

Brookings City Council
September 22, 2015

The Brookings City Council held a meeting on Tuesday, September 22, 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, Jael Thorpe and Scott Meyer. City Attorney Steve Britzman, City Manager Jeffrey Weldon and City Clerk Shari Thornes were also present.

Consent Agenda. The Executive Session was removed from the agenda. A motion was made by Council Member Corbett, seconded by Council Member Hansen, to approve the Consent Agenda as amended. The motion carried by the following vote: The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

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

3.B. Action to approve the August 25 and September 8 City Council Minutes.

3.C. Action on appointment to the Traffic Safety Committee: appoint Matt Bartley as Street Dept. Representative (term 9/22/2015-unending).

3.D. Action on Resolution 15-098, a Resolution to declare Street Department Equipment as Surplus Property.

Resolution 15-098 - 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: One (1) 2016 Dually Pickup Box Model F350.

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.

Diversity Potluck Invitation. Members from the Human Rights Committee invited the public and City Council to attend the Diversity Potluck on October 4, 2015 at the McCrory Gardens Visitor Center, 5:00 p.m. to 7:00 p.m.

Creativity Week Invitation. The City Council and public were invited to attend Creativity Week events, September 25-October 3, 2015.

Resolution 15-099. A motion was made by Council Member Corbett, seconded by Council Member Hansen, that Resolution 15-099, a Resolution awarding Snow Removal Equipment Contracts, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-099 - Resolution Awarding Snow Removal Equipment Contracts

Whereas, the City of Brookings opened bids for Snow Removal Equipment on Tuesday, September 15, 2015 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 (3) Motorgraders with Wings: Only two bids were received. VJ Ahlers Excavating Inc, Champion 730A, \$150.00/hr; Bowes Construction, 140H, \$165.00/hr. One (1) 3- to 6-Yard Loader: Winter Inc, JD624K, 3.5 cubic yards, \$145.00/hr; VJ Ahlers, JD624, 3.5 cubic yards, \$150.00/hr; Bowes Construction, 966 CAT, 5 cubic yards, \$220.00/hr. Four (4) Loaders with Reversible Blades: Only three bids were received. Bowes Construction, 950 CAT, \$185.00/hr; Concrete Contractors Inc, two WA250's, \$185.00/hr each. Eight (8) End-Dump Trucks: VJ Ahlers Excavating Inc, #2, 25 cubic yards, \$125.00/hr; Winter Inc, #28, 23.34 cubic yards, \$120.00/hr; Prussman Contracting Inc, #19, 22.8 cubic yards, \$125.00/hr; Prussman Contracting Inc, #20, 22.8 cubic yards, \$125.00/hr; VJ Ahlers Excavating Inc, #5, 20 cubic yards, \$110.00/hr; Bowes Construction, two trucks, 22.7 cubic yards each, \$125.00/hr each; Prussman Contracting Inc, #22, 22.2 cubic yards, \$125.00/hr; Prussman Contracting Inc, #21, 20.6 cubic yards, \$125.00/hr; Prussman Contracting Inc, #23, 19.5 cubic yards, \$125.00/hr.

Now Therefore, Be It Resolved the following bids be accepted: Three (3) Motorgraders with Wings: Only two bids were received. VJ Ahlers Excavating Inc, Champion 730A, \$150.00/hr; Bowes Construction, 140H, \$165.00/hr. One (1) 3- to 6-Yard Loader: Winter Inc, JD624K, 3.5 cubic yards, \$145.00/hr. Four (4) Loaders with Reversible Blades: Only three bids were received. Bowes Construction, 950 CAT, \$185.00/hr; Concrete Contractors Inc, two WA250's, \$185.00/hr each. Eight (8) End-Dump Trucks: VJ Ahlers Excavating Inc, #2, 25 cubic yards, \$125.00/hr; Winter Inc, #28, 23.34 cubic yards, \$120.00/hr; Prussman Contracting Inc, #19, 22.8 cubic yards, \$125.00/hr; Prussman Contracting Inc, #20, 22.8 cubic yards, \$125.00/hr; VJ Ahlers Excavating Inc, #5, 20 cubic yards, \$110.00/hr; Bowes Construction, two trucks, 22.7 cubic yards each, \$125.00/hr each; Prussman Contracting Inc, #22, 22.2 cubic yards, \$125.00/hr.

Temporary Liquor License. A public hearing was held on a Temporary Liquor Application for Downtown Brookings, Inc., to host Creativity Week Events at 221 Main Ave. (Brookings Armory Building): The Rock Garden Tour on October 1, 2015, and The Creative Clash Concert on October 2, 2015, A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, to approve. The motion carried by the following vote: Yes: 6 - Reed, Corbett, Hansen, Niemeyer, Thorpe, and Bacon. Meyer abstained.

Ordinance 15-018. Second reading was held on Ordinance 15-018, an Ordinance Amending Chapter 26 of the Code of Ordinances of the City of Brookings, South Dakota to include Article VIII, and Pertaining to the Regulation of Food Trucks in the City of Brookings. A motion was made by Council Member Hansen, seconded by Council Member Corbett, to amend Ordinance 15-018 removing Main Avenue as an approved

location. The motion carried by the following vote: Yes: 4 - Reed, Corbett, Hansen, and Niemeyer; No: 3 - Thorpe, Meyer, and Bacon. A motion was made by Council Member Hansen, seconded by Council Member Meyer, that Ordinance 15-018 be approved as amended. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-100. A motion was made by Council Member Niemeyer, seconded by Council Member Meyer, that Resolution 15-100, a Resolution setting the fee pertaining to Food Trucks in the City of Brookings, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-100 - Resolution Setting the fee pertaining to Food Trucks
in the City of Brookings

Whereas, Chapter 26, Article VIII, of the Code of Ordinances for the City of Brookings, provides for the Regulation of Food Trucks in the City of Brookings and requires a permit be obtained; and

Whereas, the Food Truck Permit, as per Ordinance 15-018, shall be set by Resolution from time to time by the City Council; and

Now, Therefore, Be It Resolved that the City of Brookings sets the license fee pertaining to Food Trucks to \$75.00 per calendar year.

Ordinance 15-019. Second reading was held on Ordinance 15-019, an Ordinance Amending Chapter 74, of the Code of Ordinances of the City of Brookings, South Dakota to include Division 2, and Pertaining to the Regulation of Temporary Vendor Permits in the City of Brookings. A motion was made by Council Member Meyer, seconded by Council Member Corbett, that Ordinance 15-019 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-097. A public hearing was held on Resolution 15-097, a Resolution Determining the Necessity of Installing Sidewalks in the City of Brookings at the Expense of Abutting Property Owners; 2016-01SWA Sidewalk Assessment Project. A motion was made by Mayor Reed, seconded by Council Member Meyer, that Resolution 15-097 be tabled to the October 27, 2015 City Council Meeting. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-096. A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that Resolution 15-096, a Resolution Levying Assessment for Project 2014-02STA Main Avenue South & 26th Street South Street Assessment Project, be approved. A motion to amend was made by Mayor Reed, seconded by Council Member Hansen, stating the assessment for Tim Burns totally \$85,579.04 (Change Order #4/Schedule B) be a final payment at the end of 5 years. The motion

carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon. On the original motion as amended, the motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-096 - Levying Assessment for Project No. 2014-02STA Main Avenue South & 26th Street South Street Assessment Project

Whereas, the City Council has provided for the construction work to be completed under Project No. 2014-04STA, Main Avenue South & 26th Street South Assessment Project.

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

1. The City Council has made all investigation which it deems necessary and has found and determined that the amount which each lot or tract will be benefited by the construction of the street improvement heretofore designated as Street Assessment Project No. 2014-02STA is the amount stated in the proposed assessment roll.
2. The assessment for Street Assessment Project No. 2014-02STA is hereby approved and the assessment thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. For the Prairie Hills Addition, Christie Springs Addition and Christie Heights Addition, the assessment shall be divided into five (5) equal annual installments and the interest shall be zero (0) percent per annum on the unpaid balance of the assessment costs for a maximum period of five (5) years, with interest and penalties applicable to any unpaid or delinquent installments. The first annual payment shall be due December 31, 2015 with subsequent annual payments due on December 31 each year. The assessment for all other assessable properties shall be divided into ten (10) equal annual installments and interest of ten (19) percent per annum shall accrue on the unpaid balance of the assessment.
4. The assessment for Tim Burns totally \$85,579.04 (Change Order #4/Schedule B) be a final payment at the end of 5 years.
5. Such assessments, unless paid within thirty (30) days after the statement due date, shall be collected by the City in accordance with the procedure for Plan One in Section to 9-43-102, South Dakota Compiled Laws of 1967, as amended.

Financing Plan for 15th St. So. & 7th Ave. So. Project. A motion was made by Mayor Reed, seconded by Council Member Corbett, that the Financing Plan for 15th Street South and 7th Avenue South Project be approved along with an alley gutter improving the drainage channel. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Request for Proposal for purchase of property in Foster Industrial Park. A motion was made by Council Member Corbett, seconded by Council Member Hansen, that the

Request for Proposal for Purchase of Property in Foster Industrial Park, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-101. A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that Resolution 15-101, a Resolution authorizing the Execution of the following documents with the Western Area Power Administration: Firm Electric Service Contract No. 15-Ugpr-L000; Firm Electric Service Contract No. 15-Ugpr-130; Interconnection Contract No. 15-Ugpr-2000 and Consolidated Facility Arrangements Contract No. 15-Ugpr-3000, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-101 - Resolution authorizing the Execution of the following documents with the Western Area Power Administration: Firm Electric Service Contract No. 15-Ugpr-L000; Firm Electric Service Contract No. 15-Ugpr-130; Interconnection Contract No. 15-Ugpr-2000 and Consolidated Facility Arrangements Contract No. 15-Ugpr-3000.

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

Whereas, pursuant to previous action taken, the City of Brookings and Brookings Municipal Utilities ("BMU") have entered into an agreement and supplements to that agreement to obtain a firm power allocation of federal hydroelectricity from the United States Department of Energy, Western Area Power Administration, Pick-Sloan Missouri Basin Program, Eastern Division, ("Western") pursuant to a Contract for Firm Electric Service for a term extending through December 31, 2020; and

Whereas, the City of Brookings and Western desire to enter into new agreements providing for the continued allocation of federal hydroelectricity; and

Whereas, Western has asked the City of Brookings to consider approving a new Contract for Firm Electric Service and its associated exhibits and Agreements, each effective commencing on January 1, 2021 and continuing for a term through December 31, 2050; and

Whereas, Western has advanced the contract extension discussions through an open and collaborative public process referred to as the "2021 Power Marketing Initiative" or the 2021 PMI which concluded with the publication in the November 16, 2011 Federal Register of the contract details; and

Whereas, BMU has determined that it is in the public interest to enter into this long-term agreement to provide its customers with a reliable, low-cost and environmentally friendly source of power and energy; and

Whereas, Richard J. Helsper, attorney for BMU, has reviewed the proposed agreements and has concluded, by written opinion dated September 21, 2015, that the agreements are acceptable for execution; and

Whereas, the City Attorney has reviewed the Opinion of Richard J. Helsper and applicable State law, particularly SDCL 9-39-6 and 9-39-22, and has concluded the City of Brookings' governing board has the authority and right to authorize BMU to enter into these agreements on behalf of 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 Firm Electric Service Contract No. 15-UGPR-1000 be signed by Brookings Municipal Utilities, by and through its Executive Vice President and General Manager in the form presented; and

B. That BMU's current Firm Electric Service Contract No. 15-UGPR-130 be signed by Brookings Municipal Utilities, by and through its Executive Vice President and General Manager in the form presented; and

C. That proposed Interconnection Contract No. 15-UGPR-2000 be signed by Brookings Municipal Utilities, by and through its Executive Vice President and General Manager in the form presented; and

D. That Consolidated Facility Arrangements Contract No. 15-UGPR-3000 be signed by Brookings Municipal Utilities, by and through its Executive Vice President and General Manager in the form presented.

Adjourn. A motion was made by Council Member Hansen, seconded by Council Member Corbett, to adjourn the meeting at 8:15 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

Tim Reed, Mayor

ATTEST:

Shari Thornes, City Clerk