvark Pest Control		168.86	
17701	8/06/2024	AP	147	BENESCH		16,758.50	
17702	8/06/2024	AP	93	Custer County Auditor		320.08	
17703	8/06/2024	AP	54	CUSTER COUNTY SHERIFF		2,000.00	
17704	8/06/2024	AP	20	DSG-DAKOTA SUPPLY GROUP		6.39	
17705	8/06/2024	AP	23	CHUCK FERGUSON		1,375.00	
17706	8/06/2024	AP	33	GOLDEN WEST TECHNOLOGIES		90.00	
17707	8/06/2024	AP	39	HAWKINS, Inc.		42.18	
17708	8/06/2024	AP	26	HEALTH POOL OF SOUTH DAKOTA		1,969.00	
17709	8/06/2024	AP	38	Metering & Tech Solutions		1,360.84	
17710	8/06/2024	AP	66	Midcontinent testing lab. Inc		844.50	
17711	8/06/2024	AP	65	SOUTH DAKOTA 811		276.78	
17712	8/06/2024	AP	80	Summit Signs and Supply Inc.		71.00	
17713	8/06/2024	UB	11670001	DEBI BEHM		35.23	
17714	8/06/2024	UB	11780001	JENNI HAAS		28.85	
17715	8/06/2024	UB	12720001	MARILYN WETZBARGER		91.75	
17716	8/15/2024	PR	25	TERESA J CORNELISON		1,809.32	
17717	8/15/2024	PR	6	JILL R SWIER-DYBVIG		1,376.82	
17718	8/20/2024	AP	147	BENESCH		34,462.62	
17719	8/20/2024	AP	131	CHERYL NEUGEBAUER		300.00	
17720	8/20/2024	AP	23	CHUCK FERGUSON		179.13	
17721	8/20/2024	AP	33	GOLDEN WEST TECHNOLOGIES		543.00	
17722	8/20/2024	AP	136	HARRIS CONTRACTING		168.75	
17724*	8/20/2024	AP	43	Southern Hills Publishing		175.86	
17725	8/20/2024	AP	80	Summit Signs and Supply Inc.		227.50	
17726	8/20/2024	AP	77	Turbiville Indust. Elec.Works		3,139.50	
17728*	8/21/2024	AP	150	BANK WEST		5,000.00	
289*	7/31/2024	AP	1	EFTPS-Electronic Federal Tax		961.87	
290	7/31/2024	AP	1	EFTPS-Electronic Federal Tax		11.48	
291	8/03/2024	AP	6	A & B BUSINESS EQUIPMENT INC		535.72	
292	8/05/2024	AP	40	BLACK HILLS ELECTRIC COOP., Inc		2,983.14	
297	8/15/2024	AP	1	EFTPS-Electronic Federal Tax		828.70	
298	8/15/2024	AP	8	MT RUSHMORE TELEPHONE		264.36	
299	8/15/2024	AP	11	PIONEER BANK & TRUST		5,330.01	
301	8/07/2024	AP	11	PIONEER BANK & TRUST		50.00	
302	8/07/2024	AP	13	SANDERS SANITATION		4,590.88	
305	8/22/2024	AP	12	RURAL DEVELOPMENT		1,278.00	
309	8/22/2024	AP	12	RURAL DEVELOPMENT		222.00	
310	8/22/2024	AP	14	US BANK		1,493.23	
311	8/22/2024	AP	12	RURAL DEVELOPMENT		417.00	

Transaction No Date Mod Empl/Vend Vendor/Employee Name Other No Checks Deposits

1 PIONEER BANK & TRUST CHECKING

- continued -

Fund Description

101	GENERAL		77,904.39	47,174.65
211	BBB GROSS RECEIPTS TAX		161.05	2,483.51
301	DEBT SERVICE			60.47
602	WATER		12,284.59	21,592.93
604	SEWER		9,652.06	10,009.33
	Fund Grand Total		100,002.09	81,320.89

Ending Statement Balance 1,080,041.02

Transaction No	Date	Mod	Empl/Vend	Vendor/Employee Name	Other No	Checks	Deposits
1				PIONEER BANK & TRUST CHECKING			
						Beginning Statement Balance	1,098,230.77
				51 Credit Transactions		100,002.09	
				53 Debit Transactions			81,812.34
						Ending Statement Balance	1,080,041.02



12 B1

About Highlights **Agenda** Sponsors & Exhibitors Fees

Register Now

Agenda

Here's what's scheduled for the event.
Tickets are required for entrance into meals and events.

All Dates 10/8-10/11	Tuesday 10/8	Wednesday 10/9	Thursday 10/10	Friday 10/11
-------------------------	-----------------	-------------------	-------------------	-----------------

Filters

October 8, 2024

8:00 AM CT

SDPAA Board Meeting

8:00 AM-5:00 PM

1:00 PM CT

Golf Scramble

1:00 PM-5:00 PM

5:00 PM CT

Exhibitor Set Up

5:00 PM-7:00 PM

7:00 PM CT

SDML Board Meeting

7:00 PM-8:30 PM

October 9, 2024

7:00 AM CT

Exhibitor Set Up

7:00 AM-8:00 AM

8:00 AM CT

Exhibits Open

8:00 AM-4:00 PM

Registration Desk Open

8:00 AM-5:00 PM

SD Governmental Finance Officers Association

8:00 AM-10:00 AM

9:00 AM CT

Orientation for New Attendees

9:00 AM-12:00 PM

SD Association of Code Enforcement

9:00 AM-12:00 PM

SD City Management Association

9:00 AM-12:00 PM

SD Municipal Street Maintenance Association

9:00 AM-12:00 PM

10:00 AM CT

Break

10:00 AM-10:30 AM

SD Governmental Human Resource Association

10:00 AM-12:00 PM

10:30 AM CT

Elected Officials Workshop

10:30 AM-12:00 PM

12:00 PM CT

Safety Luncheon

12:00 PM-1:00 PM

1:00 PM CT

Pooling Meetings & Pooling Plinko

1:00 PM-3:00 PM

SD Airport Managers Association

1:00 PM-4:00 PM

SD Building Officials' Association

1:00 PM-4:00 PM

SD Municipal Attorneys Association

1:00 PM-4:00 PM

SD Municipal Electric Association

1:00 PM-4:00 PM

1:30 PM CT

Development and Infrastructure Tour

1:30 PM-4:30 PM

1 spot left

Jacobson Plaza and Big Sioux River Greenway Tour

1:30 PM-4:30 PM

3 spots left

Public Safety Training Campus Tour

1:30 PM-4:30 PM

Capacity full

Water Reclamation Plant Tour

1:30 PM-4:30 PM

10 spots left

2:30 PM CT

Break

2:30 PM-3:00 PM

4:00 PM CT

SDML Auditing Committee

4:00 PM-5:00 PM

SDML General Government Policy Committee

4:00 PM-5:00 PM

SDML Nominating Committee

4:00 PM-5:00 PM

SDML Public Health, Safety, & Welfare Policy Co...

4:00 PM-5:00 PM

SDML Public Works Policy Committee

4:00 PM-5:00 PM

SDML Taxation & Revenue Policy Committee

4:00 PM-5:00 PM

5:00 PM CT

Exhibit Area Social

5:00 PM-6:00 PM

6:00 PM CT

Night on the Town

6:00 PM-9:00 PM

October 10, 2024

7:00 AM CT

Wake-up Wellness

7:00 AM-8:30 AM

7:30 AM CT

Past Presidents Breakfast

7:30 AM-8:30 AM

7:45 AM CT

Thurs. Breakfast

7:45 AM-9:00 AM

8:00 AM CT

Exhibits Open

8:00 AM-11:00 AM

Registration Desk Open

8:00 AM-5:00 PM

SDML Resolutions Committee

8:00 AM-9:00 AM

9:00 AM CT

Keynote Speaker: Matt Lehrman

Featured 9:00 AM-12:00 PM

SD Police Chiefs Association Meeting

9:00 AM-12:00 PM

10:00 AM CT

Break

10:00 AM-10:15 AM

11:00 AM CT

Exhibitor Tear Down

11:00 AM-11:30 AM

12:00 PM CT

Excellence Luncheon

12:00 PM-1:00 PM

1:30 PM CT

First Amendment Audits

1:30 PM-3:00 PM

SD American Public Works Association

1:30 PM-5:00 PM

SD Fire Chiefs Meeting

1:30 PM-5:00 PM

3:00 PM CT

Break

3:00 PM-3:30 PM

3:30 PM CT

Working with a Difficult Council

3:30 PM-5:00 PM

Contact Us

South Dakota Municipal League Annual Conference

Oct. 8-11, 2024

Best Western Plus Ramkota Hotel
3200 W Maple St, Sioux Falls, SD 57107

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Admission Options

Select an item and click Next.

Full Conference

Full package of included sessions, meals, and events. Wed, Thurs, and Fri.

\$150.00

Select

Two-day: Wed/Thurs

Two day package for Wednesday and Thursday attendance only.

\$120.00

Select

Two-day: Thurs/Fri

Two day package for Thursday and Friday attendance only.

\$120.00

Select

One-day: Wed

One day attendance for Wednesday only.

\$78.00

Select

One-day: Thurs

One day attendance for Thursday only.

\$78.00

Select

One-day: Fri

One day attendance for Friday only.

\$78.00

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FUEL THE GROWTH - 2024:

ADVANCING ECONOMIC DEVELOPMENT IN COMMUNITIES

BASIC ECONOMIC DEVELOPMENT COURSE

BLACK HILLS STATE UNIVERSITY - RAPID CITY (BHSU-RC)

OCTOBER 7-10, 2024

(Located near Exit 61)

Event: Starts at noon on the 7th and ends at 4 pm on the 10th, Mountain Daylight Time.

REGISTER FOR FUEL THE GROWTH 2024 ([HTTPS://BHSU.TFAFORMS.NET/218008](https://BHSU.TFAFORMS.NET/218008))

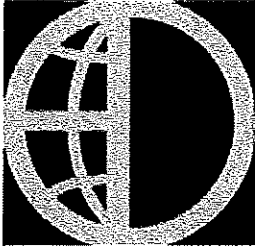
HOSTED BY:

BLACK HILLS STATE UNIVERSITY

Pushmore Region Alliance

(<https://accessibility>) EDITED BY IEDC:

850 x 3 = 2550



INTERNATIONAL
ECONOMIC DEVELOPMENT
COUNCIL

SPONSORED BY:



ECONOMIC
DEVELOPMENT
PROFESSIONALS
ASSOCIATION

(<https://edpasd.com/>)

SOUTH DAKOTA

GOVERNOR'S OFFICE OF ECONOMIC DEVELOPMENT

(<https://sdgoed.com>)

OVERVIEW



We are pleased to invite you to attend *Fuel the Growth – 2024: Advancing Economic Development* in Communities from October 7-10, 2024, at Black Hills State University–Rapid City!

This Basic Economic Development Course will cover 10 economic development

(<https://acce>

topics. Participants will learn from experts and colleagues through presentations, panel discussions, case studies, and networking opportunities.

Topics will include:

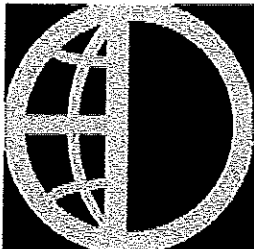
- *Business Development*: Business Retention & Expansion, Real Estate Development & Reuse, Small Business & Entrepreneurship Development, Economic Development Finance and Marketing/Attraction
- *Organizational Development*: Strategic Planning, Managing Economic Development Organizations, Economic Development Ethics
- *Community Development*: Community/Neighborhood Development & Workforce Development

Please see the tentative course schedule below.

IEDC ACCREDITED

This course is accredited by the International Economic Development Council. It fulfills one of the prerequisites for those who wish to take the examinations for the Certified Economic Developer (CEcD) designation.

The IEDC is a non-profit, non-partisan membership organization serving and supporting economic developers. Course participants are eligible for a 10 percent discount on IEDC membership for up to 120 days after completing this basic economic development course. For the full list of upcoming training courses, please visit the IEDC website.



INTERNATIONAL
ECONOMIC DEVELOPMENT
COUNCIL

International Economic Development Council

1275 K Street, Suite 300. Washington, DC 20005-4083.

P: (202) 223-7800 | W: iedconline.org/ (<https://www.iedconline.org/index.php?>

[gclid=Cj0KCQjwVL-](https://www.iedconline.org/index.php?gclid=Cj0KCQjwVL-)

(<https://accessibility->

[ARISAHkOlu0tcudEt_Uloh0upsO0XG5mh9WYlvLe4sobUCWV2n_QIKu6lgA5LkaAm](https://accessibility-ARISAHkOlu0tcudEt_Uloh0upsO0XG5mh9WYlvLe4sobUCWV2n_QIKu6lgA5LkaAm)

COURSE DETAILS

- **Registration Fee:**
 - \$850 per person, which includes:
 - all in-person sessions
 - breakfast & lunch
 - the IEDC manual, *Introduction to Economic Development*
 - all group activities
 - Registration will open online on June 7, 2024. Payments may be made by credit card.
- **Lodging:** We have arranged room blocks with a few area hotels. Reservation must be made by August 23rd, 2024, to guarantee the preferred rate.
 - LaQuinta Inn and Suites Rapid City by Wyndham. Address: 1416 N Elk Vale Rd, Box Elder, SD 57703 Phone: (605) 718-7000. Rate \$99 plus applicable taxes.
 - Courtyard by Marriot. Address: 580 Watiki Way, Box Elder, SD 57719 Phone: (605) 791-0945. Rate \$99 per night plus applicable taxes.
 - Fairfield by Marriot. Address: 1314 N Elk Vale Rd, Rapid City, SD 57703 Phone: (605) 718-9600. Rate \$94 per night plus applicable taxes
- **Sustainability:** As sustainability is a key area of focus at BHSU, at check-in participants will receive a password-protected link to the Course presentations. A portfolio for note-taking and several printed documents (training schedule, presenter bios) will also be provided to each participant at check-in. Printed copies of the presentations will not be provided.

TENTATIVE SCHEDULE

DATES	TIMES	TOPICS
MONDAY, OCTOBER 7	12:00 - 12:45 pm	Registration / Check-in
	12:45 - 1:15 pm	Welcome & Opening Remarks
	1:15 - 3:15 pm	Managing an Economic Development Organization
	3:15 - 3:30 pm	BREAK

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	3:30 - 5:15 pm	Business Retention & Expansion
	5:15 - 5:30 pm	Wrap Up
TUESDAY, OCTOBER 8	7:30 - 8:00 am	Continental Breakfast / Networking
	8:00 - 8:15 am	Overview of the Day
	8:15 - 10:00 am	Strategic Planning
	10:00 - 10:15 am	BREAK
	10:15 am - 12:00 pm	Ethics
	12:00 - 12:45 pm	Lunch/Networking
	12:45 - 2:45 pm	Economic Development Marketing & Attraction
	2:45 - 3:15 pm	BREAK
	3:15 - 4:30 pm	Ethics Case Study
	4:30 - 5:00 pm	Discussion
WEDNESDAY, OCTOBER 9	7:00 - 7:45 am	Continental Breakfast / Networking
	8:00 - 10:00 am	Overview of the Day
	10:00 - 10:15 am	Economic Development Finance
	10:15 am - 12:15 pm	BREAK
	12:15 - 12:45 pm	Real Estate Development
	12:45 - 3:15 pm	Lunch / Networking
(

	5:00 - 6:00 pm	Small Business & Entrepreneurship
	12:00 noon- 12:45 pm	Mixer / Tour of the David Lust Accelerator Building
THURSDAY, OCTOBER 10	7:30 - 8:00 am	Continental Breakfast / Networking
	8:00 - 10:00 am	Workforce Development
	10:00 - 10:30 am	BREAK
	10:30 am - 12:00 pm	6 Hats of Decision-Making / Working with your Community Case Study
	12:00 - 12:45 pm	Lunch / Certificates
	12:45 - 2:45 pm	Community / Neighborhood Development
	2:45 - 3:00 pm	BREAK
	3:00 - 4:00 pm	Conclusion & Certificates



Spearfish

1200 University Street
Spearfish, SD
57799-9502
Phone: 605.642.6131
(tel:6056426131)
Fax: 605.642.6254
Admissions@BHSU.edu
(mailto:Admissions@BHSU.edu)

Rapid City

4300 Cheyenne Blvd
Box Elder, SD
57719-7700
Phone: 605.718.4112
(tel:6057184112)

STUDENTS

Library (<https://www.bhsu.edu/Library/index>)
Bookstore (<http://www.bhsu bookstore.com/>)
Future Students (<https://www.bhsu.edu/Admissions/index>)
Pay For College (<https://www.bhsu.edu/Admissions/Pay-for-College/index>)
Concern Form (https://cm.maxient.com/reportingform.php?BlackHillsStateUniv&layout_id=4)
Registration & Records (<https://www.bhsu.edu/Registration-Records/index>)
Student Portal (<https://my.bhsu.edu>)

RESOURCES

Contact Form (<https://www.bhsu.edu/Admissions/Visit/index>)
Directory (<https://www.bhsu.edu/directory/index>)
A-Z Site Index (<https://www.bhsu.edu/AZ-Site-Index>)
Campus Calendar (<https://www.bhsu.edu/About-BHSU/Campus-Calendar/index>)
Jacket Connect (<https://support.bhsu.edu/TDC/Client/30/Portal/Home/>)
Campus Photos (<https://bhsumarketing.smugmug.com/>)
Transcript Request (<https://www.bhsu.edu/Registration-Records/Transcript-Request>)

INFORMATION

Community Info (<https://www.bhsu.edu/About-BHSU/Community/index>)
Desire2Learn (D2L) (<https://www.bhsu.edu/d2l>)
Employment (<https://www.bhsu.edu/Faculty-Staff/Human-Resources/Employment-Opportunities>)
Maps/Directions (<https://www.bhsu.edu/About-BHSU/Campus-Map>)
Official Social Channels (<https://www.bhsu.edu/Faculty-Staff/Marketing-and-Accessibility/Social-Media>)
Student Consumer Information (<https://www.bhsu.edu/About-BHSU/Student-Consumer-Information>)

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LOCAL GOVERNMENT WEBSITE OFFERS SITE TO POST MEETING MINUTES

Thursday, May 2, 2024

Share | <https://www.addtoany.com/share?url=https%3A%2F%2Fsdmunicipalleague.org%2Fnews%2F671562%2FLocal-Government-Website-Offers-Site-to-Post-Meeting-Minutes.htm&title=Local%20Government%20Website%20Offers%20Site%20to%20Post%20Meeting%20Minutes%20-%20South%20Dakota%20Municipal%20League>
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Local governments have a free tool to help them disseminate information to their citizens.

The Local Government Boards and Commissions website, established in 2021 by the South Dakota Municipal League, the Counties' associations, and Associated School Boards of South Dakota, allows local governments to post agendas, minutes, and other meeting documents.

Municipalities can use the website to any extent that they wish; from simply posting a link to the city website for meeting information to using it as a primary website for posting all meeting information, meeting documents, and governing body information. The goal is to have all municipalities post, at a minimum, minutes for all council meetings.

Each municipality will need to create an account for the website, <https://sdlocalgov.appssd.sd.gov/cms/login.aspx>. The account will be electronically approved by SDML staff. Once you're notified of approval, you'll be able to update your account profile and begin updating and posting information.

Each South Dakota Local Government Board and/or Commission will have at least one person assigned admin privileges for the site. These privileges allow the user to post information about the board or commission they are affiliated with.

Information that can posted or edited includes:

- Meetings - Schedule, Agenda, Minutes, Other Pertinent Meeting Information
- Board/Commission Members
- Documents and Related Links
- Board Information

Once your city's account has been created on the site, email Director of Member Engagement [Sara Rankin \(mailto:sara@sdmunicipalleague.org\)](mailto:sara@sdmunicipalleague.org) for approval and to get started.

[← Back to Index \(/news/?id=17918\)](/news/?id=17918)

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Terri Cornelison

From: Trena Matheny <trenamatheny@gmail.com>
Sent: Wednesday, September 18, 2024 8:03 AM
To: Terri Cornelison; Jill Dybvig
Subject: Street Sign Heights
Attachments: SDSignHeightMUTCD.pdf

Good morning,

I am writing to request that the topic of the stop sign repair be added back to the agenda for our next meeting. This issue was previously discussed in the Spring and requires further attention.

I have attached the specific South Dakota law related to stop signs for your reference. While I understand that we have more pressing issues to address, it is important to note that this repair was incorrectly completed by our contractor and needs to be replaced. As such, it should not be included in our billable time for Chuck.

Thank you for considering this request. I look forward to discussing this matter further at our next meeting.

Trena Matheny

SD law on sign height:

MUTCD publication excerpts:

https://mutcd.fhwa.dot.gov/pdfs/11th_Edition/Chapter2a.pdf

MUTCD 11th Edition

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Option:

- 03 For alleys with restrictive physical conditions and vehicle use that limits installation of the Minimum size sign (or the Conventional Road size sign if no Minimum size is shown), both the sign height and the sign width may be decreased by up to 6 inches.

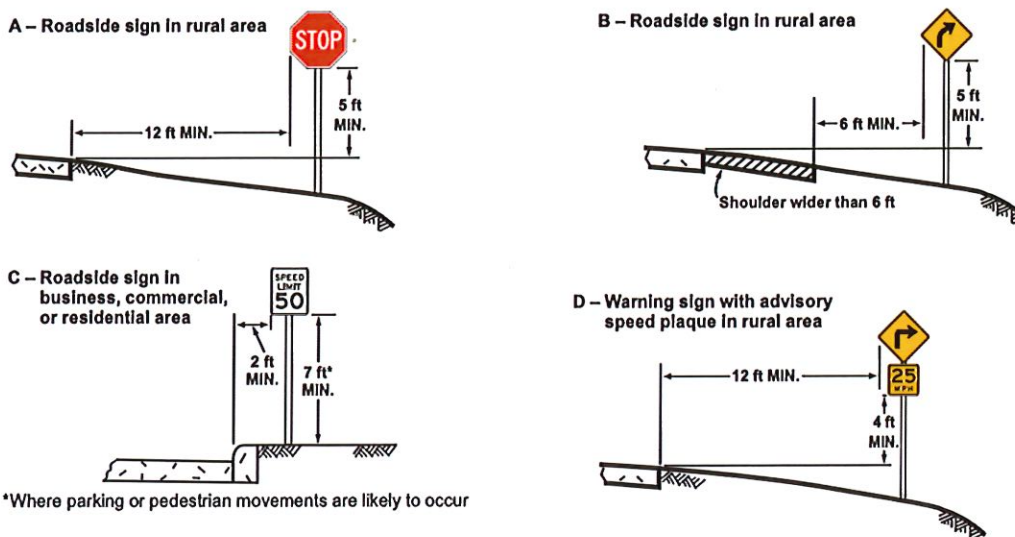
Guidance:

- 04 The sizes shown in the Freeway and Expressway columns in the various sign size tables in this Manual should also be used for other higher-speed applications on conventional roads, based upon engineering judgment, to provide larger signs for increased visibility and recognition.
- 05 The sizes shown in the Oversized columns in the various sign size tables in this Manual should be used for those special applications where speed, volume, or other factors result in conditions where increased emphasis, improved recognition, or increased legibility is needed, as determined by engineering judgment or study.
- 06 Except as provided in Paragraph 7 of this Section, and where specifically prohibited in this Manual, increases above the minimum prescribed sizes should be used where greater legibility or emphasis is needed. If signs larger than the prescribed sizes are used, the overall sign dimensions should be increased in 6-inch increments.

MUTCD 11th Edition

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Figure 2A-2. Examples of Heights and Lateral Locations of Sign Installations



Section 2A.15 Mounting Height

Standard:

- 01 The provisions of this Section shall apply unless specifically stated otherwise for a particular sign or object marker elsewhere in this Manual.

Support:

- 02 It might be necessary to use larger minimum mounting heights than those prescribed in this Manual to ensure appropriate crash performance of sign installations that are required to be crashworthy (see Section 1D.11).
- 03 In addition to the provisions of this Section, information affecting the minimum mounting height of signs as a function of crash performance can be found in the "Roadside Design Guide," 4th Edition, 2011, AASHTO.

Standard:

- 04 In rural areas, the minimum height, measured vertically from the bottom of the sign to the elevation of the near edge of the pavement, of signs installed at the side of the road shall be 5 feet (see Figure 2A-2).
- 05 In business, commercial, or residential areas where parking, bicyclist, or pedestrian movements are likely to occur, or where the view of the sign might be obstructed, the minimum height, measured vertically from the bottom of the sign to the top of the curb, or in the absence of curb, measured vertically from the bottom of the sign to the elevation of the near edge of the traveled way, of signs installed at the side of the road shall be 7 feet (see Figure 2A-2).

Option:

- 06 The height to the bottom of a secondary sign mounted below another sign may be 1 foot less than the height specified in Paragraphs 4 and 5 of this Section.

Standard:

- 07 The minimum height of signs, measured vertically from the bottom of the sign to the sidewalk shall be 7 feet.

- 08 If the bottom of a secondary sign that is mounted below another sign is mounted lower than 7 feet above a pedestrian sidewalk or pathway (see Section 6C.02), the secondary sign shall not project more than 4 inches into the pedestrian facility.

Support: