

## MINUTES

The Brandon City Council met in regular session at 6:00 p.m. on February 7, 2022 in the Council Chambers at 308 S. Main Avenue, Brandon, South Dakota. Present were Dana Clark, Vickie David, Barb Fish, Tim Jorgenson, David Kull, Jack Parliament and Mayor Jim Heinitz. Others present were: City Administrator, Bryan Read; Finance Officer, Christina Smita; City Attorney, Lisa Marso; City Engineer, Tami Jansma; Fire Chief, Robert Dykstra; Park Superintendent, Devin Coughlin' Golf Course Manger, Andrew Bauer and Public Works Director, Rollie Hoeke.

Alderwoman Clark moved Alderman Kull seconded to approve the agenda. Motion carried.

Alderwoman Fish moved Alderman Parliament seconded to approve the minutes of the January 13, 2022 briefing meeting and the minutes of the January 17, 2022 regular meeting. Motion carried.

Alderman Kull moved Alderman Jorgenson seconded to approve the following claims. Motion carried.

<b><u>VENDOR</u></b>	<b><u>DESCRIPTION</u></b>	<b><u>AMOUNT</u></b>
Ace Hardware	Various Items	1,200.99
Aflac	February Premium	811.97
Alliance	Utilities	2,605.31
Ambush Apparel	Water Conservation	480.00
AMG-Avera Medical Group	Professional Services	33.50
Ashlie Wingate	Reimbursement	479.25
Axon Enterprise Inc	Certification	4,320.00
Beal Distributing	GC Resale	173.60
Beck & Hofer	Pool Improvements	62,359.06
Border States Electric	Supplies	533.40
Brandon Lumber Company	Supplies	207.27
Brandon Valley Area Chamber of Commerce	Contribution	75,300.00
Brandon Valley Media Group	Publications/Hire Ad	833.47
Brandon Valley School District	Fuel	4,499.57
C&R Supply	Supplies	87.60
Cardmember Services	Credit Card	4,251.90
Carlson & Stewart Refrigeration	Ice Mahcine Repairs	1,342.50
Clark Engineering	Improvements	262.84
CNA Surety/North Central Insurance	Professional Services	50.00
Coca Cola	GC Resale	138.00
Coffee Cup	Fuel	48.00
Corson Village Sanitary District	January Refund	845.35
Culligan	Utilities	71.05
Dakota Beverage	GC Resale	124.10
Daniel Francis Jr	Reimbursement	311.40
Delta Dental	February Premium	3,208.60
DGR Engineering	Professional Services	1,624.45
DLT Solutions	Software	5,814.75

Enviromaster	Supplies	42.00
Fastenal	Supplies	1,061.53
Ferguson Waterworks	Supplies	5,108.11
Geotek Engineering	Professional Services	557.50
Graham Tire SF North	Supplies	438.03
Grainger	Supplies	23.98
Hawk Construction	Reimbursement	159.00
Hawkins Water Treatment	Chemicals	5,554.75
Hobart	Supplies	16.35
IAPMO	Inspections Classes	160.00
Incode	Service Fees	1,400.00
Infrastructure Design Group	Improvements	20,785.00
International Code Council	Dues	145.00
Jack's Uniform & Equipment	Safety Supplies	15.99
Kurita America Inc	Improvements	705.64
Locators and Supplies	Supplies	1,448.42
Manley Tire & Service	New Tires and Repairs	715.13
Meyer Laboratory	Supplies	1,443.13
Mills and Miller	Deicing Salt	3,769.20
Minnehaha Community Water Corp	Utilities	104.50
Modern Woodman	February Premium	1,785.69
North American Truck & Trailer	Supplies	1,811.58
Northern Tool & Equipment	Supplies	224.95
Northwest Tire	Repairs	519.08
Orkin	Utilities	120.00
Palisades	Utilities	2,051.78
Performance Press	Supplies	1,029.00
Pfeifer's Implement Company	Repairs/Snow Removal	424.47
Phonetics Inc	Supplies	859.20
PrairieSons Inc	Hired Repairs	448.98
Qualified Presort Services	Print Newsletter	569.29
R&L Supply	Repairs	75.69
Recreation Supply Company	Equipment and Supplise	12,310.50
Reel Sharp	Snow Removal	3,708.13
Republic National Distributing Company	GC Resale	765.15
Roto Rooter	Professional Services	210.00
SD Department of Health	Professional Services	105.00
SD One Call	Utilities	77.28
SD Public Assurance Alliance	Insurance	540.82
Sioux Falls Area Humane Society	Professional Services	112.46
Sioux Falls Utilities	Utilities	105,479.68
Sioux Metro Growth	Service	30,222.00
Sioux Valley Energy	Utilities	33,993.48
Staples Advantage	Supplies	208.16
Sysco	GC Resale	577.15
Titleist	Resale	292.82
Utleig	Professional Services	10,967.80
Valley Springs Body Shop	Repairs-insurance reimbursed	2,187.80
Verizon Wireless	Utilities	493.88

Vern Eide Motoplex	Repairs	52.94
Vogel Motors	Hired Repairs	192.00
Wellmark BCBS	February Premium	71,508.19
Wirtjes Auto Repair	Vehicle Repair	2,106.47
Xcel Energy	Utilities	7,470.30
Zabel Steel/TJN Enterprises	Supplies	561.18
Zach Hagstrom	Reimbursement	78.81
First National Bank	Golf Course Equipment Loan	1,124.98
City Administration	January 20, 2022 Payroll	3,737.41
Finance Officer	January 20, 2022 Payroll	5,661.86
Government Buildings	January 20, 2022 Payroll	124.67
Police	January 20, 2022 Payroll	26,540.88
Building Inspections	January 20, 2022 Payroll	3,469.69
Engineer	January 20, 2022 Payroll	2,343.19
Street Department	January 20, 2022 Payroll	3,950.50
Park Department	January 20, 2022 Payroll	4,358.79
Water Department	January 20, 2022 Payroll	9,464.52
Sewer Department	January 20, 2022 Payroll	4,315.93
Golf Course Grounds	January 20, 2022 Payroll	1,803.30
Golf Course Lounge	January 20, 2022 Payroll	1,942.05
Golf Course Pro Shop	January 20, 2022 Payroll	1,714.64
Golf Course Community Room	January 20, 2022 Payroll	73.50
941 Payroll Taxes	January 20, 2022 Payroll	22,526.65
SD Retirement System Supplemental	January 20, 2022 Payroll	990.00
SD Retirement System	January 20, 2022 Payroll	26,017.61
TASC Flex Plan	January 20, 2022 Payroll	993.80
Accounts Management	January 20, 2022 Payroll	75.00
FJM Collections	January 20, 2022 Payroll	822.63

Juanita Ohmann, 1008 E. Aspen Blvd. was present for discussion regarding the Planning & Zoning Commission January 6, 2022 approval of the conditional use for a dog kennel to be located at 704 S. 8<sup>th</sup> Avenue. Juanita is concerned with the dogs barking and her inability to use her yard and leave her windows open, traffic concerns, smells. Juanita asked City Council to appeal the decision.

Tessa Wegner, Assistant Finance Officer, was introduced to the City Council.

PROCLAMATION #2022-01

Proclamation #2022-01 was read by Mayor Heinitz declaring May 1, 2022 as Loyalty Day in Brandon, SD.

**PROCLAMATION # 2022-01**

**WHEREAS**, the citizens of this city are extremely proud of this Nations more than 200 year Heritage of Freedom and are loyal to the ideals, traditions, and institutions which have made our nation so great, and

**WHEREAS**, their obvious dedication to our way of life is indicative of a strong, continued desire to preserve the priceless American heritage, and

**WHEREAS**, they will be proud to stand up and publicly declare their determination toward actively and positively safeguarding our freedoms against any foreign or domestic enemies.

**THEREFORE**, I, Jim Heinitz, Mayor of the City of Brandon, S.D., hereby call upon all my fellow citizens to take full advantage of the special occasion known as Loyalty Day, celebrated annually throughout the nation on the first day of May, as an incentive for every true American to reaffirm his and her love of Flag and Country, and I urge that all individuals, schools, churches, organizations, business establishments and homes within my official jurisdiction display proudly the Flag of the United States of America and participate in public patriotic Loyalty Day activities which are to be co-sponsored by the Veterans of Foreign Wars of the United States, and others, on Loyalty Day, May 1, 2022.

ATTEST:

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Jim Heinitz  
Mayor

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Christina Smith  
Municipal Finance Officer

(SEAL)

PROCLAMATION #2022-02

Proclamation #2022-02 was read by Mayor Heinitz endorsing the annual sale of Buddy Poppies.

**PROCLAMATION # 2022-02**

**WHEREAS**, the annual sale of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922, and

**WHEREAS**, VFW Buddy Poppies are assembled by disabled veterans, and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled and needy veterans, and the widows and orphans of deceased veterans, and

**WHEREAS**, the basic purpose of the annual sale of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to “Honor the Dead by Helping the Living”.

**THEREFORE** I, Jim Heinitz, Mayor of the City of Brandon, South Dakota do hereby urge the citizens of this community to recognize the merits of this cause by contributing generously to its support through the purchase of Buddy Poppies on the day set aside for the distribution of these symbols of appreciation for the sacrifices of our honored dead.

I urge all patriotic citizens to wear a Buddy Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms which we continue to enjoy as American citizens.

ATTEST: Jim Heinitz  
Mayor

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Christina Smith  
Municipal Finance Officer

(SEAL)

RETAINING WALL BIDS

The Golf Course Committee report was heard. One bid was received from Meyer Contracting in the amount of \$2,431,522.75 for the retaining wall project at the Golf Course. Alderman Kull moved Alderwoman Clark seconded to reject the bid, due to the higher than expected cost, and to rebid at a later date. Motion carried.

2021 SEASON REPORT

Andrew Bauer, Golf Course Manager, was present to present the 2021 golf season report. No action required.

SALARY REVIEW AND ADJUSTMENT

Alderwoman Clark moved Alderman Jorgenson seconded to approve the annual salary adjustment for Andrew Bauer, to step 16-2 on the wage scale, \$30.29 per hour, effective February 20, 2022. Motion carried.

SALARY REVIEW AND ADJUSTMENT

Alderman Parliament moved Alderwoman David seconded to approve the annual salary adjustment for Kelly Eilers, to step 15-7 on the wage scale, \$31.98 per hour, effective February 9, 2022. Motion carried.

POOL IMPROVEMENT PROJECT PAY APPLICATION

The Parks & Recreation Committee report was heard. Alderwoman Fish moved Alderman Jorgenson seconded to approve pay application #12 to Beck & Hofer Construction in the amount of \$62,359.06 for the pool improvement project. Motion carried.

ASPEN PARK ROADWAY & UTILITY IMPROVEMENT PROJECT

Alderman Parliament moved Alderwoman Fish seconded to approve the certificate of substantial completion, the Engineer’s statement of final completion and owner’s acceptance of contract completion for the Aspen Park roadway & utility improvements, as presented. Motion carried.

MOWER BID

Alderwoman Fish moved Alderwoman Clark seconded to approve the bid from Doug’s Custom Paint & Body in the amount of \$7,866.75 (after trade) for the purchase of commercial riding mower. Motion carried.

<u>Company</u>	<u>Bid Amount</u>
Doug’s Custom Paint & Body	\$7,866.75
D&D Small Engine Repair & Sales	\$11,599.50

SALARY REVIEW AND ADJUSTMENT

Alderwoman Fish moved Alderwoman David seconded to approve the salary adjustment for Nick Gunderman, to step 10-3 on the wage scale, \$21.30 per hour, effective February 8, 2022, based on him recently obtaining his spraying license and his CDL. Motion carried.

PARK SURPLUS PROPERTY

No bids were received for the surplus park property: 3 benches, 3 chairs, 1 garbage can holder and 1 portable backstop. Alderman Parliament moved Alderman Kull seconded to approve the disposal of the items in an appropriate manner. Motion carried.

2022 FIRE CONTRACT

The Public Safety Committee report was heard. Discussion held on the 2022 fire contract regarding their audit procedures. It was the consensus of the Council to defer action until staff can obtain an additional quote from another firm.

LOYALTY DAY PARADE

Alderman Jorgenson moved Alderwoman Clark seconded to approve the Loyalty Day Parade and route, scheduled for May 1, 2022. Motion carried.

RESOLUTION #10-22

The Administration Committee report was heard. Alderman Jorgenson moved Alderman Kull seconded to approve Resolution #10-22. A roll call vote showed Clark, David, Fish, Jorgenson, Kull, Parliament aye. Motion carried.

## RESOLUTION #10-22

### RESOLUTION PROVIDING FOR THE CREATION OF TAX INCREMENTAL DISTRICT NUMBER SEVEN, CITY OF BRANDON, SOUTH DAKOTA

WHEREAS, the City of Brandon Planning Commission has recommended the District Boundaries for Tax Incremental District Number Seven, City of Brandon, South Dakota, and has recommended its creation; and

WHEREAS, the City Council, City of Brandon, South Dakota (the "City"), has the powers, pursuant to SDCL § 11-9-5, to create Tax Incremental District Number Seven, City of Brandon, South Dakota, and to define its boundaries.

NOW THEREFORE, IT IS HEREBY RESOLVED:

1. **Authority and Declaration of Necessity.** City of Brandon, South Dakota, declares the necessity for the creation of Tax Incremental District Number Seven, City of Brandon, South Dakota (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area within the District is likely to enhance significantly the value of substantially all of the real property in the District and is necessary for economic development within the City of Brandon and the State of South Dakota.
2. **Findings.** The City Council makes the following findings with regard to economic development:
  - a. More than 50% of the property in the District by area will stimulate and develop the general economic welfare and prosperity of the City of Brandon and the State of South Dakota;
  - b. Improvements to the District will significantly and substantially enhance the value of all property within the District;
  - c. Development of the District will enhance sales tax revenue for the City of Brandon and the State of South Dakota;
  - d. Development of the District for commercial purposes will improve the quality of life for residents of the City of Brandon by providing more employment opportunities and generation of taxes for the City.
3. **Findings of Maximum Percentage of Tax Incremental Districts.** The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts does not exceed ten (10%) percent of the total assessed valuation of the City.
4. **Findings of Annual Appropriation TID.** Tax Increment District #14 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.

4. **Creation of District.** There is hereby created, pursuant to SDCL Chapter 11-9, Tax Incremental District Number Seven, City of Brandon, South Dakota. The District is hereby created on the day this Resolution becomes effective which shall be twenty (20) days after publication of this Resolution.
5. **Designation of District Boundaries.** The District shall be located with the northern, southern, western, and eastern boundaries of the following described real property:
  - East Half of the Northwest Quarter, and a portion of the West Half of the Northeast Quarter all in Section 32, Township 102 North, Range 48 West of the 5th P.M. Minnehaha County, South Dakota and platted the same into the following as shown on the plat: Lots 1-3 Block 1; Lots 1-3, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Outlot A, Outlot B, and adjacent street right of way
6. **Creation of Tax Incremental Fund.** There is hereby created, pursuant to SDCL 11-9-31, a Tax Incremental District Number Seven Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Seven shall be deposited into the Tax Incremental District Number Seven Fund. All funds in the Tax Incremental District Number Seven Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

Passed and approved this \_\_\_\_ day of \_\_\_\_\_, 2022.

**CITY OF BRANDON**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Christiana Smith, Finance Officer

REQUESTS FOR PROPERTY TAX ABATEMENTS

Alderswoman Clark moved Alderman Jorgenson seconded to approve the following tax abatements, as presented. Motion carried.



<u>Abatement Number</u>	<u>Parcel ID #</u>
2022-0002	21234
2022-0022	68689

ENGINEERING CONSULTANT LIST

Alderman Jorgenson moved Alderwoman Fish seconded to approve the following ten consultants for Level 1 Projects (projects under \$100,000.00). Motion carried.

FHU  
HDR  
DGR  
ISG  
IMEG  
IDG  
HRGreen  
AE2S  
Ulteig  
Stockwell

CANNABIS LICENSES

Alderman Jorgenson recused himself from discussion on this topic. Alderman Kull moved Alderman Parliament seconded to approve the following Medical Cannabis Licenses, as presented. A roll call vote showed Clark, David, Fish, Kull, Parliament aye. Motion carried.

Cannabis Dispensary

MISD Property Holdings 1, LLC. – Lot 6 Block 2 Brandon 90 Addition  
Shangria-La SD, LLC. – 1001 N. Splitrock Blvd. (applied for CUP)  
Dakota Herbs, LLC. – 209 W. Holly Blvd. Unit C

Cannabis Cultivation

Shangria-La SD, LLC. – 1001 N. Splitrock Blvd Suite B (applied for CUP)  
Crichton, Barber, DeGriselles, LLC. – 1805 N. Walnut Ave. Suite West (CUP granted)  
Native Roots, LLC. – 801 N. 9<sup>th</sup> Avenue, Bldg 3, Suite C  
Dakota Gardens, LLC. – 723 N. Splitrock Blvd. (applied for CUP)

RESOLUTION #09-22

Alderwoman Fish moved Alderwoman Clark seconded to approve Resolution #09-22. A roll call vote showed Clark, David, Fish, Jorgenson, Kull, Parliament aye. Motion carried.

**RESOLUTION #09-22**

**WHEREAS**, funds must be transferred to eliminate the negative cash balances.

**THEREFORE BE IT RESOLVED** by the City Council of Brandon, South Dakota, that the following transfer of funds is approved as of December 31, 2021:

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
General Fund #101	Ironwood Project #530	\$ 1,193.45

**BE IT FURTHER RESOLVED** that the following transfer of funds is approved when the bonds are received for the Ironwood Project.

<u>Transfer From</u>	<u>Transfer To</u>	<u>Amount</u>
Ironwood Proj #530	General Fund #101	\$ 1,193.45

Dated this 7<sup>th</sup> day of February, 2022.

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Jim Heinitz, Mayor

ATTEST:

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Christina Smith, Finance Officer

(SEAL)

CITY HALL DISCUSSION

Discussion held on the need for updated audio in the City Council chambers. Staff received an estimate ranging from \$25,000.00-\$30,000.00. Staff wanted to discuss how much money we want to continue investing into the current City Hall buildings without doing some type of planning for the future. Need to review structural integrity of the existing buildings, to see if it's justifiable to expand. It was the consensus of the Council to schedule a work session to further discuss.

CORE PHASE 2 PROJECT

The Streets Committee report was heard. Alderman Kull moved Alderwoman Clark seconded to approve the real estate purchase agreement with the Brandon Valley School District for 2.05 acres of land for \$1.00 plus closing costs. Motion carried.

ASPEN BLVD GUARDRAIL REPAIR

Alderwoman David moved Alderman Parliament seconded to approve the proposal from BX Civil for the Aspen Blvd guardrail repair in the amount of \$13,858.00. Motion carried.

STREET LIGHT AGREEMENT WITH SIOUX VALLEY ENERGY

Alderman Parliament moved Alderwoman Clark seconded to approve the contract with Sioux Valley Energy for the street lighting system, as presented. Motion carried.

2022 CHEMICAL BIDS

The Water & Sewer Committee report was heard. Alderwoman Clark moved Alderwoman David seconded to approve the Chemical Bid to Hawkins Chemical as shown below. Motion carried.

Chemical	Units	Year		DPC	Year	SVEN	Year
		Hawkins	Estimate		Estimate	Chemical	Estimate
Chlorine gas, pounds	per pound	\$0.88	\$22,440.00	\$0.96	\$24,480	no bid	\$0.00
Potassium permanganate	per pound	\$3.67	\$0.00	no bid	\$0.00	no bid	\$0.00
Tonkasorb (or equivalent)	per gallon	\$5.23	\$37,300.36	no bid	\$0.00	no bid	\$0.00
LPC-5	per gallon	\$11.50	\$10,706.50	no bid	\$0.00	no bid	\$0.00
LPC-9	per gallon	\$14.50	\$24,142.50	no bid	\$0.00	no bid	\$0.00
Aqua Hawk 957 (or equiv.)	per gallon	\$29.30	\$0.00	no bid	\$0.00	no bid	\$0.00
Sodium Hypochlorite 12.5%	per gallon	\$4.25	\$0.00	\$5.50	\$0.00	no bid	\$0.00
Granular chlorine	per pound	\$3.34	\$0.00	\$5.25	\$0.00	no bid	\$0.00
Total Low Bid Items			\$94,589.36				
Estimated Total Low Bid			\$94,589.36				

WATER TOWER CHANGE ORDER

Alderman Jorgenson moved Alderwoman David seconded to approve change order #2 to AB Contracting, LLC. in the amount of \$24,064.00 for the water tower project. Motion carried.

PURCHASE AGREEMENT FOR DRAINAGE AREAS

Alderwoman David moved Alderman Jorgenson seconded to approve the agreement with VanBuskirk Companies for Drainage Tract 1 & Drainage Tract 2 of The Bluff Addition and Tract 4 of Heartland Business Park Addition, as presented. Motion carried.

SIOUX FALLS FORCEMAIN IMPROVEMENTS AGREEMENT

Alderwoman David moved Alderwoman Fish seconded to approve the Memorandum of Understanding and financial agreement with the City of Sioux Falls for the dual force main project, as presented. Motion carried.

SIOUX FALLS FORCEMAIN ENGINEERING AMENDMENT

Alderwoman Clark moved Alderman Parliament seconded to approve amendment #1 to HDR’s preliminary engineer contract in the amount of \$53,700.00 for the dual force main project, as presented. Motion carried.

WATER TREATMENT PLANT ARCHITECTURAL DESIGN

Alderman Clark moved Alderman David seconded to approve the exterior design for the water treatment plant, as presented. Motion carried.

WESTSIDE SANITARY SEWER PROJECT

Alderman David moved Alderman Clark seconded to approve the temporary construction easement with the SD Department of GFP for the west side sewer main project. Motion carried.

At 7:25 p.m. on a motion by Alderman David seconded by Alderman Clark the meeting was adjourned. Motion carried.

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Melissa Labahn  
Municipal Recording Clerk

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Jim Heinitz  
Mayor