

**HERMOSA TOWN BOARD
REGULAR MEETING
TUESDAY, MARCH 15 , 2022 @ 6:00pm**



- 1) **ROLL CALL:**
 - A. BOT Roll Call; Flug, Henrichsen, Holsworth, King, Schumack
 - B. Acknowledgement of other Attendees
 - C. Pledge of Allegiance to be led by Holsworth

- 2) **CALL FOR CHANGES:**
 - A. Review of current agenda items
 - B. Motion to accept the agenda as presented/amended

- 3) **SOLID WASTE CONTRACT BID OPENING**

- 4) **CONSENT CALENDAR:**
 - A. Approval of the March 1, 2022, regular meeting minutes

- 5) **CLAIMS:**
 - A. Review payroll and claims
 - B. Motion to approve the claims as presented/amended

- 6) **LAW ENFORCEMENT/ ABATEMENTS/COMPLAINTS:**
 - A. Committee report
 - B. Homeland Security Grant Award
 - C. Custer County Log

- 7) **LEGAL:**
 - A. Prepare Extraterritorial Agreement with Pennington County (Platting, Building)
Letter to Pennington County

- 8) **ENGINEER:**
 - A. Water Rehab Project (WRT System): pending due to awaiting results from water test
 - B. N Second Street Box Replacement
Guard Rail
 - C. Lone Coyote Subdivision (Preston Sub) Preliminary Plat Application
(Permit 2021-18 was voided and renumbered to Permit #2021-36, Lots 1-23)
 - D. Hermosa Sidewalk Project
 - E. Sewer Project (Lagoon expansion)
 - F. Town of Hermosa Water and Sewer Extension Project, Change Order 1
Approval of Pay Application No. 1 (Remove from agenda)
Approval of Pay Application No. 2
Approval of easement reroute (Remove from agenda)
Approval of Gate Valve
 - G. Water/Sewer Facility Plans
 - H. Hermosa Hills Drainage
 - I. Whitney Street Drainage
SDARWS Report
 - J. Annexation Study - McDermid Street

- 9) **PLANNING & ZONING:**
 - A. P&Z March 8, 2022, minutes
 - B. Permit 2022-02; Subdivision Plat Application- G&G Development- Walnut Grove Park; Pending; Revised Staff Report
from ACES with recommendations.
 - C. Permit 2022-04; Conditional Use Permit; Parcel 9322; Cold storage and maintenance on personal equipment.
 - D. Permit 2022-05; Informational Permit; 710 Tenaya St; Food Truck
 - E. ADU Ordinance – BOT to review for approval

- 10) **PUBLIC WORKS**
 - A. Committee Report
 - B. Streets, Street Light Repairs, Water & Sewer Department Updates
 - C. Land Application Contract
 - D. CMOM Program Development
 - E. SDARWS
Maintenance requests

- 11) **FINANCE OFFICE:**
 - A. Monthly Financials, pending accountant
 - B. Department updates

- 12) **OLD BUSINESS:**
 - A. Annexation: Gumbo Lilly, Fairgrounds Place
 - B. Town Sign, pending
 - C. ADU Zoning Ordinance, pending
 - D. Town Office: Deck Staining, pending
 - E. Library: Deck Staining, Mud Jacking, pending
 - F. 2022 South Dakota Legislature, pending

- 13) **NEW BUSINESS:**
 - A. 2nd Reading Hermosa Ordinance: 30.01, 2nd Reading Hermosa Ordinance: 30.05, 2nd Reading Hermosa Ordinance: 30.06
(Remove from agenda)
 - B. 2nd Reading Hermosa Ordinance: 30.07
 - C. Food Pantry, Lease approval (Remove from agenda)
 - D. Trustee Flug Resignation (Remove from agenda)
 - E. Trustee Open Seat
 - F. Volunteer of the Year Selection
Presentation at future meeting

- 14) **ITEMS FROM CITIZENS:** No action will be taken (3-minute time limit per speaker)

- 15) **TRUSTEE INPUT:**

- 16) **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

- 17) **ADJOURN:**
Motion by _____; second by _____ to adjourn the meeting at _____ pm.

HERMOSA TOWN BOARD
REGULAR MEETING
TUESDAY, MARCH 1, 2022 @ 6:00pm



4A

ROLL CALL: Holsworth called the meeting to order at 6:00 pm with the following members present: Henrichsen, Holsworth, King, and Schumack. Attorney Johnson, Berg, Ferguson, Harris and interested citizens also in attendance. Pledge of Allegiance led by Holsworth.

CALL FOR CHANGES: Motion made and seconded to approve the agenda as amended (under Whitney Street Drainage, add proposal for gravel in alley between 3rd & 4th, discussion purposes only plus Law Enforcement issue under Executive Session); vote; all aye, motion carried.

CONSENT CALENDAR: Motion made and seconded to approve February 15, 2022, regular meeting minutes; vote; all ayes, motion carried.

CLAIMS: Motion made and seconded to approve the claims as presented; vote; all ayes; motion carried. A&B Business Solutions, Monthly Charge, \$580.17; ACES, Staff Report: 2021-25, 2021-36, 2022-02, \$4,467.50; Banyon Data Systems, Payroll, PSN Module, Utility Billing, Fund Actg, \$2,715.00; Belt, Vonda, Cleaning supplies, ladder, \$59.59; Black Hills Cooperative Inc, Monthly charge, \$3928.91; Boddicker, Gail, Mileage to Custer, x 2 trips (60.84) Utility Easement Filing (Heartland Storage) (30.00), \$90.84; Ferguson, Chuck, February 2022 Contract, \$2,446.34; Ferguson, Chuck, Snow removal, Inspections, \$380.00; Lingo, Monthly billing, \$33.24; Miller Construction, Haul base course, alley work, \$1,803.36; Southern Hills Publishing, February 2022 monthly billing, \$242.20; Tem-Tech, Installed new hour meter, \$275.88; USA Blue Book, Motor, PH Test Kit, \$612.98; Verizon Connect, Monthly billing, \$32.38; Payroll related: Board of Trustees, \$600.00; Finance, \$2,888.55; Meter Reading, \$164.50; EFTPS, 941 payroll tax deposit, \$820.19; SD Retirement Fund, February 2022, SDRS, \$714.04; TOTAL: \$22,880.67.

LAW ENFORCEMENT/ ABATEMENTS/COMPLAINTS: Introduction of Deputy Megan Heggen, a new officer in the Custer County Sheriff's Department. The Sheriff's Office provided the monthly log report. McGraw reported there were many calls but no extreme issues. He reported the Sheriff's Office is in the process of hiring another officer. Citizen requested Custer County to be more vigilant in the school zone – especially on 3rd Street, a main thoroughfare for school traffic – as she is seeing more and more people that don't heed to the Stop signs. They were also asked to have patrol available at 7:00 am rather than 7:30.

LEGAL: Pennington County Extraterritorial Agreement: Pennington County Commissioners are reviewing the Agreement; no response has been received at this time.

ENGINEER: Water Rehab Project (WRT System): continue as pending due to awaiting results from water test. N Second Street Box Replacement Guard Rail: pending. Lone Coyote Subdivision (Preston Sub) Preliminary Plat Application: discussed under P&Z on agenda. Hermosa Sidewalk Project: The SDDOT engineer's estimate came in much higher than anticipated, therefore, the town must decide how to proceed with the project. Motion made and seconded to go forward with the program up to that allotted amount we originally intended to use and then whatever that amount for the overbid go into that scope of the bid to that amount and then we will reallocate to the next project after we find out what we get for that amount; vote; all ayes, motion carried. Sewer Project (Lagoon expansion); no updates. Town of Hermosa Water and Sewer Extension Project, the Change Order 1 that was discussed at the February 15, 2022, meeting is related to the easement area and reroute. The proposal is \$34,512.80; this includes installing the water and sewer taps on the Shorb property. Berg reported there is no gate valve between the Flying J and Dollar General and if there is a need to isolate the area, a gate valve is essential. RCS provided a proposal for cutting in the gate valve at \$6,000.00. The location and approval for the gate valve will be discussed on March 15, 2022, meeting. Water/Sewer Facility Plans: DANR is in the stage of reviewing the facility plans; issue pending. Hermosa Hills Drainage: no update. Whitney Street Drainage: Berg has not had any further discussion related to any additional testing, coordination or follow up beyond the meeting with FMG Engineering since the meeting earlier in February. The inspections have been completed on Phase II of the school expansion project and Berg suggested issuing a temporary Certificate of Occupancy because of the on-site issues that are not complete. A temporary CO would give them time to make corrections; the drainage is the specific issue. Berg will send contractor informing them of the temporary Certificate of Occupancy. No action taken on discussion regarding bid for gravel to be placed in the alley between 3rd and 4th Streets.

PLANNING & ZONING: P&Z February 22, 2022, minutes: no action. Permit 2021-36; Lone Coyote Subdivision: Preston and his engineer need to submit an updated plat – construction administration services and the warranty items need to be addressed; issue is pending. Permit 2021-25; Southern Hills RV Park: motion made and seconded to approve Permit 2021-25, per the recommendations of the Staff Report; vote; all ayes, motion carried. Permit 2022-03; Digging/Grading Permit – Midco – Construct Cable Communications system in town of Hermosa. Midco to be contacted to request media links, details for the website, public presentations, etc. Motion made and seconded to approve Permit 2022-23; vote; all ayes, motion carried.

PUBLIC WORKS: Street light on Main Street to be repaired. Water: SDARWS scheduled to return to Hermosa to conduct additional leak detection tests on March 2, 2022. Streets, Street Light Repairs, Water & Sewer Department: Boddicker to schedule a time for a presentation to the board regarding electronic meters. Land Application Contractor: the field must be chiseled before land application can occur. Area citizen has offered to provide a tractor for rent in order to chisel the ground so the ground can accept the land application. CMOM Program Development: Holsworth reported this is a sewer yearly maintenance compliance report, will also have one for water. SDARWS Water System recommendations: SDARWS provided recommendations the town/public works should be performing to work towards and put into scheduling, will continue to monitor. PACE, the company that specializes in pipe cleaning, TV inspection, root control, trenchless spot repair will be on site March 8 to camera and jet the sewer system. Aim High to send a proposal to take down tree in ROW on Fairgrounds Place and have it taken away. Motion made and seconded to have tree taken down and disposed; vote; all ayes; motion carried.

FINANCE OFFICE: Due to approved off-site accounting assistance, monthly financial are pending. Town Office software discussion: Finance Office has researched replacing the Utility Billing, Payroll, and Fund Accounting software program with gWorks, a firm from Omaha, NE. It was decided to postpone switching programs until late summer/early fall.

OLD BUSINESS: Annexation: Gumbo Lilly, Fairgrounds Place: Before involuntary annexation can occur, State Statute requires a study be performed to determine the need for annexation of the contiguous lands and identify the resources necessary to extend or expand the municipal boundaries; ACES presented the Proposed 2022 Annexation Study at this meeting. Citizens will be advised per certified letter that a Public Hearing will be held on Public Hearing : 1st board meeting in April. Town Sign, pending. Berg contacted DOT and learned we cannot have the town sign in the ROW. There is no variance option. ADU Zoning Ordinance, pending. Town Office: Deck Staining, pending. Library: Deck Staining, Mud Jacking, pending. 2022 South Dakota Legislature, pending

NEW BUSINESS: 2nd Reading Hermosa Ordinance 30.01: 2nd Reading Hermosa Ordinance 30.05: 2nd Reading Hermosa Ordinance 30.06: motion made and seconded to approve these ordinances as presented; vote; all ayes, motion carried. 2nd Reading Hermosa Ordinance 30.07: motion made and seconded to approve. Discussion: trustees were encouraged to vote no or amend this ordinance as there may be extenuating medical or emergency circumstances that trustees are just not able to attend the required four meetings of attendance in a quarter. Motion made and seconded to table approval of the 2nd Reading Ordinance 30.07 to amend the ordinance to provide for the disability of a trustee or immediate family member; vote; all ayes, motion carried. Food Pantry: motion made and seconded to approve signing the Food Pantry lease that will be housed in the lower level of the town office; vote; all ayes, motion carried. The Food Pantry is under the auspices of the church and will be required to provide proof of insurance. Motion made and seconded to accept the resignation of Trustee Berni Flug as he is moving from the community; vote; all ayes, motion carried. The March 15 agenda will include a notice that a trustee seat is open, and the board will begin to accept letters of intent for the open seat; vote; all ayes; motion carried.

ITEMS FROM CITIZENS: Citizen voiced concern regarding the discussion indicating that digging/grading permits will be issued based on a case-by-case basis; concerned there may be discrimination circumstances that could occur.

EXECUTIVE SESSION: Motion made and seconded to enter executive session at 8:05 pm allowable by SDCL 1-25-2 personnel and contract; vote; all ayes, motion carried. Motion made and seconded to exit executive session at 9:16pm; vote; all ayes; motion carried. No motions made in executive session.

TRUSTEE INPUT: Thanks to Chuck Ferguson for the excellent job he provides to the town. King: appreciates attendance of citizens and looks forward to them attending with solutions to the issues. Henrichsen: disappointed in the ordinance changes. Holsworth: thanks to the board, finance office.

ADJOURN: Motion made and seconded to adjourn the meeting at 9:19 pm; vote; all ayes, motion carried.

Dan Holsworth, Town Board President

ATTEST:

Gail Boddicker, Finance Officer
Published once at the approximate cost of ____

Claims for Approval 3-15-2021		
ACES	2021-36 permit review	\$ 680.00
Aim High	Tree removal on 194 Fairgrounds Pl	\$ 1,300.00
Dakota Supply Group	Flange, gasket	\$ 184.82
Fastenal	Meter supplies	\$ 72.82
Ferguson, Chuck	Inspections, water repair Tower Hill, snow removal	\$ 1,005.00
Golden West	Monthly billing	\$ 563.50
Interstate Battery Center	Telephone batteries	\$ 25.98
Johnson Law Office	Monthly billing	\$ 1,878.00
McLeod's	Election supplies	\$ 59.53
Mandy Morris, CPA	Accounting assistance	\$ 870.00
Mt Rushmore Telephone Company	Monthly billing	\$ 240.45
Pioneer Bank & Trust	Monthly billing	\$ 221.75
RCS	Contractor's Application for Payment No. 2	\$ 119,441.98
Rural Development #1	Monthly charges	* \$ 417.00
Rural Development #2	Monthly charges	* \$ 222.00
Rural Development #3	Monthly charges	* \$ 1,278.00
Sander Sanitation	Monthly billing	\$ 2,846.25
SD Department of Revenue	January/February Sales Tax	\$ 491.86
Summit Fire Protection	Fire extinguisher annual inspection	\$ 110.00
Payroll related:		
Payroll	Board of Trustees	
Payroll	Finance Department	\$ 2,792.48
Payroll	Planning & Zoning	
Payroll	Janitorial Meter Mosquito Control	
Gail Boddicker	Health insurance	\$ 200.00
EFTPS	941 payroll tax deposit	* \$ 654.61
Health Pool of South Dakota	Monthly premium	\$ 882.97
SD Retirement Fund		
TOTAL		\$ 136,439.00

Contractor's Application For Payment No. #02

To (Owner): Town of Hermosa	Application Period: 2/28/2022	Via (Engineer): R.C.S. Construction	Affordably Creative Engineering Services
Project: Town of Hermosa - Water & Sewer Extension Project	Contract: Contractor's Project No.: 202149	Pay Application #2	
Owner's Contract No.:		Engineer's Project No.:	21-1144d

Application for Payment

Change Order Summary

Approved Change Orders	Number	Additions	Deductions
1. ORIGINAL CONTRACT PRICE			\$ 584,981.04
2. Net change by Change Orders			\$ -
3. CURRENT CONTRACT PRICE (Line 1 ± 2)			\$ 584,981.04
4. TOTAL COMPLETED AND STORED TO DATE (Column F on Progress Estimate)			\$ 467,447.22
5. RETAINAGE (10%)			\$ 46,744.72
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5c)			\$ 420,702.50
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)			\$ 301,260.52
8. AMOUNT DUE THIS APPLICATION			\$ 119,441.98
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G on Progress Estimate + Line 6 above)			\$ 144,278.54
TOTALS			
NET CHANGE BY			
CHANGE ORDERS			

Contractor's Certification

The undersigned Contractor certifies that: (1) all previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with Work covered by prior Applications for Payment; (2) title of all work, materials and equipment incorporated in said Work or otherwise listed in or covered by this Application for Payment will pass to Owner at time of payment free and clear of all Liens, security interests and encumbrances (except such as are covered by a Bond acceptable to Owner indemnifying Owner against any such Liens, security interest or encumbrances); and (3) all Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Payment of:

\$ 119,441.98
(Line 8 or other - attach explanation of other amount)

[Signature]
(Engineer)

03/10/22
(Date)

Payment of:

\$ _____
(Line 8 or other - attach explanation of other amount)

(Owner)

(Date)

Approved by:

Funding Agency (if applicable)

(Date)

3/1/2022

By: *[Signature]*

Progress Estimate: Contractor's Application #02

Application Period:		Town of Hermosa - Water & Sewer Extension Project		Application Number: #02		February 28, 2022							
A		B		C		D		E		F		G	
Contract Information		Work Completed		Materials Presently Stored (not in C or D)		Total Completed and Stored to Date (D + E)		%		Balance to Finish (B - F)			
Bid Item No.	Item	Item Quantity	Unit Price	Total Value of Item(s)	Estimated Quantity Installed	Value of Work Installed to Date	Materials Presently Stored (not in C or D)	Total Completed and Stored to Date (D + E)	% (F / B)	Balance to Finish (B - F)			
1.	Mobilization	1.0	\$ 36,966.36	\$36,966.36	0.95	\$ 35,118.04		\$ 35,118.04	95%	\$1,848.32			
2.	Miscellaneous and Incidentals	1.0	\$ 16,670.31	\$16,670.31	0.95	\$ 15,836.79		\$ 15,836.79	95%	\$833.52			
3.	Erosion and Sediment Control	1.0	\$ 5,443.75	\$5,443.75	0.95	\$ 5,171.56		\$ 5,171.56	95%	\$272.19			
4.	Traffic Control	1.0	\$ 3,792.69	\$3,792.69	1	\$ 3,792.69		\$ 3,792.69	100%	\$0.00			
5.	8" Water Main C-900, DR-18	2876.0	\$ 61.11	\$175,752.36	2444.8	\$ 149,389.51		\$ 149,389.51	85%	\$26,362.85			
6.	6" Water Main C-900, DR-18 (PH LEADS)	36.0	\$ 64.31	\$2,315.16	21.6	\$ 1,389.10		\$ 1,389.10	60%	\$926.06			
7.	8" 90° Horiz. Bend	2.0	\$ 724.35	\$1,448.70		\$ -		\$ -	0%	\$1,448.70			
8.	8" 11.25" Vertical L Bend	6.0	\$ 613.54	\$3,681.24	4	\$ 2,454.16		\$ 2,454.16	67%	\$1,227.08			
9.	8" 22.5" Vertical L Bend	4.0	\$ 618.11	\$2,472.44	2	\$ 1,238.22		\$ 1,238.22	50%	\$1,238.22			
10.	8" Gate Valve	6.0	\$ 2,328.71	\$13,972.26	4.02	\$ 9,361.41		\$ 9,361.41	67%	\$4,610.85			
11.	8" x 6" x 8" Tee	6.0	\$ 832.59	\$4,995.54		\$ -		\$ -	0%	\$4,995.54			
12.	8" Cap	1.0	\$ 408.69	\$408.69	1	\$ 408.69		\$ 408.69	100%	\$0.00			
13.	Bringing of Shorb Road for water and sewer mains	1.0	\$ 30,020.99	\$30,020.99	1	\$ 30,020.99		\$ 30,020.99	100%	\$0.00			
14.	Sanitary Sewer Main, 10" PVC	2901.0	\$ 59.28	\$171,971.28	2501.25	\$ 148,274.10		\$ 148,274.10	86%	\$23,697.18			
15.	48" PCC Manhole	8.0	\$ 3,581.35	\$28,650.80	6	\$ 21,488.10		\$ 21,488.10	75%	\$7,162.70			
16.	Fire Hydrant w/Aux Valve	5.0	\$ 6,477.46	\$32,387.30	3	\$ 19,432.38		\$ 19,432.38	60%	\$12,954.92			
17.	Flush Mounted Tracer Wire Access Box	5.0	\$ 477.84	\$2,389.20	4	\$ 1,911.36	\$1,911.36	\$ 1,911.36	100%	\$0.00			
18.	Sewer Main Encasement with Insulation	200.0	\$ 89.43	\$17,886.00	200	\$ 17,886.00		\$ 17,886.00	100%	\$0.00			
19.	Seed, Fertilize and Mulch	3225.0	\$ 1.85	\$5,966.25		\$ -		\$ -	0%	\$5,966.25			
20.	Material Testing	1.0	\$ 4,499.07	\$4,499.07	0.95	\$ 4,274.12		\$ 4,274.12	95%	\$224.95			
21.	1" Water Service with curb stop location TBD	1.0	\$ 3,286.65	\$3,286.65		\$ -		\$ -	0%	\$3,286.65			
				\$554,951.04	\$	457,447.22	\$	457,447.22	83%	\$97,533.82			

HERMOSA PLANNING & ZONING BOARD
REGULAR MEETING
March 8, 2022 @ 6:00pm



9A

ROLL CALL: Harris called the meeting to order at 6:00pm with the following members present; Harris, Thomason, Waltman absent, Schumack Per 32.02 – In the event quorum does not exist, said Trustee shall act as a voting alternate, Liaison Holsworth. Pledge of Allegiance led by Harris.

CALL FOR CHANGES: Motion made; seconded to accept the agenda as presented. vote; all aye; motion carried.

CONSENT CALENDAR: Motion made; seconded to approve the February 22, 2022, meeting minutes; vote; all aye; motion carried.

OLD BUSINESS:

Permit 2022-02: Subdivision Plat Application; G&G Development; Gary Hunsaker provided updated plat plan and letter signifying he will maintain the streets of North Wilder and Laura Place until the development of homes is final. This includes snow removal and repairs. New revised plat plan submitted to ACES indicates Ingalls Blvd., East Wilder Blvd., North Wilder Blvd., and Laura Pl., were previously dedicated as 24' private access & utility easements. The new plat states they are altered to be 24' wide public access and utility easement. Revised staff report from ACES states §154.02-Subdivision regulations indicates Public Right-Of-Ways intended to be occupied by a street shall have a minimum width of 66 feet. ACES measured from sidewalk edge to sidewalk edge and recommends the public access to be 35 feet. Regarding recommendation for access road circulation of Laura Pl., G&G plans to pack and gravel with curb/gutters and sidewalk on north end. Laura Pl. will loop around to Ingalls with adequate passage for emergency vehicles. Board requested the roads remain private and the owner of the trailer park, Craig Nelson submit a letter showing he will maintain private roads and agrees to public access easement. Also, the board advised the plat to be modified to indicate a 35-foot public access and utility easement. Motion to approve provided Craig Nelson's letter and plat public access be changed to 35 feet; Seconded; vote; all aye; motion carried.

NEW BUSINESS:

Permit 2022-02: Conditional Use Permit; Parcel 9322; Cold storage and maintenance on personal equipment. Motion made and seconded to approve permit for another year. Vote; all aye; motion carried.

Permit 2022-05: Informational Permit; Farmhouse Vintage; Discussion about bringing in a food truck for first year celebration on April 2nd. Board requested Food Truck get a vendor's license from the town office.

Annexation Study Review – FYI

REVIEW BOT MINUTES: March 1, 2022

ORDINANCE REVIEW & WORK ITEMS:

ADU Ordinance; Reviewed and approved by Mitch Johnson. Motion made and seconded to send to BOT for final approval. Vote; all aye; motion carried.

Concrete Ordinance; Board discussed having a stand-alone Ordinance for concrete requiring a permit. Board will submit to town attorney for review when complete. Pending

TRUSTEE INPUT: Harris provided information on the 2nd Annual Earn A Bike program, for children ages 4 – 12, starts Saturday May 14, 2022, 10:00 am to 12:00 pm, covering bike safety and care, along with a few games and lunch is provided. Thomason stated there is two open positions to serve on the Planning and Zoning board if anyone is interested.

CITIZEN INPUT: Citizen expressed concern regarding if someone owns a business in town, they should be able to run for a board position. §30.02 Residency Required. All members of the P&Z board and Town Board,

There may be a quorum of Board of Trustees present at Planning & Zoning Meetings

appointed or voted into office before or after the effective date of this chapter, shall be a resident of the town. SDCL 9-14-2; No person may hold any elected municipal office who is not a qualified voter of the municipality and who has not resided therein at least three months next preceding his election or appointment.

ADJOURN: Motion made, seconded to adjourn the meeting at 6:26pm; Vote; all aye; motion carried.

Joan Harris, Planning & Zoning Board President

Jill Dybvig, Administrative Assistant

Hours of Operation:
Monday – Friday 8:00—5:00

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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 X Final Plat _____

Date: 1-27-22

Permit # 2022-02

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

Receipt # _____	Cash _____	Check # <u>3038</u>	Amount <u>75.00</u>
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Applicant:
 Name: G+G Development
 Address: Box 212
 City, State, Zip: HERMOSA S.D 57744
 Phone & Email: 605-484-6762
 Sign & Date: [Signature] 1-27-22

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

Agent:
 Name: Cory Hummer
 Address: Box 212
 City, State, Zip: HERMOSA S.D 57744
 Phone & Email: 605-484-6762
 Sign & Date: [Signature]

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

Surveyor/Engineer:
 Name: Anderson Engineering
 Address: P.O. Box 4418
 City, State, Zip: Edgemont S.D 57735
 Phone & Email: 6050-662-5500
 Registration Number: _____
 Sign & Date: _____

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

Current Legal Description:
 Subdivision/H.E.S./M.S. Title: Walnut Grove Park (revised)
 Secondary Title/Description: Portion of lot E
 Aliquot Location: SW 1/4 SE 1/4 Town of Hermosa Total Acres: 2.53 acres
 Township: T52 Range: R8E Section(s): 29 Book: _____ Page: _____

Proposed Legal Description:
 Primary Title (Subdivision Name): Walnut Grove Park one lots O, P, Q, R, S, T, U, V, & W
 Secondary Title (Description): SW 1/4 SE 1/4 Sec 29 T2S R8E

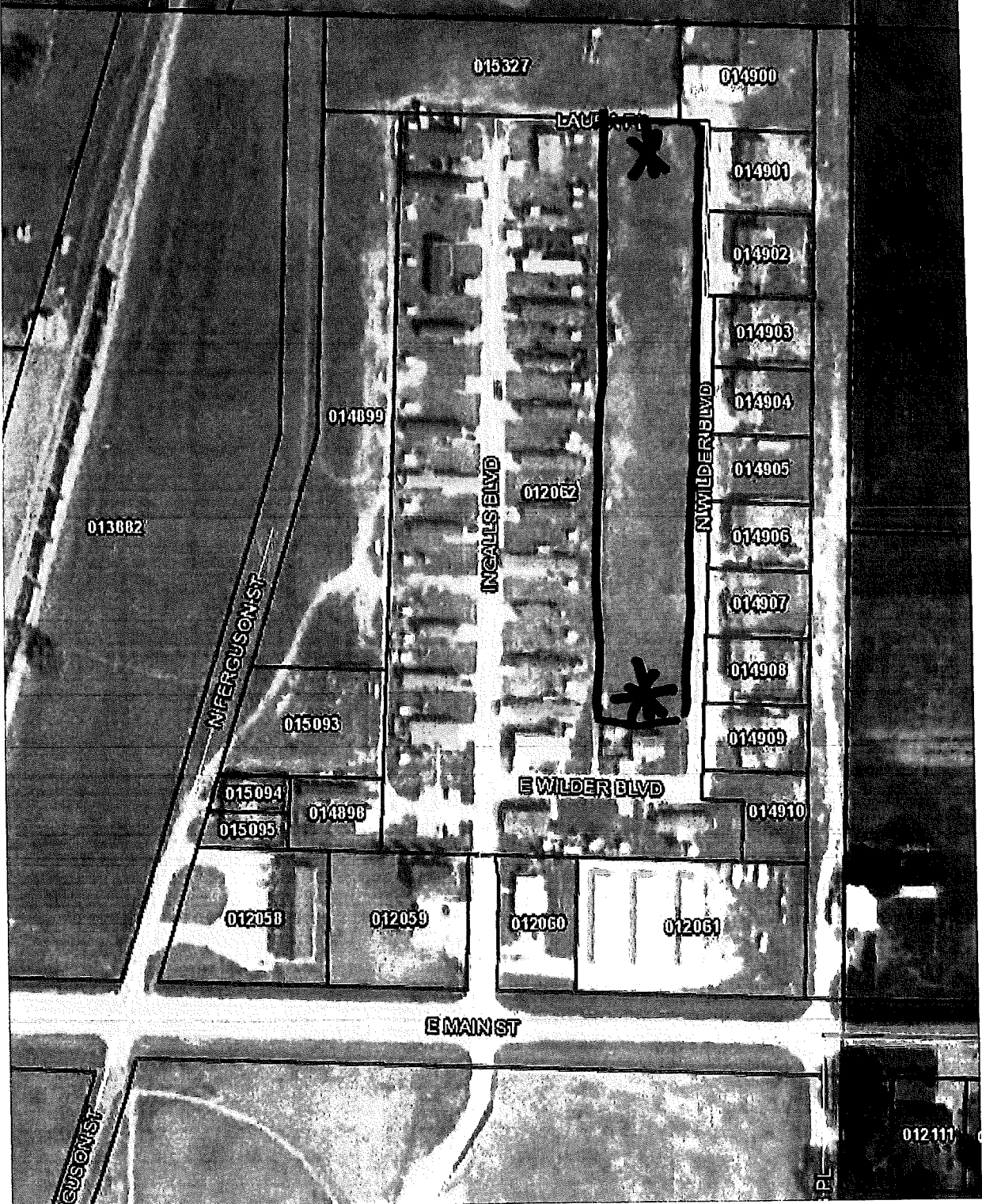
Does this plat continue to divide an existing subdivision? Yes X No _____ FIRM Panel _____
 Will this subdivision require construction of roads or installation of other improvements? NO
 What is the intended land use within the subdivision? Residential X Commercial _____ Industrial _____ Mixed Use _____ (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.

<p align="center">PLANNING AND ZONING COMMISSION</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>Name: _____ Title: _____ Signature: _____ Date: _____ Application Fee: <u>\$75.00</u> Register of Deeds Fee: <u>\$60.00</u> Date Paid: _____ Balance Due: _____</p>	<p align="center">HERMOSA BOARD OF TRUSTEES</p> <p><input type="checkbox"/> Approved <input type="checkbox"/> Denied</p> <p>Name: _____ Title: _____ Signature: _____ Date: _____ Date Permit Issued: _____</p>
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Original Parcel # 14901-1 Office Use

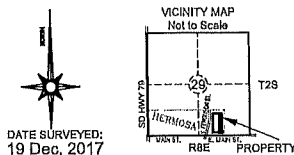
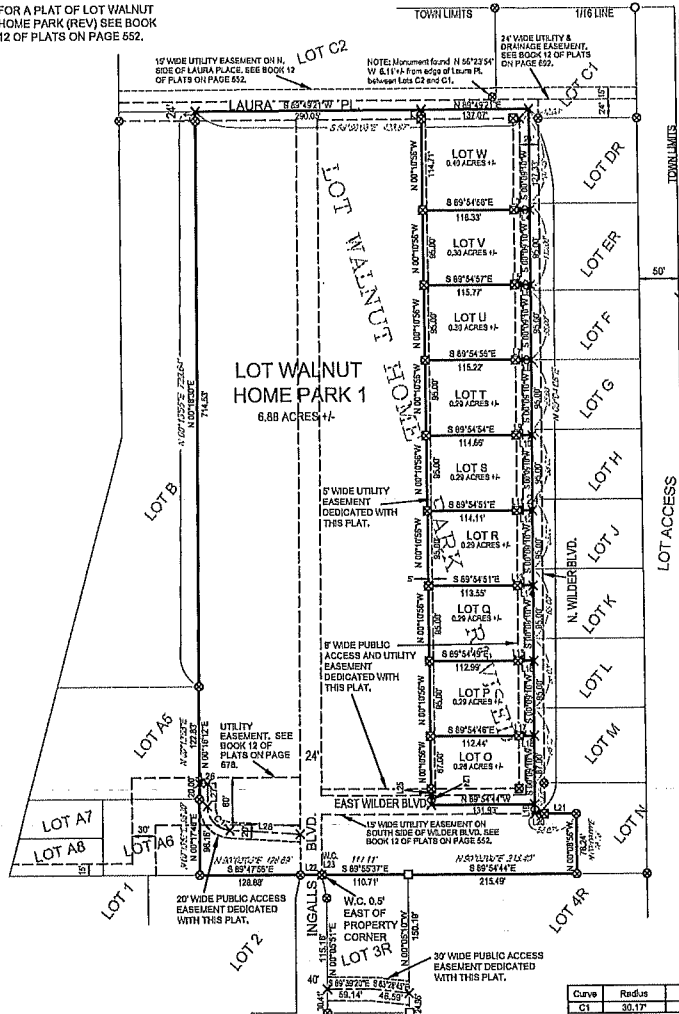
14910



* Lots O-W

A PLAT OF
**LOT WALNUT HOME PARK 1, LOTS O, P, Q, R, S, T, U, V, AND W, ALL IN G & G
 SUBDIVISION, LOCATED IN SW1/4 SE1/4 SECTION 29, T2S, R8E, BHM, TOWN OF
 HERMOSA, CUSTER COUNTY, SOUTH DAKOTA**
 FORMERLY LOT WALNUT HOME PARK (REVISED)

FOR A PLAT OF LOT WALNUT HOME PARK (REV) SEE BOOK 12 OF PLATS ON PAGE 552.

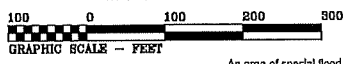


NOTE: INGALLS BLVD., EAST WILDER BLVD., NORTH WILDER BLVD., AND LAURA PL. WERE PREVIOUSLY DEDICATED AS 24' WIDE PRIVATE ACCESS & UTILITY EASEMENTS. THEY ARE ALTERED WITH THIS PLAT TO BE 24' WIDE PUBLIC ACCESS AND UTILITY EASEMENTS.

LEGEND

- Set rebar w/ aluminum cap marked "ANDERSEN ENG PLS 5906"
- Found rebar w/ cap marked "WASKOVITZ LS 7719"
- ⊙ Found rebar w/ plastic cap marked "HANSON LG 6251"
- Found rebar
- X angle point not monumented
- 62.2' Slant lettering denotes record calls

BASIS OF BEARING - GPS OBSERVATION
 taken N 85°27'48"W 2953.00' from the SW corner of Lot Walnut Home Park 1.
 OPUS STATIC SOLUTION NAD83(2011)
 LAT: 43°00'30.00" N
 LONG: -103°12'12.40325" W



Course	Bearing	Distance
L1	N 00°18'30"E	12.00'
L2	N 03°11'00"W	12.00'
L3	S 89°53'01"E	8.00'
L4	S 89°54'48"E	12.00'
L5	S 89°54'49"E	8.00'
L6	S 89°53'02"E	12.00'
L7	S 89°54'53"E	8.00'
L8	S 89°54'58"E	12.00'
L9	S 89°54'57"E	8.00'
L10	S 89°54'55"E	12.00'
L11	S 89°54'57"E	8.00'
L12	S 89°54'47"E	12.00'
L13	S 89°54'51"E	8.00'
L14	S 89°54'51"E	12.00'
L15	S 89°54'49"E	8.00'
L16	S 89°54'49"E	12.00'
L17	S 89°54'49"E	8.00'
L18	S 89°54'49"E	12.00'
L19	N 09°02'10"E	12.00'
L20	S 89°54'44"E	12.00'
L21	N 00°00'00"E	49.88'
L22	N 89°53'57"E	27.82'
L23	N 89°59'52"E	W.C. 0.59'
L24	N 09°10'49"W	12.00'
L25	N 00°11'03"W	8.00'
L26	S 89°54'45"E	12.00'
L27	S 00°17'15"W	28.39'
L28	S 89°28'17"E	90.55'

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel Numbers 46033C0200F & 46033C0179F, effective date: Jan. 8, 2012, and a LOMR dated Nov. 15, 2014. 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.

WATER PROTECTION STATEMENT
 Pursuant to SDCL 11-3-B.1 and 11-3-B.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 subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to this same.

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	30.17'	45.70'	85°47'05"	41.45'	S 43°05'54" E

NEW - 2-28-2022

CERTIFICATE OF SURVEYOR

I, John D. McBride, Registered Land Surveyor No. 5908 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon 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 ___, 2022.

John D. McBride, SDRLS No. 5908

CERTIFICATE OF HIGHWAY AUTHORITY

It appears that every lot has an acceptable 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 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 ___, 2022.

Director of Equalization of Custer County

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 ___, 2022.

Custer County Treasurer

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 conforms 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 ___, 2022.

Town Board Chairman

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 Trustees of Hermosa, South Dakota at a meeting held on the ___ day of ___, 2022.

Town of Hermosa Finance Officer

STATE OF _____, COUNTY OF _____
 Walnut Grove Mobile Home Park, LLC, does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 ___, 2022.

Craig A. Nelson, Member

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____, COUNTY OF _____
 On this the ___ day of ___, 20___, before me, the undersigned officer, personally appeared Craig A. Nelson, who acknowledged himself to be a member of Walnut Grove Mobile Home Park, LLC, a South Dakota limited liability company, and that he, as such representative being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by representative.

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

Notary Public
 My commission expires _____

STATE OF _____, COUNTY OF _____
 G & G Development, LLC, does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 ___, 2022.

Gary Hunsaker, Member

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____, COUNTY OF _____
 On this the ___ day of ___, 20___, before me, the undersigned officer, personally appeared Gary Hunsaker, who acknowledged himself to be a member of G & G Development, LLC, a South Dakota limited liability company, and that he, as such representative being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by representative.

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

Notary Public
 My commission expires _____

OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ___ day of ___, 2022, at ___ o'clock ___ M, and recorded in Book ___ of Plats on page ___.

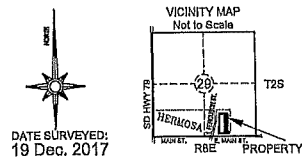
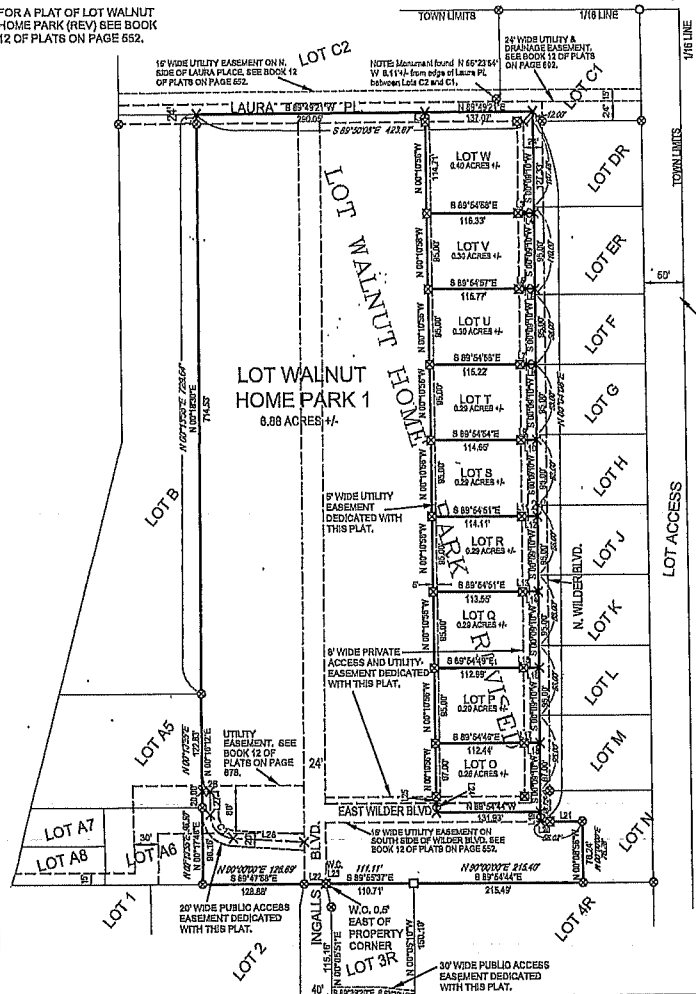
Custer County Register of Deeds

Prepared by
ANDERSEN ENGINEERS
Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by DR	Date 1/24/2022	P.O. Box 448 Edgemont, SD 57735
Approved by McB	Date 1/24/2022	(605) 682-6500 andersenengineers@gwto.net
Scale 1"=100'	Sheet 1 of 1	File Name: HERMOSA_HILLS_PLAT_OUTLOT_1

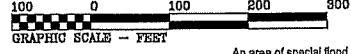
A PLAT OF
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SUBDIVISION, LOCATED IN SW1/4 SE1/4 SECTION 29, T2S, R8E, BHM, TOWN OF
HERMOSA, CUSTER COUNTY, SOUTH DAKOTA
FORMERLY LOT WALNUT HOME PARK (REVISED)

FOR A PLAT OF LOT WALNUT HOME PARK (REV) SEE BOOK 12 OF PLATS ON PAGE 552.



- LEGEND**
- ☒ Set rebar/waluminum cap marked "ANDERSEN ENG PLS 5905"
 - ☐ Found rebar/w/ cap marked "VASKNETZ LS 7719"
 - ⊙ Found rebar w/plastic cap marked "HANSON LS 6251"
 - Found rebar
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 - 622.06' Slant lettering denotes record calls

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Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	30.17'	43.70'	89°47'05"	41.45'	6.49°05'54" E

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 I, John D. McBride, Registered Land Surveyor No. 6906 in the State of South Dakota, do hereby certify that being so authorized, I have prepared the within plat of land shown and described hereon 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 ___, 2022.

CERTIFICATE OF HIGHWAY AUTHORITY
 It appears that every lot has an acceptable 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: _____

STATE OF _____ COUNTY OF _____
 Walnut Grove Mobile Home Park, LLC, does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 ___, 2022.

Highway Authority _____
 Director of Equalization of Custer County
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 ___, 2022.

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this the ___ day of ___, 20___, before me, the undersigned officer, personally appeared Craig A. Nelson, who acknowledged himself to be a member of Walnut Grove Mobile Home Park, LLC, a South Dakota limited liability company, and that he, as such representative being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by representative.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Custer County Treasurer
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 ___, 2022.

Nolary Public
 My commission expires _____
 STATE OF _____ COUNTY OF _____
 G & G Development, LLC, does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 ___, 2022.

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 conforms 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 approved 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 ___, 2022.

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this the ___ day of ___, 20___, before me, the undersigned officer, personally appeared Gary Hunsaker, who acknowledged himself to be a member of G & G Development, LLC, a South Dakota limited liability company, and that he, as such representative being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by representative.
 IN WITNESS WHEREOF I hereunto set my hand and official seal.

Town Board Chairman _____
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 Trustees of Hermosa, South Dakota at a meeting held on the ___ day of ___, 2022.

Nolary Public
 My commission expires _____
 OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ___ day of ___, 2022, at ___ o'clock ___ M, and recorded in Book ___ of Plats on page _____.
 Custer County Register of Deeds

Prepared by
ANDERSEN ENGINEERS
 Land Surveyors, Professional Engineering, & Environmental Scientists

Drawn by DR	Date 1/24/2022	P.O. Box 448 Edgemont, SD 57735 (605) 682-5500 andersenengineers@gva.net
Approved by McB	Date 1/24/2022	
Scale 1"=100'	Sheet 1 of 1	File Name: HERMOSA_HILLS_PLAT_OUTLOT_1

Old



STAFF REPORT - REVISED

MUNICIPALITY: Town of Hermosa, 230 Main Street, Hermosa, SD 57744
PROJECT: G&G Development – Gary Hunsaker
Walnut Grove Mobile Home Park
Hermosa, SD
DATE: February 25, 2022
PERMIT NUMBER: 2022-02
REPORTED BY: Leah M. Berg, P.E.

ITEMS:

Conditions:

The site is located near the NE corner of Hermosa, North of E. Main Street, at the existing Walnut Grove Mobile Home Park.

Previous Staff Report was completed based on the proposed Plat being an expansion of the Walnut Grove Mobile Home Park. After the P&Z Meeting 2-22-22, it was clarified that the plat will be for residential single family home Lots. This Revised Staff Report reviewed compliance with Chapter 154: Subdivision Regulations

§ 154 **SUBDIVISION**. The division of any tract or parcel of land by plat or other means into one or more lots, sites or other divisions thereof, normally for the purpose of resale as a residential, commercial or industrial property.

Flood Plain:

Based on the flood map overlay, the proposed expansion is NOT located in any identified special hazard area (floodplain).

- There are no known drainage issues on the site

Zoning: Zoning is R-2 manufactured homes.

Water and Sewer service:

Existing water and sanitary sewer connections are assumed since no extension improvements are proposed or included with the plat application.

- It is the contractor's responsibility to verify the existing services will meet code requirements and properly serve the proposed home(s), design was not verified in this review.
- Utility Easements shall not be less than 20' in width unless otherwise approved by the governing body Town Ordinance 154.84.B

Access:

Access is existing paved roadway on private property.

- Roads must have the capacity to handle all the internal traffic and provide adequate ingress & egress to the members of the entire subdivision. SDCL 31-12A Town Ordinance 154.02
- Private access roads are intended to serve one parcel. Town Ordinance 154.20.E
- No Private streets shall be platted within a subdivision, and no reserve strips shall be platted except where their control is vested in the governing body. Town Ordinance 154.23.E

- § 154 **PUBLIC RIGHTS-OF-WAY** intended to be occupied by a street shall have a minimum width of 66 feet.

Comments:

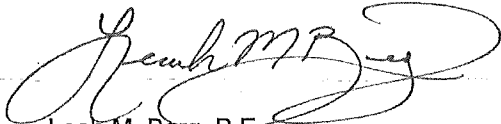
1. Requirements of the Town of Hermosa Ordinance § 154 – Subdivision Regulations must be met for the proposed lots.
2. Without having the proposed plans a full review of applicable use has not been completed to verify Ordinance requirements are met.
3. Right-Of-Way (ROW) or public access easements are not included on the proposed plat.
 - a. ROW or public access easements shall include circulation roads to connect to existing public ROW.

Recommendations – Permit 2022-02:

Based on the revised application information, the permit does not comply with the Town of Hermosa's requirements. Recommendation is to request applicant to revise the documents and resubmit with the following stipulations:

1. Custer County Register of Deeds must review and accept plat format, legal description, and any other aspects of the plat document.
2. If approved by the Hermosa Planning and Zoning Board, a mylar copy shall be provided by the Owner to the Board of Trustees for final review, approval and signature.
3. The Owner is responsible for submitting the plat to Custer County, paying applicable taxes and having the plat signed and recorded.
4. All fees to be paid prior to issuing permit.
5. Owner shall be responsible for ensuring Town Ordinance § 154 requirements are met.
6. Owner shall provide ROW or public access easements for lot access and subdivision circulation.
7. Owner shall provide improvement plans for permanent turn around or access road circulation.

Respectfully submitted,



Leah M. Berg, P.E.

LBerg@proacesinc.com

END OF STAFF REPORT

Copy: Town of Hermosa & G:\My Drive\Jobs\21-1144 Hermosa\21-1144c Permit Review\2-22-22 Meeting P&Z\2020-02 G&G



STAFF REPORT

MUNICIPALITY: Town of Hermosa, 230 Main Street, Hermosa, SD 57744
PROJECT: G&G Development – Gary Hunsaker
Walnut Grove Mobile Home Park
Hermosa, SD
DATE: February 20, 2022
PERMIT NUMBER: 2022-02
REPORTED BY: Leah M. Berg, P.E.

ITEMS:

Conditions:

The site is located near the NE corner of Hermosa, North of E. Main Street, at the existing Walnut Grove Mobile Home Park.

Flood Plain:

Based on the flood map overlay, the proposed expansion is NOT located in any identified special hazard area (floodplain).

- There are no known drainage issues on the site

Zoning: Zoning is R-2 manufactured homes.

Water and Sewer service:

Existing water and sanitary sewer connections are assumed since no extension improvements are proposed or included with the plat application.

- It is the contractor's responsibility to verify the existing services will meet code requirements and properly serve the proposed home(s), design was not verified in this review.

Access:

Access is existing paved roadway.

Comments:

1. Requirements of the Town of Hermosa Ordinance § 153.02 - NEW MOBILE HOME PARKS AND ADDITIONS must be met for mobile home park expansion expected with the proposed lots.
2. Without having the proposed mobile home lot plans a full review of applicable use has not been completed to verify Ordinance requirements are met.
 - a. One item to mention for planning is that there shall be established and maintained within each park an automobile parking area for the use of guests. The number of spaces within this area shall be equal to one for every four trailer sites.
3. I don't see a Right-Of-Way (ROW) or even an access easement shown for Laura Place on the provided plat. That should be part of this plat as an improvement for these lots is required. At a minimum, there needs to be adequate emergency vehicle turning space or a turnaround per Ordinance 153.02 (3) for New Mobile Home Parks or Additions. It appears that the access road is paved and permanent turn around should also be paved. Laura Place could loop around and connect to Ingalls Blvd. but that requires ROW or a public access easement adequately sized and improvements made for vehicular traffic flow.

4. The Town shall verify that the current Walnut Grove Mobile Home park is functioning within compliance with all Town Ordinances and requirements, specifically Town Ordinance § 153.02. If there are current non-compliance issues with the current park those items shall be corrected prior to any expansion of the Walnut Grove Mobile Home Park.

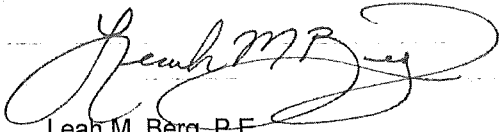
Recommendations – Permit 2022-02:

Based on the application information, the permit complies with the Town of Hermosa's requirements.

Recommendation is to approve with the following stipulations:

1. Custer County Register of Deeds must review and accept plat format, legal description and any other aspects of the plat document.
2. If approved by the Hermosa Planning and Zoning Board, a mylar copy shall be provided by the Owner to the Board of Trustees for final review, approval and signature.
3. The Owner is responsible for submitting the plat to Custer County, paying applicable taxes and having the plat signed and recorded.
4. All fees to be paid prior to issuing permit.
5. Verify that current annual permit fee is paid for Walnut Grove Park.
6. Owner shall be responsible for ensuring Town Ordinance § 153.02 requirements are met.
7. Owner shall clarify ROW or access easement and improvements for Laura Place prior to final approval.

Respectfully submitted,



Leah M. Berg, P.E.

LBerg@proacesinc.com

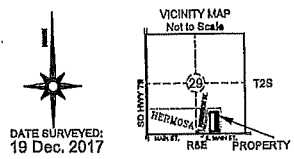
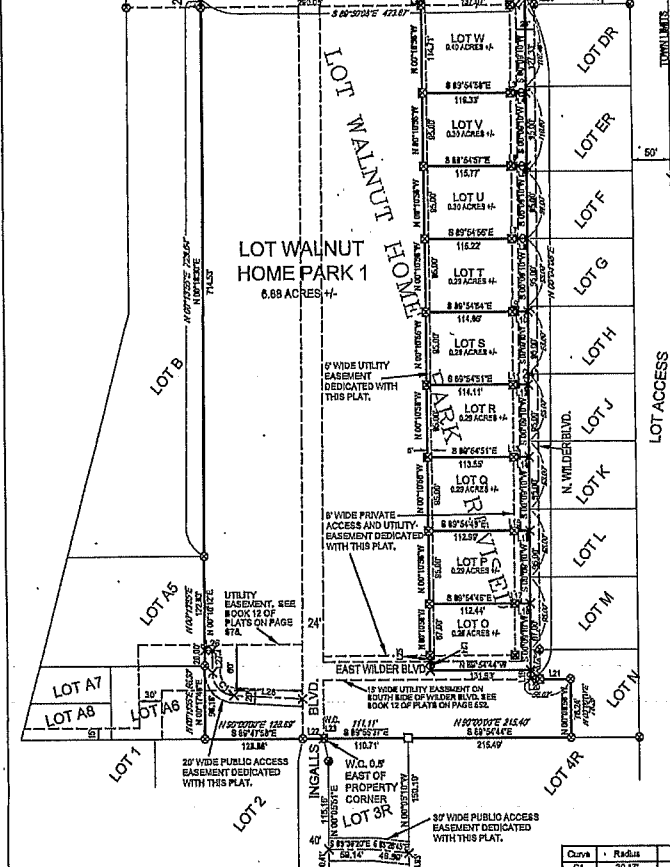
END OF STAFF REPORT

Copy: Town of Hermosa & G:\My Drive\Jobs\21-1144 Hermosa\21-1144c Permit Review\2-22-22 Meeting P&Z\2020-02 G&G

A PLAT OF
**LOT WALNUT HOME PARK 1, LOTS O, P, Q, R, S, T, U, V, AND W, ALL IN G & G
 SUBDIVISION, LOCATED IN SW1/4 SE1/4 SECTION 29, T2S, R8E, BHM, TOWN OF
 HERMOSA, CUSTER COUNTY, SOUTH DAKOTA**
 FORMERLY LOT WALNUT HOME PARK (REVISED)

FOR A PLAT OF LOT WALNUT HOME PARK (REV) SEE BOOK 12 OF PLATS ON PAGE 652.

ROW OR ACCESS EASEMENT?



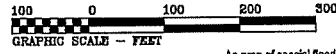
DATE SURVEYED:
19 Dec. 2017

LEGEND

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- Found rebar w/ cap marked "VASKNETZ LS 7719"
- ⊙ Found rebar w/plastic cap marked "HANSON LS 6251"
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L9	S 89°54'49" E	8.00'
L10	S 89°54'49" E	12.00'
L11	S 89°54'49" E	8.00'
L12	S 89°54'49" E	12.00'
L13	S 89°54'49" E	8.00'
L14	S 89°54'49" E	12.00'
L15	S 89°54'49" E	8.00'
L16	S 89°54'49" E	12.00'
L17	S 89°54'49" E	8.00'
L18	S 89°54'49" E	12.00'
L19	N 00°04'10" E	12.00'
L20	S 89°54'44" E	12.00'
L21	N 00°00'00" E	29.88'
L22	N 89°58'24" E	27.84'
L23	N 89°58'24" E	27.84'
L24	N 89°58'24" E	W/L 6.50'
L25	N 89°58'24" E	12.00'
L26	N 89°58'24" E	12.00'
L27	S 89°17'15" W	23.80'
L28	S 89°29'17" E	60.85'

Curve	Radius	Length	Delta	Chord	Chord Bear.
C1	30.17'	45.70'	86°47'09"	41.49'	S 43°39'54" E

An area of special flood hazard exists within this subdivision according to Flood Hazard Insurance Rate Map Panel Number 46033C0200F & 46033C0170F, effective date: Jan. 8, 2012, and a LOMR dated Nov. 13, 2014. The placement of 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.

WATER PROTECTION STATEMENT
 Pursuant to SDCL 11-3-3.1 and 11-3-3.2, 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 subdivision and shall in prosecution of such protections, conform to and follow all regulations of the South Dakota Department of Environment and Natural Resources relating to the same.

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 hereon 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 ___, 2022.

John D. McBride, SDRLS No. 6906

STATE OF _____ **COUNTY OF** _____
 Walnut Grove Mobile Home Park, LLC, does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 ___, 2022.

Craig A. Nelson, Member

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this the ___ day of ___, 20___, before me, the undersigned officer, personally appeared Craig A. Nelson, who acknowledged himself to be a member of Walnut Grove Mobile Home Park, LLC, a South Dakota limited liability company, and that he, as such representative being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by representative.

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

Notary Public
 My commission expires _____

STATE OF _____ **COUNTY OF** _____
 G & G Development, LLC, does hereby certify that it is the owner of the within described lands and that the within plat was made at its 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 ___, 2022.

Gary Hunsaker, Member

ACKNOWLEDGMENT OF OWNERSHIP
 STATE OF _____ COUNTY OF _____
 On this the ___ day of ___, 20___, before me, the undersigned officer, personally appeared Gary Hunsaker, who acknowledged himself to be a member of G & G Development, LLC, a South Dakota limited liability company, and that he, as such representative being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by representative.

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

Notary Public
 My commission expires _____

OFFICE OF THE REGISTER OF DEEDS
 Filed for record this ___ day of ___, 2022, at ___ o'clock ___ M, and recorded in Book ___ of Plats on page ___.

Custer County Register of Deeds

CERTIFICATE OF HIGHWAY AUTHORITY
 It appears that every lot has an acceptable 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.

Highway Authority _____ Date: _____

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 ___, 2022.

Director of Equalization of Custer County

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 ___, 2022.

Custer County Treasurer

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 conforms 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 ___, 2022.

Town Board Chairman

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 Trustees of Hermosa, South Dakota at a meeting held on the ___ day of ___, 2022.

Town of Hermosa Finance Officer

Prepared by
ANDERSEN ENGINEERS
 Land Surveyors, Professional Engineering, & Environmental Consultants

Drawn by DR	Date 1/24/2022	P.O. Box 446 Edgemont, SD 57735 (605)-662-5500
Approved by McB	Date 1/24/2022	andersenengineers@gmail.com
Scale 1"=100'	Sheet 1 of 1	File Name: HERMOSA_HILLS_PLAT_OUTLOT_1

Town of Hermosa

9c

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

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

Email: town@hermosasd.com

DATE 3-1-2022

PERMIT # 2022-04

Receipt # _____ Cash _____ Check # 10728 Amount 50⁰⁰ (\$50.00)

** PLEASE INCLUDE TO-SCALE DRAWINGS **

APPLICATION CONDITIONAL USE PERMIT

Applicant Chuck Ferguson

Physical Address 220 Ferguson St.

Mailing Address PO Box 205

Email _____

Daytime Phone 390-0045 Evening Phone _____

Owner of Property (if different from applicant) Ann Hardy

Owner Address 23150 173rd Ave Owanka, SD 57767

Permitted conditional use Requested:

* Cold storage + maintenance on personal equipment

Legal Description Lot J Lots 8-9 Sec 32

Length of Time Permit is requested (6 MONTH MAXIMUM) - Request 1 year again

APPLICATION MUST BE APPROVED BY THE HERMOSA PLANNING AND ZONING COMMITTEE AND THE BOARD OF TRUSTEES PRIOR TO START OF PROJECT.

By signing below, I acknowledge that I have read and understand all requirements for a Permitted Conditional Use Permit.

* Chuck Ferguson
Signature of Applicant

3-1-2022
Date

Parcel # 9322
OFFICE USE ONLY

P & Z COMMITTEE

Name: _____

Title: _____

Signature: _____

Date: _____

BOARD OF TRUSTEES

Name: _____

Title: _____

Signature: _____

Date: _____

Application Fee: _____ Date Paid: _____ Issue Picked Up: _____

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)."

Motion to extend to 1 year

Town of Hermosa

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

DATE 2-16-21

PERMIT # 2021-05

Receipt # _____	Cash _____	Check # _____	Amount _____
-----------------	------------	---------------	--------------

** PLEASE INCLUDE TO-SCALE DRAWINGS **

APPLICATION CONDITIONAL USE PERMIT

Applicant Chuck Ferguson
 Physical Address 220 Ferguson St
 Mailing Address PO Box 205
 Email _____

Daytime Phone 390-0045 Evening Phone _____

Owner of Property (if different from applicant) Ann Hardy

Owner Address 23150 one hundred 23 RD Avenue
OWANKA, SD 57767

Permitted conditional use Requested:
cold storage + maintenance
on personal equipment

Legal Description out lot I lots 8-9 Sec 32

Length of Time Permit is requested (6 MONTH MAXIMUM)

APPLICATION MUST BE APPROVED BY THE HERMOSA PLANNING AND ZONING COMMITTEE AND THE BOARD OF TRUSTEES PRIOR TO START OF PROJECT.

By signing below, I acknowledge that I have read and understand all requirements for a Permitted Conditional Use Permit.

Chuck Ferguson _____ 2-16-21 _____
 Signature of Applicant Date

P & Z COMMITTEE
 Name: _____
 Title: _____
 Signature: _____
 Date: _____

BOARD OF TRUSTEES
 Name: _____
 Title: _____
 Signature: _____
 Date: _____

Application Fee: _____ Date Paid: _____ Issue Picked Up: _____

"In accordance with Federal law and U.S. Department of Agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, age, disability, religion, sex, and familial status. (Not all prohibited bases apply to all programs.) To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 795-3272 (voice) or (202) 720-6382 (TDD)."

Parcel # 009322
 OFFICE USE ONLY



Feature data: 009322



BREUKLANDERANN
0.41 Acres

View: [Parcel Report](#) | [Soil Report](#) | [Google Maps opens in a new tab](#)

Town of Hermosa

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

DATE 3/2/22

PERMIT # 2022-05

Informational Permit No Fee

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

***IF YES - YOU NEED A FLOOD PLAIN DEVELOPMENT PERMIT**

Property Owner Name(s): RAC Enterprises LLC

Mailing Address: 14575 Tiffany Ct
Hermosa SD 57744

Email: farmhousevintageanddesigns@gmail.com

Address of Project: 710 Tenaya St

Legal Description: Lot 1 of Tiki Subdivision located in the SE 1/4 SE 1/4 of Section 30,
Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota,
Subdivision _____ Block _____ Lot(s) Lot Size _____

Description of Work: Food truck during our yr celebration
April 2nd 10:00 am - 4:00 pm
as shown on plat therof filed in Book 12 of Plats, Page 131

i.e. Fence below 4' (front yard), 6' (side/rear yard), Accessory Building/Deck less than 160 sq.ft.; Sidewalk; Driveway; Concrete; Renovation / Remodel / Repairs / Maintenance not requiring Building Permit (i.e. shingle replacement)

Total Cost Estimate of Project _____ Total Square Footage of Project _____

Building Area (Sq. Ft.) _____ Height: _____

Accessory Bldg. Setbacks From Lot Lines: Front: _____ Ft. (20' Town Minimum)

(See Ord.155) Rear: _____ Ft. (5' Town Minimum)

Side: _____ Ft. (8' Town Minimum)

Side: _____ Ft. (8' Town Minimum)

Licensed Contractor / Person doing work _____


Address of Contractor / Person _____

Contact Phone Number of Contractor / Person _____

Parcel # **011408**
OFFICE USE



Feature data: 011408



STRAND RYAN & CRYSTAL JTWROS
710 TENAYA ST
2.00 Acres

[View: Parcel Report](#) | [Soil Report](#) | [Google Maps opens in a new tab](#)

Town of Hermosa

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

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

Email: town@hermosasd.com

TRANSIENT VENDOR & PEDDLERS APPLICATION

DATE _____

Receipt # _____	Cash _____	Check # _____	Amount _____
-----------------	------------	---------------	--------------

Transient Vendor & Peddler Information _____

Company Name _____

Owner/President _____

Mailing Address _____

Email _____

Phone _____ Cell _____

Description of Items to Be Sold _____

Location of Temporary Business _____

Times When the Sales Will Be Conducted _____

South Dakota Vendor License _____

South Dakota Sales Tax License # _____

Fees: 1 day - \$25.00 7days - \$100.00 Monthly - \$300.00 + 5%

The Above Information Is True and Correct

Vendor Signature _____

Date _____

Applicants applying for a special event vendor license shall present to any entity sponsoring the event the following:

- * Name, address and phone number of the person, partnership, partner, corporation, or similar business entity;
- * A description of the nature of the sales to be conducted and type of business that will conduct sales;
- * Description of the location where the sales will be conducted within the town;
- * The times when the sales will be conducted within the town;
- * License or permits with the county and/or the state;
- * If electrical access, open fires, or use of propane: certificate from Fire Marshal's office showing that all codes are met;
- * All food vendors must be registered with the County and/or State Board of Health and present proof of that registration with their submission; and
- * All current governmental registrations and licenses must be displayed at the sale.

License #

Office Use Only

AN ORDINANCE AMENDING CHAPTER 155 OF THE TOWN OF HERMOSA ZONING ORDINANCES TO DEFINE AND REGULATE ACCESSORY DWELLING UNITS AND TINY HOUSES ON WHEELS BY ADDING NEW DEFINITIONS THERETO AND SETTING FORTH RULES AND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS AND TINY HOUSES ON WHEELS.

BE IT ORDAINED BY THE HERMOSA BOARD OF TRUSTEES THAT CHAPTER 155 OF THE TOWN OF HERMOSA ZONING ORDINANCES IS AMENDED TO DEFINE AND REGULATE ACCESSORY DWELLING UNITS AND TINY HOUSES ON WHEELS BY ADDING NEW DEFINITIONS THERETO AND SETTING FORTH RULES AND REGULATIONS PERTAINING TO ACCESSORY DWELLING UNITS, PLANNED UNIT DEVELOPMENT FOR TINY HOMES, AND TINY HOUSES ON WHEELS OR SKIDS AS FOLLOWS:

§ 155.02 DEFINITIONS

Accessory dwelling unit (ADU) is a smaller, independent residential dwelling unit located on the same lot as a stand-alone (i.e., detached) single-family home. ADUs go by many different names, including accessory apartments, secondary suites, granny flats, guest houses, mother-in-law apartments, in-law suites, casitas, etc. To be considered a legal suite, it must have its own entrance, kitchen, sleeping, and bathroom facilities. ADUs can be attached or detached. A suite attached to or contained within a principal dwelling unit. Allowed in R1 zones only. Required to be stationary and on a permanent foundation. No ADU/Tiny Home shall be placed within the town limits that was manufactured more than 20 years before the date of application. Main and ADU's/Tiny homes shall not cover more than 40% of the lot area. All such ADU's/Tiny homes shall be connected to public water and sewer systems. Shipping containers/Railroad cars and prefabricated items and structures originally built for purposes other than the storage of goods and materials are not permitted to be used. Lot will never be replated and is required to stay with main residence. Applicable to all adopted UBC Codes, ordinances and zoning regulations as stated in 155.30, 155.31, 155.32, 155.37 and 155.39.

Tiny House on Wheels, it is generally thought of as a small house, typically sized under 500 square feet. This style of tiny house is often referred to as a THOW (tiny house on wheels). The Town of Hermosa would consider a tiny house on wheels, legally a recreational vehicle (RV), A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, and subject to all ordinances, and zoning regulations as stated in ordinance 155.33.

Tiny houses on skids, are built on temporary structures – often beams or rails-just like mobile homes. Allowed in R2 zones only. They slid into position, where they stay until they need to be moved. When the time comes to move them, they're loaded onto a large truck or trailer and transported for you. The Town of Hermosa would consider a tiny house on skids, legally a recreational vehicle (RV), A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants, and not constituting the principal place of residence of the occupants, and subject to all ordinances, and zoning regulations as stated in ordinance 155.33, but not limited to said ordinances.

Tiny Homes Stationary {homes on a foundation) would be considered an ADU, and applicable to all adopted UBC Codes, ordinances and zoning regulations as stated in 155.30, 155.31, 155.32, 155.37 and 155.39.

PUD, A planned Unit Development specifically for tiny homes (single detached homes) would be zoned R2. And would require the assistance of professional and governmental planning and involves the

approval of governmental bodies. Where circumstances are favorable, PUDs provide more latitude in land use than normal development to allow for planning, clustering facilities, consolidating green spaces, and internal recreation amenities. While densities higher than normal are often allowed, they must be justified by the preservation and consolidation of green space, increased screening, and landscaping, increased recreational amenities, and other significant improvements and design features beneficial to the residents, neighbors, and the general public. They are required to meet all ordinance requirements in that zoning, and applicable to all adopted UBC Codes, ordinances and zoning regulations as stated in 155.30, 155.31, 155.32, 155.37 and 155.39.

§ 155.31

(B)(6) Accessory Dwelling units:

- (a) One, and only one, accessory dwelling unit shall be allowed on any lot containing a single-family dwelling. An accessory dwelling unit shall not be allowed under this 155.54 on a lot that contains more than one dwelling unit. Both the ADU and the primary residence shall comply with state Building Code and Fire Code regulations for construction, minimum living space, fire exits and smoke alarms.
- (b) Except as provided elsewhere in this Section 155.54, in order for a lot to be eligible for an accessory dwelling unit, the lot and all proposed structures and additions to existing structures shall conform to all zoning regulations as follows.
 - (1) Any municipal regulation applicable to single family dwellings shall also apply to the combination of a principal dwelling unit and an accessory dwelling unit including, but not limited to, lot area, yards, open space, off-street parking, building coverage, and building height.
- (c) All accessory dwelling units shall comply with the following standards:
 - (1) The principal dwelling unit and the accessory dwelling unit shall not be separated ownership (including by condominium ownership).
 - (2) Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling as his or her principal place of residence. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.
- (d) When the property is owned by one or more trusts, one of the dwelling units shall be the principal place of residence of the beneficiary (ies) of the trust(s).
- (e) Neither the principal dwelling unit nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.
- (f) An attached accessory dwelling unit (AADU) shall comply with the following additional standards:
 - (1) An interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.
 - (2) The accessory dwelling unit shall not have more than two bedrooms and shall not be larger than 800 sq. ft. gross floor area. For the purpose of this provision, gross

floor area shall not include existing storage space, shared entries, or other spaces not exclusive to the accessory dwelling unit. Minimum size is 200 sq. ft.

- (g) Any exterior changes to the single-family dwelling shall maintain the appearance of a single-family dwelling. If there are two or more doors in the front of the dwelling, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.
 - (h) A detached accessory dwelling unit (ADU) shall comply with the following additional standards:
 - (1) In a General Residence district, the combination of the principal dwelling and the ADU shall comply with the minimum lot area per dwelling unit specified for the district.
 - (2) The ADU shall not have more than two bedrooms and shall not be larger than 800 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more. Not covering more than 40% of available land.
 - (3) The ADU shall be separated from the single-family dwelling by at least 20 feet.
 - (4) One off street parking space shall be required.
 - (i) Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings
 - (1) Exterior design of the ADU is consistent with the existing principal dwelling on the lot. 10.814.62 The site plan provides adequate and appropriate open space, landscaping, and off-street parking for both the ADU and the primary dwelling.
 - (2) The ADU will maintain a compatible relationship to adjacent properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.
 - (3) The ADU will not result in excessive noise, traffic, or parking congestion.
 - (j) A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department.
- (B7) Planned Unit Development
- (a) Tiny house subdivision: A subdivision of land which promotes the development of tiny houses 200 to 800 as a primary residential dwelling unit.
 - (b) Tiny homes, built as a two-story structure (maximum 30') may be allowed in a planned unit development.
 - (c) Tiny house subdivision standards.
 - (1) Tiny house subdivisions will consist of individual dwelling structures 200 to 800 square feet. The purpose of small lot subdivision is to encourage affordable housing, infill development and sustainable practices. All PUD

and subdivision standards shall apply to tiny home subdivisions. Additional standards are required as follows: tiny house subdivisions can occur in R2 zoning.

- (2) Tiny house subdivisions may only be approved with the review and approval of a Planned Unit Development (PUD) Conditional Use Process.
- (3) Small lot subdivisions are not condominiums, multi-family, mobile homes or recreational vehicles. Properties are titled in fee simple.
- (4) Small lot homes must be structurally independent, with no shared foundations or common walls.
- (5) Lot size will be relative to accommodate the square footage of the tiny home; minimum lot size to accommodate a 400 — 800 square foot house is 1,600 square foot lot.
- (6) Side setbacks will be five feet and rear setbacks are ten feet
- (7) Fifty percent open space is required.
- (8) Parking density; two on-site parking spaces per lot.
- (9) Tiny homes are required to connect to City of Hermosa Water and Sewer service lines.
- (10) These are private residential homes; not seasonal and not intended for commercial use.
- (11) Tiny houses must be built to all applicable adopted UBC Codes, ordinances and zoning regulations as stated in 155.30, 155.31, 155.32, 155.37 and 155.39.



100

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

March 4, 2022

Dan Holsworth
President, Town of Hermosa
PO Box 298
Hermosa, SD 57744

WARNING LETTER

RE: Request for Land Application and CMOM submittal

Dear President Holsworth:


On March 2, 2022, Chuck Ferguson, Public Works Director for the town of Hermosa, contacted the South Dakota Department of Agriculture and Natural Resources (DANR) requesting permission to land apply their treated domestic sewage. Your Surface Water Discharge Permit (SD0022349) requires permission from DANR prior to land apply from November 1 through March 31. This is the 3rd request to land apply since November 1, 2021. **The town's request to land apply wastewater is denied.**

The town of Hermosa must address the hydraulic wastewater loading. In a warning letter sent by DANR on February 11, 2022, a Capacity, Management, Operation, and Maintenance (CMOM) program is required to be developed by the town of Hermosa to address, reduce, or eliminate the frequency of land application. Lagoon wastewater treatment systems, like the system the town of Hermosa has, are designed for a minimum of 180 days of storage to properly treat the wastewater. The frequency of the land application indicates that the wastewater being land applied is not fully treated. The town of Hermosa's permit requires that the land application report in Appendix B of the permit be completed and submitted to the department no later than the 28th day of the month following the land application. As of the date of this letter, DANR has not received land application results for the November 2021 and January 2022 land application events. DANR is unable to determine the quality of water being land applied due to the failure of the town to submit the required reports. **Failure to submit required reports is a violation of the town's Surface Water Discharge Permit.**

The town of Hermosa submitted a CMOM report to the department on February 28, 2022. DANR has reviewed the report. There are several deficiencies identified in the submitted report. The report submitted to the department provides a broad overview of the town's collection and wastewater system overview. The CMOM is designed to be a detailed inventory and process identification of the wastewater system. The warning letter required a response on how the facility was going to develop this plan including timelines. The report did not go into the level of detail required in Section 3.8 of the town's permit. An updated plan will be due to the department by **May 1, 2022.**

Failure to meet the requirements of this letter is a permit violation. Permit violations can subject the town of Hermosa to a penalty of \$10,000 per day per violation.

Please feel free to contact me or Kyle Doerr of my staff at (605) 773-3351 with any questions.
Sincerely,



Tina McFarling, P.E.

Engineer Manager I/Surface Water Discharge Team Leader
Surface Water Quality Program

cc: SWD File – Pierre
Chuck Ferguson, Public Works Director, Town of Hermosa
Mitch Johnson, City Attorney, 2902 W Main Street Suite #1, Rapid City, SD 57702

Water System Recommendations

- Clean main line valve risers (every two years)
- Exercise main line valves (every two years)
- Record master meter readings (daily)
- Record booster pump and well pump run times (daily)
- Calculate water loss (monthly)
- Unidirectional system flushing annually in fall (also a good time to make sure hydrants are draining before winter)



2022 South Dakota Legislature

Senate Bill 62

ENROLLED

AN ACT

ENTITLED An Act to make an appropriation for eligible water, wastewater, storm water, and nonpoint source projects and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. There is hereby appropriated the sum of \$600,000,000 in federal fund expenditure authority to the Board of Water and Natural Resources for the purpose of providing grants for eligible water, wastewater, storm water, and nonpoint source projects in accordance with the guidance provided in section 2 of this Act. Moneys shall be provided according to the terms and conditions established by the board.

Section 2. The board and the Department of Agriculture and Natural Resources shall comply with any federal guidance on using the American Rescue Plan Act state fiscal recovery funds and provide grants for water, wastewater, storm water, and nonpoint source projects.

Section 3. To be eligible for funding, projects must go through the department and board's existing funding process, including being listed on the state water plan. The following criteria must be used to determine funding for eligible projects derived from this Act:

- (1) Eligible applicants will receive a minimum of a thirty percent grant award subject to the following limitations. The grant award amount will be limited to a per person project cost based on the population served by the system or municipality, using the 2020 federal census numbers or system service numbers, as determined by the board. The grant limit will apply to each applicant, regardless of the total project cost or the number of projects seeking funding, and will be determined as follows:
 - (a) Systems or municipalities with service populations of up to one thousand may receive up to an eighty percent grant with a maximum total project cost for determining the grant amount limited to nine thousand dollars per person per applicant for all eligible projects considered for grants;

- (b) Systems or municipalities with service populations up to two thousand five hundred may receive up to a fifty percent grant with a maximum total project cost for determining the grant amount limited to seven thousand dollars per person per applicant for all eligible projects considered for grants; and
 - (c) Systems or municipalities with service populations above two thousand five hundred may receive a thirty percent grant with a maximum total project cost for determining the grant amount limited to three thousand dollars per person per applicant for all eligible projects considered for grants.
- (2) If an applicant uses local America Rescue Plan Act funds towards the project, those funds will be matched with state grant funds up to a maximum of five million dollars per municipality or system. Funds provided by the board under this section are not considered as part of the grant limits in subdivision (1) of this section;
- (3) The grant limit in subdivision (1) of this section may be exceeded by up to an additional five percent if the board determines that an applicant currently has average per month user rates, or will have average per month user rates upon project completion, that are higher than the following applicable user rate targets:
 - (a) Fifty-five dollars for five thousand gallons for water or sewer for municipal users; or
 - (b) Seventy-five dollars for seven thousand gallons for water or sewer for non-municipal users.
- (4) Projects addressing regionalization, system consolidation, regionalization and consolidation, environment and health regulatory compliance issues, drought resiliency, water availability, nonpoint source improvements, or other significant environmental issues may receive funding above the grant limits in this Act. The department will evaluate projects and make recommendations to the board for funding based on merits and positive long-term impacts of the project; and
- (5) Eligible engineering studies for projects that contend with long term drought resiliency, drinking water availability issues, or water or wastewater regionalization projects may be awarded a grant up to one hundred percent of study cost.

If the board determines that the average user rate of the system or municipality will be below the user rate targets in subdivision (3) of this section, the grant percentage may be less. The board has discretion to not fund lake dredging and projects that deter cost effective regionalization.

Section 4. The secretary of the department shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 5. Any amounts appropriated in this Act not lawfully expended by June 30, 2027, shall revert in accordance with the procedures prescribed in chapter 4-8.

Section 6. This Act shall be repealed on July 1, 2027.

Section 7. Whereas, this Act is necessary for the support of the state government and its existing public institutions, an emergency is hereby declared to exist, and this Act shall be in full force and effect from and after its passage and approval.

An Act to make an appropriation for eligible water, wastewater, storm water, and nonpoint source projects and to declare an emergency.

I certify that the attached Act originated in the:

Senate as Bill No. 62

Secretary of the Senate

President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 62
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____,
2022 at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 2022

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 2022
at _____ o'clock ___ M.

Secretary of State

By _____
Asst. Secretary of State

AN ORDINANCE TO AMEND THE TOWN OF HERMOSA ORDINANCE SECTION 30.07 (BOARD MEMBER COMPENSATION) BY AMENDING SECTION 30.07 THERETO TO REQUIRE A BOARD OF TRUSTEE MEMBER TO PHYSICALLY APPEAR FOR ALL REGULAR MEETINGS OF THE BOARD OF TRUSTEES, THE COMPENSATION PAID TO A MEMBER OF THE BOARD OF TRUSTEES AND PROHIBITING MEETINGS BY ELECTRONIC OR TELECONFERENCE MEANS.

BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF HERMOSA THAT THE TOWN OF HERMOSA ORDINANCE SECTION 30.07 (BOARD MEMBER COMPENSATION) BE AMENDED TO REQUIRE A BOARD OF TRUSTEE MEMBER TO PHYSICALLY APPEAR FOR ALL REGULAR MEETINGS OF THE BOARD OF TRUSTEES, THE COMPENSATION PAID TO A MEMBER OF THE BOARD OF TRUSTEES AND PROHIBITING MEETINGS BY ELECTRONIC OR TELECONFERENCE MEANS AS FOLLOWS:

§ 30.07 BOARD MEMBER ATTENDANCE AND COMPENSATION.

- (A) In order to receive payment for meeting attendance, members must be physically present within 15 minutes after the opening of the meeting, and remain physically present until adjournment of the meeting. Any variance of this regulation requires a 60 % (i.e. 3/5ths) vote from the present governing body to approve the payment.
- (B) Barring emergency circumstances or a medical disability of a trustee or trustee's immediate family member, no regular or special Board of Trustees meeting shall be conducted through electronic means, teleconference, telephone or the like. All members of the Board of Trustees shall be physically present for the regular or special meetings.

Dared this ___ day of _____, 2022

BOARD OF TRUSTEES:

President

ATTEST:

Finance Officer

First Reading: _____
 Second Reading: _____
 Publication: _____
 Effective Date: _____

NOMINATION FORM

Hermosa Volunteer of the year

Nominee: Robert King

Organisation: Town Board Member

Address: **Telephone No:** (605)440-2464

Brief Summary of volunteerism activities:

It is with firsthand knowledge of Bob's support of this community and its residents, that I offer this nomination. Bob is one of a body of people elected to manage the affairs of the town. Part of his success is his keen ability to think through the best way to do things, the other part is his ability to build the trust and confidence amongst the other board members, professional staff, and the community. He works hard to meet local needs; improve the quality of life and community well-being. Bob goes above and beyond our expectations to support our town, and our community.

He is a leader in our local non-profits, he is always giving back to the community and helps us to do so as well! He actively supports the American Legion, the Senior Center, Hermosa Neighborhood watch, and any citizen asking for help, whenever he is able.

Bob single handedly dismantled playground equipment from the school, so it could be saved for a future park. Bob works hard for the American Legion Post 303, selling raffle tickets, making flyers for their events, and volunteering to help make those events a success. He has been on the Hermosa Neighborhood Watch scholarship committee since it began in 2010. He has actively helped with Bike Rodeos, and Kids' Safety Fairs. And he is always there for the clean-up duty.

Simply put – we don't know what we would do without him! He is always ready to pitch in and help any organization when volunteers are needed. In the ten years since first receiving this award Bob has never slowed down or quit giving.

Nominated by: Joan Harris **Telephone No:** (605)484-5307

Signed: *Joan Harris* **Date:** Feb. 14, 2022

FYI

Gail Boddicker

From: Andrew Curley <Andrew.Curley@Midco.com>
Sent: Friday, March 4, 2022 2:22 PM
To: lberg@proacesinc.com; Ryan Barr
Cc: Gail Boddicker; gjholsworth@midco.net
Subject: RE: [EXTERNAL] - Town of Hermosa communication systems | Plan and public involvement
Attachments: MidcoHermosaCommunications.pptx

Hi Leah,

Thank you for reaching out. I have copied Ryan Barr, our Construction Project Manager, whose team will be leading the buildout of Hermosa. He can address questions regarding the permit application.

Regarding communications with residents, I have attached the cadence we use when notifying and communicating with residents regarding the status of our project, what they can expect, and what services will be available.

In addition, [Midco.com/hermosa](https://www.midco.com/hermosa) has been launched to provide this information. Residents can learn about our construction process, register to receive updates, and learn more about Midco.

We look forward to serving Hermosa! Please let me know if you have any additional questions.

Thanks,
Andrew



Andrew Curley
Director of Government Relations

Office: 6053575835
Andrew.Curley@Midco.com

Midco.com

From: lberg@proacesinc.com <lberg@proacesinc.com>
Sent: Wednesday, March 2, 2022 10:55 AM
To: Andrew Curley <Andrew.Curley@Midco.com>
Cc: gail@hermosasd.com; gjholsworth@midco.net
Subject: [EXTERNAL] - Town of Hermosa communication systems | Plan and public involvement

CAUTION: This email originated from outside of **MIDCO**.

Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Andrew,

Following the Board of Trustees meeting last night, 3-1-22, I wanted to reach out to you about the Midco project coming up in the Town of Hermosa.

I have attached the permit application and maps that were submitted. I am assuming they are general map areas for concept until you get routes further defined but I wanted to point out an area that was mentioned on Page 5 that does not appear possible.

A few questions brought up are;

What is the plan for public involvement through Midco?

Will there be Informational Public Meetings coordinated by Midco to share information about the project before it starts etc.?

Will there be any media available to link to on a website or social media to keep the public informed through construction?

If you could provide some information on Midco's process that would be great.

Thank you!

Leah M. Berg, P.E.

Civil Engineer / President



Affordably Creative Engineering Services, Inc

324 St. Joseph St, Suite 200

Rapid City, SD 57701

Fax 605-716-1144

Phone 605-716-4646

Cell 605-545-1120

LBerg@proacesinc.com



Communication is key. Midco Notification Strategy

Midco is coming to town!

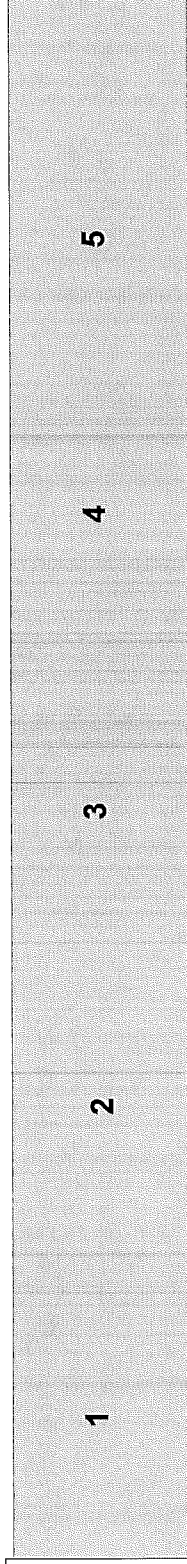
Notify community we are bringing a new service option
Community landing page created

Construction Kick-Off: Here we go.

We are getting ready to kick off construction in your community
Yard signs and door tagging begins
Construction Support social marketing begins

Service Now Available: Exciting news!

Pre-orders and new orders can be taken, and installation can begin



1

2

3

4

5

Early Construction Needs: Let's work together.

Long driveway agreement, private easements need to be obtained (as needed)

Rolling Construction: Be on the lookout for our team.

Midco is working in your neighborhood. (follows the construction plans)

Fiber Internet. TV.



Phase 1 – Midco is coming to town.



MIDCO

{{MailDate}}

11500 MIDCO
MIDCO.COM
MIDCO.COM/BUSINESS

Facebook Twitter LinkedIn

See what we're about.

Hello, Neighbor,

We're Midco, an internet, TV and phone provider serving residential and business customers in the Midwest - and we're coming to your area.

Don't get locked into a long-term contract. We're excited to start offering services in the area this year. That means faster surfing, better streaming and more productivity and entertainment - with no data caps. We also offer services with no contracts required and 24/7 customer care.

Want to learn more? Visit [{{VariableURL}}](#) to register for updates when services will be available.

Sincerely,

Pat McAdaragh

Pat McAdaragh
President & CEO

MIDCO.COM

Internet, TV, Phone.

MIDCO

MIDCO

MIDCO

Ready to learn more?

11500 MIDCO
MIDCO.COM
MIDCO.COM/BUSINESS

Facebook Twitter LinkedIn

Happy. Watching. Surfing. Talking.

MIDCO.COM

Internet, TV, Phone.

MIDCO

4 Reasons to Choose Midco

- 1** Our service is delivered via fiber to your home or business - making your signal more reliable, so it isn't affected by weather.
- 2** We don't limit your streaming or entertainment. Our internet comes with no data caps, and 256 and 5.0m data speed zones.
- 3** Whether it's your entertainment or connectivity, you don't have to ask for multiple installations to setup your whole home or business.
- 4** We don't require a contract and offer a 30-day, no-questions-asked money-back guarantee.

Business Bonus!
We also work with the Midwest Business Planning Center, offering business advisory services and more. Whether you're large or small, we custom-tailor our services to fit your needs. When you succeed, we succeed. Visit [Midco.com/Business](#).

Your home or business deserves reliable fiber internet, TV and phone services. Smooth streaming? Check. Reliable connection? You've got it. No data caps? Sure thing. Long-line Midwest company that's here to stay? That's us.

Professional Installation
We'll have a professional technician visit your home or business to assess your requirements and your business needs. Subsidies are even available for some residential services.

Built-In Security
Midco's fiber optic service includes a built-in level of protection against distributed denial-of-service (DDoS) attacks - and we're always on alert.

24/7 Customer Care
Need help with your service? We offer support 24/7. We'll have a technician visit your home or business to solve your problem - or we'll take care of it over the phone. Text us on the phone.

Community Commitment
Midco is committed to giving back. We have team members to give time and money to the causes they care about. And every 3 years, we distribute grants to supporting nonprofits, local governments and schools through the Midco Foundation. Learn more at [Midco.com/Foundation](#).

Service availability will vary by area.



Phase 2 – Early Construction



MIDCO

(No Cost)

1. (FIRSTNAME) (LASTNAME)
2. (PHONE) (AREA) (NUMBER)
3. (CITY) (STATE) (ZIP)
4. (ADDRESS)
5. (CITY) (STATE) (ZIP)

Hi, (FIRSTNAME) (LASTNAME),

Excuse the interruption, we are sorry to hear about the problem. You'll soon have access to fiber internet, MidcoTV™ and phone service that brings a life extra mile to the services you use every day.

Construction is about to start in the area, and to deliver a fast and reliable connection right to your door, we need your help.

Installing service lines is a two-step process, and our team needs your permission to do a little work in your yard on two separate occasions. Doing this work now means big savings on construction costs when you sign up for video services, landline, and phone. (Only in certain areas. See the enclosed FAQ sheet for more information on our installation process.)

Please follow the instructions below to give us permission to work on your enclosure.

How to Sign Up

1. Visit Midco.com/Locations.
2. Click on the **Get Progress Updates** bar.
3. Fill out all required fields.
4. When asked, **Will you allow us to install service lines to your house?** be sure to click **Yes**.
5. Hit **Submit**.

Boom. You're done!

Spinning up also means you'll receive periodic updates on how construction is going, when services will arrive, and all the nifty, cool and **Whooo!** of our services.

We can't wait to be your neighbor!

Sincerely,

Midco

407.514.1



MIDCO

Service Installation FAQ

What are you installing?

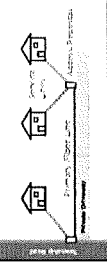
We need to make two holes to your home in order to connect you to Midco service.

First, we install what is called a service enclosure. This is a small box that houses the fiber optic cable and the equipment we install what is called an access location or pedestal. This gives us a place to connect your home to our network. This is an above ground piece of equipment and could take us to hour a day to install. You do not need to be home during this installation.

At a later time, we will bury a smaller, secondary line that runs from the new access location or pedestal to your home. You will need to be home for this installation.

Private Extension

• First visit • Second visit



Once our team completes their work, they make every effort to restore your property to its original pre-installation condition as possible.

Why can't both installations happen at the same time?

Our construction crews are experts at what they do. The means we have specialized teams to handle each and every project. The private extension is installed by a larger crew that is working in the area. Burying the service line to your home is completed by a smaller team. It is more possible to have two separate installation visits as they require different skills.

Why do you need to do this now when services aren't available yet?

Since we live in the Midwest, the weather isn't always on our side. We would like to move quickly while the weather is favorable.

Midco.com/Locations

1-800-888-1999

We also want to ask as many addresses service-ready, while we have construction crews in the area.

Allowing us access to your property now - while we are working in the area - also saves you money. It can cost us to \$4,000 to send a team to your home after we've left the area. Even if you aren't sure about signing up for services, we would like to have your name on our list to our service anytime in the future.

What happens after I sign up for installation?

A contractor will contact the homeowner a week before the scheduled installation. Certain factors may affect the installation, including:

- The ground must be dry.
- Outdoor power must be secured.
- Gaps and fences must be unblocked.
- The contractor must be notified and flagged to show the proposed installation route and the location of underground utilities.
- The contractor is responsible for marking any underground utilities. Please do not remove any flags or paint marks, as this can cause confusion or unsafe conditions.
- The homeowner is responsible for marking any personal utilities, such as underground oil tanks, gas lines, or septic tanks. Please notify underground electric company or other contractors.

How do I sign up for service installation?

1. Visit Midco.com/Locations.
2. Click on the **Get Progress Updates** bar.
3. Fill out all required fields.
4. When asked, **Will you allow us to install service lines to your house?** be sure to click **Yes**.
5. Hit **Submit**.

Who should I contact with questions?

Call 1-800-888-1999. Press Option 1, then press Option 3 for a service line installer or technician. Our team will contact you as soon as possible.

Service availability will vary by area.

