

MINUTES

The Brandon City Council met in regular session at 6:00 p.m. on September 18, 2023 in the Council Chambers at 308 S. Main Avenue, Brandon, South Dakota. Present were Barb Fish, Bruce Johnson, Tim Jorgenson, David Kull, Kevin Lawrence, Colin Steen and Mayor Harry Buck. Others present were: City Administrator, Bryan Read; Finance Officer, Christina Smith; City Attorney, Lisa Marso; City Engineer, Tami Jansma; Public Works Director, Rollie Hoeke and Development Director, Patrick Andrews.

Alderman Kull moved Alderman Johnson seconded to approve the agenda. Motion carried.

Alderman Fish moved Alderman Steen seconded to approve the minutes of the August 31, 2023 briefing meeting and the minutes of the September 5, 2023 regular meeting as amended. Motion carried.

Alderman Lawrence moved Alderman Kull seconded to approve the following claims.

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
Adam Buss	Reimbursement	37.17
AFLAC	Insurance	844.97
All Star Pro Golf	Supplies	1,261.33
Alliance Communications	Utilities	2,865.10
Alternative HR Development	HR Services	3,584.50
Andrew Bakker	Trip Reimbursement	298.68
Beal Distributing	GC Resale	1,049.07
Bioverse	Supplies	1,640.07
Blaine's Service	Hired Repairs	44.00
Border States Electric	Supplies	2,503.59
Boyce Law Firm	Attorney Services	7,031.00
Brandon Ace Hardware	Misc. Expenses	5,088.19
Brandon Lumber	Repairs	519.94
Brandon Valley Media Group	Publications	531.94
Brandon Valley School District	Fuel	5,459.80
Cardmember Services	Misc. Expenses	3,504.85
Cash-WA Distributing	GC Resale	1,642.79
Century Business Products	Supplies	65.93
Century Business Products	Supplies	338.53
Cintas	Supplies	118.28
Coca Cola/Chesterman	Rental	50.00
Coffee Cup	Fuel	133.23
Core & Main	Repairs	122.58
Culligan	Utilities	364.25
Dakota Playground	Playground Equipment	899.81
DGR Engineering	Professional Services	74,844.85
Direct Technologies	Software	1,100.74
DPC Industries	Chemicals	3,606.48
Dudley Laundry/Appera	GC Linens	305.00

Enviromaster	Supplies	84.00
Excel Machine & Mfg.	Repairs	400.00
Fastenal	Safety Supplies	722.87
Galls	Safety Supplies	121.31
General Traffic Control	Traffic Light Repairs	20,705.00
Geotek Engineering	Rushmore Ph2 Improvements	4,631.50
Graham Tire	Tires	584.00
Grainger	Safety Supplies	23.31
Hawkins Water Treatment	Chemicals	3,172.40
HDR Engineering	Professional Services	39,443.08
I&S Group	Professional Services	25,221.25
IMEG	Professional Services	387.50
Innovative Office Solutions	Supplies	49.88
Jack's Uniform & Equipment	Uniform Expenses	78.94
Johnson Brothers	GC Resale	1,092.97
Kevin Krohn	Clothes Reimbursement	158.03
Lacey Rentals	Rentals	560.00
LG Everist	Supplies	1,340.50
Locators & Supplies	Supplies	1,459.38
Marv's Sanitary Service	Utilities	790.25
Med-Star Paramedic Ambulance	September Services	4,166.67
Menards	Supplies	603.55
Metro Construction	Rushmore Ph2 Improvements	894,373.57
MidAmerican Energy	Utilities	813.95
Midwest Turf	Supplies/Equipment	15,356.69
Mine Safety Appliances Company	Supplies	726.02
Minnehaha Community Water Corp	Utilities	132.50
Oakridge Nursery	August Tree Vouchers	2,651.87
Orkin	Monthly Contract	145.99
Palisades Oil	Fuel	2,118.76
Peter's Distributing/Safe N Secure	Hired Repairs	212.48
Pitney Bowes	Postage Credit Line	201.00
Pitney Bowes	Quartey Lease	181.23
Pizza Ranch	GC Catering	156.00
Qualified Presort Services	Utility Billing	2,950.96
R&L Supply LTD	Repairs	85.59
Reel Sharp	Professional Services	2,500.00
Reiter Enterprises	Golf Cart Rentals	2,430.00
Republic National Distributing Company	GC Resale	674.00
Rural Office of Community Services	June & July Reimbursements	22,066.28
Sam's Club	GC Resale	53.08
SD Municipal League	Supplies	160.00
Sioux Falls Ford	Hired Repairs	1,326.09
Sioux Falls Networks	Software/Server Upgrade	2,739.46
Sirchie Finger Print Labs	Uniform Expenses	399.85
South Dakota Department of Revenue	Sales Tax	17,125.44
Stanek Construction	WTP Expansion	874,971.54
Streichers	Uniform Expenses	135.96

Sturdevant's	Supplies	946.05
Summit Fire Protection	Rental	119.50
Sunshine	GC Resale	1,536.49
Titleist	GC Resale	560.23
Tony's Catering	GC Catering	11,337.34
Toro	Monthly Contract	229.00
Turfwerks	Repairs	123.02
Two Way Solutions	Equipment	1,250.00
USA Blue Book	Repairs	2,323.17
VFW Post 4726	Senior Citizens	1,500.00
Vogel Motors	Hired Repairs	1,074.00
Wellmark BC/BS	Health Insurance	80,014.02
Xcel Energy	Utilities	3,343.18
Xcel Energy	Utilities	3,097.30
Zimco	Supplies	582.97
First National Bank Trust Department	2018 Golf Course Equipment Loan	1,124.98
City Administration	September 14, 2023 Payroll	4,128.79
Finance Officer	September 14, 2023 Payroll	6,008.64
Government Buildings	September 14, 2023 Payroll	130.25
Engineer	September 14, 2023 Payroll	4,042.63
Police	September 14, 2023 Payroll	32,726.32
Building Inspections	September 14, 2023 Payroll	4,084.49
Street Department	September 14, 2023 Payroll	5,959.68
Park Department	September 14, 2023 Payroll	6,426.30
Economic Development	September 14, 2023 Payroll	2,241.63
Water Department	September 14, 2023 Payroll	9,715.89
Sewer Department	September 14, 2023 Payroll	5,740.07
Golf Course Grounds	September 14, 2023 Payroll	8,771.86
Golf Course Lounge	September 14, 2023 Payroll	4,613.98
Golf Course Pro Shop	September 14, 2023 Payroll	5,377.46
Golf Course Community Room	September 14, 2023 Payroll	543.04
941 Payroll Taxes	September 14, 2023 Payroll	30,987.17
SD Retirement System Supplemental	September 14, 2023 Payroll	1,455.00
TASC Flex Plan	September 14, 2023 Payroll	1,152.82
Accounts Management	September 14, 2023 Payroll	75.00
Direct Pay	September 18, 2023	1,500.00

Alderman Kull moved Alderman Lawrence seconded to approve the consent calendar which contained the following item: a wage adjustment for Melissa Labahn, to step 8-15 on the wage scale, \$26.82 per hour, effective September 13, 2023. Motion carried.

Jay Buchholz, 3916 W. 88th Street, Sioux Falls, was present representing Sioux Metro Growth Alliance.

RESOLUTION #19-23

A public hearing was held, as advertised, to consider Resolution #19-23. Alderman Kull moved Alderman Johnson seconded to approve Resolution #19-23. A roll call vote showed Fish,

Johnson, Jorgenson, Kull, Lawrence, Steen aye. Motion carried.

RESOLUTION #19-23
SPECIAL ASSESSMENT ROLL

The following Special Assessment Roll is hereby caused to be made by the Governing Body of the City of Brandon, South Dakota, and filed in the office of the Municipal Finance Officer of said City in conformity with the provisions of SDCL 9-43-87, in conjunction with the assessments related to past due nuisance abatements associated with noxious vegetation, weeds, trees, snow removal, maintenance fees and public nuisances, all within the City of Brandon, South Dakota, as follows:

1. Lincoln & Bailey Ode
1601 W Holly Blvd
Tract 1 Thomas B Ode Addition Brandon City Unplatted
County ID: 82986
Amount Assessed: \$296.07
Reason: Maintenance Fees
2. Katie & Matt Rodne
1409 S Splitrock Blvd
Lot 13A Pearson Subd part tracts 2,3 & 4 Sec 3-101-48 in Brandon
County ID: 95721
Amount Assessed: \$91.65
Reason: Maintenance Fees
3. Todd Brannan
1201 S Splitrock Blvd
Lot 3 Pearsons Subd Part Tracts 2,3 & 4 Sec 3-101-48 in Brandon
County ID: 21170
Amount Assessed: \$360.86
Reason: Maintenance Fees
4. Darin Porter
1304 S Sioux Blvd
Lot 3 Tuntlands Tract 1 in City of Brandon
County ID: 21402
Amount Assessed: \$371.85
Reason: Maintenance Fees

The Special Assessments shown shall be payable in one installment. (SDCL 9-43-89)

Further, any assessment may be paid without interest, to the Municipal Finance Officer of the City of Brandon, South Dakota, within thirty (30) days after approval by the City Council of this Special Assessment Roll. (SDCL 9-43-99)

Thereafter, the installments of each assessment under statutory Plan One to the County Treasurer of Minnehaha County, South Dakota, are due and payable on January 1, 2024. (SDCL 9-43-103)

All special assessments herein levied shall constitute a continuing lien upon all real property above described until paid in full or otherwise discharged as provided by law. (SDCL 9-43-100)

Filed in the office of the Municipal Finance Officer of the City of Brandon, South Dakota, on the 18th day of September, 2023.

Harry Buck
Mayor

Christina Smith
Finance Officer

(SEAL)

RESOLUTION #21-23

A public hearing was held, as advertised, to consider Resolution #21-23. Alderman Jorgenson moved Alderman Lawrence seconded to approve Resolution #21-23. A roll call vote showed Fish, Johnson, Jorgenson, Kull, Lawrence, Steen aye. Motion carried.

RESOLUTION #21-23 AND ORDER OF CITY OF BRANDON VACATING PUBLIC RIGHT-OF-WAY (LIFT STATION ADDITION)

WHEREAS, a Petition to vacate a 612' access easement granted in the plat of Tract 1 of the Lift Station Addition to the City of Brandon, Minnehaha County, South Dakota was filed with the City on August 29, 2023, that was signed by all owners of the property adjoining the part of the public ground to be vacated.

WHEREAS, said Petition requested the City of Brandon vacate to vacate the following described easement:

612' access easement as depicted in the plat of Tract 1 of the LIFT STATION ADDITION OF THE NW1/4 SW1/4 OF SECTION 26, TOWNSHIP 102 NORTH, RANGE 48 WEST OF THE 5th PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA,

which plat was recorded with the Register of Deeds of Minnehaha County, South Dakota on the 20th day of November, 2006, in Book 68 of Plats, Page 338, Instrument #R635053, as reflected in Ex. A (hereinafter "Easement"); and

WHEREAS, the Petition has set forth the facts and the reasons for such vacation, was accompanied by a plat of such public ground proposed to be vacated, and has been verified by the oath of one or more of the petitioners, and the Petition sets forth the beginning, course, and termination of that portion of the public ground to be vacated; and

WHEREAS, the City of Brandon deemed it expedient that the matter should be proceeded with, and ordered the Petition to be filed with the clerk, and the clerk has given notice by publication once each week for at least two successive weeks, to the effect that the petition has been filed and stating in brief its object and that the petition will be heard and considered by the governing body on a day specified not less than ten days from the last publication of the notice; said publication being in the Brandon Valley Journal on September 6 and 13, 2023; and

WHEREAS, the public hearing was held on September 18, 2023, before the Brandon City Council, and the Council having determined that it is in the public interest to vacate the Easement based upon findings that the interest including that the City has sold the adjoining land and has no use for the property; and

NOW THEREFORE BE IT RESOLVED, by the City of Brandon, that the Property, be vacated pursuant to SDCL ch. 9-45 upon publication, the filing of the clerk and recording in the Minnehaha County Register of Deeds.

Dated this 18th day of September, 2023.

Harry Buck, Mayor

ATTEST:

City Clerk

(SEAL)

NOW, THEREFORE, IT IS ORDERED that based on the above and foregoing, the Brandon City Council is satisfied with the legality of the Petition and the public notice provided, and the Council orders and declares that such Easement, known as:

612' access easement as depicted in the plat of Tract 1 of the LIFT STATON ADDITION OF THE NW1/4 SW1/4 OF SECTION 26, TOWNSHIP 102 NORTH, RANGE 48 WEST OF THE 5th PRINCIPAL MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA,

which plat was recorded with the Register of Deeds of Minnehaha County, South Dakota on the

20th day of November, 2006, in Book 68 of Plats, Page 338, Instrument #R635053

be vacated, that the above Resolution and this Order be published in the Brandon Valley Journal newspaper, with a certified copy of this Resolution and Order and the City's record of action being recorded with the City and the Minnehaha County Register of Deeds pursuant to SDCL 9-45-12, and following the lapse of thirty days from the date of this Order then the following public ground shall be vacated and the Minnehaha County Auditor shall make those changes necessary to the map maintained by the Auditor to reflect the vacation, unless an appeal proceeding is initiated as provided by South Dakota law:

Dated this 18th day of September, 2023.

Harry Buck, Mayor

ATTEST:

City Clerk

(SEAL)

ORDINANCE #691 – 2024 BUDGET

Alderswoman Fish moved Alderman Jorgenson seconded to give second reading to Ordinance #691: TITLE: AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2024 AN ENDING DECEMBER 31, 2024, AND LEVYING THE PROPERTY TAX FOR THE YEAR 2023. A roll call vote showed Fish, Johnson, Jorgenson, Kull, Lawrence, Steen aye. Motion carried.

ORDINANCE #692

Alderman Jorgenson moved Alderman Johnson seconded to give second reading to Ordinance #692: TITLE: AN ORDINANCE OF THE CITY OF BRANDON, SOUTH DAKOTA PROVIDING THAT THE REVISED ZONING ORDINANCE NUMBER 531 AND THE OFFICIAL ZONING MAP OF THE CITY OF BRANDON, SOUTH DAKOTA BE AMENDED TO PROVIDE FOR THE RE-ZONING OF THE FOLLOWING DESCRIBED PROPERTY. A roll call vote showed Fish, Johnson, Jorgenson, Kull, Lawrence, Steen aye. Motion carried.

ISG CITY HALL DESIGN PROPOSAL

Alderswoman Fish moved Alderman Jorgenson seconded to reject the proposal from ISG for services of preparing construction documents for a new City Hall building. A roll call vote showed Fish, Jorgenson, Lawrence, Steen aye; Johnson, Kull nay. Motion carried.

HIRE SEASONAL STAFF

The Golf Course Committee report was heard. Alderman Lawrence moved Alderman Steen seconded to approve the hiring of Quinton McManus for the Community Room at a rate of \$12.00 per hour. Motion carried.

RESOLUTION #20-23

The Parks & Recreation Committee, Public Safety Committee and Administration Committee reports were heard. Alderman Lawrence moved Alderman Johnson seconded to approve Resolution #20-23. A roll call vote showed Fish, Johnson, Jorgenson, Kull, Lawrence, Steen aye. Motion carried.

RESOLUTION #20-23

A RESOLUTION OF THE CITY OF BRANDON TO LEVY A FRONT FOOT ASSESSMENT FOR ANNUAL MAINTENANCE OF STREET SURFACES AS PROVIDED FOR IN SDCL 9-43-138.

WHEREAS, SDCL 9-43-138 provides for the assessment of an annual maintenance fee for the repairs and maintenance of street surfaces of lots abutting a public street; and

WHEREAS, the City of Brandon maintains and repairs street surfaces on the public streets within the city limits; and

WHEREAS, lots assessed include residential, commercial, churches, schools, private roads if city maintains and more; and

WHEREAS, lots excluded are those along state highways, private roads not maintained by the city and city property; and

WHEREAS, the Brandon City Council has discussed the maintenance fee required to fund annual maintenance activities on public streets at an acceptable level during their 2024 budget work sessions and budget hearings.

THEREFORE BE IT RESOLVED that the assessment of an annual maintenance fee for street surfaces shall be levied for 2024 as follows:

- I. All lots so assessed shall be at the rate of **\$ 2.50** per front foot.
- II. A detailed list of the legal descriptions, amount of front feet and amount of the assessment shall be provided to the Minnehaha County Auditor for collection with taxes.

BE IT FURTHER RESOLVED that all revenue received from this levy be placed in a special revenue fund named "Street Maintenance Fund" for improvements to public streets.

Dated this 18th day of September, 2023.

ATTEST:

Harry Buck
Mayor

Christina Smith
Finance Officer

(SEAL)

PROPERTY TAX ABATEMENT REQUESTS

Alderman Steen moved Alderman Lawrence seconded to approve the following tax abatements requests. Motion carried.

<u>Abatement Number</u>	<u>Parcel ID</u>
2023-0223	80041
2023-0225	92988
2023-0226	92988

ED POLZINE WILD GAME FEED RAFFLE

A request was received to hold the Ed Polzine Wild Game Feed at the VFW on Friday, September 22, 2023. No further action required.

RUSHMORE PROJECT PAY APPLICATION

The Streets Committee report was heard. Alderman Jorgenson moved Alderman Johnson seconded to approve pay application #5 to Metro Construction in the amount of \$894,373.58 for the Rushmore Area Reconstruction Project. Motion carried.

BRANDON TRANSIT MANAGEMENT AGREEMENT WITH ROCS

Alderman Johnson moved Alderman Steen seconded to approve the management agreement with the Rural Office of Community Services (ROCS) for the Brandon Transit System in the amount of \$32,865.00. Motion carried.

BRANDON TRANSIT SDDOT AGREEMENT

Alderman Steen moved Alderman Lawrence seconded to approve the funding agreement with the SDDOT for the Brandon Transit System, as presented. Motion carried.

DAKOTA MAINSTEM TIMELINE

The Water & Sewer Committee report was heard. A timeline was presented for the Dakota Mainstem water plan. No action required.

WATER TREATMENT PLANT PAY APPLICATION

Alderman Johnson moved Alderman Jorgenson seconded to approve pay application #10 to Stanek Constructors, Inc. in the amount of \$874,971.54 for the water treatment plant project. Motion carried.

At 6:38 p.m. on a motion by Alderman Lawrence seconded by Alderman Steen the meeting was adjourned. Motion carried.

Melissa Labahn
Municipal Recording Clerk

Harry Buck
Mayor