

MINUTES

The Brandon City Council met in regular session at 6:00 p.m. on September 19, 2022 in the Council Chambers at 308 S. Main Avenue, Brandon, South Dakota. Present were Dana Clark, Bruce Johnson, Tim Jorgenson, David Kull, Colin Steen and Mayor Harry Buck. Barb Fish was present via conference call. Others present were: City Administrator, Bryan Read; Finance Officer, Christina Smith; City Attorney, Lisa Marso; City Engineer, Tami Jansma; Police Chief, Jamie Steffel; Golf Course Manager, Andrew Bauer; Public Works Director, Rollie Hoeke and Development Director, Patrick Andrews. Absent: None

OATH OF OFFICE

The Oath of Office was administered by Finance Officer Christina Smith to Alderman Bruce Johnson, Ward III Council Member.

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

Alderman Kull moved Alderwoman Clark seconded to approve the minutes of the September 1, 2022 briefing meeting and the minutes of the September 6, 2022 regular meeting minutes. Motion carried.

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

<u>VENDOR</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
AB Contracting	Water Tower	287,030.00
Advanced Engineering & Environmental Services	Professional Services	59,411.34
AFLAC	Insurance	865.27
Alliance Communications	Professional Services	1,065.51
Alternative HR Development	HR Services	3,350.00
Avera Medical Group	Professional Services	162.53
Beal Distributing	GC Resale	1,416.75
Bo's Sprinkler	Improvements	1,595.00
Brandon Ace Hardware	Supplies	1,333.53
Brandon Lumber	Supplies	624.80
Brandon Valley Media Group	Publications	1,215.02
Brandon Valley School District	Fuel	6,474.18
Brock White	Repairs	8,825.64
Brody Smith	Reimbursement	21.06
Builders Supply Company	Improvements/Supplies	11,902.75
Cash-Wa Distributing	GC Resale	3,515.04
Century Business Products	Supplies	325.89
Cintas	Supplies	934.82
Clark Engineering/IMEG Corp	Improvements	1,958.31
Coca Cola	Rentals	50.00
Culligan Water Conditioning	Utilities	232.05
Dakota Beverage	GC Resale	1,136.05
Dakota Data Shred	Supplies	62.96
Dakota Fluid Power	Repairs	317.15

Dakota Playground	Supplies	691.37
Dakota Riggers	Supplies	139.06
Dakota Supply Group	Chemicals	731.96
Direct Technologies	Software	1,053.82
EnviroMaster	Professional Services	84.00
Family Floors & Furniture	Carpet Installation	1,322.13
Ferguson Waterworks	Water Meter Supplies	1,216.47
First National Bank Cardmember Services	Misc. Supplies	3,953.12
Grainger	Repairs	175.53
Hach Company	Supplies	88.20
Hawkins Water Treatment	Repairs	160.00
HDR Engineering	Professional Services	34,153.00
I&S Group	Improvements/Hired Repairs	7,645.36
Innovative Office Solutions	Supplies	237.00
Interstate Office Products	New Desks	27,376.37
Johnson Brothers Famous Brands	GC Resale	1,140.67
Johnstone Supply	Repairs	146.21
Knife River	Landscaping Supplies	807.00
Lacey Rentals	Rentals	250.00
Malloy Electric Bearing Supply	Repairs	377.84
Manley Tire & Oil Service	Hired Repairs	105.00
Marv's Sanitary Service	Utilities	799.50
MidAmerican Energy	Utilities	741.85
Midwest Turf & Irrigation	Equipment Repairs	43.10
Miller & Sons Golf Cars	Rentals	200.00
Minnehaha Country Register of Deeds	Supplies	30.00
Motorola Solutions	Repairs	3,348.51
Oakridge Nursery	Improvements	4,637.44
Palisades Oil	Fuel	1,414.62
Pitney Bowes Reserve Account	Postage	58.99
Qualified Presort Service	Utility Billing	2,773.12
Quam and Berglin, CPA	2021 Audit	28,900.00
Recreation Supply Company	Supplies	102.38
Reiter Enterprises	Rentals/Professional Services	4,324.00
Republic National Distributing Company	GC Resale	628.65
Safety Benefits	Dues	75.00
Sam's Club	Supplies	770.14
SD Municipal League	Dues	495.00
SD One Call	Utilities	303.52
Sioux Falls Networks	Software	355.00
Sioux Falls Rubber Stamp Works	Supplies	24.95
Sioux Falls Utilities	Utilities	109,788.28
Sirchie Finger Print Labs	Safety Supplies	111.95
Soukup Construction	Professional Services	246,704.53
South Dakota Department of Revenue	Sales Tax	15,054.75
Staples Advantage	Supplies	713.08
Stockwell Engineers	Water Tower	6,752.84
Streicher's	Safety Supplies	12.99

Sturdevant's Auto Parts	Supplies	698.29
Sunshine	Supplies	1,286.57
The Wright Vacs	Hired Repairs	17.00
Titleist	Resale	891.55
Tom's Backhoe Service	Improvements	184,129.20
Tony's Catering	Catering	9,975.67
Toro	Monthly Service	229.00
Ultra-Chem	Supplies	626.36
Verizon Wireless	Utilities	538.33
Veseris	Equipment Purchase	13,250.00
VFW Post 4726-Brandon	Rentals	1,500.00
Vogel Motors	Hired Repairs	154.00
Xcel Energy	Utilities	3,424.62
Xtremely Clean Carpet Cleaning	Hired Repairs	530.00
First National Bank Trust Department	Golf Course Equipment Loan	1,124.98
City Administration	September 15, 2022 Payroll	3,733.93
Finance Officer	September 15, 2022 Payroll	5,650.83
Government Buildings	September 15, 2022 Payroll	124.67
Engineer	September 15, 2022 Payroll	3,263.87
Police	September 15, 2022 Payroll	32,907.92
Building Inspections	September 15, 2022 Payroll	3,593.88
Street Department	September 15, 2022 Payroll	5,805.82
Rec Center	September 15, 2022 Payroll	27.70
Park Department	September 15, 2022 Payroll	6,101.46
Economic Development	September 15, 2022 Payroll	2,017.55
Water Department	September 15, 2022 Payroll	8,856.85
Sewer Department	September 15, 2022 Payroll	5,086.01
Golf Course Grounds	September 15, 2022 Payroll	7,392.09
Golf Course Lounge	September 15, 2022 Payroll	4,485.04
Golf Course Pro Shop	September 15, 2022 Payroll	6,145.21
Golf Course Community Room	September 15, 2022 Payroll	1,765.72
941 Payroll Taxes	September 15, 2022 Payroll	30,173.07
SD Retirement System Supplemental	September 15, 2022 Payroll	1,175.00
TASC Flex Plan	September 15, 2022 Payroll	1,064.63
Accounts Management	September 15, 2022 Payroll	75.00

Alderwoman Clark moved Alderman Jorgenson seconded to approve the consent calendar which contained the following item: annual salary adjustment for Nick Gunderman, to step 10-4 on the wage scale, \$21.84 per hour, effective September 27, 2022. Motion carried.

Tom Holmes, Sioux Falls, Candidate for Minnehaha County Commission was present to introduce himself.

APPEAL OF HOME OCCUPATION PERMIT

An appeal was received from Steve Reid, 1107 E. Lark Street, for his Home Occupation Permit which was denied by the Planning & Zoning Commission on August 4, 2022. Steve wants to open a federal firearms business out of his home. Colin Barron, 1109 E. Lark Street, was present

for discussion. Colin has concerns with the selling of guns out of a residential home and its proximity to the high school. Julie Gottsleben, 1101 E. Lark Street, was present for discussion. Julie asked if the Council had an opportunity to view the video from the Planning & Zoning Commission. Julie has concerns with neighborhood safety and noise concerns. Dan Mostek, 1112 E. Lark Street, was present for discussion. Dan has concerns with this proposed home occupation not being compatible with the residential neighborhood and the goals of the Brandon Comprehensive Plan are not being met with this type of business & location. Steve Reid, 1107 E. Lark Street, was present for discussion. Steve has not gotten his FFL yet, was waiting on the status of his home occupation permit. Alderwoman Clark compared this to a home hair salon in relation to retail sales. Alderwoman Clark moved to send back to the Planning & Zoning Commission to reconsider the application contingent upon the applicant obtaining the FFL and sales tax license, to further discuss hours of operation, and to research other home occupation permits that have been granted to check for precedence. Motion failed for lack of a second. Alderman Jorgenson moved Alderman Kull seconded to uphold the decision of the Planning & Zoning Commission and deny the appeal. A roll call vote showed Fish, Johnson, Jorgenson, Kull, Steen aye; Clark nay. Motion carried.

RESOLUTION #27-22

Alderwoman Clark moved Alderman Jorgenson seconded to approve Resolution #27-22. A roll call vote showed Clark, Fish, Johnson, Jorgenson, Kull, Steen aye. Motion carried.

**RESOLUTION #27-22
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 and public nuisances, all within the City of Brandon, South Dakota, as follows:

1. Jack L III & Nicole Christie
500 S County Club Ave
Lot 4 Bk 10 Country Club Heights 2nd Addn to City of Brandon
County ID: 66495
Amount Assessed: \$375.00
Reason: Mowing

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, 2023. (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 19th day of September, 2022.

Harry Buck
Mayor

Christina Smith
Finance Officer

(SEAL)

SIoux METRO GROWTH ALLIANCE REPORT

Jesse Fonkert, 610 Par Tee Drive, Hartford, was present for discussion. Jesse is the President/CEO of the Sioux Metro Growth Alliance. Jesse gave an update on opportunities with the Sioux Metro Growth Alliance.

ORDINANCE #663

Alderman Kull moved Alderman Steen seconded to give second reading to Ordinance #663: TITLE: AN ORDINANCE PROVIDING APPROPRIATIONS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2023 AND ENDING DECEMBER 31, 2023, AND LEVYING THE PROPERTY TAX FOR THE YEAR 2022. Motion carried.

RETAINING WALL PROJECT

The Golf Course Committee report was heard. Alderman Jorgenson moved Alderman Steen seconded to approve the contract with GeoTek for material testing on the golf course retaining wall project in the amount of \$15,100.00. Motion carried.

ASH TREE REMOVAL BID

The Parks & Recreation Committee report was heard. Alderwoman Clark moved Alderman Jorgenson seconded to approve the bid from Champion Tree Service in the amount of \$48,795.00 for the ash tree removal project. Motion carried.

<u>Company</u>	<u>Bid Amount</u>
Champion Tree Service	\$48,795.00
Lodes Tree Service	\$62,700.00

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.

2021 AUDIT REPORT

Christina Smith, Finance Officer, presented the 2021 Audit Report. Alderwoman Clark moved Alderman Johnson seconded to approve the audit report as presented. Motion carried.

RFP FOR CITY HALL/COUNCIL CHAMBERS & GOLF COURSE CLUBHOUSE

Will be discussed at the next regular Council meeting.

BRANDON TRANSIT AGREEMENT

The Streets Committee report was heard. Alderwoman Clark moved Alderman Steen seconded to approve Amendment #1 for Section 5310 Preventative Maintenance contract #811986 with the SDDOT for the Brandon Transit System. Motion carried.

CORE AREA PHASE 2A PROJECT

Alderman Kull moved Alderwoman Clark seconded to approve pay application #5 to Soukup Construction in the amount of \$236,704.53 for the Core Area Reconstruction Phase 2A Project. Motion carried.

CORE AREA PHASE 1 PROJECT

Alderman Jorgenson moved Alderman Steen seconded to approve change order #5 to Soukup Construction in the amount of (\$153,480.00) for the Core Area Phase 1 Project. Motion carried. Alderwoman Clark moved Alderman Steen seconded to approve pay application #12 to Soukup Construction in the amount of \$10,000.00 for the Core Area Phase 1 Project. Motion carried.

RESOLUTION #25-22

Alderman Steen moved Alderwoman Clark seconded to approve Resolution #25-22. A roll call vote showed Clark, Fish, Johnson, Jorgenson, Kull, Steen aye. Motion carried.

RESOLUTION #25-22

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 2023 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 2023 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 19th day of September, 2022.

ATTEST:

Harry Buck
Mayor

Christina Smith
Finance Officer

(SEAL)

WATER TOWER PROJECT

The Water & Sewer Committee report was heard. Alderman Kull moved Alderman Johnson seconded to approve pay application #14 to AB Contracting in the amount of \$287,030.00 for the water tower project. Motion carried.

RESOLUTION #26-22

Alderswoman Clark moved Alderman Steen seconded to approve Resolution #26-22. A roll call vote showed Clark, Fish, Johnson, Jorgenson, Kull, Steen aye. Motion carried.

RESOLUTION #26-22

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRANDON, SOUTH DAKOTA, ADOPTING THE STORMWATER MAINTENANCE RATE.

WHEREAS, the City Council has adopted the Stormwater Maintenance Rate in the City of Brandon, South Dakota, Municipal Code Chapter 14, Article 12.

WHEREAS, this section authorizes the City Council to adopt a rate for the Stormwater Maintenance Rate; and

WHEREAS, the City Council desires to adopt a Stormwater Maintenance Rate for the operation, maintenance, and capital improvements of the stormwater drainage system.

NOW, THEREFORE, be it resolved that the City Council of the City of Brandon, South Dakota does hereby approve the following Stormwater Maintenance Rates effective January 1, 2023.

Section 1: Definitions.

- a. *Nonresidential* is any property that does not meet the definition of residential property.
- b. *Pollution Generating Impervious Area* includes impervious areas of a parcel associated with on-site traffic generation that may decrease the quality of runoff generated as compared to building associated impervious area.
- c. *Non-Pollution Generating Impervious Area* includes impervious areas of a parcel not associated with on-site traffic generation, such as building footprint.
- d. *Residential* is any property with a one, two, three, or four-unit dwelling, or a group home, as defined under the City of Brandon, South Dakota R-1 and R-2 Zoning Code, or otherwise shares the characteristics of any of these, which is currently used as a residential dwelling.

Section 2: Residential Rate. The Residential Rate shall be a flat fee per parcel per month for each Residential Property. See Section 5, Rate Table.

Section 3: Nonresidential Rate. The Nonresidential rates shall consist of a rate per square foot of Pollution Generating Impervious Area plus a rate per square foot of Non-Pollution Generating Impervious Area. The Pollution Generating rate per square foot shall be 1.5 times higher than the Non-Pollution Generating rate per square foot. See Section 5, Rate Table. The minimum rate charged to Nonresidential property is equal to the Residential Rate.

- a. The current use of parcels and parcel areas shall be obtained from the records of Minnehaha County, South Dakota and/or the City of Brandon, South Dakota.
- b. Any changes to a Property's Current Use or assigned rate shall be done in accordance with Chapter 15 of the City Code of the City of Brandon, South Dakota.

Section 4. Stormwater Maintenance Fund.

The Stormwater Fees paid to the City shall be maintained in a separate fund to be known as the

“Stormwater Maintenance Fund.”

Section 5. Rates

Rate	Monthly Rate	Annual Rate
Residential Rate per Parcel	\$5.16	\$61.92
Nonresidential Rate per Square Foot of Pollution Generating Impervious Area	n/a	\$0.0154
Nonresidential Rate per Square Foot of Non-Pollution Generating Impervious Area	n/a	\$0.0103
Total Minimum Charge per Parcel	\$5.16	\$61.92

Section 6. Request for Adjustment of Non-Residential Stormwater Maintenance Fee.

The City Engineer or designee may verify and adjust the parcel’s Stormwater Maintenance Fee to an appropriate level in accordance with the following guidelines. A parcel’s Stormwater Maintenance Fee shall be subject to increases as well as decreases by this procedure and by action of the City Commission.

To receive the non-residential Stormwater Maintenance Fee Adjustment, the owner of the parcel that wishes to apply for the adjustment must submit an application in the form of a cover letter requesting the adjustment. In certain instances, and depending upon the complexity of the adjustment, the request may be required to be accompanied by a stamped and signed analysis conducted by a Professional Engineer or Land Surveyor in the State of South Dakota describing the adjustment being requested.

- a) **Request for Adjustment based on Parcel Size or Impervious Percentage**
Any non-residential parcel that disputes the total site area or impervious surface utilized in the calculation of their respective Stormwater Maintenance Fee may request an adjustment to their charge by submitting appropriate application materials. The City Engineering Department will perform an initial review of the parcels drainage characteristics in order to make a determination on the merits of an adjustment. In certain instances, and depending upon the complexity of the request, further information such as site survey or site map prepared and certified to by a SD Registered Land Surveyor may be required.

- b) **Request for Adjustment for On-site Structural Drainage Controls Exceeding City Standards**
Property owners who reduce their service needs from the City storm water system by installing structural storm water management measures can receive a reduction in their Stormwater Service Charge. All adjustments are determined on a case-by-case basis through the City Engineer’s office. These Stormwater Maintenance Fee

adjustments are applicable if a property owner takes measures to increase on-site storage or to reduce the storm water flow rate (cfs) or volume (ac-ft) runoff from his or her property to the City storm water system that exceeds the current City minimum requirements for managing storm water discharges. A monthly Stormwater Maintenance Fee may be reduced by:

1. Up to fifty (50) percent for reduction in flow rate. Incremental one (1) percent reduction for each percent reduction in storm water flow from the site, above and beyond the minimum design discharge requirement set forth in the storm water management manual.
2. Up to fifty (50) percent for increased storage. Incremental one (1) percent for each percent increase in storm water storage on-site, beyond the minimum set forth in the storm water management manual.
3. Up to fifty (50) percent for reduction in volume. Incremental one (1) percent reduction for each percent reduction in storm water volume from the site, above and beyond the minimum design discharge requirement set forth in the storm water management manual.
4. The rate reduction may be calculated using a combination of reductions in flow, increased storage, or reduction in volume but the Stormwater Fee may not be reduced overall by more than fifty (50) percent.
5. Minimum five (5) percent reduction required to have a measurable impact to the reductions prior to a rate modification.

To permit for an accurate assessment of any on-site drainage controls, the request for review must include, but is not limited to:

1. A site plan showing locations of all buildings and other development contained within the parcel.
2. The total parcel area and area of impervious surfaces shall be shown.
3. Site topography and contours of sufficient detail to ascertain flow directions, rates, and volumes. The flow directions, rates, and volumes shall be computed and certified by a SD Registered Professional Engineer
4. Size, details and/or volumetric characteristics of any drainage control facilities.
5. All maps of site characteristics shall be prepared and certified to by a SD Registered Land Surveyor. A SD Registered professional Engineer shall prepare all computations and conclusions.

The City Engineer reserves the right to inspect periodically all storm drainage control facilities to ascertain that they are operating properly. If such a system due to improper maintenance or other reason, fails to detain storm water runoff in an effective manner, the City Engineer shall issue an order to complete the repair of the facility within 60 days. If such repairs are not completed in a timely manner, the City Engineer may eliminate or reduce Stormwater Maintenance Fee Adjustments to an

appropriate level.

Dated this 19th day of September, 2022.

ATTEST:

Harry Buck
Mayor

Christina Smith
Finance Officer

(SEAL)

WESTSIDE SEWER PROJECT

Alderman Steen moved Alderman Johnson seconded to approve pay application #5 to Tom's Backhoe Service in the amount of \$184,129.20 for the westside sewer project. Motion carried.

At 6:56 p.m. on a motion by Alderwoman Clark seconded by Alderman Steen the meeting was adjourned. Motion carried.

Melissa Labahn
Municipal Recording Clerk

Harry Buck
Mayor