

**Brookings City Council**  
**June 28, 2016**

The Brookings City Council held a meeting on Tuesday, June 28, 2016 at 6:00 p.m., at City Hall with the following members present: Deputy Mayor Keith Corbett, Council Members Mary Kidwiler, Dan Hansen, Ope Niemeyer, Nick Wendell, and Patty Bacon. Mayor Tim Reed was absent. 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 Hansen, seconded by Council Member Wendell, to approve the Consent Agenda. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Kidwiler, Bacon, and Wendell  
Absent: 1 - Reed.

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

**3.B. Action on Resolution 16-052, a Resolution authorizing the write-off of a receivable account as bad debt.**

Resolution 16-052 - Resolution authorizing bad debt write-off  
for the City of Brookings

Whereas, the City of Brookings has an uncollectable accounts receivable in the amount of \$322.16; and

Whereas, this bill has been sent to the Brookings Credit Bureau and has been considered uncollectible;

Now, Therefore Be It Resolved that the following account receivable for the City of Brookings be determined as uncollectible and removed from the records: 12/29/2015, Via Italia / MN LLC, \$322.16

**Downtown Brookings, Inc. Quarterly Report.** Elliot Johnson, DBI Director, provided an update to the Mayor and City Council on current and upcoming events.

**Resolution 16-054.** A motion was made by Council Member Kidwiler, seconded by Council Member Niemeyer, that Resolution 16-054, a Resolution of Intent to Lease Real Property to Private Entity, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Kidwiler, Bacon, and Wendell; Absent: 1 - Reed.

Resolution 16-054 - Resolution of Intent to Lease Real Property to Private Entity

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 Kart Club, Inc., a South Dakota Corporation, for a period of Five (5) years and pertaining to the following described property: the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ ) of Section Thirteen (13), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th P.M., within the City of Brookings, Brookings County, South Dakota, less the North Seven Hundred Feet (N 700') of the East Seven Hundred Twenty Feet (E 720') and also

less the North Nine Hundred Fifty Feet (N 950') of the West Six Hundred Feet (W 600') and also less the South Nine Hundred Feet (S 900') and less any Highway right of ways of the West Half of the Southwest Quarter (W½SW¼) of said Section Thirteen (13); and

The purpose of this Lease is to provide a location for kart racing. The term of the Lease is five years. The Lease provides that as rent for the above-mentioned premises, the infield, bleachers, parking and restroom facilities shall be available for use by the City of Brookings Park and Recreation Department for sponsored activities.

Be It Further Noted, that a Public Hearing on this Resolution was held on this 28th day of June, 2016 at 6:00 o'clock P.M. at the City Council Chambers and that all persons were given an opportunity to be heard on the intent to lease real property.

**Resolution 16-056.** A motion was made by Council Member Wendell, seconded by Council Member Hansen, that Resolution 16-056, a Resolution awarding the contract for the purchase of one new unmarked police vehicle, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Kidwiler, Bacon, and Wendell; Absent: 1 - Reed.

Resolution 16-056 - Resolution awarding the contract for the purchase of one new unmarked police vehicle.

Whereas, the City of Brookings purchases police vehicles to replace in to the fleet of the Brookings Police Department; and

Whereas, the City of Brookings has approved the replacement and purchase of one police vehicle for the fiscal year 2016; and

Whereas, the Brookings Police Department has requested the purchase of one unmarked police vehicle for the replacement of one unmarked police vehicle; and

Whereas, the Brookings Police Department has received an offering according to specifications set forth from Einspahr Auto Plaza of Brookings, South Dakota for one Ford Explorer.

Now, Therefore, Be It Resolved by the governing body of the City of Brookings, South Dakota, shall approve the purchase of one Ford Explorer from Einspahr Auto Plaza of Brookings, South Dakota.

**Ordinance 16-013.** An introduction and first reading was held on Ordinance 16-013, an Ordinance providing for Notification to the Police Chief for certain Under Twenty-One (21) Events held in Licensed Establishments in the City of Brookings, SD. Public Hearing: July 12, 2016.

**Temporary Liquor Application.** A public hearing was held on a Temporary Liquor Application for Downtown Brookings, Inc., to host a series of events for Downtown at

Sundown on the 300 Block of 5th Street (between 3rd Ave. and Main Ave.) on July 14, July 21, July 28, August 4, August 11, August 18 and August 25, 2016. A motion was made by Council Member Hansen, seconded by Council Member Niemeyer, to approve. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Kidwiler, Bacon, and Wendell; Absent: 1 - Reed.

**Governance & Ends Policy.** A motion was made by Council Member Bacon, seconded by Council Member Wendell, that the Governance & Ends Policy Amendments, be approved:

- Policy 1, Governance Process, 1.6 Governance Process, Citizen Advisory Boards. ~~The Council reminds staff that the ideal purpose of citizen involvement is to seek objective opinions from a diverse range of citizens.~~ The Council and staff recognize that the ideal purpose of citizen involvement is to seek objective opinions from a diverse range of citizens.
- Policy 1, Governance Process, 1.6 Governance Process, Citizen Advisory Boards. Guideline A. 8. The Mayor and Council may, but shall not be obligated, to re-appoint members to expiring terms subject to any term limitation as specified by each respective board. The Mayor and Council shall consider and balance the value of institutional knowledge and experience as well as the need for new and different perspectives and contributions to the board in the appointment/re-appointment process.
- Policy 2, Council-Staff Linkage, 2.3 Council-Staff Linkage, Monitoring Executive Performance. 3.
  - ~~○ A. All Ends and Executive Limitations statements will be monitored and compliance will be formally announced by the City Manager to the Council on a quarterly basis.~~
  - A. All ends and Executive Limitations statements will be monitored by the City Manager who is expected to be responsible for achieving and maintaining compliance.
  - ~~○ B. Any non-compliance will be reported immediately, at the next Council meeting, if not before, and non-compliance will then be monitored on a monthly basis, until compliance is reestablished, or the policy is changed.~~
  - B. Any non-compliance of material significance shall be reported to the City Council as soon as practical; and such non-compliance shall be monitored and corrective actions taken by the City Manager to re-gain compliance.
- Ends Policy 1, Financial Stability, Guideline C. City Council hereby directs the City Manager to establish and maintain the following committed fund balance:
  - ~~a. Fiscal Stabilization Arrangement: A minimum of 10 percent of the General Fund beginning adopted appropriations (expenditure budget) should be incrementally established and maintained for use in meeting unanticipated needs and/or emergencies.~~
  - ~~i. Use of Stabilization Fund Balance: The amount shall be used only after all efforts have been exhausted to fund unanticipated needs and/or emergencies, such as an urgent event that affects the safety of the Citizens of the City of Brookings, City of Brookings Employees, and~~

~~Brookings Students. The urgent event could be a blizzard, tornado, fire, flood, terrorist attack, bombing, explosions, train derailments, straight-line winds/severe thunderstorm, hazardous materials incident, water contamination, failure of electrical grid, mass casualty/fatality or health epidemic. Once the City Manager or his/her designee has determined that it is necessary to draw down fund balance, written communication should be provided by the City Manager to the City Council, explaining the nature of the unanticipated need and/or emergency and requires approval by a two-thirds vote of the Council. The Stabilization Fund Balance may not be used for more than two consecutive years.~~

- ~~II. Replenishment of Stabilization Fund Balance: If the reserves are drawn down below the minimum required level of 10 percent, then a budgetary plan shall be implemented by the City Manager to return the reserve to a minimum 10 percent level in no more than a 5-year period. The City Manager will report the progress of the replenishment to the Council in the annual budget.~~
- ~~III. Funding of Stabilization Fund Balance: Proceeds from the sale of City-owned surplus property and any other funds identified in the budget will be used to increase the reserve. Interest earnings will be applied on the reserve balance each fiscal year until replenished to the minimum required level.~~

Fiscal Stabilization Emergency Reserve Fund: A minimum of \$1 million shall be maintained for the use in meeting unanticipated needs and /or emergencies.

1) Funding of Stabilization Emergency Reserve Fund Balance

Having established a fund balance in 2012 in excess of \$1 million and prior to any draw-downs, increases to this fund balance shall be recommended by the City Manager in an amount of six percent (6%) of the annual General Fund operating expenditure budget to be indexed to each subsequent year's General Fund operating expenditure budget.

2) Use of Stabilization Emergency Reserve Fund Balance

The amount shall be used only after all efforts have been exhausted to fund unanticipated needs and/or emergencies, such as an urgent event that affects the health, safety, or general welfare of the City, its residents, as well as public and private property. The urgent event could be a blizzard, tornado, fire, flood, terrorist attack, bombing, explosions, train derailments, straight-line winds/severe thunderstorm, hazardous materials incident, water contamination, failure of electrical grid, mass casualty/fatality or health epidemic. Once the City Manager or his/her designee has determined that it is necessary to draw down the fund balance, written communication shall be provided by the City Manager to the City Council, explaining the nature of the unanticipated need and/or emergency which shall require approval of the Council.

3) Replenishment of Stabilization Emergency Reserve Fund Balance

Whenever the reserves are drawn upon, a budgetary plan shall be implemented by the City Manager to return the reserve to the pre-drawn-

down balance within five years. The City Manager shall report the progress of the replenishment to the Council in the annual budget.

- Ends Policy 1, Financial Stability, Guideline H. Subsidy Agreement and Reporting Requirements. ~~The City encourages all departments to utilize performance measures. At a minimum, performance measures should be used to report on the outputs of each program and should be related to the objectives of each department.~~ The City encourages all subsidy recipients to utilize performance measures. At a minimum, performance measures should be used to report on the outputs/outcomes of each subsidized program and should be related to the objectives described earlier in this sub-section.
- Ends Policy 4, Economic Development. 3.c. The City will partner with the ~~Innovation Campus at SDSU Research Park at South Dakota State University.~~
- Ends Policy 4, Economic Development. 5.e. Facilities (Ice Arena, Swiftel Center, Sports Fields, Performing Arts Center, Wellness Center, Dakota Nature Center) are used at capacity.
- Ends Policy 4, Economic Development. 12. ~~The City Council has considered predevelopment agreements with large retail developments.~~ The Council will consider development agreements and incentives with business development projects that qualify for the various policy programs available.
- Ends Policy 7, Strategic Planning. In an effort to live out the City's Mission Statement, the Council and staff will utilize a systematic process of Strategic Planning to guide its major policy decisions. Strategic Planning is a disciplined effort to produce fundamental decisions and actions that shape and guide organization, its purpose, function, priorities, decisions, and implementation process. Strategic Planning will enable to Council and staff to blend futuristic thinking, objective analysis, and subjective evaluation of goals and priorities to chart future courses of action that will ensure the long-run vitality and effectiveness of the organization.

The result of this deliberative process should ideally be a specific set of priorities, developed and adopted over a timeline as determined by the Council, consisting of over-arching policy goals and objectives as outcomes of the decision-making process. The staff will then provide a suitable work plan that will ensure the effective implementation of the policy goals.

The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Kidwiler, Bacon, and Wendell Absent: 1 - Reed.

**Resolution 16-057.** A motion was made by Council Member Hansen, seconded by Council Member Wendell, on Resolution 16-057, a Resolution authorizing the Termination of Prairie Hills, L.L.C. Covenants and Restrictions, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Kidwiler, Bacon, and Wendell Absent: 1 - Reed.

Resolution 16-057 - Resolution Authorizing the Termination of  
Prairie Hills, L.L.C. Covenants and Restrictions

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

Whereas, Prairie Hills, L.L.C., of Brookings, South Dakota (hereinafter referred to as "Developer"), filed a Declaration of Covenants and Restrictions on November 12, 1997 which pertain to the following property: Lots One through Five (1-5) inclusive, Block Three (3) of Prairie Hills Addition to the City of Brookings, Brookings County, South Dakota, located in the Southeast Quarter (SE¼) of Section Two (2), Township One Hundred Nine (109) North, Range Fifty (50) West of the 5th P.M., Brookings County, South Dakota; and

Whereas, the plat of the above-described property was vacated and a proposed plat which replaces the previous plat necessitates the termination of the above-referenced Covenants and Restrictions so that new Declaration of Covenants and Restrictions related to the new plat of the property may be filed; and

Whereas, Prairie Hills, L.L.C. has requested the approval of the City of Brookings to revoke the above-described Declaration of Covenants and Restrictions; and

Whereas, SDCL 11-5-6 requires the governing body of a first class municipality to consider and authorize the revocation of a Declaration of Covenants and Restrictions if appropriate, and good cause appearing for the revocation of the above-described Declaration of Covenants and Restrictions.

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. The above-referenced Declaration of Covenants and Restrictions filed on November 12, 1997 may be revoked and terminated; and
- B. The Mayor, City Clerk, City Manager and City Attorney are authorized to execute the required documents in accordance with this Resolution.

**Property Owner Request for Certification of new Tax Increment District.** A motion was made by Council Member Hansen, seconded by Council Member Wendell, to deny a Property Owner Request for Certification of a New Tax Increment District associated with the 15<sup>th</sup> Street / 7<sup>th</sup> Avenue Improvement Project. The motion carried by the following vote: Yes: 4 - Corbett, Hansen, Kidwiler, and Wendell; No: 2 - Niemeyer, and Bacon.

**Adjourn.** A motion was made by Council Member Hansen, seconded by Council Member Kidwiler, to adjourn the meeting at 7:24 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