

**Brookings City Council  
September 22, 2020**

The Brookings City Council held a meeting on Tuesday, September 22, 2020 at 6:00 PM, at the City & County Government Building Chambers with the following City Council members present: Mayor Keith Corbett and Council Members Holly Tilton Byrne, Leah Brink, Patty Bacon, Joey Collins, Nick Wendell, and Ope Niemeyer. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster was also present.

**6:00 PM REGULAR MEETING**

**Consent Agenda.** A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, to approve the consent agenda. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

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

**3.B. Action to approve the September 8, 2020 City Council Minutes.**

**3.C. Action Resolution 20-078, a Resolution declaring surplus property for the City of Brookings.**

Resolution 20-078 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings:

Police Dept.: 2017 Ford Explorer. VIN: 1FM5K8AT7HGC25022.

Park, Recreation & Forestry: Nature Park Surplus Items: Red Strider 18 months – 5 years; Red Strider 18 months – 5 years; Yellow Strider 18 months – 5 years; Yellow Strider 18 months – 5 years, Green Strider 18 months – 5 years; Orange Strider 18 months – 5 years; Blue Strider 18 months – 5 years; Red Strider 18 months – 5 years (in box); Red Strider 18 months – 5 years (in box); Red Strider 18 months – 5 years (in box); Red Strider 18 months – 5 years (in box); Black Strider 18 months – 5 years (in box); Green Strider 18 months – 5 years (in box); Green Strider 18 months – 5 years (in box); Black 16 Sport Strider 185 lb max; Black Strider Super 120 lb max; Red Strider Super 120 lb max; White Strider Super 240 lb max; Red 16 Sport Strider 185 lb max; Women's charcoal & pink trek; Girls black trek bike; Girls black trek Lush 29; Men's black & lime trek bike; Men's black and white trek bike; Youth black & white trek bruiser; Boys red Schwinn falcon; Kids orange mongoose hunter bike; Park tool bike station; Yakima bike trailer; Yakima bike trailer; Hurley bike trailer; and Weehoo bike trailer.

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

Whereas, the City Manager is hereby authorized to sell or dispose of 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.

**Open Forum.** Bradley Walked expressed concerns regarding businesses being able to re-open at 100% capacity.

**SDSU Student's Association Report.** Zebadiah Johnson, SDSU Students Association Government Affairs Chair, provided an update on SDSU happenings to the City Council and public.

**Project Update: BUILD Grant Project.** City Engineer Jackie Lanning provided an update to the City Council and public on the federal "Better Utilizing Investments to Leverage Development" (BUILD) Grant for construction of 20<sup>th</sup> Street South between 22<sup>nd</sup> Avenue South and 34<sup>th</sup> Avenue South along with an interchange at I-29 & 20<sup>th</sup> Street South.

**FIRST READING – Ordinance 20-021.** Introduction and first reading was held on Ordinance 20-021, an Ordinance Amending Chapter 51, Subdivision Regulations, pertaining to Information Required for a Preliminary Plat and Final Plat. Public Hearing: October 13, 2020.

**Ordinance 20-020.** A second reading was held on Ordinance 20-020, an Ordinance Authorizing Supplemental Appropriation #5 to the 2020 Budget - Part 1 & 2. A motion was made by Council Member Bacon, seconded by Council Member Wendell, that Ordinance 20-020 be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

**Ordinance 20-018.** A second reading was held on Ordinance 20-018, an Ordinance appropriating monies to fund the necessary expenditures and liabilities of the City of Brookings for the 2021 Fiscal Year and providing the Annual Tax Levy and Annual Tax for All Funds. A motion was made by Council Member Brink, seconded by Council Member Wendell, that Ordinance 20-018 be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

**10-Year Capital Improvement Plan (CIP).** A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, that the 10-Year Capital Improvement Plan (CIP), be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

**Resolution 20-077.** A motion was made by Council Member Collins, seconded by Council Member Wendell, that Resolution 20-077, a Resolution Adopting Amendments to the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-077 - Resolution Adopting Amendments to the Consolidated Fee Schedule

Whereas, the adopted Municipal Code and City Policies make reference to fees charged; and

Whereas, it is prudent that the fees be reviewed for cost effectiveness; and

Whereas, Resolution 20-064, a Resolution Adopting the Consolidated Fee Schedule was approved by the City Council on August 11, 2020.

Now, Therefore, Be It Resolved, that the City of Brookings hereby adopts the following amendments to the Consolidated Fee Schedule:

<b>Fee Schedule</b>		
<b>Fee Description</b>	<b>City Code</b>	<b>Fee</b>
<b>City Clerk's Office</b>		
Technology Equipment Use / per hour	TBD	\$65.00
<b>Fire Dept.</b>		
Fire Protection System Fees		
Fire Sprinkler Systems	Sec. 34-81	\$52.00 plus \$2.00 per sprinkler head
Retrofitted Fire Sprinkler Systems	Sec. 34-81	\$52.00 plus \$2.00 per sprinkler head
Kitchen Hood Extinguishing Systems	Sec. 34-81	\$100.00
Kitchen Hood Extinguishing Systems Modification	Sec. 34-81	\$50.00
Clean Agent or Other Total Flooding System	Sec. 34-81	\$100.00 per covered area
Fire Alarm Systems	Sec. 34-81	\$128.00 plus \$2.00 per each initiation and signaling device
Fire Alarm System Modifications	Sec. 34-81	\$64.00 plus \$2.00 per each initiation and signaling device

<b>Fines and Violations</b>				
<b>Offense</b>	<b>City Code</b>	<b>Fine</b>	<b>Costs</b>	<b>Total</b>
<b>Miscellaneous Offenses</b>				
Coronavirus COVID-19 Violations	20-010			
First Offense		\$50.00	\$72.50	\$122.50
Second Offense		\$75.00	\$72.50	\$147.50
Third Offense		\$100.00	\$72.50	\$172.50
<b>Parking Offenses with Court Appearance</b>				
Size of Vehicles	82.522	\$60.00	\$72.50	\$132.50
Prohibited Activities	82-523	\$60.00	\$72.50	\$132.50

Removal of Vehicles	82.524	\$60.00	\$72.50	\$132.50
Permit Parking	82-525	\$60.00	\$72.50	\$132.50
<b>Parking Offenses if Paid within 72 hours / without Court Appearance</b>				
Size of Vehicles	82-522	\$60.00	\$0	\$60.00
Prohibited Activities	82-523	\$60.00	\$0	\$60.00
Removal of Vehicles	82-524	\$60.00	\$0	\$60.00
Permit Parking	82-525	\$60.00	\$0	\$60.00

All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

**Preliminary Plat.** A motion was made by Council Member Wendell, seconded by Council Member Brink, that the Preliminary Plat for Lots 2B, 2C, 2D, 2E, 2F, and 2G, Block 3, Telkamp Industrial Addition, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

**Encroachment Easement.** A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, that the authorization for an Encroachment Easement into Public Right-of-Way for 327 Main Avenue, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

**Resolution 20-071.** A motion was made by Council Member Niemeyer, seconded by Council Member Bacon, that Resolution 20-071, a Resolution to Create Boundaries of Tax Increment Financing District #9, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-071 - Resolution Providing for the Creation of Tax Increment Financing District Number Nine (9), City of Brookings

Whereas, the Planning Commission has recommended the District Boundaries for Tax Increment Financing District Number Nine, City of Brookings, and has recommended its creation; and

Whereas, the City of Brookings has the powers, pursuant to SDCL 11-9-2, to create Tax Increment Financing District Number Nine, City of Brookings, and to define its boundaries.

Now, Therefore, It Is Hereby Resolved:

1. Authority and Declaration of Necessity. The City of Brookings declares the necessity for the creation of Tax Increment Financing District Number Nine, City of Brookings (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area within the District is likely to enhance significantly the value of substantially all of

the other real property in the District and is necessary for economic development within the city.

2. Findings of Blight. The City Council makes the following findings with regard to blight:
  - a. More than 25% of the property in the District is a blighted area;
  - b. Improvements to the District will significantly and substantially enhance the value of all property within the District;
  - c. A majority of the property within the District which is suitable for development is currently unplatted and not serviceable with public infrastructure;
  - d. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the city does not exceed Ten (10%) percent of the total assessed valuation in the City.
  - e. The District is predominantly open bare land void of site improvements, that impairs the sound growth of the City.
  - f. There exist inadequate street layouts and storm sewer which retard the provision of industrial accommodations.
  - g. The District constitutes a blighted area as defined in SDCL Chapter 11-9.
3. Findings of Maximum Percentage of Tax Increment Financing Districts. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed Ten (10%) percent of the total assessed valuation of the City of Brookings.
4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, Tax Increment Financing District Number Nine, City of Brookings. The District is hereby created on the day this Resolution becomes effective, which shall be twenty days after publication of this Resolution.
5. Designation of District boundaries. The District shall be located with the boundaries of the following described real property:

Lots 1 & 2, Block 11, Freeland Addition and abutting rights-of-way of 32<sup>nd</sup> Avenue, City of Brookings, Brookings County, State of South Dakota, and

Block 11 excluding Lots 1 & 2, Freeland Addition and abutting rights-of-way of 32<sup>nd</sup> Avenue and 24<sup>th</sup> Street and 32<sup>nd</sup> Avenue, City of Brookings, Brookings County, State of South Dakota, and

Block 10 Exc Lot 1 & Exc ROW, Freeland Addition and abutting rights-of-way of 32<sup>nd</sup> Avenue, City of Brookings, Brookings County, State of South Dakota, and

N 40' of Lot 1, Shop Site Addition in NE ¼ SE ¼ in Section 18-T110N-R49W of the 5<sup>th</sup> P.M. and abutting rights-of-way of 24<sup>th</sup> Street and 34<sup>th</sup> Avenue, City of Brookings, Brookings County, State of South Dakota

6. Creation of Tax Incremental Fund. There is hereby created, pursuant to SDCL 11-9-31, a City of Brookings Tax Increment Financing District Number Nine Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Nine shall be deposited into the Tax Increment Financing District Number Nine Fund. All funds in the Tax Increment Financing District Number Nine Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

**Resolution 20-075.** A motion was made by Council Member Wendell, seconded by Council Member Bacon, that Resolution 20-075, a Resolution to Create Boundaries of Tax Increment Financing District #10, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-075 - Resolution Providing for the Creation of Tax Increment Financing District Number Ten (10), City of Brookings

Whereas, the Planning Commission has recommended the District Boundaries for Tax Increment Financing District Number Ten, City of Brookings, and has recommended its creation; and

Whereas, the City of Brookings has the powers, pursuant to SDCL 11-9-2, to create Tax Increment Financing District Number Ten, City of Brookings, and to define its boundaries.

Now, Therefore, It Is Hereby Resolved:

1. Authority and Declaration of Necessity. The City of Brookings declares the necessity for the creation of Tax Increment Financing District Number Ten, City of Brookings (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area within the District is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the city.
2. Findings of Blight. The City Council makes the following findings with regard to blight:
  - a. More than 25% of the property in the District is a blighted area;
  - b. Improvements to the District will significantly and substantially enhance the value of all property within the District;
  - c. A majority of the property within the District which is suitable for development is currently unplatted and not serviceable with public infrastructure;

- d. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the city does not exceed Ten (10%) percent of the total assessed valuation in the City.
  - e. The District is predominantly open bare land void of site improvements, that impairs the sound growth of the City.
  - f. There exist inadequate street layouts and storm sewer which retard the provision of industrial accommodations.
  - g. The District constitutes a blighted area as defined in SDCL Chapter 11-9.
3. Findings of Maximum Percentage of Tax Increment Financing Districts. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed Ten (10%) percent of the total assessed valuation of the City of Brookings.
  4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, Tax Increment Financing District Number Ten, City of Brookings. The District is hereby created on the day this Resolution becomes effective, which shall be twenty days after publication of this Resolution.
  5. Designation of District boundaries. The District shall be located with the boundaries of the following described real property:

Block 3 and 4, D & D Addition and abutting roads rights-of-way, City of Brookings, Brookings County, State of South Dakota

Lot 10, Block 13, Pheasant Nest Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

Lot 1, Block 12, Pheasant Nest Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

Lot 2A and 3A, Block 12A, Pheasant Nest Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

Lot 5B, Block 13, Pheasant Nest Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

Lot 10, Block 11, Pheasant Nest Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

Lot 1, Block 2, McClemans Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

NE ¼ of SE ¼ Exc S 300' thereof, and Exc McClemans Addition of Section 35-T110N-R50W and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

Lot 9 and 16A, Block 11, McClemans Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota

6. Creation of Tax Incremental Fund. There is hereby created, pursuant to SDCL 11-9-31, a City of Brookings Tax Increment Financing District Number Ten Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Ten shall be deposited into the Tax Increment Financing District Number Ten Fund. All funds in the Tax Increment Financing District Number Ten Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

**COVID-19 Update.** City Manager Paul Briseno provided an update on COVID-19 to the City Council and public.

**Adjourn.** A motion was made by Council Member Wendell, seconded by Council Member Bacon, that this meeting be adjourned at 6:53 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

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Keith W. Corbett, Mayor

ATTEST:

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Bonnie Foster, City Clerk