

**HERMOSA TOWN BOARD  
TUESDAY, OCTOBER 3, 2023  
REGULAR MEETING @ 6:00pm**

ROLL CALL: Styles called the meeting to order on Tuesday, October 3, 2023, at 6.00 pm with the following members present: Ferguson, Styles, and Henrichsen. Holsworth and Kramer within fifteen minutes. Pledge of Allegiance led by Jerald Styles.

CALL FOR CHANGES: Motion made and seconded to amend the agenda to add the following items under Planning and Zoning: Work Session Schedule and PZ Meeting minutes. Vote: all ayes, motion carried.

SPECIAL ITEMS: Meeting Protocol: Requested board members to be timely with attendance.

CONSENT CALENDAR: Motion made and seconded to approve September 19, 2023, BOT regular minutes and September 22, 2023, special meeting minutes; vote; three, ayes; one, nay; motion carried.

CONFLICT OF INTEREST DECLARATION: The chair declared Ferguson having conflicts on the agenda: Delegation for signing permits and Public Works Committee Reports for, Streets, Street Light Repairs, Water & Sewer Department Updates.

CLAIMS: Motion made and seconded to approve October 3, 2023, Payroll and Claims as presented; vote; all ayes, motion carried. A & B BUSINESS EQUIPMENT INC, MONTHLY PRINTER/FAX FEE, \$551.18; American Engineering Testing , Geotechnical-Lagoon, Boring, \$7,500.00; BLACK HILLS ELECTRIC COOP, Inc, Utilities-Electric 09/2023, \$2,907.66; CHUCK FERGUSON, Monthly agreement 09/2023, \$2,600.00; CHUCK FERGUSON, Inspections x 2, Lift Station, Labor, \$560.00; Slade Heeb, Tires, mount, balance, \$1,645.94; Jill Dybvig, gWorks assistance, \$362.50; McLeod's Printing, Uniform Traffic Tickets, \$143.56; Monika Serviss, gWorks Assistance, \$125.00; PIONEER BANK & TRUST, Bank charge for 2 signature account, \$25.00; SANDERS SANITATION, MONTHLY SANITATION, \$4,456.72; Nelson's Oil & Gas Inc, Propane-City Well, \$390.00; RURAL DEVELOPMENT, RD1, \$1278; RD2, \$417.00, RD3, \$222.00 October Loan/Principal **Accounts Payable Total, \$23,184.56. Payroll related:** EFTPS-Electronic Federal Tax, FED/FICA TAX, \$1,414.19. SOUTH DAKOTA RETIREMENT SYSTEM, SDRS - POLICE, \$866.84. Total Paid On: 9/29/23: \$5,697.76. **Total Payroll Paid, \$7,978.79. REPORT TOTAL: \$31,163.35. Utility Deposit Refunds:** Amy Kirk, \$97.15; Debra Opland, \$89.61; Tim Premo, Reissue/Check Lost, \$100.00. **Deposit Refund Total: \$286.76.**

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS: Marshal Heeb provided report. Motion made and seconded to request Ferguson to correct street signs at 5<sup>th</sup> and Main and south entrance of school; vote; 3, ayes; 1 abstained; motion carried. Motion made and seconded to approve the purchase of 2-Alco Sensor FST, Portable Breath Test @ \$650 each and to dispose of non-operational Breath Testers in stock; vote; all ayes, motion carried. Motion made and seconded to change the time on the flashing lights at school zone to 7:00-8:00 am and 3:00-4:00 pm per input from the school. Discussion. Motion made and seconded to amend the motion to have the lights operating from 6:30-8:00 a.m. and 3:00-5:00 p.m. Discussion. Motion made and seconded to amend the amended motion to table the issue until Ferguson discusses the issue with the school official; vote, all ayes, motion carried. The original motion and amended motion no vote as the board voted to approve the motion to table the issue until Ferguson discusses the issue with the school official. Motion made and seconded to approve to surplus the 2003 Chevy Tahoe plus equipment removed from vehicle that cannot be used in a future law enforcement vehicle, plus surplus the tires from the 2012 Chevy Tahoe; vote; all ayes, motion carried. Motion made and seconded to decommission the 2003 Chevy Tahoe at an estimated cost of \$1000. Discussion. Vote; all ayes, motion carried. Motion made and seconded to contract with Ramsey Auctions to surplus said items at a 6% vehicle sales commission and 15% for other items sales commission; vote; all ayes, motion carried. Motion made and seconded to accept Marshal Heeb's resignation, last day is October 11, 2023, vote; all ayes, motion carried. Special thanks to Heeb for his professional expertise and knowledge. Motion made and seconded to request to table hiring law enforcement replacement to await attorney counsel. Discussion. Vote: all ayes, motion carried. Motion made and seconded to table discussion to reimburse law enforcement for cell phone and monthly expenses for Straight Talk; vote; all ayes, motion carried.

AbateMENTS: Ferguson: no report. Henrichsen: received citizen complaints regarding violations that were acknowledged that were committed by board members, past board members, finance officers, employees of the town, that were never completed and citizens questioning why they are expected to adhere to the rules but parties involved are not living up to the rules. Discussion. It was noted abatements need to be fair no matter who; procedures must be followed consistently for all citizens.

Attorney sent letter to citizen informing the town will not be reimbursing her for mowing her Right-of-Way. Motion made and seconded to remove item from agenda; vote; all ayes, motion carried.

LEGAL: Engineer expense reimbursement, pending. Resolution assistance to dissolve P&Z, pending. Assistance to review and rewrite ordinances to support dissolving P&Z, pending. Delegation for signing permits – will be discussed in October Work Session. Bond Schedule: Heeb will provide for review. Review draft engineering contract, motion made and seconded to request Attorney Johnson review the draft engineering contract and report at the October 17, 2023, meeting; vote; all ayes, motion carried. Motion made and seconded to remove Whitney Street address, Permit 2023-20, and resignation letters from agenda; vote; all ayes, motion carried.

**ENGINEER:**

Hermosa Sidewalk Project, pending final bill from SD DOT. Sewer Project (Lagoon design & expansion): AET has submitted the report to the town and ACES. ACES to inform town when she is ready to resubmit the design submittal to SD DANR. Town of Hermosa Water and Sewer Extension Project – pending. Hermosa Hills Drainage, town accept Walter Street-pending. Street needs MAG water; discussion. It was noted to request contractor to have the road sealed before winter. Goal is to have the road accepted before it snows.

**PLANNING & ZONING:** Permit 2022-25, Revised Digging/ROW, waiting submittal from Ferguson’s engineer; pending. Motion made and seconded to approve new address for Parcel #009327 as 390 Whitney Street; vote; all ayes, motion carried. Permit 2023-20 is Informational Permit – President Styles welcomed Caley Buckert to town who will be operating massage therapy from her home; no action required. Motion made and seconded to accept Chuck Irvine and Brad Westergard’s resignations from Planning and Zoning; vote; all ayes, motion carried. Thanks to Chuck and Brad for their time and effort on the P&Z board. The October Work Session is scheduled for October 10, 2023, following Planning and Zoning. Henrichsen objected to P&Z’s minutes; no action.

**PUBLIC WORKS:** Ferguson provided report: concern with street conditions, streetlights – waiting on contractor to change the lights; water – RADs and Quarterly are due. Lagoon – suggested to pump from Cell C to A. Styles and Holsworth to assess street conditions, and make recommendation to board at the October 17, meeting. Concern with the high weeds/grass at 2<sup>nd</sup> Street bridge; Ferguson to mow. Agreement for performance of services of public works and town maintenance, in progress. Tank Floor Reseal: pending, quote received will be discussed at October 17, meeting. Sewer line at citizen’s home near 2<sup>nd</sup> Street by bridge – service line froze last winter. Citizen requesting dirt to cover to insulate. Motion made and seconded to approve Ferguson to bring in dirt, at a cost not to exceed \$200; vote; all ayes, motion carried.

**FINANCE OFFICE:** September bank reconciliation and financial reports will be included in the October 17, 2023, BOT packet. Health insurance premium increasing to \$985.00 per month. No other updates. Holsworth concerned with the water consumption report indicating a loss report of 16% (last month it indicated 4%). Ferguson requested to be aware of any issues.

**OLD BUSINESS:** Annexation: Voluntary Annexation, pending. Hermosa Connects: next Hermosa Connects meeting is scheduled for October 9, 2023, Hermosa Coffee Shop, 9:00 a.m. Motion made and seconded to approve the employee leave policy as presented. Discussion. Kramer addressed the issue of approving the finance officer to work on a holiday if needed; to collect holiday pay and regular pay; no action. Vote on leave policy: all ayes, motion carried. Motion made and seconded to approve the new job description for Finance Officer as presented. Discussion. Vote: one, nay; four, ayes, motion carried. Motion made and seconded to remove Leave Policy, Finance Officer job description, and 2024 Budget from the agenda; vote; all ayes, motion carried.

**NEW BUSINESS:** SBHW presentation – pending. Administrative Assistant Position, Approve hire: Jodi Simons: motion made and seconded to hire Jodi Simons for the administrative assistant position with a begin date to be determined; vote; all ayes, motion carried. Headwaters Economics: Claycomb was awarded the contract to perform the hydrogeological study for the Town of Hermosa, project ongoing. Andersen Engineers, Survey; Locate 9 Corners: pending. Shorb’s easement requirements owed to them by town. Will be addressed at the October 10, 2023, Work Session. Town office camera system investigation: awaiting a quote. Terminate Shop Lease: motion made and seconded to accept the request from Westergard to terminate his lease and to prorate the October 2023 rent to the number of days he is in the building; vote: all ayes, motion carried. Advertisement discussion on the 10-10-23 Work Session agenda. 1<sup>st</sup> Reading Hermosa Ordinance: 30.07, revised from March 2022; no action.

**ITEMS FROM CITIZENS:** Citizen questioned whether they will be allowed to attend meetings via teleconference.

**TRUSTEE INPUT:** Holsworth discussed there was an item added to the last meeting agenda and informed the board that items can be added to an agenda but cannot be acted on until the following agenda. Kramer requested to remove shop lease from agenda; motion made and seconded to remove Shop Lease Termination from agenda; vote; all ayes, motion carried. Kramer commented on placing responsibility to sign permits on the office staff; concerned too many responsibilities will be placed on staff when they are beginning employment. Also asked for background on the town/Shorb discussion. Ferguson: none. Henrichsen: confusion regarding a seminar she and Ferguson and Holsworth attended. Henrichsen confused why he had more information than she and Ferguson had; no action. Styles: welcome Caley Buckert, with her new business to town. Thanks to Marshal Heeb for his guidance and input. Appreciate the citizens attending, thanks to Linda and the remainder of the board.

**EXECUTIVE SESSION:** None.

**ADJOURN:** Motion made, seconded to adjourn the meeting at 8:05 pm; Vote: Unanimous, motion carried.

**ATTEST:**

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Jerry Styles, Town Board President

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Gail Boddicker, Finance Officer

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