

## RESOLUTION #20-21

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRANDON, SOUTH DAKOTA, ADOPTING THE STORMWATER UTILITY RATE AND ESTABLISHING THE STORMWATER UTILITY FUND.

**WHEREAS**, the City Council has adopted the Stormwater Utility 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 Utility Rate; and

**WHEREAS**, the City Council desires to adopt a Stormwater Utility Rate and establish a Stormwater Utility Fund 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 establish the Stormwater Utility Fund and approve the following Stormwater Utility Rates effective January 1, 2022.

#### **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 Utility Fund.**

The Stormwater Fees paid to the City shall be maintained in a separate fund to be known as the “Stormwater Utility Fund.”

**Section 5. Rates**

Rate	Monthly Rate	Annual Rate
Residential Rate per Parcel	\$4.91	\$58.92
Nonresidential Rate per Square Foot of Pollution Generating Impervious Area	n/a	\$0.0147
Nonresidential Rate per Square Foot of Non-Pollution Generating Impervious Area	n/a	\$0.0098
Total Minimum Charge per Parcel	\$4.91	\$58.92

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

The City Engineer or designee may verify and adjust the parcel’s Stormwater Utility Fee to an appropriate level in accordance with the following guidelines. A parcel’s Stormwater Utility 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 Utility 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 Utility 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 Utility 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 Utility 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 Utility Fee Adjustments to an appropriate level.

Dated this 20<sup>th</sup> day of September, 2021.

ATTEST:

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Jim Heinitz  
Mayor

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Christina Smith  
Finance Officer

(SEAL)