

Brookings City Council
February 11, 2014

The Brookings City Council held a meeting on Tuesday, February 11, 2014 at 6:00 p.m., at City Hall with the following members present: Council Members Deputy Mayor Keith Corbett, Mike McClemans, Ope Niemeyer, John Kubal, Tom Bezdichek and Jael Thorpe. Mayor Tim Reed was absent. City Attorney Steve Britzman, City Manager Jeffrey Weldon and City Clerk Shari Thornes were also present.

6:00 p.m. Regular Council Meeting

Consent Agenda. A motion was made by Kubal, seconded by McClemans, to approve the consent agenda.

- A. Action to approve the agenda.**
- B. Action to approve the January 28 Council Meeting Minutes.**
- C. Action on appointments to the Traffic Safety Committee:** Appoint Shayn Damm (term expires 12/31/2015) and Rebecca Sue Schmieding (term expires 12/31/2016).
- D. Action to Abate the 2014 Drainage Fees to the properties in the SDSU Innovation Campus Addition:** Parcel #40527-00100-001-00 (\$796.86); Parcel #40527-00100-002-00 (\$1,026.88); Parcel #40527-00100-003-00 (\$60.46); Parcel #40527-00100-004-00 (\$57.96); Parcel #40527-00100-005-00 (\$60.10); Parcel #40527-00100-006-00 (\$55.76); Parcel #40527-00100-007-00 (\$59.56); Parcel #40527-00100-008-00 (\$56.56); Parcel #40527-00100-009-00 (\$50.88); Parcel #40527-00100-010-00 (\$51.20); Parcel #40527-00100-011-00 (\$88.58); Parcel #40527-00100-012-00 (\$504.62); Parcel #40527-00100-013-00 (\$48.68); Parcel #40527-00100-014-00 (\$54.86); Parcel #40527-00100-015-00 (\$69.68); Parcel #40527-00100-016-00 (\$132.42); Parcel #40527-00100-017-00 (\$73.62); Parcel #40527-00100-018-00 (\$51.76); Parcel #40527-00100-019-00 (\$53.88); Parcel #40527-00100-020-00 (\$67.44); Parcel #40527-00100-021-00 (\$55.04); Parcel #40527-00100-022-00 (\$90.04); Parcel #40527-00100-023-00 (\$79.04); Parcel #40527-00100-024-00 (\$85.04); Parcel #40527-00100-025-00 (\$64.62); Parcel #40527-00100-026-00 (\$67.66); Parcel #40527-00100-027-00 (\$73.54); Parcel #40527-00100-028-00 (\$95.64); Parcel #40527-00100-030-00 (\$1,260.28); Parcel #40527-00100-031-00 (\$62.34); Parcel #40527-00100-032-00 (\$51.24); Parcel #40527-00100-000-05 (\$147.66); Parcel #40527-00100-000-10 (\$140.82); Parcel #40527-00100-000-15 (\$1.34); Parcel #40527-00100-000-20 (\$14.00); and Parcel #40527-00100-000-25 (\$24.12).
- E. Action on Resolution No. 11-14, a Resolution authorizing Change Order No. 1 (CCO#1) for Brookings Runway Re-alignment Project (Phase 2), AIP #3-46-0005-026-2013.**

Resolution No. 11-14 - A Resolution authorizing Change Order No. 1 (CCO#1) for Brookings Runway Re-Alignment Project (Phase 2); AIP #3-46-0005-026-2013

Be It Resolved by the City Council that the following Change Order be allowed for Brookings Runway Re-Alignment Project (Phase I), AIP #3-46-0005-025-2012, Construction Change Order Number 1: Adjust the contract for the addition of two Surface Painted Holding Position Signs with a nine foot inscription height instead of one Surface Painted Holding Position Sign with six foot inscription height for a total increase of \$3,455.39 to the project.

F. Action on Resolution No. 12-14, a Resolution authorizing Change Order No. 1 (CCO#1 Final) for 2013-05SSI, Rotary Park Drainage Improvement Project.

Resolution No. 12-14 - Resolution authorizing Change Order No. 1 (CCO#1 Final) for 2013-05SSI, Rotary Park Drainage Improvement Project

Be It Resolved by the City Council that the following change order be allowed for 2013-05SSI, Rotary Park Drainage Improvement Project: Construction Change Order Number 1 (Final): Adjust plan quantities to as-built quantities for a total increase of \$1,717.00 to the contract to close out the project.

G. Action on Resolution No. 13-14, a Resolution authorizing the Mayor to sign documents for P3313(11) PCN 03CC, 20th Street South and Main Avenue South Intersection Improvements, Brookings.

Resolution No. 13-14 - A Resolution authorizing the Mayor to sign documents for P3313(11) PCN 03CC, 20th Street South and Main Avenue South Intersection Improvements, Brookings

Whereas, the Brookings City Council desires the construction of Project P3313(11), PCN 03CT, 20th Street South and Main Avenue South Intersection Improvements in Brookings, SD;

And Whereas, the City of Brookings is obligated and hereby agrees to provide proper maintenance as required for the project after construction is completed in accordance with State and Federal requirements; and

Whereas, the City of Brookings certifies that all work involved in the project will take place within the City's right-of-way and easements, and that no additional right-of-way is required.

Now Therefore, be it resolved that the mayor of the City of Brookings is authorized to sign the Right-of-Way Certificate, Utility Certificate, Bid Letting Authorization, and Agreements for Voluntary Right of Way Donations for Project P3313(11) PCN 03CC for 20th Street South and Main Avenue South Intersection Improvements, Brookings, SD.

H. Action on Resolution No. 14-14, a Resolution authorizing Change Order No. 3A (CCO#3A) for Brookings Runway Re-Alignment Project (Phase 1A), AIP #3-46-0005-025-2012.

Resolution No. 14-14 - A Resolution authorizing Change Order No. 3A (CCO#3A) for Brookings Runway Re-Alignment Project (Phase IA), AIP #3-46-0005-025-2012

Be It Resolved by the City Council that the following Change Order be allowed for Brookings Runway Re-Alignment Project (Phase IA), AIP #3-46-0005-025-2012, Construction Change Order Number 3A: Adjust bid quantities to as-constructed quantities at the associated unit bid prices for a total decrease of \$73,512.30 to the contract.

I. Action on Resolution No. 15-14, a Resolution authorizing Change Order No. 7 (CCO#7) for Brookings Runway Re-Alignment Project (Phase I), AIP #3-46-0005-025-2012.

Resolution No. 15-14 - A Resolution authorizing Change Order No. 7 (CCO#7) for

Brookings Runway Re-Alignment Project (Phase I); AIP #3-46-0005-025-2012
Be It Resolved by the City Council that the following Change Order be allowed for
Brookings Runway Re-Alignment Project (Phase I), AIP #3-46-0005-025-2012,
Construction Change Order Number 7: Adjust plan quantities to as-constructed
quantities for a total decrease of \$64,967.65 to the current contract price.

All present voted yes; motion carried.

Chamber of Commerce Monthly Report. Heidi Gullickson, Chamber Director, provided an update.

First Reading - Ordinance No. 02-14. A first reading was held on Ordinance No. 02-14, an Ordinance Revising Section 82-466 of Article VI and pertaining to Parking Prohibited During Street Maintenance in the City of Brookings, South Dakota. Public Hearing: February 25, 2014.

First Reading - Ordinance No. 03-14. A first reading was held on Ordinance No. 03-14, an Ordinance Revising Section 82-465 of Article VI and pertaining to Parking Prohibited During Snow Removal in the City of Brookings, South Dakota. Public Hearing: February 25, 2014.

Ordinance No. 01-14. A public hearing was held on Ordinance No. 01-14, an Ordinance amending Article II of Chapter 22 of the Code of Ordinances of the City of Brookings and pertaining to the 2009 Building Code with Certain Amendments Thereto. No public comment. A motion was made by Bezdichek, seconded by Thorpe, to approve Ordinance No. 01-14. All present voted yes; motion carried.

Resolution No. 18-14. A motion was made by Kubal, seconded by Bezdichek, to approve Resolution No. 18-14, a Resolution authorizing the Mayor to sign an Agreement with Federal Aviation Administration for Impacted Facilities. No public comment. All present voted yes; motion carried.

Resolution No. 18-14 - Resolution Authorizing Mayor to Sign an Agreement with
Federal Aviation Administration for Impacted Facilities

Whereas, the Brookings City Council desires FAA navigational aids to support the Brookings Regional Airport's planned project to build new runway 11/29 which will replace the existing Runway 12/30; and

Whereas, the runway project will impact several FAA facilities which will require the relocation of these facilities and the facilities' infrastructure; and

Whereas, the FAA will provide for the engineering, construction oversight, equipment shutdown, decommissioning, storage or removal, and equipment relocation to support the construction of the new Runway 11/29 at Brookings Regional Airport in Brookings, South Dakota.

Now, Therefore, Be Resolved, that the Mayor is hereby authorized to sign all documents related to a Non-Federal Reimbursable Agreement No. AJW-FN-CSA-12-C090-B between the Department of Transportation Federal Aviation Administration and City of Brookings, Brookings Regional Airport, Brookings, South Dakota.

Resolution No. 16-14. A motion was made by Niemeyer, seconded by McClemans, to approve Resolution No. 16-14, a Resolution providing for the creation of Tax Incremental District Number Seven, City of Brookings. No public comment. All present voted yes; motion carried.

Resolution No. 16-14 - Resolution Providing for the Creation of Tax Incremental District Number Seven, City of Brookings

Whereas, the Planning Commission has recommended the District Boundaries for Tax Incremental District Number Seven, City of Brookings, and has recommended its creation; and

Whereas, the City of Brookings has the powers, pursuant to SDCL 11-9-2, to create Tax Incremental District Number Seven, City of Brookings, and to define its boundaries.

Now Therefore, It Is Hereby Resolved:

1. Authority and Declaration of Necessity. The City of Brookings declares the necessity for the creation of Tax Incremental District Number Seven, City of Brookings (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 other real property in the District and is necessary for economic development within the city.
2. Findings of Blight. The City Council makes the following findings with regard to blight:
 - a. More than 25% of the property in the District is a blighted area;
 - b. Improvements to the District are likely to add millions of dollars of assessed valuation to the District and will significantly and substantially enhance the value of all property within the District;
 - c. There is a reasonable likelihood that there will be economic development built within the District.
 - d. A majority of the property within the District which is suitable for development is currently unplatted and not serviceable with public infrastructure;
 - e. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the city does not exceed Ten (10%) percent of the total assessed valuation in the City.
 - f. The District is predominantly open bare land void of site improvements, that impairs the sound growth of the City.
 - g. There exist inadequate street layouts and storm sewer which retard the provision of industrial accommodations.
 - h. The District constitutes a blighted area as defined in SDCL Chapter 11-9.

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 of Brookings.
4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, Tax Incremental District Number Seven, City of Brookings. The District is hereby created on the day this Resolution becomes effective, which shall be twenty 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:
 - E ½ in Section 2-T109N-R50W of the 5th P.M. and abutting rights-of-way of Main Avenue South, 20th Street South, and 32nd Street South, City of Brookings, Brookings County, State of South Dakota.
 - NW ¼ including all road rights-of-way, but excluding that portion still lying within Medary Township outside Brookings City Limits in Section 2-T109N-R50W of the 5th P.M., City of Brookings, Brookings County, State of South Dakota.
 - N ½ of the NE ¼ including all road rights-of-way, but excluding the platted areas thereof, in Section 3-T109N-R50W of the 5th P.M., City of Brookings, Brookings County, State of South Dakota
6. Creation of Tax Incremental Fund. There is hereby created, pursuant to SDCL 11-9-31, a City of Brookings 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.

Resolution No. 17-14. A motion was made by McClemans, seconded by Thorpe, to approve Resolution No. 17-14, a Resolution approving Tax Incremental District Number Seven Project Plan. No public comment. All present voted yes; motion carried.

Resolution No. 17-14 - Resolution Approving Tax Incremental District Number Seven
Project Plan

Whereas, the Brookings Planning Commission has recommended the approval of the Tax Incremental Project Plan, Tax Incremental District Number Seven; and

Whereas, the City Council finds that all requirements have been met in order to approve said Tax Increment Plan.

Now Therefore, Be It Resolved by the City Council

1. Approval of Project Plan. The project plan, a copy of which is on file with the City Finance Officer hereby approved.
2. Findings. The City Council finds that the project plan is feasible and that it conforms to the City's master plan. All findings made in the tax increment plan are included herein by reference.
3. Effective 20 days after publication. This resolution shall become effective 20 days after publication and absent any challenge at law all findings and conclusions in the Tax Increment Plan for Tax Increment District Number Seven shall be final.

Council topics for future discussion. A motion was made by Kubal, seconded by McClemans, to schedule a future study session solely devoted to the topic of tax increment financing. All present voted yes; motion carried.

Bezdichek asked if Council members would receive the \$75 stipend pursuant to Resolution No. 110-10. Staff will research the item.

Adjourn. A motion was made by Kubal, seconded by Niemeyer, to adjourn. All present voted yes; motion carried. Meeting adjourned 6:54 p.m.

CITY OF BROOKINGS

Tim Reed, Mayor

ATTEST:

Shari Thornes, City Clerk