

**Brookings City Council**  
**November 25, 2014**

The Brookings City Council held a meeting on Tuesday, November 25, 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 Bezdichok, and Jael Thorpe. City Attorney Steve Britzman, City Manager Jeffrey Weldon, and City Clerk Shari Thornes were also present.

**Consent Agenda:** Item #8A Public Hearing and Action on Ordinance 14-026 was removed from the agenda. A motion was made by Council Member Hansen, seconded by Council Member Corbett, that the Consent Agenda be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichok, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

**3.A. Action to approve the agenda as amended.**

**3.B. Action to approve the October 28 and November 4 City Council Minutes.**

**3.C. Action on Resolution 14-096, a Resolution declaring Recreation Equipment Surplus for Donation to Helping Kids Round First Base Charity.**

Resolution 14-096 - Resolution Declaring Recreation Equipment Surplus for Donation to  
Helping Kids Round First Base

Whereas, the Brookings Parks, Recreation & Forestry Department has a surplus of recreation equipment which it no longer uses for City programming due to the age and condition of the equipment; and

Whereas, the charity Helping Kids Round First Base could use the surplus equipment listed below for their work in Nicaragua: Base runners helmets, quantity: 15; Gloves, quantity: 1; Catcher's mitts, quantity: 4; Catcher's helmet, quantity: 6; Softballs, quantity: 48; Catcher's mask, quantity: 11; Chest protectors, quantity: 18.

Now, Therefore Let It Be Resolved by the City Council that the equipment described above be declared surplus by the City of Brookings, South Dakota, and the Brookings Parks, Recreation and Forestry Department donate this equipment to the charity Helping Kids Round First Base in accordance with this Resolution.

**3.D. Action on Resolution 14-097, a Resolution establishing 2015 Dental Insurance Monthly Contribution Rates for City of Brookings Dental Insurance Plan.**

Resolution No. 14-097 - Establishing Dental Insurance Monthly Contribution Rates for  
the City of Brookings Dental Insurance Plan

Whereas, Be It Resolved, that the 2015 employee and employer contributions for the dental insurance plan be established as follows:

City General & Public Safety Employees:

Employer's Share of Single Rate: Employee Only \$30.53, Employee/Spouse \$30.53,

Employee/Child(ren) \$30.53, Family \$30.53

Employee's Share: Employee Only \$10.17, Employee/Spouse \$47.63,  
Employee/Child(ren) \$49.81, Family \$78.35.

Total: Employee Only \$40.70, Employee/Spouse \$78.16, Employee/Child(ren) \$80.34,  
Family \$108.88.

**3.E. Action on Resolution 14-099, a Resolution authorizing the City Manager to sign a Liquor Operating Agreement Renewal for Jim's Tap, Don Urquhart and Mary VandeCrommert, owners, 309 Main Avenue.**

Resolution No. 14-099 - Jim's Tap – 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 Don Urquhart and Mary VandeCrommert, owners, Jim's Tap, 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 309 Main Avenue, also known as Jim's Tap.

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.

**3.F. Action on appointments to the Swiftel Center Advisory Board and the Sustainability Council.**

Sustainability Council Appointment: Stephanie Aure (term expires 1/1/2016); Swiftel Center Advisory Board Appointment: Jeff Holm (term expires 1/1/2017)

**3.G. Action on Resolution 14-101, a Resolution declaring SCBA surplus property.**

Resolution No. 14-101 - Resolution Declaring SCBA as Surplus

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings Fire Department: SCBA & Equipment to be used as trade-in on new SCBA, 41 – SCOTT SCBA packs, 55 – SCOTT SCBA facepieces, 2 – SCOTT SCBA packs for parts.

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

Whereas, the City Manager is hereby authorized to sell said surplus property; and

Whereas, the City Manager is hereby authorized to appoint three qualified appraisers to appraise the value of the 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.

**Presentation of Certificate of Achievement for Excellence in Financial Reporting.**

**Resolution 14-103.** A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that Resolution 14-103, a Resolution authorizing Change Order No. 1 for 2014-04SSI, Derdall Drainage Improvement Project; Rounds Construction Company, Inc. be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichok, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution No. 14-103 - Resolution Authorizing Change Order No. 1 for 2014-04SSI, Derdall Drainage Improvement Project; Rounds Construction Company, Inc.

Be It Resolved by the City Council that the following change order be allowed for 2014-04SSI, Derdall Drainage Improvement Project:

Construction Change Order Number 1: Adjust contract for the removal of one additional tree and the addition of a curb to the valley gutter for a total increase of \$700.00 to the contract.

**Resolution 14-100.** A motion was made by Council Member Corbett, seconded by Council Member Kubal, that Resolution 14-100, a Resolution Awarding Bids on 2015-2016 Custodial Services for Public Safety Center, Brookings Library and Research and Technology Center be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichok, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution No. 14-100 - Resolution Awarding Bids on 2015-2016 Custodial Services for Public Safety Center, Brookings Library and Research and Technology Center

Whereas, the City of Brookings opened bids for 2015-2016 Custodial Services for Public Safety Center, Brookings Library and Research and Technology Center on Tuesday, November 18, 2014 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bids for 2015-2016 Custodial Services: Public Safety Center: J & T Cleaning - \$1,100/month or \$13,200/year, Johnson Pro Clean - \$1,200/month or \$14,400/year, and ISS Facility Services - \$2,100.00/month or \$25,200/year; Public Library: J & T Cleaning - \$1,500/month or \$18,000/year, ISS Facility Services - \$1,875.00/month or \$22,500/year, and Johnson Pro Clean - \$3,000/month or \$36,000/year; and Research and Technology Center: J & T Cleaning - \$595.00/month or \$7,140/year, Johnson Pro Clean - \$600.00/month or \$7,200/year, and ISS Facility Services - \$695.00/month or \$8,340.00/year.

Now Therefore, Be It Resolved that the low bids of J & T Cleaning for the Public Safety Center of \$1,100/month or \$13,200/year, the Public Library for \$1,500/month or

\$1,800/year and the Research and Technology Center of \$595/month or \$7,140/year be accepted.

**Resolution 14-102.** A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, that Resolution 14-102, a Resolution to Award Bids for Police Vehicles be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution No. 14-102 - Resolution Awarding Bids for Police Vehicles

Whereas, the City of Brookings opened bids for Police Vehicles on Tuesday, November 18, 2014 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bids for Police Vehicles: Einspahr Auto Plaza: \$28,527.00 per patrol car, and Brookings Auto Mall: \$34,587.50 for an unmarked Sport Utility Vehicle (SUV).

Now Therefore, Be It Resolved that the low bid of \$28,527.00 per patrol car from Einspahr Auto Plaza be accepted and the low bid of \$34,587.50 for the unmarked SUV be rejected.

**First Reading – Ordinance 14-027.** Introduction and First Reading on Ordinance 14-027, an Ordinance to Rezone Lot B, Block 1, Hunter's Ridge Addition from a Residence R-1A District to a Residence R-1B District. Public Hearing: December 9, 2014.

**Resolution 14-098.** A motion was made by Council Member Bezdichek, seconded by Council Member Corbett, that Resolution 14-098, a Resolution authorizing the City Manager to enter into an Operating Agreement for an On-Sale Liquor License for The Lee Group, DBA Old Market Eatery & Bar, Jesse Lee, owner, 424 5th St., Brookings, SD, legal description: all of Lots 15-16-17-18, all in Block 7, Original Plat Addition (Condo Unit 201) be approved. The motion carried by the following vote: Yes: 6 - Reed, Bezdichek, Corbett, Hansen, Kubal, and Niemeyer, Abstain: 1 - Thorpe.

Resolution No. 14-098 - The Lee Group, DBA Old Market Eatery Bar  
On-Sale Liquor Operating Agreement

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement for the Operating Liquor Management Agreement for Liquor between the City of Brookings and The Lee Group, DBA Old Market Eatery Bar, 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 424 5th Street.

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 and renewal for another five (5) years.

**SDSU Request to rename select streets.** A public hearing was held on SDSU request to rename select streets near the SDSU Campus. No action was taken.

**Resolution 14-104.** A motion was made by Council Member Hansen, seconded by Council Member Corbett, that Resolution 14-104, a Resolution authorizing the Partial Release of Restrictive Covenant be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution No. 14-104 - A Resolution authorizing the Partial Release  
of Restrictive Covenant

Whereas, the City of Brookings sold real property to the Brookings Economic Development Corporation, which is described as follows: Lot One (1) of Block Five (5) in Telkamp Industrial Addition to the City of Brookings, County of Brookings, State of South Dakota; and Lot Three "C" (3C) of Block Five (5) in Telkamp Industrial Addition to the City of Brookings, County of Brookings, State of South Dakota, and

Whereas, the Deed to the above-described property included a Restrictive Covenant (covenant) which provided for several procedures to occur in the event the Brookings Economic Development Corporation did not develop the above-described property within three (3) years and a covenant pertaining to procedure in the event the Brookings Economic Development Corporation subdivides any undeveloped portions of the above-described property, and

Whereas, the Brookings Economic Development Corporation has fully developed the above-described property by constructing the Brookings Technology Commercialization Center, and therefore the property has in fact been developed and there are no undivided portions which could be sold; accordingly, the Restrictive Covenants pertaining to these circumstances are no longer needed and are appropriate for Release; and

Whereas, there is remaining a Restrictive Covenant requiring use of the above-described property in accordance with Resolution 77-13, which should continue in place, and therefore the Release described herein is a Partial Release of Restrictive Covenant on file with the Register of Deeds,

Now, Therefore, It Is Hereby Resolved by the City Council that the Partial Release of Restrictive Covenant pertaining to the Real Property described above is approved, and the Mayor, City Clerk and City Manager are authorized to execute the documents required to complete the Partial Release of the above-described Restrictive Covenant.

**Executive Session.** Executive Session, pursuant to SDCL 1-25-2, for purposes of consulting with legal counsel regarding proposed or pending contractual matters.

A motion was made by Council Member Keith Corbett, seconded by Council Member

Oepke Niemeyer, to enter into Executive Session at 7:30 p.m. with the City Manager, City Clerk, City Attorney, and Mike Struck, Community Development Director, present. All present voted yes; motion carried. A motion was made by Council Member Keith Corbett, seconded by Council Member Dan Hansen, to exit Executive Session at 7:59 p.m. All present voted yes; motion carried.

**Adjourn.** A motion was made by Council Member Corbett, seconded by Council Member Hansen, to adjourn at 8:00 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

Tim Reed, Mayor

ATTEST:

Shari Thornes, City Clerk