

**Brookings City Council**  
**August 26, 2014**

The Brookings City Council held a meeting on Tuesday, August 26, 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, Tom Bezdichek and Jael Thorpe. 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.** The Student Association Report was added to the agenda. A motion was made by Niemeyer, seconded by Hansen, to approve the consent agenda.

**A. Action to approve the agenda.**

**B. Action to approve the August 12 Council Minutes.**

**C. Action on Resolution No. 61-14, a Resolution authorizing Closeout on Dakota Nature Park, Phase V (Trail & Parking Lot Paving); Clark Drew Construction, Inc.**

Resolution No. 61-14 - A Resolution authorizing Closeout on Dakota Nature Park, Phase V (Trail & Parking Lot Paving); Clark Drew Construction, Inc.

Be It Resolved by the City Council that the following be allowed for Phase V Construction with Clark Drew Construction, Inc: Construction Closeout on Phase V Construction at Dakota Nature Park. There are no further adjusted bid quantities for this phase of the project.

**D. Action on Resolution No. 62-14, a Resolution authorizing Closeout on Dakota Nature Park, Phase V (Trail & Parking Lot Paving); Bowes Construction, Inc.**

Resolution No. 62-14 - A Resolution authorizing Closeout on Dakota Nature Park, Phase V (Trail & Parking Lot Paving); Bowes Construction, Inc.

Be It Resolved by the City Council that the following be allowed for Phase V Construction with Bowes Construction, Inc: Construction Closeout on Phase V Construction at Dakota Nature Park. There are no further adjusted bid quantities for this phase of the project.

**E. Action on Resolution No. 63-14, a Resolution authorizing Change Order No. 3 for Dakota Nature Park Trail Amenities, Phase VI; Clark Drew Construction, Inc.**

Resolution No. 63-14 - A Resolution authorizing Change Order No. 3 for Dakota Nature Park Trail 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. 3. Clark Drew Construction.

This Change Order extends the contractor's substantial completion date from July 1 to July 15 due to extreme weather, which inhibited the substantial completion by the original contract date.

There will be a total addition/subtraction of \$0.00

Contract history: Original Contract Substantial Completion Date of July 1, 2014; New Contract Substantial Completion Date of July 15, 2014. Original Contract Price: \$357,250.00. Monetary Change Orders: \$2,288.00. Final Contract Price: \$359,538.00.

**F. Action on Resolution No. 64-14, a Resolution authorizing Closeout on Dakota Nature Park, Phase VI (Trail Amenities); Clark Drew Construction, Inc.**

Resolution No. 64-14 - A Resolution authorizing Closeout on Dakota Nature Park, Phase VI (Trail Amenities); Clark Drew Construction, Inc.

Be It Resolved by the City Council that the following be allowed for Phase V Construction with Clark Drew Construction, Inc: Construction Closeout on Phase VI Construction at Dakota Nature Park. There are no further adjusted bid quantities for this phase of the project.

**G. Action on Resolution No. 65-14, a Resolution authorizing Closeout on Construction of the Bob Shelden Concession and Restrooms; Rangel Construction, Inc.**

Resolution No. 65-14 - A Resolution authorizing Closeout on Construction of the Construction of the Bob Shelden Concession and Restrooms; Rangel Construction, Inc.

Be It Resolved by the City Council that the following be allowed for the Construction of the Bob Shelden Concession and Restrooms by Rangel Construction, Inc: Construction Closeout on Bob Shelden Concession and Restrooms, Rangel Construction, Inc. There are no further adjusted bid quantities for this phase of the project.

**H. Action on Resolution No. 66-14, a Resolution amending the City of Brookings Equal Opportunity Statement.**

Resolution No. 66-14 - Equal Opportunity Policy Statement

It is the fundamental policy of the City of Brookings to provide equal opportunity for all residents, applicants and employees as it pertains to provision of services and employment opportunities in order to ensure that there will be no discrimination against any person on the basis of race, creed, color, religion, sex, age, national origin, citizenship status, sexual orientation, gender identity and expression, political affiliation, genetic predisposition or carrier status, disability, marital or veteran status, or any other basis prohibited by state or federal law.

**I. Action on Resolution No. 67-14, a Resolution authorizing the Mayor to Sign an Agreement between the Department of Transportation and the City of Brookings for Project P 0014(204)421 PCN 04TV, Sunrise Ridge Road, Brookings, SD.**

Resolution No. 67-14 - A Resolution authorizing the Mayor to sign an Agreement between the Department of Transportation and the City of Brookings for Project P 0014(204)421 PCN 04TV; Sunrise Ridge Road, Brookings, SD

Whereas, the Brookings City Council desires the construction improvement of Sunrise Ridge Road from 6<sup>th</sup> Street to 25<sup>th</sup> Avenue in Brookings, SD; and

Whereas, the City of Brookings desires the SDDOT to negotiate and acquire property for highway purposes for construction of Project P 0014(204)421 PCN 04TV; and

Whereas, the City of Brookings is obligated and hereby agrees to the provisions outlined in the Agreement between the Department of Transportation and the City of Brookings.

Now, Therefore Be It Resolved, that the Mayor is hereby authorized to sign the Agreement between the Department of Transportation and the City of Brookings for Project Number P 0014(204)421 PCN 04TV.

**J. Action on Resolution No. 68-14, a Resolution authorizing the Mayor to Sign Documents for Federal Aid Surface Transportation Program P3313(13) PCN 03WP, Main Avenue South from 8<sup>th</sup> Street S. to 20<sup>th</sup> Street S., Brookings, SD.**

Resolution No. 68-14 - A Resolution authorizing the Mayor to Sign Documents for Federal Aid Surface Transportation Program P3313(13) PCN 03WP, Main Avenue South from 8<sup>th</sup> Street S. to 20<sup>th</sup> Street S., Brookings, SD

Whereas, the Brookings City Council desires the construction improvement of Main Avenue South from 8<sup>th</sup> Street South and 20<sup>th</sup> Street South; and

Whereas, the City of Brookings is obligated and hereby agrees to provide proper maintenance as required by the Federal Highway Act as amended and supplemented thereto for the project after construction is completed and to regulate or cause to be regulated the installation of utility facilities within the limits of the right of way of the proposed project in accordance with State and Federal requirements; and

Whereas, the City of Brookings is obligated and hereby agrees to reimburse the State for all costs not reimbursable with Surface Transportation Program (STP) Funds and associated State matching funds.

Now, Therefore Be It Resolved, that the Mayor is hereby authorized to sign the Urban Surface Transportation Program Funding Agreement between the Department of Transportation and City of Brookings for Letting and Construction of Project P3313(13) PCN 03WP.

**K. Action on Resolution No. 69-14, a Resolution authorizing Change Order No. 4A (CCO#4A) for Brookings Airport Runway Re-Alignment Project (Phase IA), AIP #3-46-0005-025-2012; Loiseau Construction, Inc.**

Resolution No. 69-14 - A Resolution authorizing Change Order No. 4A (CCO#4A) for Brookings Airport Runway Re-Alignment Project (Phase IA), AIP #3-46-0005-025-2012; Loiseau Construction, Inc.

Be It Resolved by the City Council that the following Change Order be allowed for Brookings Airport Runway Re-Alignment Project (Phase IA), AIP #3-46-0005-025-2012, Construction Change Order Number 4A:

Adjust bid quantities to as-constructed quantities at the associated unit bid prices for a total decrease of \$7,598.55 to the contract.

Adjust contract time by 213 calendar days to extend completion date to August 15, 2014.

All present voted yes; motion carried.

**Resolution No. 70-14.** A motion was made by Niemeyer, seconded by Corbett, to approve Resolution No. 70-14, a Resolution authorizing Change Order No. 1 Final (CCO#1 Final) for 2014-06STI Chip Seal Project; Topkote, Inc. All present voted yes; motion carried.

Resolution No. 70-14 - A Resolution authorizing Change Order No. 1 Final (CCO#1 Final) for 2014-06STI Chip Seal Project; Topkote, Inc.

Be It Resolved by the City Council that the following Change Order be allowed for 2014-06STI, Chip Seal Project, Topkote, Inc.: Adjust the contract to as-built quantities for a total increase of \$6,036.90 to close out the project.

**Brookings Health Systems Quarterly Financial Report.** Representatives of Brookings Health Systems provided the City Council and public with a financial report and update on current and pending issues.

**Resolution No. 71-14.** A motion was made by Corbett, seconded by Niemeyer, to approve Resolution No. 71-14, a Resolution authorizing Change Order No. 8 (CCO#8) for Brookings Airport Runway Re-Alignment Project (Phase I), AIP #3-46-0005-025-2012; Loiseau Construction, Inc. All present voted yes; motion carried.

Resolution No. 71-14 - A Resolution authorizing Change Order No. 8 (CCO#8) for Brookings Airport Runway Re-Alignment Project (Phase I), AIP #3-46-0005-025-2012; Loiseau Construction, Inc.

Be It Resolved by the City Council that the following Change Order be allowed for Brookings Airport Runway Re-Alignment Project (Phase I), AIP #3-46-0005-025-2012, Construction Change Order Number 8:

Adjust plan quantities to as-constructed quantities for a total increase of \$8,133.60 to the current contract price.

Adjust contract time by 213 calendar days to extend completion date to August 15, 2014.

**Resolution No. 72-14.** A motion was made by Thorpe, seconded by Niemeyer, to approve Resolution No. 72-14, a Resolution authorizing Change Order No. 1 (CCO#1) for 2014-02STI, Main Avenue South and 26<sup>th</sup> Street South Assessment Project; Bowes Construction, Inc. Public

comment: Tim Burns spoke against the resolution. A motion was made by Corbett, seconded by Bezdichek, to amend Resolution No. 72-14 by removing Schedule B. Public comment: Josh Reisetter objected to the process. All present voted yes; motion carried. On the original Resolution, as amended, all present voted yes; motion carried.

**Resolution No. 72-14 - Resolution Authorizing Change Order No. I (CCO#I) for  
2014-02STI, Main Avenue South and 26<sup>th</sup> Street South Assessment Project;  
Bowes Construction Inc.**

Be It Resolved by the City Council that the following change order be allowed for 2014-02STI, Main Avenue South and 26<sup>th</sup> Street South Assessment Project:

Construction Change Order Number 1:

Schedule A: Adjust the contract for extra silt fence removal, a change in type of sanitary sewer pipe for the areas where the depths of sanitary sewer exceeded 20 feet (this will be paid by BMU), the addition of crushed concrete material that was mixed in with the utility trench material due to high moisture levels in the subgrade, removal of unsuitable soils and the use of additional engineered fill in the lift station area, additional signage for the detour, Taylor fireworks, and blinking lights at the temporary stop signs, and a deduct for a change in the curb in gutter from an 8 inch gutter section to a 6 inch gutter section for a total increase of \$43,396.26 to the contract for Schedule A.

Increase the contract completion date by ten working days.

**FIRST READING – Ordinance 20-14.** First reading was held on Ordinance No. 20-14: An Ordinance revising Division 3 of Chapter 82 of the Code of Ordinances of the City of Brookings and Pertaining to Speed Zones in the City of Brookings, South Dakota. Public Hearing: September 9, 2014.

**FIRST READING – Ordinance 21-14.** First reading was held on Ordinance No. 21-14: An Ordinance rezoning Lots 9A, 10A, 11A, and 12A, Block 2, Sanderson’s Addition from a Residence R-2 District to a Planned Development District PDD (6<sup>th</sup> Street and 13<sup>th</sup> Avenue). Public Hearing: September 9, 2014.

**Ordinance No. 16-14.** A public hearing was held on Ordinance No. 16-14, an Ordinance amending Chapter 94, Zoning, pertaining to the Brookings Regional Airport Overlay District. No public comment was received. A motion was made by Corbett, seconded by Hansen, to approve Ordinance No. 16-14. All present voted yes; motion carried.

**Ordinance No. 17-14.** A public hearing was held on Ordinance No. 17-14, an Ordinance rezoning the following legal description noted below from Agricultural A and Industrial I-2 District to the Airport AP District (Legal description: Outlot Z in the SW ¼ of the NW ¼, and the W ½ of the SW ¼, excluding Anderson’s Addition, in Section 26-T110N-R50W; Airport First

Addition, Lot A of Lot 1, Christensen Addition, and Lot 3, Block 2, and Blocks 3, 4, and 5, Grossman Heights Addition, all in the E ½ of the SW ¼ of Section 26-T110N-R50W; Airport Fourth Addition, and Lots 1, 2, and the N ½ of Lot 3 in the NW ¼ of Section 35-T110N-R50W; the SE ¼ of Section 27-T110N-R50W, excluding Weiland Addition; the NE ¼ of Section 27-T110N-R50W excluding the Canadian Pacific Railroad R.O.W., land lying northeasterly of the Canadian Pacific Railroad R.O.W., and Blocks 1, 2, and 3, and lots 1 and 2, Block 4, Rainbow Addition; the NW ¼ of Section 27-T110N-R50W, excluding Sublot B-2 and the Canadian Pacific Railroad R.O.W.; the E ½ of the SW ¼ of Section 27-T110N-R50W; Outlot 1A, Outlot 2, and Tract 2A of James Addition, in the NE ¼ of Section 28-T110N-R50W; and the Airport Third Addition in the SW ¼ of Section 22-T110N-R50W). No public comment was received. A motion was made by Kubal, seconded by Niemeyer, to approve Ordinance No. 17-14. All present voted yes; motion carried.

**Preliminary Plat.** A motion was made by Hansen, seconded by Niemeyer, to approve a revised Preliminary Plat of the Christie Heights Addition. Public comment: Tim Burns responded to questions. All present voted yes; motion carried.

**2015 Proposed Budget.** The Council continued its review of the proposed 2015 City of Brookings Budget.

*Retail Fund:* A motion was made by Thorpe, seconded by Corbett, to make available a one-time \$50,000 funding allocation from the Liquor or General Fund reserves for a retail downtown acceleration grant program. BEDC is asked to bring program specifics to Council for approval before program is started. Bezdichek, Niemeyer, and Kubal voted no; Thorpe, Reed, Hansen and Corbett voted yes; motion carried.

*Boys and Girls Club:* A motion was made by Reed, seconded by Hansen, to fund the Boys and Girls Club \$100,000 per year for the next five years from the second penny 75% funds. Discussion: City Manager Weldon restated his staff recommendation to fund the BGC at \$100,000 over two years at \$50,000 for each year 2015 and 2016. All present voted yes; motion carried.

*Domestic Abuse Shelter:* A motion was made by Thorpe, seconded by Bezdichek, to allocate \$5,000 to the Brookings Domestic Abuse Shelter for 2015. Thorpe and Kubal voted yes; all others voted no; motion failed.

*Brookings Activity Center:* Representatives of the Brookings Activity Center requested funding for a part-time position. The Center had not submitted an application. No action was taken on this request.

*BISA:* A motion was made by Bezdichek, seconded by Hansen, to allocate \$4,000 to BISA. Bezdichek and Kubal voted yes; all others voted no; motion failed.

*Humane Society:* A motion was made by Bezdichek, seconded by Kubal, to allocate \$10,000 to the Brookings Humane Society. Hansen, Reed and Thorpe voted no; Bezdichek, Corbett, Kubal, and Niemeyer voted yes; motion carried. The Mayor suggested funding come from the contingency fund.

Weldon presented a request from the Brookings County Commission asking an exchange of funding. Whatever the Council approves for East Central Mental Health, the Council would fund in exchange for their contribution to the Brookings Public Library.

A motion was made by Niemeyer, seconded by Kubal, to agree with the Brookings County Commission's offer to fund \$7,500 awarded to East Central Mental Health in exchange for corresponding reduction for their service contract agreement for the public library of \$7,500. All present voted yes; motion carried.

**Adjourn.** A motion was made by Kubal, seconded by Corbett, to adjourn. All present voted yes; motion carried. Meeting adjourned at 8:16 p.m.

CITY OF BROOKINGS

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

ATTEST:

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