

**Brookings City Council
September 23, 2014**

The Brookings City Council held a meeting on Tuesday, September 23, 2014 at 6:00 p.m., at City Hall with the following members present: Council Members Keith Corbett, Dan Hansen, Ope Niemeyer, Tom Bezdichek and Jael Thorpe. Mayor Tim Reed and John Kubal were 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 Hansen, seconded by Bezdichek, to approve the consent agenda.

- A. Action to approve the agenda.**
- B. Action to approve the September 9 Council Minutes.**
- C. Action on Resolution No. 74-14, a Resolution gifting surplus equipment to the Brookings Arts Council.**

Resolution No. 74-14 - Gifting Surplus Equipment to the Brookings Arts Council

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the Swiftel Center and Public Library: easels, and an LCD Projector.

Whereas, it is the desire of the City of Brookings to gift same as surplus property to the Brookings Arts Council.

Now, Therefore, Be It Resolved by the governing body of the City of Brookings, South Dakota, that this property be declared surplus property and gifted to the Brookings Arts Council according to SDCL Chapter 6-5-2.

- D. Action on Resolution 75-14, a Resolution authorizing Closeout on Dakota Nature Park, Phase II (Nature Center Building); Clark Drew Construction, Inc.**

Resolution No. 75-14 - A Resolution authorizing Closeout on Dakota Nature Park, Phase II (Nature Center Building); Clark Drew Construction, Inc.

Be It Resolved by the City Council that the following be allowed for Phase II Construction with Clark Drew Construction, Inc:

Construction Closeout on Phase II Construction at Dakota Nature Park.

There are no further adjusted bid quantities for this phase of the project.

- E. Action on Resolution No. 76-14, a Resolution authorizing the selling of One Used Bunker Rake to the City of Volga.**

Resolution No. 76-14 - A Resolution authorizing the Selling of One Used Bunker Rake to the City of Volga

Be It Resolved by the City Council that pursuant to State laws and City ordinances regarding the selling and gifting of equipment between municipalities and government entities the following be allowed between the City of Brookings and the City of Volga:

The City of Brookings will sell to the City of Volga one (1) used bunker rake for the price of \$300.

F. Action on Resolution No. 77-14, a Resolution concurring in the Placement of a 4-Way Stop Sign at the Intersection of 17th Avenue South and 15th Street South.

Resolution No. 77-14 - Concurring in the Placement of 4-Way Stop Signs at the Intersection of 17th Avenue South and 15th Street South

Whereas, Section 82-373 of the Revised Ordinance of the City of Brookings, provides for approval by the City Council for placement of stop signs in locations other than along through streets.

Now, Therefore, Be It Resolved that the City Council concurs in the recommendation of the Traffic Safety Committee, HDR Inc., and the City Manager, and approves the placement of 4-way stop signs at the intersection of 17th Avenue South and 15th Street South.

All present voted yes; motion carried.

South Main Project. Doc Knaus expressed concern regarding the duration of the South Main Project. Weldon said it's scheduled for completion on November 10.

Resolution No. 78-14. A motion was made by Niemeyer, seconded by Hansen, to approve Resolution No. 78-14, a Resolution awarding snow removal bids. All present voted yes; motion carried.

Resolution No. 78-14 - Resolution Awarding Snow Removal Equipment Contracts

Whereas, the City of Brookings opened bids for Snow Removal Equipment on Tuesday, September 9, 2014 at 1:30 pm at Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for Snow Removal Equipment: Three Motorgraders with Wings: VJ Ahlers Excavating Inc, Champion 730A, \$150.00/hr.; Bowes Construction Inc, 140G CAT, \$155.00/hr.; Bowes Construction Inc, 140H CAT, \$160.00/hr. One 3-6 Yard Loader: VJ Ahlers Excavating Inc, JD624J, \$150.00/hr.; Bowes Construction Inc, 966 CAT, \$220.00/hr.; Winter Inc., JD624, \$149.00/hr. Two Loaders with Reversible Blades: Bowes Construction Inc, 950 CAT, \$180.00/hr.; Concrete Contractors, Inc., two (2) WA 250's, \$185.00/hr. each; Prunty Construction Co Inc, JD624H, \$185.00/hr. Eight End-Dump Trucks: VJ Ahlers Excavating Inc., #2, \$125.00/hr., #5, \$110.00/hr.; Prunty Construction Co., #28, \$107.50/hr.; Prussman Contracting Inc., #19, #20, and #22, \$125.00/hr. each, #21, \$122.50/hr., #23, \$117.00/hr.; Bowes Construction Co, two (2) end dump trucks, \$125.00/hr. each, and two (2) side dump trucks, \$175.00/hr. each; Winter Inc, #11, \$119.00/hr.

Now Therefore, Be It Resolved the following bids be accepted: Three Motorgraders with Wings: VJ Ahlers Excavating Inc, Champion 730A, \$150.00/hr.; Bowes Construction Inc, 140G CAT, \$155.00/hr.; Bowes Construction Inc, 140H CAT, \$160.00/hr. One 3-6 Yard Loader: VJ Ahlers Excavating Inc, JD624J, \$150.00/hr. Four (instead of two) Loaders with Reversible Blades: *Four (4) are requested in order to provide better snow removal service for alleys and cul de sacs.* Bowes Construction Inc, 950 CAT, \$180.00/hr.; Concrete Contractors, Inc., two (2) WA 250's, \$185.00/hr. each; Prunty Construction Co Inc, JD624H, \$185.00/hr. Eight End-Dump Trucks: VJ Ahlers Excavating Inc., #2, \$125.00/hr., #5, \$110.00/hr.; Prunty Construction Co., #28, \$107.50/hr.; Prussman Contracting Inc., #19, #20, and #22, \$125.00/hr. each; Bowes Construction Co, two (2) end dump trucks, \$125.00/hr. each.

First Reading – Ordinance No. 23-14. First reading was held on Ordinance No. 23-14, an Ordinance rezoning the South 748 feet of the west 569 feet, except the platted areas thereof, in the SW ¼ of the NE ¼ of Section 1-T109N-R50W from an Agricultural A and Residence R-1B District to a Residence R-2 District (24th St. So. and 17th Ave. So.). Public hearing: October 14, 2014.

Resolution No. 79-14. A public hearing was held on Resolution No. 79-14, a Resolution on a petition for annexation of the north 35 feet of the SW ¼ of Section 2-T109N-R50W, excluding the east 1,309.59 feet thereof. No public comments. A motion was made by Hansen, seconded by Niemeyer, to approve Resolution No. 79-14. All present voted yes; motion carried.

Resolution No. 79-14 - Resolution Annexing the North 35 feet of the SW ¼ of Section 2-T109N-R50W, excluding the East 1309.59 feet thereof.

Whereas, the City of Brookings is authorized pursuant to South Dakota Codified Law 9-4-1 to annex contiguous territory upon receipt of a written petition, describing said territory sought to be annexed, signed by not less than three-fourths (3/4) of the legal voters and by the owner or owners of not less than three-fourths (3/4) of the value of said territory, and

Whereas, the City of Brookings desires to annex the following described property, to wit: the North 35 feet of the SW ¼ of Section 2-T109N-R50W, excluding the East 1,309.59 feet thereof.

Whereas, the aforesaid land is contiguous to the present boundaries of the City of Brookings, and

Whereas, the City of Brookings has received a Petition For Annexation of Territory signed by the owners of greater than three-fourths (3/4) of the value of the aforesaid property and there being no legal voters residing in said territory, now therefore,

Be It Resolved by the City of Brookings, South Dakota, that the property described above is hereby annexed to the City of Brookings.

Resolution No. 81-14. A public hearing was held on Resolution No. 81-14, a Resolution authorizing the City Manager to sign an amended operating agreement for Sully's, 421 Main Ave., Brennan and Lori Sullivan, to expand their legal description to include Lots 12-13, Block 6, Original Plat Addition (vacant lot to the north). No public comments. A motion was made by Niemeyer, seconded by Hansen, to approve Resolution No. 81-14. A motion was made by Hansen, seconded by Niemeyer, to amend the agreement to review the legal description in one year. All present voted yes; motion carried. On the main motion, as amended, all present voted yes; motion carried.

Resolution No. 81-14 - Sully's Irish Pub – Amended Liquor Operating Agreement

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves an amended Operating Agreement for the Operating Liquor Management Agreement between the City of Brookings and Brennan and Lori Sullivan, owners, Sully's Irish 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 421 Main Avenue, also known as Sully's Irish Pub, legal description: Lots 11, 12, and 13, Block 6, Original Plat Addition.

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 10 years.

Resolution No. 80-14. A public hearing was held on Resolution No. 80-14, a Resolution authorizing the acquisition of real estate. Public hearing: Josh Reisetter and Tim Burns raised concerns and spoke in opposition to the action. A motion was made by Thorpe, seconded by Niemeyer, to approve Resolution No. 80-14. All present voted yes; motion carried.

Resolution No. 80-14 - Resolution Authorizing the Acquisition of Real Estate

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 for storm drainage purposes, the City of Brookings desires to purchase the site of Access Storage from Access Holdings, L.L.C., described as follows: The South Forty Feet (S 40') of the West Seventy-Five Feet (W 75') of Lot "A" and Lot "B," all in Lot Five (5) of Block Four (4) of Bidco Addition to the City of Brookings, County of Brookings, State of South Dakota; and

Whereas, the above-described real property has been offered for sale to the City of Brookings by Access Holdings, L.L.C. for the purchase price of \$635,000.00 Dollars; and

Whereas, the City of Brookings has determined the above-described property will provide a suitable location for drainage facilities in the City of Brookings.

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

- A. That the City of Brookings acquire title to the above-described real property from Access Holdings, L.L.C. for the purposes of development of additional storm drainage facilities in the City of Brookings, South Dakota; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute a Real Estate Purchase Agreement and other required documents in accordance with this Resolution.

Ordinance No. 20-14. A public hearing was held on Ordinance No. 22-14, an Ordinance appropriating monies to fund the necessary expenditures and liabilities of the City of Brookings for the 2015 Fiscal Year and providing for the Annual Tax Levy and Annual Tax for All Funds. A motion was made by Hansen, seconded by Niemeyer, to approve Ordinance No. 22-14. All present voted yes; motion carried.

Adjourn. A motion was made by Hansen, seconded by Corbett, to adjourn. All present voted yes; motion carried. Meeting adjourned at 7:02 p.m.

CITY OF BROOKINGS

Tim Reed, Mayor

ATTEST:

Shari Thornes, City Clerk