

**Brookings City Council  
December 8, 2015**

The Brookings City Council held a meeting on Tuesday, December 8, 2015 at 5:00 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.

**Executive Session.** A motion was made by Council Member Meyer, seconded by Council Member Hansen, to enter into executive session at 5:03 p.m. for the purpose of discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee, with the City Manager present. The motion carried by a unanimous vote. A motion was made by Council Member Bacon, seconded by Council Member Corbett, to exit Executive Session at 6:05 p.m. The motion carried by a unanimous vote.

**Consent Agenda.** Move item #6.C. Action on 2016 City Manager Compensation Package to item 9.D. A motion was made by Council Member Hansen, seconded by Council Member Meyer, to approve the Consent Agenda as amended. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Meyer, Thorpe, and Bacon.

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

**3.B. Action on Resolution 15-121, a Resolution approving Change Order No. 1 (Final) for 2015-03SSI, Division Avenue Drainage Improvement Project, Phase 2; Timmons Construction, Inc.**

Resolution 15-121 - Resolution authorizing Change Order No. 1 (Final) for 2015-03SSI, Division Avenue Drainage Improvement Project; Timmons Construction, Inc.

Be It Resolved by the City Council that the following change order be allowed for 2015-03SSI, Division Avenue Drainage Improvement Project:

Construction Change Order Number 1 (Final): Adjust plan quantities to as-constructed quantities and for additional work to install seeding, fiber mulching, erosion control blanket and a concrete headwall for the 18" CMP for a total decrease of \$4,890.26 to close out the project.

**3.C. Action on Resolution 15-122, a Resolution declaring Parks & Forestry equipment as surplus property.**

Resolution 15-122 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings Parks and Forestry Department: One (1) 1994 John Deere Bunker Rake, Model 1200, Serial Number MO1200G912508; One (1) 1991 GMC 3500, Serial Number 1GDHC34K2ME521054; One (1) 1985 Jacobsen 548-100 Seeder, Serial Number 4500; One (1) 1992 Ford F150 4x4, Serial Number 1FTEX148NKA99918; One (1) 1996 Ford F150 4x4, Serial Number

1FTEF14N9TLB70134; One (1) 1978 GMC 6000, Serial Number TCE6180598215; One (1) 1980s 18 inch Ryan Sod Cutter, Serial Number 105927; One (1) 1980s John Deere Sweeper, Serial Number M00246C141156; One (1) 36ft x 7ft 4 inch Mobil Yard Ramp; and Four (4) 60ft Musco Light Poles with electrical boxes and cross arms.

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, SD, that this property be declared surplus property according to SDCL Chapter 6-13.

**3.D. Action on Resolution 15-123, a Resolution declaring a 1997 SnoGo Snow Blower as surplus property (Street Dept.).**

Resolution 15-123 - 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) 1997 SnoGo Snow Blower, Model MP-3D, Serial Number 3686.

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, SD, that this property be declared surplus property according to SDCL Chapter 6-13.

**3.E. Action on Resolution 15-124, a Resolution declaring a 2009 John Deere 744K Pay Loader as surplus property (Landfill/Solid Waste Dept.).**

Resolution 15-124 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used by the City of Brookings Landfill Department: One (1) 2009 John Deere 744K Pay Loader; Serial#DW744KX624747.

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

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

Now, Therefore, Be It Resolved by the governing body of the City of Brookings, SD, that this property be declared surplus property according to SDCL Chapter 6-13.

**3.F. Action on Resolution 15-126, a Resolution declaring Fire Department equipment as surplus property.**

Resolution 15-126 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings Fire Department: One (1) 1992 Spartan Aerial Truck, Model LA40S, VIN Number 4S7DT9J06PC006906.

Whereas, in the best financial interest, it is the desire of the City of Brookings to trade-in same as surplus property towards the purchase of a 75 foot Quint Fire Apparatus (bid was awarded on 1/13/2015); and

Whereas, the City Manager hereby authorized to trade-in said surplus property.

Now, Therefore, Be It Resolved by the governing body of the City of Brookings, SD, that this property be declared surplus property according to SDCL Chapter 6-13.

**Resolution 15-114.** A motion was made by Council Member Corbett, seconded by Council Member Niemeyer, that Resolution 15-114, a Resolution for the purchase of a 744K John Deere Loader off the State of Minnesota Bid, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-114 - Resolution to purchase a John Deere Loader  
off of the State of Minnesota Governmental Bid

Whereas, the City of Brookings will purchase a John Deere 744K Loader off of the State of Minnesota governmental bid held on April 16th, 2015; and

Whereas, the City of Brookings will purchase from RDO Equipment Company, Burnsville, Minnesota the John Deere 744K in the amount of \$322,753.00.

Now Therefore, Be It Resolved that the bid from RDO Equipment Company in the amount of \$322,753.00 be accepted.

**Resolution 15-119.** A motion was made by Council Member Meyer, seconded by Council Member Hansen, that Resolution 15-119, a Resolution to purchase a new half-ton crew cab pickup off the State of South Dakota vehicle bid, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-119 - Action to Purchase a new Half-Ton Crew Cab Pickup  
off of another Governmental Agency Bid

Whereas, the City of Brookings Street Department requests action to purchase a new half-ton crew cab pickup off the State of South Dakota vehicle bid.

Base price for the half-ton 4x4 crew cab short box pickup is \$26,281.00. Selected options total \$3,718.00 bringing the total purchase price to \$29,999.00.

This pickup will replace a 1989 Chevy S10 pickup. Delivery and payment will be made after January 1, 2016.

**Ordinance 15-021.** An Amendment was made for Capital Project Fund TIF #6 Digester in the amount of \$350,000. A public hearing was held on Ordinance 15-021, an Ordinance authorizing a Supplemental Appropriation to the 2015 Budget for the City of Brookings, SD. A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, that Ordinance 15-021 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**House Moving.** A public hearing was held to move a two-story residential home from 2230 Rhonda Road to the property described as Lot 8 and the W ½ of Lot 9, Block 1, Third Addition, also known as 103 5th Street. A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that the house moving be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Ordinance 15-020.** A public hearing was held on Ordinance 15-020, an Ordinance amending the Zoning Ordinance of the City of Brookings and pertaining to an Animal Hospital and Crematorium for the purposes of administration of the Zoning Ordinance. A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, that Ordinance 15-020 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Ordinance 15-025.** A public hearing was held on Ordinance 15-025, an Ordinance amending Article II of Chapter 22 of the Code of Ordinances of the City of Brookings and pertaining to the adoption of the 2015 International Building Code, the 2015 International Residential Code, the 2015 International Mechanical Code, the 2015 International Fire Code, and the 2015 International Existing Building Code with certain amendments thereto. A motion was made by Council Member Hansen, seconded by Council Member Corbett, that Ordinance 15-025 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Resolution 15-115.** A public hearing was held on Resolution 15-115, a Resolution of Intent to Lease Real Property to Private Person; Harrison Thompson. A motion was made by Council Member Corbett, seconded by Council Member Meyer, that Resolution 15-115 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-115 - A Resolution of Intent to Lease Real Property  
to Private Person; Harrison Thompson

Be It Resolved by the governing body of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with Harrison Thompson for a period of five (5) years, commencing on January 1, 2016 and ending December 31, 2020 and

pertaining to the following described property: 5,280 square feet on Lot 1, Block 3 at the Brookings Regional Airport, in Section 26 and 27, T110N, R50W in the City of Brookings, Brookings County, South Dakota.

The lease will be payable annually by the last day of January of each year and subject to increases set by the Brookings City Council. The 2016 lease amount will be five hundred eighty dollars and eighty cents (\$580.80) payable January 31, 2016. The City of Brookings may terminate this Lease with sixty days notice.

Be It Further Noted, that a Public Hearing on this Resolution was held on December 8, 2015 at 6:00 o'clock P.M. in the Chambers at the Brookings City and County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

**Resolution 15-116.** A public hearing was held on Resolution 15-116, a Resolution of Intent to Lease Real Property to Private Person; Robert Fite. A motion was made by Council Member Hansen, seconded by Council Member Meyer, that Resolution 15-116 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-116 - A Resolution of Intent to Lease Real Property  
to Private Person; Robert Fite

Be It Resolved by the governing body of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with Robert Fite for a period of five (5) years, commencing on January 1, 2016 and ending December 31, 2020 and pertaining to the following described property: 7,600 square feet on Lot 1, Block 5 at the Brookings Regional Airport, in Section 26 and 27, T110N, R50W in the City of Brookings, Brookings County, South Dakota.

The lease will be payable annually by the last day of January of each year and subject to increases set by the Brookings City Council. The 2016 lease amount will be eight hundred thirty six dollars and zero cents (\$836.00) payable January 31, 2016. The City of Brookings may terminate this Lease with sixty days notice.

Be It Further Noted, that a Public Hearing on this Resolution was held on December 8, 2015 at 6:00 o'clock P.M. in the Chambers at the Brookings City and County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

**Resolution 15-117.** A public hearing was held on Resolution 15-117, a Resolution of Intent to Lease Real Property to South Dakota State University. A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, that Resolution 15-117 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-117 - A Resolution of Intent to Lease Real Property  
to South Dakota State University

Be It Resolved by the governing body of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with South Dakota State University for a period of five (5) years, commencing on January 1, 2016 and ending December 31, 2020 and pertaining to the following described property: 4,800 square feet on Lot Z, Block 5 of Airport Hangar Addition Number One and a 540 square foot parcel on the west side of Lot Z at the Brookings Regional Airport, in Section 26 and 27, T110N, R50W in the City of Brookings, Brookings County, South Dakota.

The lease will be payable annually by the last day of January of each year and subject to increases set by the Brookings City Council. The 2016 lease amount will be five hundred eighty seven dollars and forty cents (\$587.40) payable January 31, 2016. The City of Brookings may terminate this Lease with sixty days notice.

Be It Further Noted, that a Public Hearing on this Resolution was held on December 8, 2015 at 6:00 o'clock P.M. in the Chambers at the Brookings City and County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

**Resolution 15-118.** A public hearing was held on Resolution 15-118, a Resolution of Intent to Lease Real Property; Advance. A motion was made by Council Member Hansen, seconded by Council Member Meyer, that Resolution 15-118 be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-118 - A Resolution of Intent to Lease Real Property to Advance

Be It Resolved by the governing body of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with Advance for a period of one(1) year, commencing on January 1, 2016 and ending December 31, 2016 and pertaining to the following described property: A 15,300 square foot parcel, designated as parking lot, at the Brookings Regional Airport, in Section 26 and 27, T110N, R50W in the City of Brookings, Brookings County, South Dakota.

The lease will be payable January 31, 2016 and subject to increases set by the Brookings City Council. The 2016 lease amount will be one thousand six hundred eighty three dollars and zero cents (\$1,683.00) payable January 31, 2016. The City of Brookings may terminate this Lease with sixty days notice.

Be It Further Noted, that a Public Hearing on this Resolution was held on December 8, 2015 at 6:00 o'clock P.M. in the Chambers at the Brookings City and County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

**Ordinance 15-022.** A public hearing was held on Ordinance 15-022, an Ordinance amending Chapter 14 of the Code of Ordinances of the City of Brookings, South Dakota to include provisions pertaining to the keeping of chickens in the City of Brookings. A motion was made by Council Member Bacon, seconded by Council Member Meyer, that Ordinance 15-022 be approved. The motion failed by the following vote: Yes: 3 - Thorpe, Meyer, and Bacon; No: 4 - Reed, Corbett, Hansen, and Niemeyer.

A motion was made by Council Member Meyer, seconded by Council Member Bacon, to direct city staff to continue working with the Sustainability Council on how to make urban agriculture supported in Brookings; looking at ordinances which should be removed, added, or changed. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Tabled Item: Transportation Traffic Analysis.** A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, to remove Transportation Traffic Analysis, Highway 14 (6th Street) from Main Avenue to Medary Avenue; comparison of 3-lane and 5-lane design from the table. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

A motion was made by Mayor Reed, seconded by Council Member Hansen, to amend the main motion to include that the City Council accepts the Brookings Bike Advisory Committee's report and will incorporate their recommendations into the 6th Street Project. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

A motion was made by Council Member Hansen, seconded by Council Member Corbett, that the main motion, as amended, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Resolution 15-120.** A motion was made by Council Member Corbett, seconded by Council Member Meyer, that Resolution 15-120, a Resolution Adopting Rules and Regulations for the Conduct of Complaint Procedures of the Brookings Human Rights Commission, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-120 - Resolution Adopting Rules and Regulations for the Conduct of Complaint Procedures of the Brookings Human Rights Commission

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

Whereas, the City of Brookings adopts the attached Rules and Regulations for the Conduct of Complaint Procedures of the Brookings Human Rights Commission;

Now Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, that the City of Brookings adopts the attached Rules and Regulations for the Conduct of Complaint Procedures of the Brookings Human Rights Commission.

**Resolution 15-125.** A motion was made by Council Member Niemeyer, seconded by Council Member Corbett, that Resolution 15-125, a Resolution setting forth a Policy to guide Capital Improvements, be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Resolution 15-125 - A Resolution Prescribing a Long-Range Capital  
Investment Plan and Planning Process to Better Meet the Future  
Capital Needs of the Community

Whereas, the City Council is committed to effective and efficient long-range planning as a tool for the implementation of the community's vision for growth, sustainability, and entrepreneurship; and

Whereas, the City Council has identified an extensive list of potential capital expenditures and projects designed to achieve the community's vision; and

Whereas, the City has a past practice of annually adopting a five-year rolling Capital Improvement Plan (CIP) designed to identify, prioritize, and finance capital expenditures from various funds; and

Whereas, it has become evident the extensive list of potential capital expenditures and projects requires more extensive financial planning than the previous CIP development practices; and

Whereas, the City has enforced the collection of Second Penny Sales and Use Tax Revenues in the City which are dedicated to capitalized investment with 75 percent of said revenue stream dedicated to non- public safety capital improvements, which has proven to be an effective means of financing capital improvements necessary for community improvements (Public Improvement Fund).

Now, Therefore, Be It Resolved by the City Council of the City of Brookings, South Dakota that;

(1) The Capital Improvement Plan (CIP) be continued using a five-year rolling schedule to identify capital expenditures; but limit the contents of the CIP for the repair, replacement, acquisition of vehicles and equipment, existing buildings and structures, and routine preventative maintenance to infrastructure.

Be It Further Resolved that:

(2) The City adopt a Community Reinvestment Plan (CRP) using a ten-year rolling schedule to identify capital expenditures that constitute a strategic effort to guide proper investments utilizing the Public Improvement Fund. The CRP shall include new or major expansions to existing facilities including but not limited to buildings and grounds for future public facilities, property for future development use, right-of-way, public open space or parkland; and new infrastructure projects such as roads, streets, bridges, utilities, or parking lots.

Be It Further Resolved that:

(3) The CIP and CRP shall be updated annually as part of the budget approval process and is intended to be a strategic investment guide for future City Council decisions. As such, both planning documents shall remain flexible to changing conditions, circumstances, and community expectations.

Be It Further Resolved that:

(4) The 2017-2026 CRP shall plan for the asset allocation from the Public Improvement Fund of investment in the following general areas:

- a. \$6 million for the SDSU Performing Arts Center from 2017-2027.
- b. \$5.6 million for the Brookings Recreation Community Center for 2017-2021. Other funding from for this facility will be from a voter-approved referendum not to exceed \$15 million and additional funding from donations and sponsorships.
- c. \$750,000 for the Brookings Hospital Expansion from 2017-2027.
- d. \$11 million from 2017-2026 for major street repair and overlays. (This item is part of the CIP. It is in shown in the CRP to reserve funds over the 10 years to maintain quality of our roads)
- e. \$11 million from 2017-2026 for new street construction (West 20<sup>th</sup> Street South, Western Avenue), 6<sup>th</sup> Street Gateway Enhancements, airport crosswind runway / taxiway improvements, and East 20<sup>th</sup> Street South overpass/interchange.
- f. \$5 million for Swiftel Center between 2017-2026 for general building upgrades and improvements to conference/meeting space.
- g. \$5 million for upgrades, enhancements to park facilities from 2021-2026 including ball field complexes, trail extensions, and new parks.

**City Council Vacancy Process.** Council Member Meyer announced that February 9, 2016 would be his last City Council meeting and that he would be vacating his seat 63 days prior to the April 12 Election, thereby allowing someone to run for his vacated two-year term. A motion was made by Council Member Meyer, seconded by Council Member Corbett, to officially submit for Council acceptance his formal resignation, effective February 10, 2016. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

Mayor Reed said the City Council is required to appoint someone to the Council for the period from February 10 to April 30. A motion was made by Mayor Reed, seconded by Council Member Corbett, to adopt the following process: 12/8/2015 Action to approve schedule/process; 12/10/2015 Press Release advertising vacated council seat, effective 2/10/2016-6/1/2016; 1/5/2016 deadline for applications; 1/12/2016 applicants provide comments to the City Council during open meeting; 1/26/2016 Action to appoint Council Member, effective 2/10/2016; 2/9/2016 Council Member Meyer's last council meeting; and 2/10/2016 newly appointed Council Member is sworn in and takes Oath of Office. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**2016 City Manager Compensation Package.** A motion was made by Council Member Hansen, seconded by Council Member Meyer, that the 2016 City Manager Compensation Package of (2.75%, increase of \$4,057.96, for a total salary of \$151,620.50), be approved. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Introduction of topics for Future Discussion.**

A motion was made by Council Member Bacon, seconded by Council Member Thorpe, asking staff to prepare a policy for a demonstration pilot project issuing temporary permits to test out backyard chickens. A friendly amendment was made by Mayor Reed to direct staff to work with the Sustainability Council to develop a process and staff will determine legal requirements. The motion carried by the following vote: Yes: 7 - Reed, Corbett, Hansen, Niemeyer, Thorpe, Meyer, and Bacon.

**Adjourn.** A motion was made by Council Member Hansen, seconded by Council Member Corbett, to adjourn the meeting at 9:54 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