

**Brookings City Council**  
**June 9, 2015**

The Brookings City Council held a meeting on Tuesday, June 9, 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, Patty Bacon, Scott Meyer, and Jael Thorpe. City Attorney Steve Britzman, City Manager Jeffrey Weldon, and City Clerk Shari Thornes were also present.

**Consent Agenda.** A motion was made by Council Member Meyer, seconded by Mayor Reed, to remove the approval of the agenda from the Consent Agenda and approve the Consent Agenda. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**3.B. Action on Resolution 15-061, a Resolution authorizing the Brookings Summer Arts Festival Committee to have exclusive use of Pioneer Park.**

Resolution 15-061 - 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 11-12, 2015; 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 Arts 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.

**3.C. Action on Resolution 15-067, a Resolution declaring items surplus property.**

Resolution 15-067 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings Street Department: Overhead Shop Door Openers from Building at 125 7<sup>th</sup> Avenue.

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

Whereas, the City Manager hereby authorized to sell said surplus 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.

**3.A. Agenda.** A motion was made by Mayor Reed, seconded by Council Member Meyer, that the agenda be amended to include an Executive Session for purposes of consulting with legal counsel regarding proposed or pending contractual matters. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Presentation of Award of Merit to Jim Kriese.** A Mayoral Proclamation and Award of Merit was presented to Brookings Fire Department Battalion Chief Jim Kriese in his assistance in the rescue of Mrs. Amber Hartmann.

**Resolution 15-068.** A motion was made by Council Member Hansen, seconded by Council Member Meyer, that Resolution No. 15-068, a Resolution awarding bids on 2015-01SWR, Concrete Maintenance and Overlay Project, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-068 - Resolution Awarding Bids on Project 2015-01SWR  
Concrete Maintenance Project

Whereas, the City of Brookings opened bids for Project 2015-01SWR, Concrete Maintenance Project on Tuesday, May 26, 2015 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for the 2015-01SWR Concrete Maintenance Project: Thorstad Companies, Dell Rapids, SD: \$180,147.00 and Timmons Construction, Brookings, SD: \$216,275.45.

Now Therefore, Be It Resolved, that the total low bid of \$180,147.00 for Thorstad Companies, Dell Rapids, SD be accepted.

**Ordinance 15-008.** A public hearing was held on Ordinance 15-008, an Ordinance rezoning Outlots A, B, and C in the S ½ of the N ½ of the SE ¼ of Section 22-T110N-R50W from a Residence R-1A District to a Residence R-3 District. A motion was made

by Council Member Niemeyer, seconded by Council Member Hansen, that Ordinance 15-008 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Ordinance 15-009.** A public hearing was held on Ordinance 15-009, an Ordinance for a Conditional Use Request for a Group Home on Lot B, Block 1, Hunter's Ridge Addition. A motion was made by Council Member Hansen, seconded by Council Member Bacon, that Ordinance 15-009 be amended to include "the conditional use is granted to the current owner only. A change of ownership would require submittal of a new conditional use application for approval by the Planning Commission and City Council." The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Ordinance 15-010.** A public hearing was held on Ordinance 15-010, an Ordinance authorizing a Supplemental Appropriation to the 2015 Budget for the purpose of providing for Additional Funds for the Operation of the City. A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that Ordinance 15-010 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Annual Malt Renewals.** A motion was made by Council Member Hansen, seconded by Council Member Meyer, that the following annual Malt Beverage Alcohol License Renewals be approved: On-Off Sale Malt (retail): Aramark/McCrory Gardens Visitors Center, 16<sup>th</sup> St. & 22<sup>nd</sup> Ave.; Brookings Softball Assoc. (Southbrook Softball Diamonds), 2800 22<sup>nd</sup> Ave. So.; Carpy's Pub, 700 22<sup>nd</sup> Ave. So.; Casino 2000, 622 25<sup>th</sup> Ave.; The Children's Museum of South Dakota, 521 4<sup>th</sup> St.; The Clothes Line Lounge, 727 Wilson Ave.; Cottonwood Bistro, 1710 6<sup>th</sup> St.; Cubby's Sports Bar & Grill, 307 Main Ave.; Danny's, 703 Main Ave. So.; The Depot, 919 20<sup>th</sup> St. So.; EdgeBrook Golf Course, 1415 22<sup>nd</sup> Ave. So.; Gas 'N Mor, 600 6<sup>th</sup> St.; George's Pizza & Steakhouse, 311 Main Ave.; Guadalajara, Village Square Mall #1; Hy-Vee Food Store, 790 22<sup>nd</sup> Ave. S.; KRAVE, Inc., 1040 22<sup>nd</sup> Ave. S.; Main Street Pub, 408 Main Ave.; New Sake, Inc., 724 22<sup>nd</sup> Ave. So.; Old Sanctuary, 928 4<sup>th</sup> St.; Pizza Hut #2769, 418 6<sup>th</sup> St.; PNP Pub, 318 2<sup>nd</sup> St. So.; Ray's Corner, 401 Main Ave.; Schoon's PNP Pub South, 1203 Main Ave. So.; Sixth Street Diner, 615 Main Ave. So.; Skinner's Pub, 300 Main Ave.; South Main Diner, 615 Main Ave. S.; Swiftel Center, 824 32<sup>nd</sup> Ave.; Via Italia, 1300 Main Ave. So.; Wooden Legs Brewing Co., 309 5<sup>th</sup> St., Suite 100. Off-Sale Malt (package): BP of Brookings, Inc., 2420 6<sup>th</sup> St.; CHS (dba Zip Trip #63), 1005 6<sup>th</sup> St.; CHS (dba Zip Trip #64), 3045 LeFevre Dr.; El Tapatio, Inc., 1717 6<sup>th</sup> St.; Fireside Inc., 2515 E. 6<sup>th</sup> St.; Gas N Mor, 600 6<sup>th</sup> St.; Hy-Vee Food Store, 700 22<sup>nd</sup> Ave.; Hy-Vee Gas, 716 22<sup>nd</sup> Ave. So.; Jim's Tap, 309 Main Ave.; Newman's Kerr McGee, 503 6<sup>th</sup> St.; Pints & Quarts, 313 Main Ave.; Schoon's Pump-n-Pak, 202 S. Main Ave.; Sully's Irish Pub, 421 Main Ave.; Wal-Mart Supercenter #1538, 2233 6<sup>th</sup> St. Off-Sale Malt and Off-Sale SD Farm Wine (package): Casey's General Store #1694, 620 8<sup>th</sup> St. So.; Casey's General Store #2198, 122 West 6<sup>th</sup> St.; Casey's General Store #2419, 534 22<sup>nd</sup> Ave. So. On-Off Sale Malt & On-Off Sale SD Farm Wine (retail): The Blizzard, Inc., 924 32<sup>nd</sup> Ave. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Resolution 14-091.** A motion was made by Council Member Niemeyer, seconded by Council Member Meyer, that Resolution 14-091, a Resolution vacating that portion of Ninth Street abutting Lot 12, Block 7, and Lot 5, Block 12, Morehouse Addition and lying between Ninth Avenue and Medary Avenue, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution No. 14-091 - Street Vacation

Whereas, a petition to vacate has been filed with the City Clerk of the City of Brookings, and

Whereas, the petition was filed in proper form and signed by one hundred percent (100%) of the adjacent property owners.

Now, Therefore, Be It Resolved, by the City Council of the City of Brookings that the portion of Ninth Street abutting Lot 12, Block 7, and Lot 5, Block 12, Morehouse Addition, and lying between Ninth Avenue and Medary Avenue be vacated.

**Annexation Agreement.** A motion was made by Council Member Niemeyer, seconded by Council Member Thorpe, that the Annexation Agreement between the City of Brookings and Novitas Aurora, LLC, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**6<sup>th</sup> Street Bridge Upcharge.** A motion was made by Council Member Bacon, seconded by Council Member Thorpe, that the 6th Street Bridge Railing Up Charge be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Executive Session.** A motion was made by Council Member Meyer, seconded by Council Member Niemeyer, to enter into Executive Session at 6:53 p.m. for purposes of consulting with legal counsel regarding proposed or pending contractual matters with the City Manager, City Attorney, and City Clerk present. The motion carried by a unanimous vote. A motion was made by Council Member Meyer, seconded by Council Member Niemeyer, to exit Executive Session at 7:27 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, to adjourn the meeting at 8:18 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