

HERMOSA TOWN BOARD
TUESDAY, JANUARY 9, 2024
PUBLIC HEARING AND REGULAR MEETING @ 6:00pm

ROLL CALL: Styles called the meeting to order on Tuesday, January 9, 2024, at 6:00 pm with the following members present: Ferguson, Henrichsen, Holsworth and Kramer. Attorney Johnson also present. Interested citizens also present. A special thanks to the public members, Chuck the public works contractor, Mitch the town attorney, and Gail the town Finance Officer. Pledge of Allegiance led by Styles.

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

PUBLIC HEARING: Chair turned over to Vice President Henrichsen. Motion made and seconded to enter the Public Hearing to discuss the lease of the town shop; four ayes; one abstained; motion carried. The public was invited to comment on the leasing of the town shop to Trip J&K Properties, LLC, for \$1,200 per month, term of one year with four option years. The cost of the lease will increase 3% each option year. There were no comments from the public. Motion made and seconded to approve the Resolution of Intent to Lease Real Property and for approval for the Vice Chair to sign the contract with Triple J&K Properties LLC; vote: four ayes; one abstained; motion carried. Motion made and seconded to adjourn the public hearing and resume the regular meeting; vote: all ayes, motion carried.

SPECIAL ITEMS:

Boddicker took Oath of Office from Attorney Johnson.

CONSENT CALENDAR:

Motion made and seconded to approve the December 19, 2023, regular meeting minutes as presented; vote: all ayes, motion carried.

CONFLICT OF INTEREST DECLARATION:

All board members are responsible to refrain from discussion and voting on issues they have a conflict of interest with

PLANNING & ZONING:

The permits approved/issued by Jill since the last meeting were presented to the board.

CLAIMS: Motion made and seconded to approve Payroll and Claims as amended; vote: all ayes, motion carried. CUSTER COUNTY SHERIFF, Dispatch contract, \$4,000.00; CHUCK FERGUSON, Monthly agreement 12/2023, \$2,600.00; CHUCK FERGUSON, Reimburse for zoning issue, \$724.60; GOLDEN WEST TECHNOLOGIES, Monthly service-January 2024, \$576.00; HARRIS CONTRACTING LLC, FEMA, Emails, Meeting, \$253.75; HEALTH POOL OF SOUTH DAKOTA, Admin single health, \$995.00; JOHNSON LAW OFFICE, BOT mtg, email, resolution, \$1,263.50; KLJ, Lagoon expansion, On-call planning, \$9,689.50; MT RUSHMORE TELEPHONE, PHONE/INTERNET, \$256.21; Nelson's Oil & Gas Inc., Propane-City Well, \$161.85; PIONEER BANK & TRUST, Office checks, \$85.85; PIONEER BANK & TRUST, Bank chg for 2 signature acct, \$25.00; PIONEER BANK & TRUST, Office computers, lagoon ramp, Adobe, \$3,199.70; RURAL DEVELOPMENT, RD1, \$1278; RD2, \$417.00, RD3, \$222.00 January Loan/Principal; SANDERS SANITATION, MONTHLY SANITATION SERV, \$3,924.18; SD Municipal League, Annual renewal, \$618.18; SDML Wrks Comp Fund Renewal, \$486.00; Southern Hills Publishing, Publishing/Legal, \$372.13. Accounts Payable Total: \$31,148.45. Payroll related: Legislative, \$1,309.01, Financial administration, \$3,476.25, Gen. Gov't buildings, \$155.84, Water, \$379.50, Sewer, \$159.74, Promoting City/ BBB, \$ 53.25, SD Retirement System, SDRS, \$832.58, EFTPS-Electronic Federal Tax, FED/FICA TAX, \$1,444.38. Total Payroll Related Paid: \$7,810.55. REPORT TOTAL: \$ 38,959.00. GENERAL: \$28,344.21, BBB GROSS RECIPTS TAX: \$ 15.85, WATER: \$3,109.46, SEWER: \$1,955.89, Total Inc: SDRS, FICA: \$33,425.41.

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS:

Custer County Log provided by Sheriff's Office; no action. Abatements: Ferguson to follow up with abatement on prairie dog issue.

LEGAL:

WRT Termination Agreement and Mutual Release: to be discussed in executive session. Motion made and seconded to remove Ordinance 50.01, 3rd Class Municipality law enforcement requirements, and WRT Termination Agreement from the agenda; vote: all ayes, motion carried.

ENGINEER:

Hermosa Sidewalk Project: final bill has been sent to office, Boddicker to review the numbers and will put in for Claims at the January 23, 2024, BOT meeting. Town of Hermosa Water and Sewer Extension Project, pending. Will send a letter to ACES bid on the project, with approval, we need ACES to inform us how she is going to move forward so we can get completion on the project. Approval for KLJ Engineering to develop task orders, deadline TBD:

1. Lagoon bidding and construction management (Still waiting on the CLOMA to be completed)
2. Engineering staff reports/office support (two tasks completed: review of plat and review of FEMA go grant submittal project)

3. Evaluate lift station at Ferguson Subdivision for storm water issues (This project has been submitted as part of the FEMA design grant).
4. Feasibility study for tying into SBHW to submit to SDDANR funding/grants; pending.
5. Feasibility study for placing water, and sewer along Whitney Street from east of the railroad to Highway 79 to submit to SDDANR for funding/grants; pending.
6. Feasibility study for evaluating (stormwater along Whitney and road replacement) the intersection of Whitney and 2nd Street to Highway 79 for SDDOT for funding/grants (This project has been submitted as part of the FEMA design grant).
7. Highway 79 sewer repair bidding and construction management; pending.

Motion made and seconded to request KLJ to prepare a cost estimate and draft task order to update the Comprehensive Plan; discussion. KLJ will be preparing this cost estimate and draft task order at no cost to the town. Once we have the data from KLJ the board can decide whether to move forward or not. An updated Comprehensive Plan is critical to getting grants in the future. Vote: all ayes, motion carried. Motion made and seconded to remove, Evaluate lift station at Ferguson Subdivision for storm water issues and Feasibility study for evaluating (stormwater along Whitney and road replacement) the intersection of Whitney and 2nd Street to Highway 79 for SDDOT for funding/grants from the agenda; vote: all ayes, motion carried.

PUBLIC WORKS:

Ferguson reported on status of streetlights; will check with inventory and/or Conrads for replacement for Highway 79. Citizen voiced concern regarding Whitney Street having no streetlights; item to be placed on future action items. Folsom Street also needs to have streetlight repaired. Water: will be doing RAD sample. Sewer: Ferguson to follow-up with PACE to contract for camera-ing and jetting infrastructure. Ramp on Pond B being constructed by Ferguson and Irvine. Status of the lagoon to be ready to be pumped and status of having Ponds B&C to operate in surcharge. Bolted Tank Interior Floor Reseal, no action. Open Work Orders (attached): Harris requested a correction on spreadsheet.

FINANCE OFFICE:

Monthly financials: Boddicker to provide year-end financial reports on January 23, meeting. Department updates SBI, insurance coverage recommendations. Class Action Suit regarding US District Court: SC water system is challenging the advertising, design, etc of flushable wipes. By not doing anything, the town will automatically be part of the Class Action Suit; no action taken. 2024 SD Legislature: Proposed HB1010: An Act to require customer consent for installation of a smart meter for a utility service. Discussion. Action: Boddicker to follow bill, SDML. Sander Sanitation has requested the town to review town ordinance if we allow dumpsters rather than totes; no action at this meeting. Grant research, pending. Tracking Items (attached); no action. Motion made and seconded to approve the BOT president to sign the Engagement Letter with Independent Audit Services to audit the Town of Hermosa for the two years ending December 31, 2023; vote: all ayes, motion carried. Motion made and seconded to hire a full-time finance officer, discussion to be accomplished at January 11, 2024, Work Session. Vote: all ayes, motion carried. Motion made and seconded to discuss a proposed hiring process presented by board president. Hiring process (spreadsheet) approval will include all special meetings, publication of announcement and other due dates as presented. Discussion. Vote: all opposed, motion failed. Motion made and seconded to schedule a Special Meeting for January 18, 2024. Discussion. Vote: 2 nays; three ayes; motion carried. Motion made and seconded to remove, SBI, insurance coverage recommendations, Class Action Suit, 2024 South Dakota Legislature, Sander Sanitation, Approve Independent Audit Services Engagement Letter, Computer for Town Office, Hiring a full-time finance officer and Approve hiring processes from the agenda; vote: all ayes, motion carried.

OLD BUSINESS:

Voluntary Annexation, pending. Hermosa Connects: Mixer scheduled for January 16, 2024, at the Beef Barn from 5:00 to 7:00 pm. Save the Date for the 2024 Vendor Fair scheduled for June 22, 2024. Motion made to allow town office personnel to attend the Mixer; motion failed for lack of second.

NEW BUSINESS:

Discussion regarding Southern Black Hills Water attendance at Special Meeting on January 18, 2024; to be discussed in executive session.

Headwaters Economics: bypassed for later in the agenda. Andersen Engineers, Survey; Locate 9 Corners, pending. Town office camera system investigation, pending. Requirement drainage on Lone Coyote Development and Carriage Hills, pending. Motion made and seconded to table the Town Office parking/lower level to a future date; vote: one nay, four ayes, motion carried. Black Hills Recovery Network: motion made and seconded to approve the town office to continue to print the newsletter with the office having up to 3 days to print: discussion. Special thanks to Harris for her support, contribution, and service to the town. Harris to monitor the number of newsletters printed to ensure there is no waste. Vote: one abstained, four ayes, motion carried. Purchase of Locate equipment: Ferguson researching the cost of locate equipment; discussion. Ferguson may be purchasing locate equipment which will increase the fee he is paid for locating. Issue pending due to review and revise Ferguson contract.

Motion made and seconded to approve June 4, 2024, as the June 2024 election date, combining with county and school board. Vote: all ayes, motion carried. Motion made and seconded to designate the Custer County Chronicle as the Town of Hermosa official newspaper for 2024; vote: all ayes, motion carried. Motion made and seconded to designate Pioneer Bank & Trust as the Town of Hermosa official financial institution for 2024; vote: all ayes, motion carried. Motion made and seconded to approve Resolution 01-2024 Salary and Wages; vote: all ayes, motion carried. Ferguson contract renewal, pending. Motion made and seconded to approve BOT president to sign the Federal Emergency Management Administration's 2023 Building Resilient Infrastructure and Communities (FEMA BRIC) grant. Vote: all ayes, motion carried. Motion made and seconded to remove, Headwaters Economics, Black Hills Recovery Network, 2024 Election Date, Designation of Custer County Chronicle as official newspaper, Designation of Pioneer Bank & Trust as official financial institution, Resolution 01-2024, Contract Renewal, and FEMA letter of commitment from the agenda and to move, SBHW presentation, Andersen Engineers Survey, Town office camera system investigation, and Requirement drainage on Lone Coyote Development and Carriage Hills to Old Business; vote: all ayes, motion carried.

ITEMS FROM CITIZENS: Citizen had a question on the status of the follow up on taking care of saplings in citizen's yard. Citizen requested the board confirm they wish to continue the Volunteer of the Year award; item to be placed on the January 23, 2024, agenda.

TRUSTEE INPUT: Trustees had input.

EXECUTIVE SESSION:

Motion made and seconded to enter Executive Session allowable by SDCL 1-25-2.1 – Legal/Personnel/Contract at 7:44 pm; vote: all ayes, motion carried. No motions made in executive session. Motion made and seconded to exit executive session at 8:50 pm; vote: all ayes, motion carried. Motion made and seconded to adjourn at 8:52 pm; vote: all ayes, motion carried.

Gail Boddicker, Finance Officer

Jerry Styles, Town Board Vice President

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