

**HERMOSA TOWN BOARD  
PUBLIC HEARING AND REGULAR MEETING  
TUESDAY, SEPTEMBER 7, 2021, @ 6:00pm**



**ROLL CALL:** Holsworth called the meeting to order at 6:02pm with the following members present: Flug, Holsworth, King and Schumack. Henrichsen absent. Law Enforcement, Johnson, Berg & interested citizens also present. Pledge of Allegiance was led by Holsworth.

**CALL FOR CHANGES:** Request to discuss Midco Agreement under Legal. Motion made and seconded to approve agenda as amended; vote; all aye, motion carried.

**PUBLIC HEARING:** Board moved into Public Hearing at 6:03 pm. The Public Hearing was scheduled to hear Retail (on-off sale) Malt Beverage & SD Farm Wine license for Lane Brengle, Hermosa Community Center LLC, located at 122 Vilas Street, Hermosa, SD, legally described as, Parcel 009182, LOTS 23-24 BLOCK 5, Town of Hermosa. Motion made and seconded to approve license; vote; all aye, motion carried. Motion made and seconded to close the Public Hearing at 6:09 pm; vote; all aye, motion carried. Regular meeting reconvened at 6:09pm.

**CONSENT CALENDAR:** Motion made and seconded to approve August 17, 2021; minutes as presented; request to amend August 19, 2021, Special Meeting minutes to: Due to many activities and drought occurring in Hermosa, public works requested citizens to conserve water by hand watering only. This is only temporary until the well can be repaired. Vote; all aye, motion carried.

**CLAIMS:** Motion made and seconded to approve September 7, 2021, Payroll and Claims with discussion. A&B Business Solutions, Copier lease payment, \$570.97; ACES, Permits review, \$610.00; Claycomb Engineering, Permits review, attend meetings, \$1656.00; Code Works, Hermosa School, August Inspection, \$265.12; Dakota Supply Group, 6 each Ball Valve, \$100.08; Dustbusters Enterprises Inc., Dustguard 8-10 and 8-11-2021, \$13,009.68; EFTPS, 941 payroll tax, \$1,188.33; Ferguson Construction, monthly agreement, \$2,266.67; Ferguson Construction, Inspections, weed spray, pull pump #1, \$995.00; G. J. Holsworth & Son, Inc, Town road work in preparation of fair, vehicle usage and operator fees, \$850.00; Golden West, Monthly Agreement, \$561.50; Hawkins, Water chemicals, \$384.87; Health Pool of SD, Monthly Premium, \$841.42; Jensen, Tayler, Customer deposit refund: 300 E Main #4 \$107.27; Pioneer Bank & Trust, Monthly charges, \$1,945.57; Lingo, Monthly charges, \$44.90; Metering & Technology Solutions, \$959.96; Miller Construction, Gravel, Bobcat, Labor, \$3,251.25; Mt. Rushmore Telephone Co, Monthly Charge, \$238.02; Payment Service Network, Monthly charge, \$78.45; Westergard, Brad, Monthly agreement, \$300.00; Payroll: Board of Trustees, \$1,500.00; Finance Department, \$2,947.50; Law Enforcement, \$808.55; Meter Read and Custodial, \$274.00; Sander Sanitation Services, Monthly charges, \$2,820.95; SD DOT, 2nd Street box culvert, \$13,850.26; SDPAA, Town insurance, \$14,392.86; SD Retirement, August retirement funds, \$860.32; Southern Hills Publishing, Inc, Monthly charge, \$283.35. TOTAL: \$67,962.85. Holsworth requested his claim to reflect that his invoice was for the use of their water truck when they mow watered the streets, \$50.00 an hour for the truck and operator. The road work accomplished prior to the fair was donated by their company. Request to remove screen millings from Miller Construction invoice description. Request to have SD DOT provide a breakdown of the change order and tickets for the millings that were hauled in. Vote; all aye, motion carried.

**LAW ENFORCEMENT/ ABATEMENTS/COMPLAINTS:** Marshal Daggett provided local updates. Discussion regarding penalizing non-resident for packing yard waste dumpsters as dumpsters are for in-town citizens only. Motion made and seconded to waive the fine; vote; Flug, aye; Holsworth, nay; King, aye; Schumack, aye; vote; all aye, motion carried. Westergard will take over the Neighborhood Watch program. Motion made and seconded to reinstate Daggett's salary to \$1425 per pay period through the remainder of the year, to include the health insurance stipend; to review prior to the end of the year; vote; all aye, motion carried. Motion made and seconded to appoint Westergard as animal control officer and code enforcement (abatement) officer; vote; all aye, motion carried.

**LEGAL:** Cannabis Ordinance: Motion made and seconded to request Johnson to draft a medical marijuana ordinance; vote, all aye, motion carried. Motion made and seconded to schedule non-paid special meetings on September 9 and September 16 to hear the 1<sup>st</sup> and 2<sup>nd</sup> Readings of the Medical Marijuana Ordinance; vote; all aye, motion carried. Bill Cannon, Hermosa citizen, requested the minutes reflect his opposition to allowing medical marijuana activities (ordinance, licenses) in Hermosa. Motion to allow Johnson to draft an Extra-territorial Agreement with Pennington County; vote; all aye, motion carried. Midco Agreement will also be discussed on September 9 and 16 meetings.

**ENGINEER:** Water Rehab Project (WRT System); pending. N Second Street Box Replacement; pending reports from SD DOT on breakdown of change order, millings, final costs. Lone Coyote Subdivision Preliminary Plat Application: pending. Hermosa Sidewalk Project: board requested to review the contract with Interstate Engineering at the September 21, meeting. Sewer Project (Lagoon expansion), pending discussion at Custer Co. Commissioners meeting who will be discussing federal infrastructure funds. Water and Sewer Project: advertising for bids in Custer Chronicle September 15 and 22<sup>nd</sup>, with bids due on September 29; award to be given on October 5 BOT meeting. Water/Sewer Facility Plans: pending. Discussion on Lone Coyote annexation: Motion made and seconded to approve the annexation Public Hearing notice in the 9-15-21 edition of the Custer Chronicle; vote; all aye, motion carried. Hermosa Hills: Motion made and seconded that Pulis is responsible for the work on the ditches, with reimbursement by Preston, and it will be allowed to install an 18" culvert from Marie to Walter Streets, at the end of Walter – leaving the current 18" culvert in as well; vote; all aye, motion carried. Water/Sewer Facility Plans, pending. Weston Closeout: DANR to receive, for informational purposes, the

Farmers Supply invoice indicating the issues related to the problems that have occurred with Weston's work; vote; all aye, motion carried. Engineer staff reports should include the verbiage that the contractor's information needs to be included and all fees paid. Load Limit on 2<sup>nd</sup> Street Bridge: motion to keep the load limit at 15 ton; vote; all aye, motion carried.

**PLANNING & ZONING:** Review of August 24, 2021, meeting minutes; P&Z requested to amend the minutes under Permit 2021-31 discussion to reflect to have P&Z to review the entire staff report and if they feel the survey was warranted, then recommend Holsworth be reimbursed for one third of the cost of the survey. Permit 2021-27 - 239 Donna Street, Floodplain Development Permit-Carport; motion made and seconded to approve; vote; all aye, motion carried. Permit 2021-28 - 760 Marie Street, Informational Permit-Shed; no action. Permit 2021-29 – 865 Marie Street, Digging/Residential Building; motion made and seconded to approve; vote; all aye, motion carried. The permits need to adhere to the conditions of the engineer. Permit 2021-30 – 855 Marie Street, Digging/Residential Building; motion made and seconded to approve; vote; all aye, motion carried. Permit 2021-31 – Parcel #1010762(ROW)- Digging/Permit to work in Right of Way; motion made and seconded to approve; vote; all aye, motion carried. Permit 2021-32 – Parcel #000208-Lone Coyote Subdivision, Digging/Grading; pending. Motion made and seconded to schedule a Work Session to discuss building permits and ADU Ordinance, paid, following the 9-28-21, P&Z regularly scheduled meeting; vote; all aye, motion carried.

**PUBLIC WORKS:** Flug provided updates. Pond will be pumped soon. Upper pump house needs a 3-phase power locate. Ferguson Lift Station: the lift station continues to have issues with inappropriate items being flushed, resulting in costly repairs to the pump. Motion made and seconded to send a letter to the citizens in the Ferguson Subdivision that from this point on, if the lift station is plugged due to inappropriate items damaging the pump, the citizens in Ferguson Subdivision will be assessed the cost to make repairs; vote; all aye, motion carried. Flug to investigate alternative preventative processes to keep the lift station in working order and report at the next meeting. Holsworth to get an estimate of prices for a cable and guard rail for 2<sup>nd</sup> Street box culvert. Town should take more pictures of sidewalks and roads surrounding the school to ensure no damages have occurred during school construction.

**FINANCE OFFICE:** Month end reconciliation reports were provided. Approval for Boddicker to ask accountant for correct, legal way to clear outstanding checks from books. SDML Annual Conference: Motion made and seconded to approve trustee(s) to attend the conference; vote; all aye, motion carried.

**OLD BUSINESS:** Annexation: Gumbo Lilly, Fairgrounds Place, pending. Broadband Grant Awards – Midco, pending. Town Sign, pending. Mosquito Control Private Property Contract, pending. Cannabis Ordinance, ordinance review scheduled for 9-9-21.

**NEW BUSINESS:** Mag Water Application: motion made and seconded to remove from the agenda; vote; all aye, motion carried. Hermosa School: Phase 2 Traffic Control Plan, pending. Hermosa School: Fire Sprinkler Test; motion made and seconded to remove from the agenda; vote; all aye, motion carried. Motion made and seconded to approve 1<sup>st</sup> Reading Ordinance 2.074 Appropriating Funds for the Fiscal Year 2022; unanimous. Motion made and seconded to send letters to Hermosa Hills residents informing them they are responsible for maintaining ROWs, permitting processes must be followed, maintaining yards to the road, no digging without a permit; vote; all aye, motion carried. Flug will review the letter prior to sending. Motion to send a letter to resident in Hermosa Hills to clean up the salt which was placed on the property to control weeds and refrain from doing that in the future; vote; all aye, motion carried. Motion made and seconded to send a penalty invoice to Hermosa Hills resident who installed a culvert without proper permit; vote; all aye, motion carried. Motion to send attorney the ordinance regarding fees for travel parks; vote; all aye, motion carried.

**ITEMS FROM CITIZENS:** None.

**TRUSTEE INPUT:** Holsworth thanked the board for all they do to support the town.

**EXECUTIVE SESSION:** None.

**ADJOURN:** Motion made and seconded to adjourn the meeting at 10:00 pm; unanimous.

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Dan Holsworth, Town Board President

ATTEST:

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Gail Boddicker, Finance Officer

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