

HERMOSA TOWN BOARD
TUESDAY, SEPTEMBER 5, 2023
REGULAR MEETING @ 6:00pm

ROLL CALL: Styles called the meeting to order on Tuesday, September 5, 2023, at 6.00 pm with the following members present: Ferguson, Holsworth, Kramer and Styles. Henrichsen, absent. Mitch Johnson, Town Attorney, also present. Pledge of Allegiance led by Jerald Styles.

CALL FOR CHANGES: Motion made and seconded to amend the agenda to add the following items under Item 7E: Marking the law enforcement vehicle, \$400.00; Cage for law enforcement vehicle, \$1,746.25; Axon Body Camera, \$1,592.00; Office printer for Marshal's office, \$178.71. Vote; all ayes, motion carried. Motion made and seconded to approve the agenda as amended; vote; all ayes, motion carried.

SPECIAL ITEMS: Meeting Protocol: Comments need to be addressed to the Chair. Board members will raise their hand and first be recognized by the chair prior to speaking. Each board member will be allowed to speak twice on each motion but only after all other board members who wish to speak has had their chance to speak once. Board members will be allowed 3 min per speech. Public members will be allowed to comment once on each agenda item after the board discussion has ended and just before the call for a vote. Adopt a special rule of order: No special rule of order to adopt at this time.

CONSENT CALENDAR: Motion made and seconded to approve the August 15, 2023, BOT regular minutes and August 16, August 17, and August 28, 2023, special and budget meetings; vote; all ayes, motion carried.

CONFLICT OF INTEREST DECLARATION: The chair declared three board members with conflicts on the agenda: Ferguson on Agenda Item 14) H: Contract for office space - (this item involves her husband, Chuck. Ferguson will not be allowed to discuss or vote on this item.) Kramer on Agenda Item 8) B: Resolution assistance to dissolve P&Z. (Dissolving P&Z will have a direct effect on her house hold income, therefore, Kramer will not be allowed to discuss or vote on any motions on this item.) Holsworth on Agenda Item 7) C: Abatements, Properties, Dumpsters - (Dan has submittal a proposal to push down the dumpsters so will not be allowed to discuss or vote on any motions or discussions related to the dumpsters.)

CLAIMS: Motion made and seconded to move Approval for Claims following Item 7 on the agenda; vote; all ayes, motion carried.

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS: Marshal Heeb provided report on school traffic, law enforcement activities, reported he is applying to LET for approval to have Reserves in Hermosa – this issue will take some time to resolve. Annual Walk to School is scheduled for October 4, 2023, and Marshal requested to be visible. Motion made and seconded to approve removing the Custer County Log from the agenda; vote; all opposed; motion failed. Custer County provides – will be in September 19 BOT packet. Abatements: Ferguson working with citizens on property cleanup. Dumpsters: volunteers have been keeping them pushed down in order to make more room for additional yard waste. Dispatch Contract, pending. Motion made and seconded to approve the purchase of the following items: Marking the law enforcement vehicle, \$400.00; Cage for law enforcement vehicle, \$1,746.25; Axon Body Camera, \$1,592.00; Office printer for Marshal's office, \$178.71; vote; all ayes, motion carried. Motion made and seconded to approve the purchase of a, "Reserved for Marshal" sign for town office; vote; all ayes, motion carried.

CLAIMS: Motion made and seconded to approve September 5, 2023, Payroll and Claims as presented and amended with discussion; vote; all ayes, motion carried. A&B Business Equipment Inc, Monthly printer/fax fee, Newsletter printing, \$568.00; Black Hills Electric Coop, Utilities-Electric 08/2023, \$3158.64; Boddicker, Gail, Reimburse for office stamps, \$102.00; Ferguson, Chuck, Monthly agreement, 08/2023, \$2600.00; Ferguson, Chuck, Pull pump #2, \$250.00; Golden West Technologies, Set up Law Enforcement email account, \$262.50; Harvey's Lock & Security, Add'l basement keys, \$22.89; Heeb, Slade, Reimburse for fuel, Office Printer, \$365.63; SD DOT, 2023 Bridge Inspection, \$48.20; BHSU Fuel the Growth, Registrations for Economic Development Conference x 4, \$1580.00; DSG-Dakota Supply Group, Deep well water pump, \$8554.98; Rural Development RD 1 Loan-September Interest/Principal, \$1278.00; Rural Development RD 2 Loan-September Interest/Principal, \$417.00; Rural Development RD 3 Loan-September Interest/Principal, \$222.00. **Accounts Payable Total:** \$19,429.84. Payroll related: Financial administration \$4025.05, Water \$370.25, Sewer \$157.45, Promoting City/ BBB \$52.48; South Dakota Retirement System, \$445.24; EFTPS-Electronic Federal Tax: \$1,173.50. **Payroll Total:** \$6223.97. **Report Total:** \$25,653.81. Motion made, seconded to approve claims as presented; vote; all ayes, motion carried. GENERAL: \$8,204.05; BBB GROSS RECEIPTS TAX: \$1,875.83; WATER: \$13,573.07; SEWER: \$2,000.86.

LEGAL: Engineer expense reimbursement, pending. Motion made and seconded to approve Attorney Johnson to write an ordinance to dissolve Planning and Zoning (P&Z). Discussion: P&Z will continue until 1 January 2024, request attorney to work on this as there is considerable time involved to rewrite ordinances. Harris voiced her concern with the board's decision to dissolve P&Z. Vote: Ferguson, Styles, ayes; Holsworth, nay; Kramer, abstained; motion carried. Motion made and seconded to request Attorney Johnson to review and rewrite town ordinances that pertain to P&Z, vote: Ferguson, Styles, ayes; Holsworth, nay; Kramer, abstained; motion carried. Approval to rescind motion to hire Hagg's engineer: motion made and seconded to remove this item from agenda; vote; Ferguson, Kramer, Styles, ayes; Holsworth, nay; motion carried.

ENGINEER: Water Rehab Project (WRT System) - pending resubmittal by ACES. Hermosa sidewalk project – project complete with the exception of establishing the grass at that time, the waddles be removed from the ditches. Sewer project: town waiting for boring results. AET hired by town to perform borings to determine soil characteristics. Water/Sewer Facility Plans - pending. Black Hills Council of Local Governments – pending. Town of Hermosa Water and Sewer Extension Project: pending ACEC resubmitted based upon SD DANR comment letter. Hermosa Hills drainage – pending. Over 90 tons of gravel added and graded; waiting for moisture, compaction and then, MAG water will be applied. Whitney Street drainage – pending the continued monitoring the situation. Facility plans for booster, water meters – pending. Rural development - pending.

PLANNING & ZONING: Permit 2022-25, Revised Digging/ROW, waiting submittal from Ferguson’s engineer; pending. Permit 2023-06–Commercial Remodeling Permit Application: update – tenant has provided key to the shop to board office, the loft has been dismantled. Board members will look to ensure there has been no damage to the building. If there is damage, there may be other action taken.

PUBLIC WORKS: Ferguson reported on status of streetlights, water: compliance checks have been accomplished; sewer: Ferguson received permission from DANR to add additional peroxide. Agreement for performance of services of public works and town maintenance, in progress. Irvine’s training expenses: Mr. Irvine missed the test date, at this time there is not any agreement for the town to pay for any future testing fees for Mr. Irvine. Walter Street maintenance, pending. “No Parking” street sign on Ferguson Street: Ferguson to erect the sign. Motion made and seconded to reimburse citizens for water not passing through the sewer for Wiles Real Estate for \$619.50 and Prairie Winds Mobile Park for \$239.50; vote; all ayes, motion carried. Motion made and seconded to remove Items, Chuck Irvine training expenses, “No Parking” Street sign, and, Approval to reimburse for water not passing through sewer from the agenda; vote; all ayes, motion carried.

FINANCE OFFICE: August bank reconciliation and financial reports will be included in the September 19, 2023, BOT packet. Grant research, pending, 2024 budget – 1st Reading of Ordinance to be read under New Business. Motion to increase Boddicker salary to \$25.00 per hour; vote; all ayes, motion carried. Motion made and seconded to approve discretionary funds for Serviss and Dybvig to provide office support upon request, for a total of 50 hours; discussion. Motion made and seconded to amend the motion to provide for 50 hours for Serviss and 50 hours for Dybvig; vote; all ayes, motion carried. Vote on the main motion with the amendment; vote; all ayes, motion carried. Motion made and seconded to approve all citizens who participates or has participated in the Lead-Free Inventory to receive a \$20.00 reduction in their water bill; vote; all ayes, motion carried. The reduction will be awarded to each property that participates. Motion made and seconded to approve the president sign the contract with Catalis for the town’s website host for April 2024 – May 2025 for \$1,000; vote; all ayes, motion carried. Motion made and seconded to renew the CD for an additional six months; vote; all ayes, motion carried. Motion made and seconded to remove, Approval to increase Boddicker to \$25.00/hour, Approval for discretionary funds for office support, Approval for water bill reduction, Catalis and CD Funds from the agenda; vote; all ayes, motion carried.

OLD BUSINESS: Annexation: Voluntary Annexation, pending. Town Sign, pending. Town Office: Deck Staining, pending. Library: Deck Staining, pending. Hermosa Connects: The next Hermosa Connects meeting is scheduled for September 12, 2023, at Linda Hasselstrom’s Windbreak House, 8:30 a.m. Motion made and seconded to remove, “Sidewalk extension – from Ingalls Blvd” with discussion. This project is a 2028 project and can be replaced on the agenda after the SD DOT funds the construction; vote; all ayes, motion carried.

NEW BUSINESS: SBHW presentation – pending – Mid to late August. Contractors Licensing Ordinance – Chapter 112 – Review 112.03 - Requirement and Obligations, pending. Administrative Assistant Position, Rescind motion for temporary position; Approve new position description; Approval to advertise for permanent position: the finance committee interviewed and made a preliminary offer based on background check. There may be another part time interview occurring as well. This item to be discussed and finalized at the September 19, 2023, BOT meeting. Fuel the Growth – Economic Development Course: Holsworth, Styles, Harris and Hermosa Connects representative will be attending the conference. Headwaters Economics: will be meeting on 7 September 2023. Andersen Engineers: Styles reported the railroad installed the crossing timber and will add some gravel. Styles will plan to schedule the survey for the locate of the 9 Corner Pins. SDML Conference: motion made and seconded to approve all BOT members to attend the SD Municipal League Conference; vote; all ayes, motion carried. (Kramer unable to attend). Contract for office rental: motion made and seconded to approve the board president to sign a contract for Ferguson to rent office space; discussion. Motion made and seconded to amend the motion to table the issue until a further date; vote; all ayes, motion carried. Vote on main motion; all nays, main motion failed. Job Description for Town Manager: motion made and seconded to approve new job description and title for Finance Officer; discussion. The position is being revised to provide for duties with economic development responsibilities. Action: Attorney Johnson will review the new job description before the board proceeds. Boddicker to request auditor to confirm the town is complying with the stipulations of utilizing BBB funds for partial finance officer salary. Motion made and seconded to amend the motion to table until Counsel reviews the job description; vote; all ayes, motion carried. Vote on main motion: all opposed, motion failed. Approval of new leave policy: motion made and seconded to approve the new leave policy; discussion. Motion made and seconded to amend the motion to edit the presented leave policy to change carryover hours; vote; all ayes, motion carried. Vote on main motion with the amendment; vote; all ayes, motion carried. Motion made and seconded to implement the new leave policy to

begin immediately; vote; all ayes, motion carried. Approval to work with Hermosa Connects: motion made and seconded to approve board president to work with Hermosa Connects to have a fundraiser/request for donations of labor, material and funds for the walking path from the railroad crossing to Ferguson Street; vote; all ayes, motion carried. 1st Reading: Ordinance 2.076 Appropriating Funds for the Fiscal Year 2024, no action (2nd Reading scheduled for September 19, 2023). Shorb's broken electric line: For informational purposes/no action: during construction of the sewer/water extension north along Highway 79, a secondary line that serves the storage unit was cut. It was repaired at that time; however, they have experienced a loss of one leg of the power. For information: the electric company will use a fault locator to find where the problem is. Action following the results of the location of the fault. Motion made and seconded to remove from agenda: "Rescind motion for temporary position, Approve new position description, Approve to advertise for permanent position; Approval for attendance at SDML Conference; and Approval of new leave policy; vote; all ayes, motion carried.

ITEMS FROM CITIZENS: No action, information purposes only: Citizen informed the board he had not used the town property (mower) as was discussed at a previous meeting.

TRUSTEE INPUT: Trustees had input.

EXECUTIVE SESSION: None.

ADJOURN: Motion made, seconded to adjourn the meeting at 8:40 pm; Vote: Unanimous, motion carried.

ATTEST:

Jerry Styles, Town Board President

Gail Boddicker, Finance Officer

Published once at the approximate cost of ___