

MINUTES

The Brandon City Council met in regular session at 6:00 p.m. on March 20, 2023 in the Council Chambers at 308 S. Main Avenue, Brandon, South Dakota. Present were Dana Clark, Barb Fish, Bruce Johnson, David Kull, Colin Steen and Mayor Harry Buck. Others present were: Finance Officer, Christina Smith; City Attorney, Lisa Marso; City Engineer, Tami Jansma; Golf Course Manager, Andrew Bauer; Public Works Director, Rollie Hoeke and Development Director, Patrick Andrews.

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

Alderman Steen moved Alderwoman Clark seconded to approve the minutes of the March 2, 2023 briefing meeting and the minutes of the March 6, 2023 regular meeting minutes. Motion carried.

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

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
AB Contracting LLC	Tower Project	28,699.94
AE2S	Professional Services	43,875.70
AFLAC	March Premium	844.97
Alternative HR Development	March HR Services	3,584.50
Avera Heart Hospital of SD	Park Supplies	495.00
Boyce Law Firm	February Attorney Fees	5,412.50
Brandon Mini Storage	Rental	660.00
BV Media Group	Publications	785.73
C&R Supply	Park Supplies	68.48
Cardmember Services	Various Supplies	1,118.32
Century Business Products	Police Supplies	68.02
Chesterman Company	Rental	50.00
Cintas	Supplies	375.96
Culligan Water Conditioning	GC Utilities	76.75
Dakota Alignment & Frame	Repairs	4,935.46
Direct Technologies LLC	Software	467.78
DirecTV	GC Utilities	156.73
DLT Solutions LLC	Software	4,792.48
DPC Industries Inc	Water Supplies	2,254.05
Embe	Lifeguard Reviews	2,400.00
Encore Park LLC	Upsizing Agreement	193,682.80
Ferguson Waterworks	Water Supplies	6,517.07
First Interstate Bank	Supplies	55.00
Grainger	Supplies	50.94
Hauff Mid-America Sports	Park Supplies	281.40
Havi Geronimo	GC Refund	798.75
Hawkins Water Treatment	Water Supplies	7,638.20
HDR Engineering Inc	Professional Services	52,853.54

I & S Group Inc	Professional Services	2,782.33
Jack's Uniforms & Equipment	Police Supplies	994.90
Katie Schlenker	GC Refund	1,384.50
Kelly Eilers	Travel	524.39
Lacey Rentals Inc	Park Rental	130.00
Mac's Hardware	Supplies	175.89
Marv's Sanitary Service	Utilities	357.50
MED-Star Paramedic	911 Coverage	4,166.67
Meyer Laboratory Inc	Park Supplies	290.12
MidAmerican Energy	Utilities	4,179.19
Mills & Miller Inc	Snow Supplies	2,353.35
Minnehaha County Register of Deeds	Supplies	90.00
North American Truck	Snow Equipment	38,370.00
Orkin	GC Utilities	145.99
Overhead Door	Repairs	239.80
Palisades Oil	Fuel	3,276.96
Pfeifer's Implement Company	Repairs	687.03
Qualified Presort Service	Utility Billing	5,459.22
Sam's Club	Supplies	33.90
Schwartzle Construction	GC Wall Project	23,625.00
SD Department of Revenue	February Sales Tax	312.35
SD Municipal League	District Meeting	50.00
SD One Call	Utilities	15.68
SF Area Humane Society	Animal Control	246.71
Sioux Falls Networks	Professional Services	804.97
Sioux Falls Utilities	January WW Agreement	112,292.51
Stanek Constructors Inc	Treatment Plant Project	220,143.69
Staples Advantage	Supplies	291.06
Stockwell Engineers	Tower Project	8,747.51
The Huntington National Bank	GC Lease Payment	2,456.40
The New Sioux City Iron Company	Repairs	98.98
Toro NSN	Software	229.00
Two Way Solutions Inc	Police Services	13,306.60
Tyler Technologies	Software	36.25
US Bank	Fee	1,100.00
United States Treasury	Supplies	81.55
Verizon Wireless	Utilities	654.82
Vern Eide Motoplex	Repairs	58.94
VFW Post 4726	Senior Citizens	1,500.00
Wheelco Brake & Supply	Street Supplies	598.56
Xcel Energy	Utilities	4,048.35
First National Bank	GC Equipment Loan	1,124.98
City Administration	March 16, 2023 Payroll	4,129.37
Finance Officer	March 16, 2023 Payroll	5,751.18
Government Buildings	March 16, 2023 Payroll	150.30
Engineer	March 16, 2023 Payroll	3,935.71
Police	March 16, 2023 Payroll	30,323.04
Building Inspections	March 16, 2023 Payroll	3,884.56

Street Department	March 16, 2023 Payroll	5,752.28
Summer Recreation	March 16, 2023 Payroll	172.58
Park Department	March 16, 2023 Payroll	4,673.19
Economic Development	March 16, 2023 Payroll	2,193.27
Water Department	March 16, 2023 Payroll	10,460.76
Sewer Department	March 16, 2023 Payroll	5,469.52
Golf Course Grounds	March 16, 2023 Payroll	2,062.99
Golf Course Lounge	March 16, 2023 Payroll	817.34
Golf Course Pro Shop	March 16, 2023 Payroll	2,088.49
Golf Course Community Room	March 16, 2023 Payroll	817.33
941 Payroll Taxes	March 16, 2023 Payroll	27,203.22
SD Retirement System Supplemental	March 16, 2023 Payroll	1,325.00
TASC Flex Plan	March 16, 2023 Payroll	1,152.82
Accounts Management	March 16, 2023 Payroll	75.00
Direct Pay Reimbursement	Direct Pay Reimb	898.00

Alderman Clark moved Alderman Steen seconded to approve the consent calendar which contained the following item: a wage adjustment for Doris Brekhus, to step 8-6 on the wage scale, \$22.13 per hour, effective March 25, 2023; a wage adjustment for Patrick Andrews, to step 20-5 on the wage scale, \$39.11 per hour, effective March 21, 2023; a wage adjustment for Tyler Carda, to step 13-13 on the wage scale, \$34.50 per hour, effective March 26, 2023; a plat of Lots 3 & 4A Rovang Industrial Park Addition; a plat of Lot 5 Block 1 Brandon 90 Plaza Addition and a plat of Lot 7 Block 6 Tallgrass Addition. Motion carried.

SPECIAL EVENT LICENSE

A public hearing was held, as advertised, to consider a special event application for Wilde Prairie Winery to allow for the selling/sampling of alcoholic beverages at the Farmer’s Market located at 1200 E. Birch Street on the following dates: June 3, 10, 17, 24; July 1, 8, 15, 22, 29; August 5, 12, 19, 26 and September 2, 9, 16, 23 & 30, 2023. Alderman Steen moved Alderman Johnson seconded to approve the special event license as presented. Motion carried.

TRANSPORTATION PLAN

Jason Carbee, HDR Engineering, was present to discuss the Master Transportation Plan they are working on for the City of Brandon. No action required at this time.

ORDINANCE #679

Alderman Fish moved Alderman Clark seconded to give second reading to Ordinance #679: : TITLE: AN ORDINANCE OF THE CITY OF BRANDON, SD, AMENDING THE BRANDON ZONING ORDINANCE TO INCLUDE REGULATIONS ESTABLISHING A NB: NEIGHBORHOOD BUSINESS DISTRICT. A roll call vote showed Clark, Fish, Johnson, Kull, Steen aye. Motion carried.

ORDINANCE #680

Alderman Clark moved Alderman Johnson seconded to give second reading to Ordinance #680: TITLE: AN ORDINANCE OF THE CITY OF BRANDON, SD AMENDING THE BRANDON ZONING ORDINANCE BY AMENDING CHAPTER 15-22-2, DEFINITIONS,

DEFINITIONS. A roll call vote showed Clark, Fish, Johnson, Kull, Steen aye. Motion carried.

RETAINING WALL PROJECT

The Golf Course Committee report was heard. Alderman Steen moved Alderman Johnson seconded to approve pay application #5 to Schwartzle Construction in the amount of \$23,625.00 for the golf course retaining wall project. Motion carried.

HIRE SEASONAL STAFF

Alderman Clark moved Alderman Steen seconded to approve the following part-time seasonal staff for the 2023 season at the Brandon Golf Course. Motion carried.

Bartender/Lounge/Community Room/Beverage Cart:

Jennifer Needles, \$7.95 per hour; Carter Olthoff, \$7.95 per hour

Community Room Busser/Dishwasher:

Cooper Feenstra, \$12.00 per hour; Ella Zhukaliuk, \$12.00 per hour

TENNIS COURT LIGHTS AT BV MIDDLE SCHOOL

The Parks & Recreation Committee report was heard. Staff met with the BV School District, and are in the process of drawing up an agreement which will be presented at a future meeting.

COMMUNICATIONS REPORT

The Public Safety Committee and Administration Committee reports were heard. A communications report was presented showing dates that messages were sent to the public via Textedly, Facebook, mailings and BV Journal articles. No action required.

REQUEST FOR SALES TAX REBATE

A request was received from EBC Holdings, LLC. for a 2% local sales tax rebate on manufacturing equipment, estimated at \$78,000.00. Luke, Lloyd Companies, was present for discussion. The site is located in the Rovang Industrial Park, 20.6 acres of land, 90,000 square feet of manufacturing space and 5,000 square feet of office space. Will manufacture roof and floor trusses and wall panels. Further action will be deferred until the next regular meeting of the City Council.

2023 ANNUAL REPORT

Christina Smith, Finance Officer, presented the 2023 annual report. Alderman Clark moved Alderman Johnson seconded to approve the 2023 annual report, as presented. Motion carried.

OPIOID AGREEMENT

Alderman Johnson moved Alderman Clark seconded to approve the Opioid Agreement as presented. Motion carried.

RESOLUTION #10-23

Alderman Kull moved Alderman Steen seconded to approve Resolution #10-23. A roll call vote showed Clark, Fish, Johnson, Kull, Steen aye. Motion carried.

RESOLUTION #10-23

RESOLUTION ANNEXING TRACT 3, LEE'S ADDITION, IN THE NE ¼ OF SECTION 2, TOWNSHIP 101 NORTH, RANGE 48 WEST OF THE 5TH PRINCIPAL MERIDIAN, MINNEHAHA COUNTY TO THE CITY OF BRANDON, SOUTH DAKOTA

WHEREAS, the City of Brandon, South Dakota has authority under SDCL 9-4-1 to annex territory on a petition filed by three-fourths of the registered voters or landowners in the area to be annexed and by owners of not less than three-fourths of the value of the territory to be annexed; and

WHEREAS, one hundred percent of the owners of the property described as: Tract 3, Lee's Addition in the NE ¼, Section 2, Township 101 North, Range 48 West of the 5th Principal Meridian, Minnehaha County, South Dakota; and

WHEREAS, the owners of the above described property own at least three-fourths of the value of the territory to be annexed; and

WHEREAS, the above described property is subject to a purchase agreement between the petitioners and Aspen Ridge, LLC; and

WHEREAS, Aspen Ridge, LLC intends to develop the property; and

WHEREAS, the petitioners have no intention of developing the property and do not wish for the property to be annexed if the sale to Aspen Ridge, LLC does not occur; and

WHEREAS, the above described property is contiguous to the City of Brandon; and

WHEREAS, the Brandon Planning and Zoning Commission reviewed the petition during their regular meeting on March 16, 2023 and has recommended that this property, as described, be annexed into the City of Brandon.

BE IT RESOLVED that the following described property is to be annexed and included in the boundaries of the City of Brandon, South Dakota upon sale of the property to Aspen Ridge, LLC:

Tract 3, Lee's Addition in the NE ¼, Section 2, Township 101 North, Range 48 West of the 5th Principal Meridian, Minnehaha County, South Dakota

Dated this 20th day of March, 2023.

Harry Buck
Mayor

ATTEST:

Christina Smith
Municipal Finance Officer

(SEAL)

CITY HALL RFQ REVIEW COMMITTEE

Alderman Johnson moved Alderman Steen seconded to approve the following individuals as part of the City Hall RFQ review committee: Alderman David Kull, Alderwoman Barb Fish, Mayor Harry Buck, City Administrator Bryan Read, City Finance Officer Christina Smith, Development Director Patrick Andrews and Police Chief Jamie Steffel. Motion carried.

50TH ANNIVERSARY UPDATE

Lisa Marso gave an update on the planning of the City of Brandon's 50th Anniversary celebration to be held July 21-23, 2023. No action taken at this time.

BRANDON TRANSIT GRANT AGREEMENT

The Streets Committee report was heard. Alderwoman Clark moved Alderman Steen seconded to approve the grant agreement with the SD DOT for the Brandon Transit System, as presented. Motion carried.

TAP AGREEMENT TERMINATION

Alderman Kull moved Alderman Johnson seconded to approve the agreement to terminate agreement number 717596 between the SD DOT and City of Brandon for the Transportation Alternatives Grant Program (TAP). Motion carried.

2023 SLURRY SEAL PROJECT BIDS

Alderwoman Clark moved Alderman Steen seconded to approve the bid from Asphalt Surfacing Company for the contract amount of \$290,694.89 for the 2023 slurry seal project. Motion carried.

WATER RESTRICTION TRIGGERS

The Water & Sewer Committee report was heard. Kevin Smith, representing the Water Conservation Committee, was present for discussion. The committee is requesting the current trigger for lawn watering restrictions be changed from 1.6 to 1.8 for 2023. Rollie Hoeke, Public Works Director, was present for discussion. Rollie feels the trigger numbers should stay where they currently are. No action required at this time. A resolution will be presented at a future meeting.

RESOLUTION #09-23

Alderman Steen moved Alderwoman Clark seconded to approve Resolution #09-23. A roll call vote showed Clark, Fish, Johnson, Kull, Steen aye. Motion carried.

RESOLUTION NO. 09-23

RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AUTHORIZED REPRESENTATIVES TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Brandon (the “City”) has determined it is necessary to proceed with improvements to its East Side Sewer Main, including but not limited to the Sanitary Sewer Infrastructure Improvements (the “Project”); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the “Board”) will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

NOW THEREFORE BE IT RESOLVED by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$3,905,000 to the Board for the Project.
2. The Mayor and Council President are hereby authorized to execute the Application and submit it to the Board, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Mayor and Council President are hereby designated as authorized representatives of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Adopted at Brandon, South Dakota, this 20th day of March, 2023.

APPROVED:

Mayor
City of Brandon

(Seal)

Attest: _____
City Finance Officer

WATER TOWER PROJECT PAY APPLICATION

Alderman Clark moved Alderman Johnson seconded to approve pay application #20 to AB Contracting, LLC. in the amount of \$28,699.94 for the water tower project. Motion carried.

WATER TREATMENT PLANT PROJECT CHANGE ORDER

Ben Julson, AE2S, was present for discussion. Alderman Clark moved Alderman Johnson seconded to approve change order #1 to Stanek Constructors, Inc. in the amount of \$299,340.00 for the water treatment plant project. A roll call vote showed Clark, Johnson, Kull, Steen aye; Fish nay. Motion carried.

WATER TREATMENT PLANT PROJECT PAY APPLICATION

Alderman Kull moved Alderman Steen seconded to approve pay application #4 to Stanek Constructors, Inc. in the amount of \$220,143.69 for the water treatment plant project. Motion carried.

SIOUX FALLS FORCEMAIN LETTER

Alderman Steen moved Alderman Clark seconded to approve the letter to the City of Sioux Falls requesting a new connection to the City of Sioux Falls wastewater treatment facility. Motion carried.

NOTICE OF FAILURE TO MONITOR

Rollie Hoeke, Public Works Director, explained that the City received a letter from the SD DANR stating that the City of Brandon had failed to collect and send all of the required water samples for February 2023. 7 of 10 were submitted, and all were safe at the time of testing. This was an oversight by the operator in not collecting all the samples. According to the Federal Clean Water Act, the City of Brandon is required to distribute a public notification for failure to monitor to its residents.

At 7:22 p.m. on a motion by Alderman Clark seconded by Alderman Johnson the meeting was adjourned. Motion carried.

Melissa Labahn
Municipal Recording Clerk

Harry Buck
Mayor