

**Brookings City Council**  
**February 24, 2015**

The Brookings City Council held a meeting on Tuesday, February 24, 2015 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.** First Reading of Ordinance 15-005, an ordinance amending Article V of Chapter 2 of the code of Ordinances of the City of Brookings, SD and pertaining to the Human Rights Committee of the city of Brookings was removed from the agenda. A motion was made by Council Member Hansen, seconded by Council Member Corbett, to approve the Consent Agenda, as amended. 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 on Abatement of a Drainage Fee for Parcel No. 40960-11050-224-30, otherwise known as 410 Honor Drive, Brookings in the amount of \$1,064.33.**

**Resolution 15-016.** A motion was made by Council Member Hansen, seconded by Council Member Corbett, that Resolution 15-016, a Resolution awarding the contract on Project 2015-06STI, Chip Seal Project be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichok, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution 15-016 - Resolution Awarding Bids on Project 2015-06STI  
Chip Seal Project

Whereas, the City of Brookings opened bids for Project 2015-06STI Chip Seal Project on Tuesday, February 17, 2015 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bids for Project 2015-06STI Chip Seal Project: Topkote, Inc. - \$236,896.00; The Road Guy Construction Co., Inc. - \$282,500.00; and Bituminous Paving, Inc. - \$284,050.00.

Now Therefore, Be It Resolved that the low bid of \$236,896.00 for Topkote, Inc. be accepted.

**Resolution 15-017.** A motion was made by Council Member Bezdichok, seconded by Council Member Hansen, that Resolution 15-017, a Resolution awarding the contract on Project 2015-07STI, Asphalt Concrete Freight On Board Project be approved. The motion carried by the following vote: Yes:7 - Reed, Bezdichok, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution 15-017 - Resolution Awarding Bids on Project 2015-07STI  
Asphalt Concrete Freight On Board Project

Whereas, the City of Brookings opened bids for Project 2015-07STI Asphalt Concrete Freight On Board Project on Tuesday, February 17, 2015 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bid for Project 2015-07STI Asphalt Concrete Freight on Board Project: Bowes Construction Co., Inc.: \$86,575.00.

Now Therefore, Be It Resolved that the total low bid of \$86,575.00 for Bowes Construction Co., Inc., Brookings, SD be accepted.

**Resolution 15-018.** A motion was made by Council Member Hansen, seconded by Council Member Corbett, that Resolution 15-018, a Resolution to award the contract for the purchase of a Pit Type Truck Scale be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution 15-018 - Resolution Awarding Bids for the purchase of a Pit-Type Truck Scale

Whereas, the City of Brookings has received four bids on February 10th, 2015 for one (1) Pit Type Truck Scale for the City of Brookings Landfill: Vande Berg Scales, Sioux Center, IA for a bid of \$179,324.77, with trade-in of \$3,000.00, for a total cost of \$176,324.77; Webster Scale, Webster, SD, for a bid of \$152,484.18, with trade in of \$3,000.00, for a total cost of \$149,484.18; K-Scales, LLC, Sioux Falls, SD for a bid of \$126,649.00, with a trade in of \$1,500.00, for a total cost of \$125,149.00; and Prairie Scales, Horace, ND for a bid of \$179,500.00, with a trade in of \$3,500.00, for a total cost of \$176.000.00.

Now Therefore, Be it Resolved that the bid from Vandenberg Scales in the amount of \$176,324.77 be accepted.

**On-Off Sale Malt Beverage License Transfer.** A motion was made by Council Member Hansen, seconded by Council Member Kubal, that the transfer of an On-Off Sale Malt Beverage Alcohol License from David Spaulding, EdgeBrook Golf Course Clubhouse Manager, to Gary Moen, EdgeBrook Golf Course Clubhouse Manager, 1415 22nd Ave. So., Brookings, South Dakota, legal description: SW ¼, Section 31-T110N-R49W be approved. The motion carried by the following vote: Yes:7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

**Ordinance 15-004.** A motion was made by Council Member Corbett, seconded by Council Member Kubal, that Ordinance 15-004, an Ordinance amending Section 14-83 Swine, of the code of ordinances of the City of Brookings be approved. The motion carried by the following vote: Yes:7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

**Resolution 15-015.** A motion was made by Council Member Hansen, seconded by Council Member Kubal, that Resolution 15-015, Levying Assessment for Project No. 2014-01SWR, 2014 Sidewalk Repair Sites be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution 15-015 - Levying Assessment for Project No. 2014-01SWR  
2014 Sidewalk Repair Sites

Whereas, the City Council has provided for sidewalk repair work to be completed under Project No. 2014-01SWR, 2014 Sidewalk Repair Sites.

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

1. The City Council has made all investigation and authorized by Resolution 49-14, which deems the work necessary and has found and determined that the amount which each lot or tract will be benefited by the construction of the sidewalk improvement heretofore designated as Concrete Maintenance Project No. 2014-01SWR is the amount stated in the proposed assessment roll.
2. The assessment for Sidewalk Assessment Project No. 2014-01SWR is hereby approved and the assessment thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Sections 9-43, South Dakota Compiled Laws of 1967, as amended with interest of 10% on the unpaid balance.
4. Assessments amounting to less than \$300.00 shall be paid in one payment.

**Hospital Project Financing.** Jason Merkley, Brookings Health Systems CEO, and Toby Morris, Financial Representative, were present to answer questions from the City Council.

**Preliminary Plat.** A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, approving the Revised Preliminary Plat for a portion of Bluegill Addition and the City Manager was asked to work on access for the recreation trail from the cul-de-sac. The motion carried by the following vote: Yes: 7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

**Abatement on Street Assessment.** A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that the Abatement of Street Assessment for: Lot 9, Block 12, Camelot Square Addition, 40090-01200-009-00 in the amount of \$857.81; Lot 10, Block 12, Camelot Square Addition, 40090-01200-010-00, in the amount of \$857.81; Lot 11, Block 12, Camelot Square Addition, Parcel #40090-01200-011-00, in the amount of \$857.81; Lot 10, Block 13, Camelot Square Addition, Parcel #40090-01300-010-00, in the amount of \$857.81; Lot 11, Block 13, Camelot Square Addition, Parcel #40090-01300-011-00, in the amount of \$857.81; Lot 12, Block 13, Camelot Square Addition, Parcel #40090-01300-012-00, in the amount of \$857.81;

Lot 13, Block 13, Camelot Square Addition, Parcel #40090-01300-013-00, in the amount of \$857.81; Lot 16, Block 13, Camelot Square Addition, Parcel #40090-01300-016-00, in the amount of \$857.81; and Lot 17, Block 13, Camelot Square Addition, Parcel #40090-01300-017-00, in the amount of \$857.81 be approved . The motion carried by the following vote: Yes: 7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

**Resolution 15-019.** A motion was made by Council Member Hansen, seconded by Council Member Kubal, that Action on Resolution 15-019, a Resolution purchasing Property from the State of South Dakota be approved. The motion carried by the following vote: Yes: 7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution No. 15-019 - Resolution Authorizing the Acquisition of Real Estate

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

Whereas, the City of Brookings has determined the acquisition of the certain property near its street maintenance facility is necessary to provide additional land upon which to construct a street maintenance facility for the City of Brookings; and

Whereas, in order to have sufficient land to construct a street maintenance facility, the City of Brookings desires to purchase from the State of South Dakota, the property described as follows: Lots Four (4) and Five (5) of Eberlein's Addition to the City of Brookings, County of Brookings, State of South Dakota, together with easements of record described as the East Ten Feet (E 10') of Lot Three (3) of said Addition to Brookings, Brookings County, South Dakota, together with all of the grantor's right, title and interest in and to all vacated streets and alleys adjacent thereto, to the City of Brookings, South Dakota, and

Whereas, the above-described real property has been offered for sale to the City of Brookings by the State of South Dakota for the purchase price of \$7,650.00 Dollars;

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 the State of South Dakota for the purposes of additional real property for construction of a street maintenance facility in the City of Brookings, South Dakota; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute required documents in accordance with this Resolution.

**Resolution 15-011.** A motion was made by Council Member Hansen, seconded by Council Member Kubal, that Resolution 15-011, a Resolution adopting a Policy

Governing the Use of Sales Tax Revenue to be Granted as an Economic Development Incentive Program be approved. The motion carried by the following vote: Yes:7 - Reed, Bezdichek, Corbett, Hansen, Kubal, Niemeyer, and Thorpe.

Resolution 15-011 - A Resolution Hereby Adopting a Policy Governing the Use of Sales Tax Revenue to be Granted as an Economic Development Incentive Program

Whereas, the City of Brookings recognizes that publicly-funded investments by local communities represent an effort to retain current economic activity and attract economic growth are necessary to remain competitive; and

Whereas, the City further recognizes that grants to qualifying applicants of sales tax revenue generated from said qualifying applicant is a reasonable and prudent means of accomplishing desired economic growth; and

Whereas, the City believes the following policy objectives are necessary to govern the policy process for the use of sales tax grants:

- (1) To facilitate significant and comprehensive investment in new and/or expanding facilities that will grow the tax base and provide a strong commitment to the community.
- (2) To increase overall community wealth.
- (3) To encourage diversification of the area economic base and add value to the area economic clusters and employment base.
- (4) To generate additional sales tax revenue to support budgetary expenditures of the City.
- (5) To provide long-term community benefits in return for the City's investment.
- (6) To insure the recipient project constitutes responsible development and further complies with all other applicable development principles and regulations.

Whereas, the City desires to develop and adopt the means and methods by which sales tax grants shall be utilized.

Now, Therefore, Be It Resolved by the City Council of the City of Brookings, the following Policy be adopted to wit:

- A) The City Council may approve a grant to qualifying applicants in any amount deemed necessary not to exceed two percent of local sales tax generated from construction costs, equipment purchases, or local retail sales.
- B) Qualifying businesses shall be: (i) New or expanding businesses that are retail in nature and can meet the criteria required under Item (H); or that are otherwise addressed under the City's Retail Acceleration Program. (ii) New or expanding businesses that are commercial/industrial or technology-based in nature and can meet the criteria required under Item (H).

- C) Grants shall be reviewed and awarded in a fair, consistent, and responsible manner utilizing the resources and process established by the Brookings Economic Development Corporation (BEDC) and the City Council for an objective evaluation of the application.
- D) Grant awards shall be provided only to the extent demonstrated necessary for the success of the project, and a completed Return on Investment (ROI) analysis yielding results to the satisfaction of the City Council.
- E) The City Council shall have final approval on all grant applications recommended for approval after having been through the BEDC evaluation and review process.
- F) As a means of protection and accountability of the public investment, (i) Grant awards shall be reimbursed to the applicant following payment of said sales tax to the State of South Dakota and remitted to the City. (ii) Claims against the grant award must be accompanied by appropriate documentation prescribed by the City as verification of the grant payment. (iii) Grant awards must have suitable financial guarantees as a means of security ('claw-backs') and any other such terms deemed essential by the City Council. (iv) The recipient shall be entitled only to grant amounts that it generates and documented by the Department of Revenue as being paid in Brookings. (v) Grant awards shall be limited to either an aggregate amount, a specified time period, or both.
- G) Applications for sales tax grant assistance shall be made to BEDC on application forms prepared by BEDC. Applicants may be required to cover direct costs of professional services deemed necessary by BEDC and/or the City associated with the review of the application.
- H) The following criteria shall be used by the BEDC and City Council to consider awards for qualifying applicants:
- (i) Retail businesses that mitigate sales 'leakage' to other markets and retain significant sales in Brookings.
  - (ii) Retail businesses that provide niche product markets not otherwise available and represent significant sales in Brookings.
  - (iii) Commercial, industrial, and technology-related businesses that meet a minimum of one of the following in significant amounts as determined by the City Council: diversify the economic base and occupational mix; provide full-time, upper-income level jobs with employee benefits; have high probability of recruiting employees from other markets; are a necessity for significant and substantial job retention; meet qualifying industry targets; have high probability of complementing existing or recruiting other businesses or entities; represent significant capital investment; retain SDSU graduates; facilitates emerging markets; and does not place an undue burden or hardship on natural resources or services necessary to serve the business.

l)Applications shall be deemed approved following adoption of a development agreement between the City and the applicant prescribing all applicable terms and conditions of the grant award. The development agreement shall be prepared by staff of the BEDC, City, and legal counsel.

**Adjourn.** A motion was made by Council Member Hansen, seconded by Council Member Corbett, that the meeting be adjourned at 6:55 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

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Tim Reed, Mayor

ATTEST:

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Shari Thornes, City Clerk