

HERMOSA TOWN BOARD  
SPECIAL MEETING  
MONDAY, MAY 2, 2022 @ 2 :00 pm



- 1) **ROLL CALL:**
  - A. BOT Roll Call: Henrichsen, Holsworth, King, Kramer, 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) **NEW BUSINESS:**
  - A. Annexation Public Hearing preparation
  - B. Operating Agreement discussion
  
- 4) **CONSENT CALENDAR:**
  
- 5) **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
  
- 6) **ADJOURN:**

Motion by \_\_\_\_\_; second by \_\_\_\_\_ to adjourn the meeting at \_\_\_\_\_ pm.

## RESOLUTION 03-2022

### RESOLUTION OF INTENT TO ANNEX CONTIGUOUS PROPERTY

**WHEREAS**, the Board of Trustees of the Town of Hermosa has statutory authority conducted a study pursuant to SDCL § 9-4-1.1 prior to holding the public hearing required as part of a municipality-initiated annexation of property, and

**WHEREAS**, the Town of Hermosa duly appointed engineer, ACES, has completed the Annexation Study required by that law, and

**WHEREAS**, that Annexation Study is focused upon the platted contiguous to portions of the present boundary of the Town of Hermosa, all contained within Section 29 and Section 30, Township 2 South, Range 8 East, Custer County, South Dakota, and

**WHEREAS**, those subject properties are within the area where the growth of the Town of Hermosa can be accommodated to provide for the orderly growth and development of the Town of Hermosa, and

**WHEREAS**, a map of the areas subject to this Resolution is attached as Exhibit "A" and incorporated herein by this reference.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Trustees for the Town of Hermosa hereby declares an, "Intent to Annex" the following contiguous territory:

1. The territory subject to this Resolution of Intent to Annex Contiguous property consists of platted non-agricultural territory as defined at SDCL § 9-4-5 and SDCL § 10-6-31 as follows:

Description:

- a. Lot B-1 of Fairgrounds Place Subdivision of Lot B, located in the NE1/4NE1/4 of Section 32, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on plat filed in Book 12 of Plats, Page 267
- b. Lot B-2 and B-3 of Fairgrounds Place Subdivision of Lot B, located in the NE1/4NE1/4 of Section 32, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on the plat filed in Book 12 of Plats, Page 267; subject to covenants, restrictions, declarations, reservations, rights-of-way, and easements of record, if any.
- c. Lot C of Replat of Lot A in the NE1/4NE1/4 of Section 32, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on Plat filed in Plat Book 2, Page 139, in the office of the Register of Deeds of Custer County, South Dakota (DOE #4143)

- d. Lot 1A of Lot 1 of Lot D of Lot A of the Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section 32 in Township 2 South of Range 8 East of the Black Hills meridian, Custer County, South Dakota, as shown on the plat filed in Book 4 of Plats, Page 47.
- e. Lot 2A, as described in Re-plat of Lot 1 of Lot D of Lot A into Lot 1A and 2A of Lot 1 of Lot D of Lot 1A, located in the NE1/4NE1/4 of Section 32, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota
- f. Lot 2 of Lot D of Lot A in the Northeast Quarter of the Northeast Quarter of Section 32 in Township 2 South of Range 8 East of the Black Hills meridian, as shown on the plat filed in Plat Book 4, Page 14.
- g. Waner Tract 2 of NE1/4NE1/4, Section 32, T2S, R8E, BHM, Custer County, South Dakota, together with all improvements and appurtenances thereon and subject to easements, rights-of-way, restrictions, reservations, declarations, and covenants of record.
- h. Waner Tract 1 and Waner Tract 2 of NE1/4 NE1/4, Section 32, T2S, R8E, BHM, Custer County, South Dakota Formerly Lot 1 of NE 1/4 NE 1/4 Section 32
- i. Neugebauer Tract 2 & 3 Located in E 1/2, NE 1/4, Section 32, T2S, R8E, BHM, Custer County
- j. PT of W2E2NE4 SEC 32 T2 R8 MHBLs – Neugebauer Tract 3, Located in E ½, N ¼, Section 32, T2S R8E, BHM Custer County
- k. Section 29; Part of SW1/4 of NE1/4, Part of NW1/4 of SE1/4, N1/2 of NE1/4. Balance of S1/2 of SE1/4 of SE1/4(less Lot St. Michael's and Lot Legion of North Corral Subdivision) Lot Access in G&G Subdivision in SW1/4 of NE1/4
- l. Lot St. Michael's of North Corral Subdivision located in the S1/2 SE1/4 SE1/4 of Section 29, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, SD as shown on the plat filed in book 12 of Plats Page 6145, together with all improvement and appurtenances thereon and subject to easements, rights-of-way, restrictions, reservations, declarations, and covenants of record.
- m. Lot Legion of North Corral Subdivision located in the S1/2 SE1/4 of section 29, township 2 south, range 8 east of the Black Hills Meridian, Custer County, SD as shown on the plat filed in book 12 of plats, page 614, together with all

improvement and appurtenances thereon and subject to easements, rights-of-way, restrictions, reservations, declarations, and covenants of record.

2. That ample and suitable resources exist to accommodate the orderly growth and development of the contiguous territories as evidenced by the Town of Hermosa's current provision of many of the Town of Hermosa services to the areas and consistent with the Annexation Study.
3. The estimated difference in tax assessment rate for the residents in the contiguous territory is 0.32 percent.
4. That exclusions or irregularities in municipal boundary lines are not the result of arbitrariness but are based upon existing geographical features, physical barriers, existing property boundaries, existing occupancies and uses, and existing municipal boundaries.
5. That there is reasonable present and demonstrable future need for annexing the contiguous territories in accordance with the Annexation Study; and
6. That population and census data indicate that the municipality has or may experience growth or development beyond its present boundaries.
7. There exists a community of interest between the contiguous territories as described above and the Town of Hermosa.

**NOW, THEREFORE, BE IT RESOLVED** that as a result of this Resolution of Intent to Annex Contiguous Properties, the Town of Hermosa has completed the first step to change the corporate limits of the Town of Hermosa so that same may be extended to include the above described properties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022

**TOWN OF HERMOSA**

\_\_\_\_\_  
Dan Holsworth  
President – Board of Trustees

ATTEST:

\_\_\_\_\_  
Gail Boddicker, Finance Office

Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

## RESOLUTION 04-2022

### RESOLUTION OF INTENT TO ANNEX CONTIGUOUS PROPERTY

**WHEREAS**, the Board of Trustees of the Town of Hermosa has statutory authority conducted a study pursuant to SDCL § 9-4-1.1 prior to holding the public hearing required as part of a municipality-initiated annexation of property, and

**WHEREAS**, the Town of Hermosa duly appointed engineer, ACES, has completed the Annexation Study required by that law, and

**WHEREAS**, that Annexation Study is focused upon the platted contiguous to portions of the present boundary of the Town of Hermosa, all contained within Section 29, Township 2 South, Range 8 East, Custer County, South Dakota.

**WHEREAS**, those subject properties are within the area where the growth of the Town of Hermosa can be accommodated to provide for the orderly growth and development of the Town of Hermosa, and

**WHEREAS**, a map of the areas subject to this Resolution is attached as Exhibit "A" and incorporated herein by this reference.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Trustees for the Town of Hermosa hereby declares an, "Intent to Annex" the following contiguous territory:

1. The territory subject to this Resolution of Intent to Annex Contiguous property consists of platted non-agricultural territory as defined at SDCL § 9-4-5 and SDCL § 10-6-31 as follows:

Description:

- W1/2SW1/4NW1/4SW1/4 Less Lot H1 as shown on Plat filed in Book 11 of Plats, Page 322; and E1/2SW1/4NW1/4SW1/4; W1/2SE1/4NW1/4SW1/4; and W1/2NE1/4NW1/4SW1/4; all of Section 29 in Township 2 South Range 8 East of the Black Hills Meridian, Custer County, South Dakota
- Lots 4 and 5 of Bush Subdivision, located in the NE1/4SW1/4 of Section 29, T2S, R8E, BHM, Custer County, South Dakota, as shown on Plats recorded in Book 6 of Plats, Page 152 and in Book 7 of Plats, Page 57
- Lot 3 of Bush Subdivision located in the NE1/4SW1/4, Section 29, Township 2 South, Range 8, East, BHM, Custer County, South Dakota, as described in plat

recorded on October 21, 1975, at 1:35 PM in Book 6 of Plats, Page 152, in the Office of the Register of Deeds, Custer County, South Dakota, containing 5.013 acres, more or less.

- Lot 2 of Bush Subdivision as shown on the plat filed in Plat Book 6, Page 152, situated in the W1/4 in E ¼ SW ¼ of Section 29, T2S, R8E, BHM in Custer County, South Dakota.
- The East Half of the Northeast Quarter of the Southwest Quarter (E1/2NE1/4SW1/4) of Section Twenty-nine (29), Township Two South (T2S), Range Eight East (R8E) of the Black Hills Meridian
- The South Half (S1/2) of the Northwest Quarter (NW1/4) of the Northwest Quarter (NW1/4) of the Southwest Quarter (SW1/4) of Section Twenty-nine (29), Township Two (2) South, Range Eight (8) East of the Black Hills Meridian, Custer County, South Dakota, containing 5 acres, more or less
- Lot One R (1R) of Bush Subdivision, located in the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) and Northeast Quarter of the Southwest Quarter (NE1/4SW1/4) of Section Twenty-Nine (29), Township Two South (T2S), Range Eight East of the Black Hills Meridian (R8E BHM), Custer County, South Dakota, as shown on the plat filed in Book 11 of Plats, Page 266.
- S1/2SW1/4 of the SW1/4 NW1/4(Less Lot H1) located in Section 29, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota. (DOE #4119)
- The Southeast Quarter of the Southwest Quarter of the Northwest Quarter (SE1/4SW1/4NW1/4) of Section 29 in Township 2 South of Range 8 East of the Black Hills Meridian, Custer County, South Dakota. The Southeast Quarter of the Northwest Quarter (SE1/4 of the NW1/4) less OT of the TR's B&C of Gabel Subdivision, Section Twenty-nine (29), Township Two South (T2S), Range Eight East (R8E) of the Black Hills Meridian in Custer County, South Dakota, 37.06 ± acres, and SE4NW4 (Less TR'S B&C of Gabel Subd) SEC 29 T2 R8 37.06 AC 0020802900000500
- Lot BR of C and J Subdivision (formerly a portion of Lot 1 of C and J Subdivision) located in the SW1/4NW1/4 of Section 29, Township 2 South, Range 8 East of the Black Hills meridian, Custer County, South Dakota as shown on the Plat recorded in Book 12 of Plats, Page 96.

- Lot C of C & J Subdivision (formerly a portion of Lot 1 of C and J Subdivision) located in the SW1/4NW1/4 of Section 29, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on Plat filed in Book 12 of Plats, Page 96 (DOE #4118)
- The west half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (W 1/2, NE 1/4, SW 1/4, NW 1/4) of Section Twenty-nine (29), Township two (2) South, Range Eight (8) East of the Black Hills Meridian, Custer County, SD containing 5 acres, more or less
- W1/2 E1/2, W1/2 of Section 33 in Township 2 South, Range 11 East of the Black Hills Meridian
- W1/2 E1/2, W1/2 of Section 3,
- NE1/4, E1/2 NW1/4, NW1/4 NW1/4, E1/2 SE1/4 of Section 4,
- E1/2, E1/2 W1/2 of Section 9,
- All of Section 10,
- All of Section 11,
- W1/2 W1/2 NE1/4 NW1/4 SE1/4 SW1/4 of Section 12,
- W1/2 NW1/4 of Section 14,
- N1/2 N1/2, SE1/4 NE1/4, NE1/4 SE1/4 of Section 15,
- N1/2, N1/2 S1/2 of Section 16 all in Township 3 South, Range 11 East of the Black Hills Meridian.
- Tract A of the Northwest Quarter (NW1/4) of Northwest Quarter (NW1/4). Section Twenty-nine (29), Township Two (2) South, Range Eight (8) East, Black Hills Meridian, Custer County, South Dakota.
- Lot 17, 18. And 19 of Tract C of Gable Subdivision located in the Northwest Quarter (NW1/4) of Section 29 in Township 2 South of Range 8 East of the Black Hills meridian, Custer County, South Dakota as shown on the plat filed in Plat Book 9, Page 5.
- Lots 1, 2, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 20, 21 and 22 of Tract C of Gable Subdivision, located in the SE1/4 and that portion of the NW 1/4 of NW ¼ East of

Old Highway 79, and the NE 1/4 of NW 1/4, all in Section 29, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota.

- Lots 1 through 10 of Tract B and Lots 4, 8, 12 and 16 through 22 of Tract C of Gable Subdivision in Section 29, T2S, R8E, BHM, Custer County, South Dakota.
- Tract B, including Lots One (1) through Eleven (11) both inclusive of Tract B, of Gable Subdivision located in the Southeast Quarter of the Northwest Quarter (SE1/4NW1/4), that portion of the Northwest Quarter of the Northwest Quarter (NW1/4NW1/4) situated East of Old Highway 79 and the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) all in Section Twenty-Nine (29), Township Two (2) South, Range Eight (8) East of the Black Hills Meridian, Custer County, South Dakota.
- Lots 4, 8, 17., 18 and 19 of Tract C of Gable Subdivision located in the Northwest Quarter (NW1/4) of Section 29 in Township 2 South of Range 8 East of the Black Hills Meridian, Custer County, South Dakota as shown on the plat filed in Plat Book 9, Page 5.
- Tract A of Gabel Subdivision in Section Twenty-nine (29), Township Two South (T2S), Range Eight East (R8E) of the Black Hills meridian, consisting of 22.001± acres, all in Custer County, South Dakota.
- Lot 1 of LN Subdivision located in the SW1/4SW1/4 of Section 20, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on Plat filed in Book 12 of Plats, Page 174. (DOE #11896)
- Lot 1 of Scorr Subdivision, located in the South Half of the Southwest Quarter (S1/2SW1/4) of Section 20 in Township 2 South of Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on the plat filed in Plat Book 12, Page 488.
- Lot C of C & J Subdivision (formerly a portion of Lot 1 of C and J Subdivision) located in the SW1/4NW1/4 of Section 29, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on Plat filed in Book 12 of Plats, Page 96 (DOE #4118)
- East Half of the Northeast Quarter of the Southwest Quarter of the Northwest Quarter (E 1/2 NE 1/4 SW1/4 NW 1/4) of Section Twenty-nine (29), Township Two South (T2S) Range Eight East (R8E), of the Black Hills Meridian, Consisting of Five (5) acres in Custer County

- Lot A in Southwest One Quarter (SW1/4) of Section twenty (20) Township Two (2) South, Range Eight (8) East of the Black Hill Meridian, Custer County, SD containing 1.14 acres more or less. Lot B in Northwest One Quarter (NW1/4) of Section Twenty-Nine (29), Township Two (2) South, Range Eight (8) East of the Black Hills Meridian, Custer County, SD containing 4.11 acres, more or less. Lot C in Southwest One Quarter (SW1/4) of Section Twenty-nine (29) Township Two (2) South, Range Eight (8) East of the Black Hills Meridian in Custer County, SD containing 2.54 acres, more or less
2. That ample and suitable resources exist to accommodate the orderly growth and development of the contiguous territories as evidenced by the Town of Hermosa's current provision of many of the Town of Hermosa services to the areas and consistent with the Annexation Study.
  3. The estimated difference in tax assessment rate for the residents in the contiguous territory is 0.32 percent.
  4. That exclusions or irregularities in municipal boundary lines are not the result of arbitrariness but are based upon existing geographical features, physical barriers, existing property boundaries, existing occupancies and uses, and existing municipal boundaries.
  5. That there is reasonable present and demonstrable future need for annexing the contiguous territories in accordance with the Annexation Study; and
  6. That population and census data indicate that the municipality has or may experience growth or development beyond its present boundaries.
  7. There exists a community of interest between the contiguous territories as described above and the Town of Hermosa.

**NOW, THEREFORE, BE IT RESOLVED** that as a result of this Resolution of Intent to Annex Contiguous Properties, the Town of Hermosa has completed the first step to change the corporate limits of the Town of Hermosa so that same may be extended to include the above described properties.

Dated this 20<sup>th</sup> day of April, 2022

**NOW, THEREFORE, BE IT RESOLVED** that as a result of this Resolution of Intent to Annex Contiguous Properties, the Town of Hermosa has completed the first step to change the corporate limits of the Town of Hermosa so that same may be extended to include the above described properties.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2022

**TOWN OF HERMOSA**

\_\_\_\_\_  
Dan Holsworth  
President – Board of Trustees

ATTEST:

\_\_\_\_\_  
Gail Boddicker, Finance Office

Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

## RESOLUTION 05-2022

### RESOLUTION OF INTENT TO ANNEX CONTIGUOUS PROPERTY

**WHEREAS**, the Board of Trustees of the Town of Hermosa has statutory authority conducted a study pursuant to SDCL § 9-4-1.1 prior to holding the public hearing required as part of a municipality-initiated annexation of property, and

**WHEREAS**, the Town of Hermosa duly appointed engineer, ACES, has completed the Annexation Study required by that law, and

**WHEREAS**, that Annexation Study is focused upon the platted contiguous to portions of the present boundary of the Town of Hermosa, all contained within Section 30, Township 2 South, Range 8 East, Custer County, South Dakota; and

**WHEREAS**, those subject properties are within the area where the growth of the Town of Hermosa can be accommodated to provide for the orderly growth and development of the Town of Hermosa, and

**WHEREAS**, a map of the areas subject to this Resolution is attached as Exhibit “A” and incorporated herein by this reference.

**NOW, THEREFORE, BE IT RESOLVED** the Board of Trustees for the Town of Hermosa hereby declares an, “Intent to Annex” the following contiguous territory:

1. The territory subject to this Resolution of Intent to Annex Contiguous property consists of platted non-agricultural territory as defined at SDCL § 9-4-5 and SDCL § 10-6-31 as follows:

Descriptions:

- Lot Dale of the McDermant Subdivision, formerly a portion of Outlot D and all of Lot 1 (Revised) situated in the Northwest Quarter (NW1/4) of Section 32, in Township 2 South Range 8 East of the Black Hills Meridian, Custer County, South Dakota, containing 10.550 acres, more or less, as shown on the plat filed in Plat Book 11, Page 93
- Lot 1 (Revised) of McDermant Subdivision, formerly a portion of Outlot D and Lot 1, located in the NW1/4 of Section 32, Township 2 South, Range 8 East of the Black Hills Meridian, Custer County, South Dakota, as shown on Correction Plat filed at Book 11 of Plats, Page 93, in the office of the Register of Deeds, of Custer County, South Dakota.

2. That ample and suitable resources exist to accommodate the orderly growth and development of the contiguous territories as evidenced by the Town of Hermosa's current provision of many of the Town of Hermosa current and planned services to the areas and consistent with the Annexation Study.
3. The estimated difference in tax assessment rate for the residents in the contiguous territory is an increase of 0.32 percent.
4. All land included the contiguous territory are platted and defined. Any exclusions or irregularities in municipal boundary lines are not the result of arbitrariness but are based upon existing geographical features, physical barriers, existing property boundaries, existing occupancies and uses, and existing municipal boundaries.
5. That there is reasonable present and demonstrable future need for annexing the contiguous territories in accordance with the Annexation Study. The need for the proposed annexation of the contiguous territory consists of properties which are currently receiving some municipal services, or which can reasonably be expected to request municipal services with future growth and development of the community.
6. That population and census data indicate that the municipality has or may experience growth or development beyond its present boundaries. Based on population and census data, the Town of Hermosa has been experiencing a population growth since 1990. Past growth indicates a trend of 2 percent population increase annually. This demonstrates that the continued growth and development in the area will need the Town of Hermosa to expand beyond its present boundaries.
7. There exists a community of interest between the contiguous territories as described above and the Town of Hermosa.

**NOW, THEREFORE, BE IT RESOLVED** that as a result of this Resolution of Intent to Annex Contiguous Properties, the Town of Hermosa has completed the first step to change the corporate limits of the Town of Hermosa so that same may be extended to include the above described properties.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022

**TOWN OF HERMOSA**

\_\_\_\_\_  
 Dan Holsworth  
 President – Board of Trustees

ATTEST:

\_\_\_\_\_

Gail Boddicker, Finance Office

Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_