

**Brookings City Council**  
**May 13, 2014**

The Brookings City Council held a meeting on Tuesday, May 13, 2014 at 6:00 p.m., at City Hall with the following members present: Mayor Tim Reed, Council Members Keith Corbett, Dan Hansen, Ope Niemeyer, John Kubal and Jael Thorpe. Tom Bezdichek was absent. City Attorney Steve Britzman, City Manager Jeffrey Weldon and City Clerk Shari Thornes were also present.

City Council Members Ope Niemeyer and Dan Hansen\* were presented with their Certificate of Election and recited their Oath of Office. \*Council Member Hansen was officially sworn in prior to the special May 5, 2014 Council meeting.

**6:00 p.m. Regular Council Meeting**

**Consent Agenda.** Action on appointments to the Mayor's Ad Hoc Transportation Committee was removed from the agenda. A motion was made by Corbett, seconded by Kubal, to approve the consent agenda.

- A. Action to approve the agenda as amended.**
- B. Action to approve the March 25, April 15, April 22, and May 5 Council Meeting Minutes.**
- C. Action on Resolution No. 40-14, a Resolution adopting amendments to the City of Brookings Governance and Ends Policies.**

Resolution No. 40-14 - A Resolution amending the City of Brookings Governance and Ends Policy

Whereas, the City of Brookings has adopted Governance and Ends Policies.

Now, Therefore Be It Resolved that the following amendments shall be made:

Amended Governance Policy 1.6, Governance Process.

1.6 Governance Process, Citizen Advisory Boards

The Council values the expression of citizen viewpoints on topics of concern to the Council. Therefore, the Council will continue the tradition of seeking input from volunteer citizen advisory boards and committees, although final responsibility for decisions, and the implementation that follows, rests entirely with the Council. The Council reminds staff that the ideal purpose of citizen involvement is ~~not to advance staff agendas, but~~ to seek objective opinions from a diverse range of citizens.

Amended Governance Policy 2.2(2), Council-Staff Linkage, Delegation to the City Manager;

2.2 Council-Staff Linkage, Delegation to the City Manager

All Council authority delegated to staff is delegated through the City Manager, so that all authority and accountability of staff -- as far as the Council is concerned -- is considered to be the authority and accountability of the City Manager.

2. As long as the City Manager uses ~~any reasonable interpretation~~ any reasonable interpretation any reasonable interpretation of the Council's Ends and Executive

Limitations policies, the City Manager is authorized to establish all further policies, make all decisions, take all actions, establish all practices, and develop all activities.

Amended Governance Policy 2.3, Council-Staff Linkage, Monitoring Executive Performance;

2.3 Council-Staff Linkage, Monitoring Executive Performance.

Monitoring executive performance is synonymous with monitoring organizational performance against Council policies on Ends and on Executive Limitations. Any evaluation of the City Manager's performance, formal or informal, ~~may shall~~ be ~~derived only from~~ measured against these monitoring data expectations. This policy places the burden of measuring ~~success~~ performance on two ~~pivotal points~~ primary considerations: well-defined Ends and Executive Limitation policies, and reasonably accurate measurements. Without well-defined policies and ~~accurate measurements~~ reasonably accurate performance metrics, the ~~point effectiveness~~ of monitoring performance is ~~lost compromised~~. ~~The Council recognizes the need to insulate the City Manager's role from performance reviews that rate personality rather than performance.~~

~~4. During the first quarter of each year~~ At a minimum annually, the Council will institute a formal evaluation of the City Manager. This evaluation will consider only monitoring data as defined here, as it has appeared over the intervening year.

**D. Action on Resolution No. 41-14, a Resolution authorizing the City Manager to sign a Wine Operating Agreement Renewal for Skinner's Pub, Greg and Shari Thornes, owners, 300 Main Avenue.**

Resolution No. 41-14 - Skinner's Pub – 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 Greg and Shari Thornes, owners, Skinner's Pub, 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 300 Main Avenue, also known as Skinner's Pub.

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.

**E. Action on Resolution No. 42-14, a Resolution authorizing the City manager to sign a Liquor Operating Agreement Renewal for Skinner's Pub, Greg and Shari Thornes, owners, 300 Main Avenue.**

Resolution No. 42-14 - Skinner's Pub – Liquor 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 Greg and Shari Thornes, owners, Skinner's Pub, 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 300 Main Avenue, also known as Skinner's Pub.

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 ten (10) years.

**F. Action on City Council member ex-officio appointments:** Brookings Municipal Utility Board: Council Members Niemeyer & Hansen; Brookings Health Systems Board: Council Members Kubal & Corbett.

**G. Action on an appointment to the Park & Recreation Board:** Maddy Reed as High School Student Representative (term 5/1/2014-5/1/2015).

**H. Action on Resolution No. 43-14, a Resolution authorizing the Brookings Summer Arts Festival Committee to have exclusive use of Pioneer Park.**

Resolution No. 43-14 - A Resolution Authorizing the Brookings Summer Arts Festival Committee to have Exclusive Use of Pioneer Park

Whereas, the Brookings Summer Arts Festival will be held in Pioneer Park on July 12-13, 2014, and

Whereas, the Summer Arts Festival Committee has requested the exclusive use and control of Pioneer Park and its facilities for said festival, plus additional days for preparation and takedown, and

Whereas, the Summer Arts Festival Committee will provide evidence of liability insurance coverage including the City of Brookings as named insured, and

Whereas, the Summer Arts Festival Committee has agreed to accept responsibility for the conduct of the Summer Festival on said premises, now therefore,

Be It Hereby Resolved that the use of Pioneer Park and its facilities as a public park shall terminate for the period of July 9 through July 14, 2014.

Be It Further Resolved, that the City Council does hereby grant the exclusive use of Pioneer Park and its facilities during the Brookings Summer Arts Festival to the Summer Arts Festival Committee.

Further, It Is Resolved, that the Summer Arts Festival Committee shall be responsible for maintaining said facilities and cleaning them and returning them to the City of Brookings in good condition following the festival.

All present voted yes; motion carried.

### **Mayoral Proclamation for Historic Preservation Month.**

**I,TOO,AM SDSTATE Report.** #itooamsdstate is movement that brings awareness to micro aggression. Micro aggression happens when people interact with someone who is different from them, whether it is through, race, cultures, gender types, sexuality, or etc. They can be in a form of a sentence or question that person being asked could interpret as ignorant and/or rude. The group hopes this movement will help students of SDSU be able to come together as a more inclusive collaborative and diverse student body.

**Resolution No. 44-14.** A motion was made by Niemeyer, seconded by Kubal, to approve Resolution No. 44-14, a Resolution awarding a contract for one new Self-Propelled Ice Resurfacer. All present voted yes; motion carried.

Resolution No. 44-14 - Resolution Awarding a Contractor for Purchase of One New Self-Propelled Ice Resurfacer for the Brookings Parks, Recreation and Forestry Dept.  
(Larson Ice Center)

Whereas, the City of Brookings held a bid letting at 1:30 p.m. on Tuesday, April 1, 2014 and the City did not receive any bids; and subsequently

Whereas, the City of Brookings has sought and received the following quote for One New Self-Propelled Ice Resurfacer following the bid specifications (including delivery): Zamboni, Inc., out of Paramount, CA; base price of \$93,322.00; Priced Options of \$4,691.75; Trade-in on 1978 Zamboni Ice Resurfacer of \$6,000; Final Quote Price of \$92,013.75.

Now Therefore, Be it Resolved that the quote from Frank Zamboni & Co., Inc. of Paramount, CA in the amount of \$92,013.75 be accepted.

The capital budget for this expenditure is \$110,000.00.

**Resolution No. 45-14.** A motion was made by Corbett, seconded by Kubal, to approve Resolution No. 45-14, a Resolution awarding a contract for the 2014-08STI Street Maintenance and Overlay Project. All present voted yes; motion carried.

Resolution No. 45-14 - Resolution Awarding Bids on Project 2014-08STI  
Street Maintenance and Overlay Project

Whereas, the City of Brookings opened bids for Project 2014-08STI Street Maintenance and Overlay Project on Tuesday, May 6, 2014 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bid for Project 2014-08STI Street Maintenance and Overlay project: Bowes Construction Co., Inc., Brookings, SD: \$785,640.00.

Now Therefore, Be It Resolved that the total low bid of \$785,640.00 for Bowes Construction Co., Inc., Brookings, SD be accepted.

**Resolution No. 46-14.** A motion was made by Corbett, seconded by Thorpe, to approve Resolution No. 46-14, a Resolution authorizing Change Order No. 1 (CCO#1 Final) for the Swiftel Center Fall Protection System. All present voted yes; motion carried.

Resolution No. 46-14 - Resolution authorizing Change Order No. 1 (CCO#1 Final) for the

Fall Protection System at the Swiftel Center

Be It Resolved by the City Council that the following Change Order be allowed for the Fall Protection System at the Swiftel Center: Construction Change Order Number 1 (Final): Adjust the contract for additional work to add additional safety lines and to include sales tax in the bid cost for a total increase of \$12,678.32 to the contract and extend the contract completion date by 32 calendar days to close out the project.

**Council Topics for future discussion.**

**Adjourn.** A motion was made by Corbett, seconded by Hansen, to adjourn. All present voted yes; motion carried. Meeting adjourned 6:29 p.m.

CITY OF BROOKINGS

\_\_\_\_\_  
Tim Reed, Mayor

ATTEST:

\_\_\_\_\_  
Shari Thornes, City Clerk