

Brookings City Council
September 26, 2023

The Brookings City Council held a meeting on Tuesday, September 26, 2023 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Wayne Avery, Brianna Doran, Andrew Rasmussen, Bonny Specker, Holly Tilton Byrne, and Nick Wendell. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

Agenda. A motion was made by Council Member Rasmussen, seconded by Council Member Specker, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

2024 Budget Study Session #2. The 2024 Budget Work Session #2 was held, covering the following topics: Budget-in-Brief, 10-year Capital Improvement Plan, and Fee Schedule updates.

Open Forum. Doug Smith thanked the City Council for planning ahead to address the current issues with water and irrigation at Edgebrook Golf Course.

Randy Parry thanked the City Council for having a strong Mission Statement focusing on strategic plan and diversity. Also thanked Gary Moen for his management of Edgebrook Golf Course.

George Ust expressed concerns with the ongoing water and irrigation concerns at Edgebrook Golf Course. It is a beautiful gateway to Brookings from the new I-29 Exit 130, unless it is brown and dry like it is now. He expressed concerns with lost revenue and potential loss of membership if improvements are not had.

Consent Agenda. A motion was made by Council Member Wendell, seconded by Council Member Doran, to approve the Consent Agenda. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

A. Action to approve the September 12, and September 19, 2023 City Council Minutes.

B. Action on the College Student Representative appointment to the Park & Recreation Board: appoint Erin Benz (filling vacancy, term expires 5/1/2024).

C. Action on Resolution 23-085, a Resolution Awarding Bids on the 2023-2024 Contractor Snow Removal Equipment Contracts.

Resolution 23-085 - Resolution Awarding Bids for 2023-2024 Contractor
Snow Removal Equipment Contracts

Whereas, the City of Brookings opened bids for Snow Removal Equipment on Tuesday, August 22, 2023 at 1:30 p.m. at Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for Snow Removal Equipment:

Four (4) Motor Graders with Wings: Five (5) bids received.

1. Bowes Construction, Inc. CAT140M \$230.00/hour
2. Bowes Construction, Inc. CAT140M \$230.00/hour
3. Austreim Excavating, LLC JD 772CH \$245.00/hour
4. Austreim Excavating, LLC JD 772G \$245.00/hour
5. Bowes Construction, Inc. CAT140M \$215.00/hour (no wing)

One (1) 3- to 6-Yard Loader: Four (4) bids received.

1. Bowes Construction, Inc CAT966M 5CY \$200.00/hour
2. Bowes Construction, Inc CAT950M 4CY \$175.00/hour
3. Winter Contracting, LLC 644K 4.5CY \$205.00/hour
4. Winter Contracting, LLC 624K 3.5CY \$165.00/hour

Four (4) Loaders with Reversible Blades: Three (3) bids received.

1. Bowes Construction, Inc. CAT938K \$210.00/hour
2. Austreim Excavating, LLC JD544K \$255.00/hour
3. Austreim Excavating, LLC JD544K II \$255.00/hour

Five (5) End-Dump Trucks: Ten (10) bids received.

1. Winter Contracting LLC #14 23.00CY \$140.00/hour
2. Prussman Contracting Inc. #19 22.80CY \$145.00/hour
3. Prussman Contracting Inc. #20 22.80CY \$145.00/hour
4. Prussman Contracting Inc. #22 22.20CY \$145.00/hour
5. Prussman Contracting Inc. #21 20.60CY \$145.00/hour
6. Prussman Contracting Inc. #23 19.50CY \$145.00/hour
7. Bowes Construction, Inc. T1 12.00CY \$135.00/hour
8. Bowes Construction, Inc. T28 12.00CY \$135.00/hour
9. Bowes Construction, Inc. T29 12.00CY \$135.00/hour
10. Bowes Construction, Inc. T30 12.00CY \$135.00/hour

Four (4) Side-Dump Trucks: Five (5) bids received.

1. Winter Contracting LLC #10 34CY \$170.00/hour
2. Winter Contracting LLC #12 34CY \$170.00/hour
3. Winter Contracting LLC #14 34CY \$170.00/hour
4. Bowes Construction, Inc. T10 17CY \$150.00/hour
5. Bowes Construction, Inc. T11 17CY \$150.00/hour

Now, Therefore, Be It Resolved that all bids be accepted.

6.D. Action on Resolution 23-086, a Resolution Awarding Bids on 2023-2024 for Road Salt.

Resolution 23-086 - Resolution Awarding Bid for Snow and Ice Removal Road Salt

Whereas, the City of Brookings opened bids for Road Salt on Tuesday, August 22, 2023 at 1:30 p.m. at Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids:

Blackstrap, Inc., Neligh, NE, \$82.80/ton
Central Salt, LLC, Lyons, KS, \$85.98/ton
NSG Logistics, Gothenburg, NE, \$104.06/ton
Compass Minerals, Overland Park, KS, No Bid

Whereas, the City collaborates with Brookings County on the annual road salt order to take advantage of economies of scale and cost savings; and

Now, Therefore, Be It Resolved the bid for Road Salt be awarded to Blackstrap, Inc., Neligh, NE in the amount of \$82.80 / ton.

6.E. Action on Resolution 23-087, a Resolution Awarding Bids for Portable Litter Control Fences.

Resolution 23-087 - Resolution Awarding Bid for Portable Litter Control Fences

Whereas, the City of Brookings opened bids for Portable Litter Control Fencing on Tuesday, August 22, 2023 at 1:30 pm at Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids:

Metta Technologies, Inc. \$81,260.00
Coastal Netting Systems \$82,500.00

Now, Therefore, Be It Resolved that the bid for Portable Litter Control Fences be awarded to Metta Technologies, Inc., in the amount of \$81,260.00.

6.F. Action on Resolution 23-084, a Resolution Approving the Purchase of five (5) pickup trucks off of the State of South Dakota Procurement Management cooperative bid process.

Resolution 23-084 - Resolution Approving the Purchase of Five Pickup Trucks

Whereas, the Public Works Solid Waste Division and Street Divisions, and the Parks, Recreation & Forestry Department have the need to purchase five (5) new pickup trucks; and

Whereas, the City is utilizing the South Dakota State Contracts; and

Whereas, Lamb Chevrolet and Implement and Lamb Motors Onida, SD are participating bidders; and

Whereas, the 2023 Amended Budget includes sufficient funds in the Solid Waste Disposal Fund #625, and Capital Improvements Fund #213 to fund the \$239,230 needed for the purchase of five (5) pickup trucks.

Now, Therefore, Be It Resolved that a contract with Lamb Chevrolet and Implement and Lamb Motors through South Dakota State Contracts #17618 and #17619 in the amount of \$239,230 is hereby approved, and the City Manager and City Clerk are authorized to sign the documents required to complete this purchase.

Proclamation: Domestic Violence Awareness Month. Mayor Niemeyer presented a Proclamation to Executive Director Carolyn Galvin with the Brookings Domestic Abuse Shelter for Domestic Violence Awareness Month.

MAYORAL PROCLAMATION

Whereas, domestic violence is prevalent in every community, with implications for personal, family, and community health; and

Whereas, anyone can be a victim of domestic violence, regardless of age, socio-economic status, sexual orientation, gender, race, religion, or nationality; and

Whereas, domestic violence is a pattern of assaultive and coercive behaviors which include physical, sexual, verbal, economic or psychological abuse that adults or adolescents use against their intimate partner.

Now, Therefore, I, Oepke G. Niemeyer, Mayor of the City of Brookings, State of South Dakota, do hereby proclaim October 2023 as Domestic Violence Awareness Month and call upon all of Brookings to be open to understanding the nature of domestic violence, to advocate for the use of tolerance, support, and reason in the face of conflict and against the use of violence, to empower those who have been victimized by violence and to promote a less violent society by modeling, educating, and promoting alternatives to violence.

Report: SDSU Students Association. SDSU SA Government Affairs Chair, Michael Garofalo, provided an update on SDSU happenings to the City Council and members of the public.

Resolution 23-079. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 23-079, a Resolution authorizing Change Order No. 1 for Pavement Maintenance / Rehabilitation Project AIP #3-46-0005-037-2023; Fahrner Asphalt Sealers, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-079 - Resolution Authorizing Change Order No. 1, for Pavement / Rehabilitation and Overlay Project, AIP #3-46-0005-037-2023, Fahrner Asphalt Sealers

Be It Resolved by the City Council that the following change order be allowed for Pavement / Rehabilitation and Overlay Project, AIP #3-46-0005-037-2023:
Construction Change Order Number 1: Additional routing and sealing of cracks on the

Runway 17/35, numerous taxiways, and hangar taxilanes at the Brookings Regional Airport. The total authorized increase in the contract for these changes is \$7,588.00.

FIRST READING – Ordinance 23-031. Introduction and First Reading was held on Ordinance 23-031, and Ordinance to Change the Zoning within the City of Brookings (Portion of Block 5, Original Plat Addition from Residence R-2 Two-Family District and Business B-2A Office District to a Planned Development District with Business B-1 Central District Underlying Zoning). Public Hearing and Action: October 10, 2023.

FIRST READING – Ordinance 23-032. Introduction and First Reading was held on Ordinance 23-032, an Ordinance to Change the Zoning within the City of Brookings (1.57 Acres in Reserve Fourth Addition from Business B-2A Office District to Business B-2 District). Public Hearing and Action: October 10, 2023.

FIRST READING – Ordinance 23-033. Introduction and First Reading was held on Ordinance 23-033, an Ordinance to Change the Zoning within the City of Brookings (0.57 acres in Reserve Fourth Addition from Business B-3 Heavy District to Business B-2 District). Public Hearing and Action: October 10, 2023.

Ordinance 23-028. A motion was made by Council Member Avery, seconded by Council Member Specker, that Ordinance 23-028, an Ordinance Amending and Restating the Swiftel Center Advisory Committee Ordinance, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-088. A public hearing was held on Resolution 23-088, a Resolution Levying Assessment for Concrete Maintenance Project No. 2022-01SWR. A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 23-088 be approved. Public Comment: Caleb Buysse and Mark Donahue. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-088 - Resolution Levying Concrete Maintenance Project 2022-01SWR

Whereas, the City Council has provided for sidewalk repair work to be completed under Project 2022-01SWR.

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

1. On May 10, 2022, City Council adopted Resolution of Necessity 22-031 and has made all investigation which it deems necessary and has found and determined the amount which each lot or tract will be benefited by the construction of the sidewalk improvement heretofore designated as Concrete Maintenance Project No. 2022-01SWR is the amount stated in the proposed assessment roll; and
2. The assessment for Concrete Maintenance Project No. 2022-01SWR is hereby approved and the assessment thereby specified are levied against each and every lot, piece or parcel of land thereby described; and

3. The assessment shall be divided into five (5) equal annual installments; and
4. Such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Sections to 9-43-51, South Dakota Compiled Laws of 1967, as amended; and
5. Unpaid balances shall carry an interest rate equal to the index "Federal Home Loan Bank of Chicago 10-year fixed Rate" + 3.5%, as published two weeks prior to the approval of Resolution 22-031; and
6. As of April 26, 2022, two weeks prior to the approval of Resolution 22-031, the published rate 3.41% + 3.5% equals 6.91% per annum, which shall accrue on the unpaid balance of the assessment.

Resolution 23-089. A public hearing was held on Resolution 23-089, a Resolution Levying Assessment for Street Assessment Project No. 2021-02STA, 15th Street South & 7th Avenue South. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 23-089 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-089 - Resolution Levying Street Assessment Project 2021-02STA

Whereas, the City Council has provided a street assessment project to be completed under Project 2021-02STA.

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

1. The City Council adopted Resolution of Necessity 21-031 and has made all investigation which it deems necessary and has found and determined the amount which each lot or tract will be benefited by the construction of the sidewalk improvement heretofore designated as Street Assessment Project No. 2021-02STA is the amount stated in the proposed assessment roll; and
2. The assessment for Street Assessment Project No. 2021-02STA is hereby approved and the assessment thereby specified are levied against each and every lot, piece or parcel of land thereby described; and
3. The assessment shall be divided into ten (10) equal annual installments; and
4. Such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Sections to 9-43-51, South Dakota Compiled Laws of 1967, as amended; and
5. Unpaid balances shall carry an interest rate equal to the index "Federal Home Loan Bank of Chicago 10-yr fixed Rate" +3.5%, as published two weeks prior to the approval of Resolution 21-047; and
6. As of May 25, 2021, two weeks prior to the approval of Resolution 21-047, the published rate 1.99% + 3.5% equals 5.49% percent per annum, which shall accrue on the unpaid balance of the assessment.

Commercial Corridor Design Review Overlay District Site Plan. A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan: Lot 1, Tract 2, Fox Run Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the Site Plan be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Commercial Corridor Design Review Overlay District Site Plan. A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan: Lot 1, Block 19, Prairie Hills Addition. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that the Site Plan be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-090. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 23-090, a Resolution Authorizing the City Manager to Sign and Submit an Application for Financial Assistance from the Transportation Alternatives Grant Program for the Construction of a Shared Use Path / Trail, Traffic Calming and Pedestrian Crossing Improvements for Medary Avenue in Brookings, be approved. Public Comment: Michael Garofalo. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-090 - A Resolution Authorizing the City Manager to Sign and Submit an Application for Financial Assistance from the Transportation Alternatives Grant Program for the Construction of a Shared Use Path, Traffic Calming and Pedestrian Crossing Improvements on Medary Avenue.

Whereas, the City of Brookings, SD (the "City") desires financial assistance from the South Dakota Department of Transportation-Transportation Alternatives Grant Program for the purpose of constructing a shared use path along the east side of Medary Avenue from 8th Street to North Campus Drive; a roundabout at the intersection of Medary Avenue and 8th Street; narrowing of Medary Avenue from 8th Street to North Campus Drive; and enhanced street lighting hereinafter described as the "Project"; and

Whereas, the City hereby agrees to the maintenance and operation of the Project; and

Whereas, the City hereby commits to the local match of not less than 20 percent of the project; and

Whereas, the City acknowledges its responsibility to secure right-of-way or easements for construction of the project; and

Whereas, this resolution authorizes the City Manager to sign and submit the Transportation Alternatives Grant Program Application for a grant of up to \$3,810,000 for the Project and authorize the City Manager to serve as the City's Official for the

purpose of signing grant agreements, contracts, correspondence, pay requests, and other required documents in connection with a grant and this project.

Now, Therefore, Be It Resolved that the City Manager of the City of Brookings is authorized to sign and submit the Grant Application for a grant of up to \$3,810,000 for the Project, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this project.

Progress Report. Samantha Beckman, Assistant to the City Manager, provided a progress report highlighting the City's activities and projects.

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, to enter into Executive Session at 7:35 p.m., pursuant to SDCL 1-25-2.3, for consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, and SDCL 1-25-2.5, for discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to exit Executive Session at 7:50 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that this meeting be adjourned at 7:51 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk