

**HERMOSA TOWN BOARD
TUESDAY, SEPTEMBER 19, 2023
REGULAR MEETING @ 6:00pm**

ROLL CALL: Styles called the meeting to order on Tuesday, September 19, 2023, at 6.00 pm with the following members present: Ferguson, Holsworth, Kramer and Styles. Henrichsen, absent. Mitch Johnson, Town Attorney, also present. Pledge of Allegiance led by Jerald Styles.

CALL FOR CHANGES: Motion made and seconded to remove 13) F., Sidewalk Extension, from the agenda as it was approved at the September 5, 2023, meeting to be removed; vote; all ayes, motion carried.

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

CONSENT CALENDAR: Motion made and seconded to approve the September 5, 2023, BOT regular minutes vote; all ayes, motion carried.

CONFLICT OF INTEREST DECLARATION: The president declared two board members with conflicts on the below agenda. Ferguson: Agenda Items: 10) B., D., E., & F ; Ferguson will not be allowed to discuss or vote on these items. Kramer: Agenda Items: 8) B and C. Kramer will not be allowed to discuss or vote on these items.

CLAIMS: Motion made and seconded to approve September 19, 2023, Payroll and Claims as presented/amended for discussion; vote all ayes, motion carried. DCI, Fingerprint for Admin Asst, \$26.75; Door Security Products Inc., Dumpster camera repair, \$324.66; Golden West Technologies, Monthly service-Sept23, \$563.50; Slade Heeb, LE reimb for expenditures , \$2,911.51; Johnson Law Office, BOT mtg, email, shop lease ltr, \$760.00; Main Street Designs, SD Flag, \$271.42; Miller Construction, 22 Ton base course, \$493.68; Monika Serviss, gWorks assistance for FO , \$425.00; MT RUSHMORE TELEPHONE, PHONE/INTERNET, \$270.10; PIONEER BANK & TRUST VISA, Office supplies, \$224.75; PIONEER BANK & TRUST, Bank charge for 2 sig acct, \$25.00; SD DEPT OF REVENUE, Sales tax July/August 2023, \$560.29; SD MUNICIPAL LEAGUE, SDML Ann Conf BOT registration, \$375.00; Southern Hills Publishing, Publishing/Legal notices 08/23, \$752.56; Jodi Simons, Fingerprint, \$20.00; SIMPSONS PRINTING, TOH window/business envelopes, \$199.00; STREET IMAGE, Custom cage for Tahoe, \$1,746.25; Summit Signs and Supply Inc., Speed limit sign, \$356.00; Wiles Real Estate LLC, reimbursement, \$619.50; CHUCK IRVINE, Oxygen meter case reimburse, \$4.25; ETTA CAMP LLC, reimbursement, \$239.50; USA BLUE BOOK, Oxygen meter reader, \$1,047.92; ACCOUNTS PAYABLE TOTAL: \$12,216.64. Payroll Related: Financial administration, \$3,778.47; Law Enforcement, \$1,743.66; Water, \$278.69; Sewer, \$167.21; Promoting City/BBB, \$55.74; EFTPS-Electronic Federal Tax, \$1,691.32; PAYROLL RELATED TOTAL: \$7,715.09. REPORT TOTAL: \$19,931.73. GENERAL, \$17,599.00; BBB GROSS RECIPTS TAX, \$46.80; WATER, \$853.72; SEWER, \$1,432.21.

LAW ENFORCEMENT/ABATEMENTS/COMPLAINTS: Marshal Heeb provided report: tasers have arrived but short a power cord; Heeb to meet with LET at their October 25 meeting to discuss approval to add reserve force. Discussion regarding adding tires to surplus request approval to surplus the 2003 Tahoe. He received a quote of approximately \$1000 to decommission the 2003 Tahoe. Attorney reported there must be a public notice (newspaper) if the tires/vehicle will be public auctioned. Action: add to the October 3, agenda: approval to decommission vehicle and approve the fee to decommission. Heeb to talk with school officials regarding the timeframe the school crossing lights are lit – they run long after the students are in school. Custer County Log: presented, no action. Abatements: Ferguson reported success in making courtesy calls for abatement purposes. Abatements will conclude for the season. Citizen sent invoice to town to request payment for mowing her right-of-way for the past nine years. Motion made and seconded to request Attorney Johnson to send a letter to citizen denying their request; vote; one, nay; four ayes, motion carried. Dispatch Contract, pending, to be signed in October. Motion made and seconded to remove, Approval to purchase taser and approval to purchase “Reserved for Marshal” sign; vote; all ayes, motion carried.

LEGAL: Engineer expense reimbursement, pending. Motion made and seconded to dissolve P&Z as of 1 January 2024, vote; one, nay; one, abstained, three ayes, motion carried. Assistance to review and rewrite ordinances to support dissolving P&Z, pending. Motion made and seconded to schedule September 27, 2023, Work Session to approve, “Delegation for signing permits”, discussion. Motion made and seconded to amend the main motion to approve the Work Session be a non-paid meeting scheduled for September 26, 2023, discussion; vote; all ayes, motion carried. Vote on the main motion with amendments: 1 nay, four ayes, motion carried. Bond Schedule: Currently, the town does not have a bond schedule in place. Motion made and seconded to approve Attorney Johnson to begin working on Bond Schedule for the town; vote; all ayes, motion carried.

ENGINEER: Styles reported on progress to hire town engineer. Following discussion, Styles reported two firms made the short list for interviews. Based on the packages provided, the finance committee will meet with the selected firm for final discussions. The board will discuss in executive session; a contract will be signed after gaining board approval at the October 3, 2023, meeting. Motion made and seconded to terminate the contract with ACES for the design of the WRT System with no further pay, discussion. Vote; two, nays; three ayes, motion carried. Hermosa Sidewalk Project: the Project is completed, waiting for grass to grow will keep on agenda until the BOT approves payment to SDDOT. Sewer Project (Lagoon design & expansion): waiting for report from AET. Water/Sewer Facility Plans – will request to be removed, Black Hills Council of Local Governments – will request to be removed. Town of Hermosa Water and Sewer Extension Project – Town received a letter from SDDANR dated 7 September 2023 stating the project is approved with four conditions. Town will need to verify where our sewer line crossed under the SBHWS’ water line. Motion requested to have the new A&E firm (when hired) come up with a cost proposal to bring the existing sewer line along Highway 79 to SDDANR standards based on the last submittal and the last letter from SDDANR, and to cover planting grass if RCS does not. No motion made. Motion made and seconded to discuss this issue in executive session under legal matters; vote; two, nays; three, ayes, motion carried. Hermosa Hills Drainage: pending for Mag water application. Whitney Street Drainage – will request to be removed Facility Plan for Booster: will request to be removed. Rural Development Application will request to be removed. Motion made and seconded to remove the following items from the agenda: Water Rehab Project (WRT System), Water/Sewer Facility Plans, Black Hills Council of Local Governments, Whitney Street Drainage, Facility Plan for Booster, Rural Development; vote; all ayes, motion carried. These items with the exception of Whitney Street Drainage will be addressed in the future if needed by the new A&E and will be added back on the agenda as needed. Vote; two, nays; three ayes, motion carried.

PLANNING & ZONING: Permit 2022-25 - REVISED- Digging/ROW-Sewer Connection- Parcels 009318 & 009319. Ferguson hiring engineering firm for preliminary plans to be submitted to SD DANR. SD DANR said multi hook ups to the sewer (including lift stations) or water would require a design signed by a PE and submitted to them for approval. Individual hook ups would not. 2023-06 – Commercial Remodeling Permit Application – 250 Main St. – Storage Loft: motion made and seconded to have all past non-compliances by tenant be forgiven and the town and tenant will begin with a clean slate and a clear understanding that the contract will be enforced; vote; one, nay; four, ayes, motion carried. Motion made and seconded to approve the Whitney Street new address provided by the Custer County GIS office; vote; all ayes, motion carried. Motion made to approve, Approving the Extension for: Permit 2022-31 – Demolition Application – Parcel # 009327, discussion. Motion seconded to approve, Approving the Extension for: Permit 2022-31 – Demolition Application – Parcel # 009327, Approving the Extension for: Permit 2022-25 – Digging/Grading Permit, Approving the Extension for: Permit 2022-25 - Work in Right of Way, discussion. Vote: one, abstained; one, nay; three, ayes, motion carried. Motion made and seconded to remove from the agenda: Approve Extension: Permit 2022-31 – Demolition Application – Parcel # 009327, Approve Extension: Permit 2022-25 – Digging/Grading Permit, and Approve Extension: Permit 2022-25 - Work in Right of Way; vote: one, abstained, four, ayes, motion carried.

PUBLIC WORKS: Ferguson reported on streetlights, sewer, and water. Ferguson concerned with color of lagoon; transferring water from Pond C to Pond A to hopefully change the color; could be lack of oxygen. Peroxide has been added and seems to be working. Motion made and seconded to have the pothole repaired (Ferguson to repair with a cap on cost of no more than \$200) on Ferguson Street; discussion. Vote: one, abstained, one, nay; three ayes, motion carried. Ferguson to invoice with cost of cold patch mix and time spent on project. Styles working on, “Agreement for performance of services of public works and town maintenance to have draft prepared by mid-November. Walter Street maintenance: Gravel has been added; the same potholes are already showing through, in the future the postholes will need to be dug up prior to placing new gravel or asphalt. The work as described in the proposal has been completed. Bolted Tank Interior Floor Reseal: motion made and seconded to leave this item pending as Ferguson is waiting for a second quote; vote; one, abstained, four, ayes, motion carried. Motion made and seconded to remove Walter Street Maintenance from agenda; vote; all ayes, motion carried.

FINANCE OFFICE: August bank reconciliation and financial reports included in the packet. Grant research, pending, 2024 budget – Discussion on utilizing BBB Funds to supplement FO salary. Motion made and seconded to approve the BOT President sign SDDOT - Required Certification due to Executive Order 2023-13 per email dated 12 September 2023; vote; all ayes, motion carried. Motion made and seconded to approve to join the Western Dakota Regional Water System; discussion. Vote; all ayes, motion carried. Motion made and seconded to remove, SD DOT Executive Order and Western Dakota Regional Water System from the agenda; vote; all ayes, motion carried.

OLD BUSINESS: Annexation: pending but a high priority for Boddicker. Town Sign: to be removed from agenda. Town Office: Deck Staining, pending; Library: Deck Staining, pending. Motion made and seconded to have a contractor do the staining on the town office and library decks, discussion. Styles will work on proposal, notice can be placed in the town newsletter and Facebook page, the person doing the job will need to have contractor’s permit and insurance. Vote: all ayes, motion carries. Hermosa Connects: no report. Sidewalk extension – from Ingalls Blvd This item was removed from the agenda in the 5 September 2023 BOT meeting. Motion made and seconded to remove, Town Sign, Town Office Deck Staining and Library Deck Staining from the agenda; vote: all ayes, motion carried.

NEW BUSINESS: SBHW presentation – pending – Mid to late October 2023, will be discussed in executive session. Motion made and seconded to remove, Contractors Licensing Ordinance – Chapter 112 – Review 112.03 - Requirement and Obligations, from the agenda; vote; all ayes, motion carried. Administrative Assistant Position: motion made and seconded to table the issue until the next meeting; vote; all ayes, motion carried. Fuel the Growth – Economic Development Course: Harris, Holsworth, Styles, Van Sam Beek attended. Headwaters Economics: Claycomb will be contracted to perform a hydrologic study. No cost to the town. Andersen Engineers: Survey; Locate 9 Corners Pending for more information from Terry Morgan at Custer County. Motion made and seconded to approve the Contract for Office Space, discussion. Vote: two, ayes, two, nays, one, abstained; motion did not carry. This item to be discussed when new contract is submitted. Motion made and seconded for approval of the Finance Officer new job description and the title changed to Town Manager with subtitles of Finance Officer, Economic Development and Contract Management, discussion. Attorney does not agree with the job description as it does not follow state statute and advises keeping the position titled as Finance Officer. Motion made and seconded to amend the motion to table this issue until the 3 October 2023 meeting; vote; all ayes, motion carried. Vote on main motion, all nays, motion failed. Shorb’s broken electric line: being repaired by SBHW; thanks to RCS and Muth Electric for their effort to resolve this issue. Motion made and seconded to address Shorb’s easement requirements owed to them by the town and the fact that no grass has been established on the sewer water extension construction project for the Work Session on 4 Oct 2023, discussion. Motion made and seconded to amend the motion to place this item on the September 26, 2023, agenda with October 4, 2023, as the alternative; vote; all ayes, motion carried. Vote on original motion as amended to work on Shorb’s easement; one, nay; four, ayes, motion carried. Leave for part-time employees: tabled until 3 October 2023 meeting. Speed Limit on Fairgrounds Place: motion made and seconded to change the speed limit on Fairgrounds Place, South of the entrance to the town’s lagoon, from 15 mph to 25 mph, discussion. The town will need three signs: one-15 and two-25. Vote: one, nay, four, ayes, motion carried.

Hermosa Newsletter: motion made and seconded to reduce the number of newsletters being printed from 250 to 200; discussion. Vote; one, nay; four, ayes, motion carried. Security cameras: Motion made and seconded to request Boddicker to research camera systems to replace the old system currently in use; discussion. Vote: all ayes, motion carried. Ordinance 2.076 Appropriating Funds for the Fiscal Year 2024: motion made and seconded to approve the Ordinance 2.076 Appropriating Funds for the Fiscal Year 2024; vote: all ayes, motion carried. Motion made and seconded to remove from the agenda: Administrative Assistant Position, Fuel the Growth – Economic Development Course, Contract for office space, Approval of new job description for Town Manager, Shorb’s broken electric line, Leave policy for part time employees, Change speed limit on Fairgrounds Place from 15 to 25 mph, Decrease number of Hermosa Newsletters being printed from 250 to 200, Town office camera system investigation, 2nd Reading Ordinance 2.076 Appropriating Funds for the Fiscal Year 2024.

ITEMS FROM CITIZENS: Special thank you to Marshal Heeb for his efforts for the Walk to School program.

TRUSTEE INPUT: Trustees had input.

EXECUTIVE SESSION: Motion made and seconded to enter into executive session allowable by SDCL 1-25-2.1 for Legal and Contract purposes at 9:12 pm.; Vote: all ayes, motion carried. Motion mad and seconded to come out of executive session at 9:45 pm; vote: all ayes, motion carried. Motion made and seconded to respond to the Southern Hills Law subpoena, to charge \$500 to Southern Hills Law for the review, research, reproduction of the camera/tape, mileage, and administrative fees; vote: all ayes, motion carried.

ADJOURN: Motion made, seconded to adjourn the meeting at 9:46 pm; vote: all ayes, motion carried.

ATTEST:

Gail Boddicker, Finance Officer

Jerry Styles, Town Board President

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