

Brookings City Council
August 9, 2016

The Brookings City Council held a meeting on Tuesday, August 9, 2016 at 6:00 p.m., at City Hall with the following members present: Mayor Tim Reed, Council Members Keith Corbett, Mary Kidwiler, Dan Hansen, Ope Niemeyer (via phone), Nick Wendell, and Patty Bacon. 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 Corbett, to approve the consent agenda. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Reed, Kidwiler, Bacon, and Wendell.

3.A. Action to approve the agenda.

3.B. Action to approve the July 19 City Council Minutes.

3.C. Action on Resolution 16-063, a Resolution authorizing the City Manager to sign a Liquor Operating Agreement renewal for Nine, Inc., dba 9 Bar Nightclub, Gus Theodosopoulos, Jeremy Deutsch, Chris Stoltenberg, owners, 303 Main Ave., legal description: Lot 2, Block 3, Original Plat Addition.

Resolution 16-063 - Liquor Operating Agreement Renewal
Nine, Inc., dba 9 Bar Nightclub

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement for the Operating Liquor Management Agreement between the City of Brookings and Nine, Inc., dba 9 Bar Nightclub, Gus Theodosopoulos, Jeremy Deutsch, Chris Stoltenberg, owners, for the purpose of a liquor manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 303 Main Avenue.

Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of ten (10) years, with a renewal in five (5) years.

3.D. Action on Resolution 16-064, a Resolution authorizing the City Manager to sign a Wine Operating Agreement renewal for CHS, Inc., dba Cenex Zip Trip #63, 1005 6th Street, legal description: Lots 1-2, Block 1, Randi Peterson Addition.

Resolution 16-064 - Wine Operating Agreement Renewal
CHS, Inc., dba Cenex Zip Trip #63

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement renewal for the Operating Liquor Management Agreement for On-Sale Wine between the City of Brookings and CHS, Inc., dba Cenex Zip Trip #63, for the purpose of a liquor manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 1005 6th Street.

Be It Further Resolved that the City Manager be authorized to execute the Lease Agreement renewal on behalf of the City, which shall be for a period of five (5) years.

3.E. Action on Resolution 16-065, a Resolution authorizing the City Manager to sign a Liquor Operating Agreement renewal for Pints & Quarts, Brennan and Lori Sullivan, owners, 313 Main Avenue, legal description: Lot 7, Block 3, Original Plat Addition.

Resolution 16-065 - Liquor Operating Agreement Renewal
Pints & Quarts, Inc., dba Pints & Quarts

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal Agreement for the Operating Liquor Management Agreement between the City of Brookings and Pints & Quarts, Brennan and Lorraine Sullivan, owners, for the purpose of a liquor manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 313 Main Avenue.

Be It Further Resolved that the City Manager be authorized to execute the Agreement renewal on behalf of the City, which shall be for a period of five (5) years.

3.F. Action on Resolution 16-066, a Resolution authorizing the City Manager to sign a Liquor Operating Agreement renewal for Fergen Enterprises, Inc., dba Ray's Corner, Mike Fergen, owner, 401 Main Avenue, legal description: East 119' of Lot 1, Block 6, Original Plat Addition.

Resolution 16-066 - Liquor Operating Agreement Renewal
Fergen Enterprises, Inc., dba Ray's Corner

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal Agreement for the Operating Liquor Management Agreement between the City of Brookings and Fergen Enterprises, Inc., dba Ray's Corner, Mike Fergen, owner, for the purpose of a liquor manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 401 Main Avenue.

Be It Further Resolved that the City Manager be authorized to execute the Agreement renewal on behalf of the City, which shall be for a period of five (5) years.

3.G. Action on Resolution 16-067, a Resolution authorizing the City Manager to sign a Liquor Operating Agreement renewal for W&P of Brookings, LLC, dba Buffalo Wild Wings Grill & Bar, Todd and Susan LaHaise, owners, 1801 6th Street, legal description: Lot 6, Village Square Mall Addition.

Resolution 16-067 - Liquor Operating Agreement Renewal
W&P of Brookings, LLC, dba Buffalo Wild Wings Grill & Bar

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal Agreement for the Operating Liquor Management Agreement between the City of Brookings and W&P of Brookings, LLC, Buffalo Wild Wings Bar & Grill, Todd and Susan LaHaise, owners, for the purpose of a liquor manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 1801 6th Street.

Be It Further Resolved that the City Manager be authorized to execute the Agreement renewal on behalf of the City, which shall be for a period of five (5) years.

Resolution 16-070. A motion was made by Council Member Kidwiler, seconded by Council Member Hansen, that Resolution 16-070, a Resolution awarding bids on 2016-09STI, LeFevre Drive Storm Sewer Project, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Reed, Kidwiler, Bacon, and Wendell.

Resolution 16-070 - Resolution Awarding Bids on Project 2016-09STI
LeFevre Drive Storm Sewer Project

Whereas, the City of Brookings opened bids for the 2016-09STI LeFevre Drive Storm Sewer Project on Tuesday, July 26, 2016 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for the 2016-09STI LeFevre Drive Storm Sewer Project: Timmons Construction, Inc.: \$271,765.50; BX Civil & Construction, Inc.: \$284,581.00; Hulstein Excavating, Inc.: \$323,580.40.

Now Therefore, Be It Resolved that the low bid of \$271,765.50 for Timmons Construction, Inc. be accepted.

FIRST READING: Ordinance 16-015. Introduction and First Reading was held on Ordinance 16-015, an Ordinance to Rezone the S ½ of NW ¼ of Section 34-T110N-R50W from an Agricultural A District to a Single Family R-1C District, Single Family R-1D District, Two-Family Residence R-2 District, and Multi-Family Residence R-3 District and from a Single Family R-1C District to a Multi-Family R-3 District (West of Timberline Addition). Public Hearing: August 23, 2016.

Resolution 16-068. A motion was made by Council Member Bacon, seconded by Council Member Corbett, that Resolution 16-068, a Resolution of Intent to Lease to Brookings Economic Development Corporation, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Reed, Kidwiler, Bacon, and Wendell.

Resolution 16-068 - Resolution of Intent to Lease Real Property to
Brookings Economic Development Corporation

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 agreement with Brookings Economic Development Corporation on a month to month basis for a period not to exceed one year and pertaining to the following described property: Research & Technology Center -813 32nd Avenue.

The Lease will be an amount of \$4.00 per square foot based on the agreed upon square footage of 1,308 square feet (Unit 1) and an amount of \$0.00 per square foot based on the agreed square footage of 1,020 square feet (Unit 2) for a period of one (1) year with the option to renew on a month to month basis for one (1) additional year.

Be It Further Noted, that a Public Hearing on this Resolution was held on August 9, 2016 at 6:00 P.M. at the Brookings City & County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

Resolution 16-069. A motion was made by Council Member Hansen, seconded by Council Member Kidwiler, that Resolution 16-069, a Resolution authorizing the Acquisition of Real Estate for Park Maintenance Facility, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Reed, Kidwiler, Bacon, and Wendell.

Resolution 16-069 - Resolution Authorizing the Acquisition of Real Estate

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

Whereas, for the purpose of acquisition of real property for park maintenance facility purposes in the City of Brookings, South Dakota, the City of Brookings desires to purchase from Garnet Hildebrandt, the following described property: The South Eighty Feet (S 80') of Lots "A" and "B" and the West Five Feet (W 5') of the South Eighty Feet (S 80') of Lot "C", All in Block One (1) of Skinner's Third Addition to City of Brookings, County of Brookings, State of South Dakota; and

Whereas, the above-described real property has been offered for sale to the City of Brookings by Garnet Hildebrandt for a purchase price of \$74,500.00 Dollars; and

Whereas, the City of Brookings has determined the above-described property will further the interests 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 the City of Brookings acquire title to the above-described real property from Garnet Hildebrandt for park maintenance facility purposes of the City of Brookings, South Dakota; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute a Real Estate Sale and Purchase Agreement and other required documents in accordance with this Resolution.

Budget Workshop #3: 2017 Proposed Budget Summary. A motion was made by Mayor Reed, seconded by Council Member Hansen, to increase 2017 funding to the Brookings Economic Development Corp. (BEDC) by \$20,000 with funds being allocated to workforce programming. This would be a one-year pilot funding that would be reviewed for 2018 funding, with funds being allocated from 3rd B Reserves. The motion

carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Reed, Kidwiler, Bacon, and Wendell.

Cancel Meeting. A motion was made by Mayor Reed, seconded by Council Member Corbett, to cancel the August 16, 2016 Council Study Session. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Reed, Kidwiler, Bacon, and Wendell.

Prairie Cemetery. A motion was made by Mayor Reed, seconded by Council Member Hansen, to have staff research acquiring the Prairie Cemetery and preserve the approximately one (1) acre of land as a passive park. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Reed, Kidwiler, Bacon, and Wendell.

Adjourn. A motion was made by Council Member Corbett, seconded by Council Member Hansen, to adjourn the meeting at 7:56 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

Tim Reed, Mayor

ATTEST:

Shari Thornes, City Clerk