

Brookings City Council
April 22, 2014

The Brookings City Council held a meeting on Tuesday, April 22, 2014 at 6:00 p.m., at City Hall with the following members present: Mayor Tim Reed, Council Members Keith Corbett, Mike McClemans, Ope Niemeyer, John Kubal, Tom Bezdichek and Jael Thorpe. 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 Bezdichek, seconded by Corbett, to approve the consent agenda.

- A. Action to approve the agenda.**
- B. Action to approve the March 18 and April 1 Council Meeting Minutes.**
- C. Action on the following appointments:** Airport Board: reappoint Judy McLaughlin (term expires 5/1/2019); Committee for People who have Disabilities, college student representative: reappoint Shawn Minor (term expires 5/1/2015); Human Rights Committee, college student representative: reappoint Hanna Larson (term expires 5/1/2015); Park & Recreation Board, college student representative: reappoint Sara Bentzen (term expires 5/1/2015); Park & Recreation Board: appoint Sean Binker and Steve Berseth (terms expire 5/1/2017); Sustainability Council: appoint Mike Lockrem (term expires 1/1/2015); Utility Board: appoint Seth Hansen (term expires 5/1/2019); and Board of Adjustment, second alternate: appoint Lynn Mennis (term expires 1/1/2015).
- D. Action to cancel the May 20th Study Session.**
- E. Action on Resolution No. 31-14, a Resolution to surplus a police vehicle.**

Resolution No. 31-14 - Resolution for the Surplus of Police Vehicle

Whereas, the city of Brookings is the owner of the following described equipment formerly used at the City of Brookings Police Department: One (1) 2011 Ford Crown Victoria Police Vehicle VIN 2FABP7BV2BX162728.

Whereas in the best financial interest, it is the desire of the City of Brookings to sell same as surplus property; and

Whereas, the City Manager hereby authorized to sell said surplus property.

Now, Therefore, Be It Resolved by the governing body of the City of Brookings, South Dakota, that this property be declared surplus property according to SDCL Chapter 6-13.

- F. Action on Resolution No. 32-14, a Resolution authorizing the City Manager to sign a Wine Operating Agreement Renewal for Cottonwood Coffee, Inc. (dba Cottonwood Bistro), Jacob Limmer and Lynn Askew, owners, 1710 6th Street.**

Resolution No. 32-14 - Cottonwood Coffee, Inc. – Wine Operating Agreement

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal Agreement for the Operating Liquor Management Agreement between the City of Brookings and Jacob Limmer and Lynn Askew, owners,

Cottonwood Coffee, Inc. (dba Cottonwood Bistro), for the purpose of a liquor manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 1710 6th Street, also known as Cottonwood Bistro.

Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of five (5) years.

G. Action on Resolution No. 33-14, a Resolution authorizing Change Order No. 1 for Dakota Nature Park Amenities, Phase VI; Clark Drew Construction, Inc.

Resolution No. 33-14 - A Resolution authorizing Change Order No. 1 for Dakota Nature Park Amenities, Phase VI; Clark Drew Construction, Inc.

Be It Resolved by the City Council that the following Change Order be allowed for Dakota Nature Park Trail Amenities, Phase VI: Construction Change Order No. 1.

Clark Drew Construction via Bowes Construction: Labor/Excavator/Re-Grading = \$1,000.00; Subtotal = \$1,000.00; Bonding 1% = \$10.00; SD Excise Tax @ 2% = \$20.00; O/P @ 8% = \$82.00; Lump Sum Total = \$1,112.00.

There will be a total addition of \$1,112.00. Contract history: \$357,250.00 original contract sum; \$0.00 added from previous change orders; and \$358,362.00 new contract amount after Change Order No. 1.

H. Re-statement of City of Brookings Annexation Policy for Dean Christie Farmsite.

VISION 2020 COMPREHENSIVE PLAN - Annexation Plan. An annexation plan is essential for the managed growth of Brookings. The Comprehensive Plan has identified undeveloped areas within the city as well as future growth areas in the county. It is important to actively promote development on vacant lands in the city prior to further annexations since the infrastructure is already in place or nearby. This will result in a more compact and efficient development pattern which is an identified objective for our community.

Proposals for annexation of lands should adhere to standard policies and procedures in order to avoid inconsistent decisions. This may be particularly significant when the city initiates an annexation or considers annexing a rural subdivision. The challenge for the city is to maintain an adequate, but not excessive, supply of land for new development while, at the same time, recognizing the need to annex land in advance of major developments. This will allow the city to plan for more timely and economical public improvements and ensure that new developments are designed to meet city standards.

The following guidelines should be applied when annexations are proposed:

1. Identify annexation areas that represent a logical service extension area for streets and utilities.
2. Determine the current available, undeveloped land and assess the estimated rate of development.

3. Identify potential adverse economic, social or environmental impacts resulting from annexation actions.
4. Ensure that public services and facilities can be readily provided through coordination with the Capital Improvements Program.
5. Annex undeveloped land, within the future land use area, well in advance of its development.
6. Annex contiguous, rural subdivisions when it becomes feasible to provide city utilities and services.

It is reasonable to assume those affected residents and property owners will be concerned about annexations. Not only will there be a new political jurisdiction involved, but different urban services, zoning regulations and street and utility improvements may impact the character of the area.

All present voted yes; motion carried.

Open Forum. Merle Gulbranson requested the City Council consider an ordinance prohibiting cats running at large. The Council agreed to review the issue at a future study session and will contact Mr. Gulbranson.

Resolution No. 34-14. A motion was made by Corbett, seconded by Kubal, to approve Resolution No. 34-14, a Resolution awarding a contract for an aerial bucket truck for the Forestry Department. All present voted yes; motion carried.

Resolution No. 34-14 - Resolution Awarding a Contract for an Aerial Bucket Truck
for the Forestry Department

Whereas, the City of Brookings held a bid letting at 1:30 p.m. on Tuesday, April 1, 2014; and

Whereas, the City of Brookings has received the following bids: 1) Altec Industries, Inc., Creedmoor, NC in the amount of \$175,325.00 with a trade-in on Volvo Loader for \$10,000.00 for a final bid price of \$165,325.00, and 2) Dueco, Inc., Watertown, SD in the amount of \$178,164.00 with a trade-in on Volvo Loader for \$12,500.00 for a final bid price of \$165,664.00. The capital budget for this expenditure is \$180,000.00.

Now Therefore, Be it Resolved that the bid from Altec Industries, Inc. of Creedmoor, NC in the amount of \$165,325.00 (after trade-in) be accepted.

Resolution No. 37-14. A motion was made by Kubal, seconded by Niemeyer, to approve Resolution No. 37-14, a Resolution authorizing Change Order No. 1 (CCO#1) for Brookings Runway Re-Alignment Project (Phase 2), AIP #3-46-0005-026-2013; Muth Electric, Inc. All present voted yes; motion carried.

Resolution No. 37-14 - A Resolution authorizing Change Order No. 1 (CCO#1) for Brookings Runway Re-Alignment Project (Phase 2), AIP #3-46-0005-026-2013; Muth Electric, Inc.

Be It Resolved by the City Council that the following change order be allowed for Brookings Runway Re-Alignment Project (Phase 2), AIP #3-46-0005-026-2013, Construction Change Order Number 1, Muth Electric, Inc.: Adjust the contract for the addition of vegetation control rings around the taxiway lights, additional excavation work and concrete footings for the larger MALSR Shelter and change in wire size between the MALSR Shelter and runway centerline for a total increase of \$30,453.36 to the project.

Resolution No. 38-14. A motion was made by Kubal, seconded by Corbett, to approve Resolution No. 38-14, a Resolution authorizing Change Order No. 2 (CCO#2) for Brookings Runway Re-Alignment Project (Phase 2), AIP #3-46-0005-026-2013; Bowes Construction, Inc. All present voted yes; motion carried.

Resolution No. 38-14 - A Resolution authorizing Change Order No. 2 (CCO#2) for Brookings Runway Re-Alignment Project (Phase 2), AIP #3-46-0005-026-2013; Bowes Construction, Inc.

Be It Resolved by the City Council that the following Change Order be allowed for Brookings Runway Re-Alignment Project (Phase 2), AIP #3-46-0005-026-2013, Construction Change Order Number 2, Bowes Construction, Inc.: Adjust the contract for the change in preformed thermoplastic markings for Runway 12/30, change in runway designation numbers for Runway 12/30, grading, gravel and CMP culvert at the Locater Outer Marker site, excavation of frost and installation of engineered fill for the Instrument Landing System shelters, and change in a storm sewer inlet size for a total increase of \$36,672.73 to the project.

Ordinance No. 07-14. A public hearing was held on Ordinance No. 07-14, an Ordinance for a conditional use to establish a Contractor's Shop and Storage Yard on Lot 11, Block 4, Folsom Addition (141 3rd Ave. So.). No public comment. A motion was made by Niemeyer, seconded by McClemans, to approve Ordinance No. 07-14. All present voted yes; motion carried.

Temporary Alcohol. A public hearing was held on a temporary alcohol license for Downtown Brookings, Inc., in conjunction with Delta Chi Fraternity, to hold a fundraising event consisting of various bands, a beer garden, and other fundraising activities on May 3, 2014 in the 300 Block of 5th Street. No public comment. A motion was made by Kubal, seconded by McClemans, to approve. All present voted yes; motion carried.

Preliminary Plat. A public hearing was held on a preliminary plat of a portion of the Timberline Addition in the W ½, N ¼, excl. the N 1,350' thereof, of Section 34-T110N-R50W. No public comment. A motion was made by McClemans, seconded by Bezdichek, to approve. All present voted yes; motion carried.

Resolution No. 39-14. A motion was made by Corbett, seconded by Bezdichek, to approve Resolution No. 39-14, a Resolution authorizing the acquisition of real property for right-of-way

purposes for a portion of future 26th Street South. Public comment: Tim Burns, property owner, said he won't grant temporary construction easements and right-of-way until he receives assurances that he won't have to pay for the Christie right-of-way. Josh Reisetter asked questions and suggested slowing the process and evaluating use of temporary construction easements. All present voted yes; motion carried.

Resolution No. 39-14 - Resolution Authorizing the Acquisition of Real Property
for Right-of-Way Purposes

Be It Resolved by the City Council of the City of Brookings, South Dakota as follows:

Whereas, for the purpose of acquisition of real property to provide right-of-way for 26th Street South which will serve the new elementary school and connect Main Avenue South with Western Avenue and which is necessary for right-of-way purposes; and

Whereas, the City of Brookings desires to purchase, for the purpose described above, the following described property: North Thirty-five Feet (N 35') of NW ¼ SW ¼ in Section 2, T109N, R50W, in Brookings County, State of South Dakota, containing 1.06 acres, more or less; and

Whereas, the City of Brookings has received the approval of the owner of the above-described property, Dean Christie, for the sale and purchase of the above-described real property for the sum of \$25,000.00 per acre; and

Now, Therefore, It IS Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City acquire title to the above-described property pursuant to Real Estate Purchase Agreement with Dean Christie for the purpose of acquisition of the above-described real property for right-of-way purposes; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the Real Estate Purchase Agreement and other required documents in accordance with this Resolution.

Revised Initial Development Plan. A motion was made by Corbett, seconded by McClemons, to approve a revised Initial Development Plan for a Planned Development District on Lot G, Beale Addition (6th Street and 13th Avenue). All present voted yes; motion carried.

Recognition of Council Member Mike McClemons. Mayor Reed made a motion to declare everything is simply beautiful and a big thanks to Mike McClemons for all his service to the City of Brookings.

Adjourn. A motion was made by Corbett, seconded by Kubal, to adjourn. All present voted yes; motion carried. Meeting adjourned 6:56 p.m.

ATTEST:

Shari Thornes, City Clerk

Tim Reed, Mayor