

Brookings City Council
October 23, 2018

The Brookings City Council held a meeting on Tuesday, October 9, 2018 at 6:00 p.m., at City Hall with the following City Council members present: Mayor Keith Corbett, Council Members Mary Kidwiler, Ope Niemeyer (via phone), Dan Hansen, Nick Wendell, Patty Bacon, and Holly Tilton Byrne. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Shari Thornes were also present.

6:00 PM Regular Meeting

Consent Agenda. A motion was made by Council Member Kidwiler, seconded by Council Member Bacon, to table 8.B. Public Hearing and Action on Resolution 18-088, Resolution of Necessity for Street Assessment Project 2019-02STA, 15th Street South and 7th Avenue South. The motion carried by the following vote: Yes: 7 - Niemeyer, Hansen, Kidwiler, Wendell, Bacon, Tilton Byrne and Corbett. A motion was made by Council Member Wendell, seconded by Council Member Hansen, to approve the Consent Agenda, as amended. The motion carried by the following vote: Yes: 7 - Niemeyer, Hansen, Kidwiler, Wendell, Bacon, Tilton Byrne and Corbett.

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

3.B. Action to approve the October 9, 2018 City Council Minutes.

3.C. Action on Resolution 18-087, a Resolution Removing Uncollectible Accounts Receivable from the Records.

Resolution 18-087 – A Resolution Removing
Uncollectible Accounts Receivable from the Records

Whereas, the Brookings Municipal Landfill had a total of \$170.47 in uncollectible landfill charges in 2018: \$170.47 – Concrete Contractors (filed bankruptcy);

Whereas, efforts to collect and recover from customers was unsuccessful; and

Now, Therefore, Be It Resolved the amount of \$170.47 in landfill charges be determined as uncollectible and removed from the records.

3.D. Action on Resolution 18-086, a Resolution Cancelling Certain Outstanding Checks.

Resolution 18-086 – A Resolution Cancelling Certain Outstanding Checks

Whereas, the City of Brookings, has issued checks that have been outstanding for more than six (6) months;

Now, Therefore, Be It Resolved that the following amounts be canceled and the proper funds be credited:

General Fund	9/21/16	Cassandra Steinle	\$29.13
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3.E. Action on Brookings Health System Board of Trustees Appointments: Dick Peterson, Justin Sell, and Dr. Andrew Ellsworth (terms expire 1/1/2022).

3.F. Action on Resolution 18-089, a Resolution Setting forth a Schedule of Proposed Fines for Violations of the Ordinances of the City of Brookings.

Resolution 18-089, A Resolution setting forth a Schedule of Proposed Fines for
Violations of the Ordinances of the City of Brookings, South Dakota

Be It Resolved by the Governing Body of the City of Brookings, South Dakota, that the following Schedule of Proposed Fines shall be effective as prescribed by law for all violations of Ordinances set forth herein.

SCHEDULE OF PROPOSED FINES WITH COURT COSTS				
Section	Offense	Fine	Costs	Total
<u>Miscellaneous Offenses</u>				
6-3	Open Container (alcoholic beverage) (Beer, wine, liquor in vehicle or on street)	60.00	62.50	122.50
6-142	Attempt to Purchase	60.00	62.50	122.50
6-143	Misrepresentation of Age	60.00	62.50	122.50
6-73	Possession of Keg Restricted	60.00	62.50	122.50
70-35	Littering	60.00	62.50	122.50
58-33	Resisting an Officer	60.00	62.50	122.50
58-36	Fleeing from a Police Officer	60.00	62.50	122.50
58-161	Public Urination (formerly Disorderly Conduct)	60.00	62.50	122.50
58-162	Disturbing the Peace - House Parties			
	First Offense	60.00	62.50	122.50
	Second Offense (within 1 year period)	100.00	62.50	162.50
	Third Offense (within 1 year period)	200.00	62.50	262.50
62-180	Hours parks open to the public	60.00	62.50	122.50
70-37	Littering	60.00	62.50	122.50
70-107	Location of Collection Containers	30.00	62.50	92.50
74-141-	Excavation Offenses	100.00	62.50	162.50
74-149	Excavation Offenses			
74-211	Failure to Remove Snow from Sidewalk	60.00	62.50	122.50
82-312	Texting While Driving	60.00	62.50	122.50
<u>Parking Offenses with Court Appearances</u>				
82-421	Position of Parking on Two-Way Road	25.00	60.00	85.00
82-427	Places Where Standing and Parking is Prohibited	25.00	60.00	85.00
82-428	Places Where Stopping is Prohibited	25.00	60.00	85.00
82-432	Parking In Excess of 72 Hours.	25.00	60.00	85.00
82-433	Parking in Alleys	25.00	60.00	85.00
82-461	Designation of Prohibited Parking	25.00	60.00	85.00
82-462	Designation of Limited Parking	25.00	60.00	85.00
82-463	Illegal Parking (2 hr. downtown or Medary)	25.00	60.00	85.00
Section	Offense	Fine	Costs	Total
82-464	Parking at Night in Business Section	25.00	60.00	85.00
82-465	Parking Prohibited During Snow Removal	50.00	60.00	110.00
82-468	Parking in Disabled Space w/o Permit	100.00	60.00	160.00
82-521	Maximum Duration of Parking	25.00	60.00	85.00
94-431(2)	Front Yard Parking Prohibited	25.00	60.00	85.00
<u>Parking Offenses (if paid w/in 72 hours)/ Without Court Appearance</u>				
82-421	Position of Parking on Two-Way Road	20.00		

82-427	Places Where Standing and Parking is Prohibited	20.00
82-428	Places Where Stopping is Prohibited	20.00
82-432	Parking In Excess of 72 Hours.	20.00
82-433	Parking in Alleys	20.00
82-462	Designation of Limited Parking	20.00
82-463	Illegal Parking (2 hr. downtown or Medary)	20.00
82-464	Parking at Night in Business Section	20.00
82-465	Parking Prohibited During Snow Removal	35.00
82-468	Parking in Disabled Space w/o Permit	100.00
82-521	Maximum Duration of Parking	20.00
94-431(2)	Front Yard Parking Prohibited	20.00

Traffic/Driving Offenses

82-127	Failure to Comply w/Warning Ticket	60.00	62.50	122.50
82-167	Traffic Signals	60.00	62.50	122.50
82-203	Duty to Provide Information	60.00	62.50	122.50
82-206	Unattended Vehicle	60.00	62.50	122.50
82-207	Property Damage	60.00	62.50	122.50
82-208	Immediate Notice	60.00	62.50	122.50
82-241	Driver's License Violation	60.00	62.50	122.50
82-242	Age of Driver	60.00	62.50	122.50
82-243	License Plate Violation	60.00	62.50	122.50
82-244	Maximum Passengers	60.00	62.50	122.50
82-246	Driving on Sidewalk	60.00	62.50	122.50
82-247	Exhibition Driving	60.00	62.50	122.50
82-248	Following Too Closely	60.00	62.50	122.50
82-249	Following Fire Apparatus	60.00	62.50	122.50
82-251	Unsafe Backing	60.00	62.50	122.50
82-252	Driving Over Fire Hose	60.00	62.50	122.50
82-271	Driving on Left Side of Street	60.00	62.50	122.50
82-276	Driving on Divided Highway	60.00	62.50	122.50
82-277	Overtaking Vehicles/Passing to Left			
	Required; Cutting in Front	60.00	62.50	122.50
82-279	Passing in No Passing Zone	60.00	62.50	122.50

Section	Offense	Fine	Costs	Total
82-280	Duty of Driver of Overtaken Vehicle; Increasing Speed	60.00	62.50	122.50
82-303	Exceeding Limits (below)			
82-304	Maximum Speed Generally (below)			
82-305	Speed Zones (below)			
	1-5 mph Over Speed Limit	30.00	62.50	92.50
	6-10 mph Over Speed Limit	40.00	62.50	102.50
	11-15 mph Over Speed Limit	60.00	62.50	122.50
	16-20 mph Over Speed Limit	80.00	62.50	142.50
	21-25 mph Over Speed Limit	105.00	62.50	167.50
	Over 25 (Court Appearance)	160.00	62.50	222.50
82-306	Speeding in School Zones			
	1-5 mph Over Speed Limit	50.00	62.50	112.50
	6-10 mph Over Speed Limit	60.00	62.50	122.50
	11-15 mph Over Speed Limit	95.00	62.50	157.50

	16-20 mph Over Speed Limit	130.00	62.50	192.50
	Over 20 (Court Appearance)	150.00	62.50	212.50
82-309	Reckless Driving	70.00	62.50	132.50
82-310	Careless Driving	60.00	62.50	122.50
82-332	Right Turn	60.00	62.50	122.50
82-333	Left Turn	60.00	62.50	122.50
82-334	U-Turn Restricted	60.00	62.50	122.50
82-337	Cutting Corner	60.00	62.50	122.50
82-362	Yielding Right-of-Way to Emergency Vehicles; Duty of Driver of Emergency Vehicle not to Exercise Right-of-Way Arbitrarily	60.00	62.50	122.50
82-365	Vehicle Entering Stop Intersection	60.00	62.50	122.50
82-366	Stop Required Before Entering from Alley, Building or Private Road; Place of Stopping	60.00	62.50	122.50
82-367	Obedience to Stop and Yield	60.00	62.50	122.50
82-369	Stop at Railroad Crossing Signal	60.00	62.50	122.50
82-392	Obedience (One Way Streets & Alleys)	60.00	62.50	122.50
82-424	Manner of Use of Diagonal Parking Spaces	40.00	62.50	102.50
82-561	Lights on Vehicle	60.00	62.50	122.50
82-563	Obstruction of Vision	60.00	62.50	122.50
82-565	Exhaust System	60.00	62.50	122.50
82-603	Pedestrian Right-of-Way	60.00	62.50	122.50
82-605	Jaywalking	40.00	62.50	102.50

Section	Offense	Fine	Costs	Total
82-682	Operation of Snowmobiles on Public Parks, Streets, Roads, Alleys Sidewalks, Boulevards & Rights-of-Way	60.00	62.50	122.50
82-684	Operation of Snowmobiles on Public Property	60.00	62.50	122.50
82-721	Clinging to Moving Vehicles	60.00	62.50	122.50
82-751	Bicycle Offense	25.00	62.50	87.50
82-842	Driving Through Processions	60.00	62.50	122.50

Housing and Zoning Offenses

Housing

22-374	Agent Required	60.00	62.50	122.50
22-401	Licensing of Leased Dwelling Units	60.00	62.50	122.50
22-402	Filing of Application Forms	60.00	62.50	122.50
22-405	Payment of License Fees	60.00	62.50	122.50
22-432	Failure to Comply With Smoke Detector Requirement			
	First Offense	155.00	62.50	w/ 100.00 (suspended on condition of no similar violations for 1 year.)
	Second Offense	155.00	62.50	217.50
	Third Offense	200.00	62.50	262.50

22-433	Failure to Comply with Exit Requirement First Offense	155.00	62.50	w/ 100.00 (suspended on condition of no similar violations for 1 year.)
	Second Offense	155.00	62.50	217.50
	Third Offense	200.00	62.50	262.50
22-434	Failure to Comply with Parking Requirement First Offense	155.00	62.50	w/ 100.00 (suspended on condition of no similar violations for 1 year.)
	Second Offense	155.00	62.50	217.50
	Third Offense	200.00	62.50	262.50
Section	Offense	Fine	Costs	Total
<u>Zoning</u>				
94-123(c)		First Offense:		
94-124(c)		200.00	62.50	w/ 150.00 (suspended on condition of no similar violations for 1 year.)
94-125(c)	Permitted Uses (Unlawful Use)			
94-126(c)				
94-127(c)				
94-128(c)		Second Offense:		
94-129(c)		200.00	62.50	262.50
94-130(c)				

All Other Zoning Ordinances Violations

3.G. Action to approve a Preliminary Plat for Lots 1-4, Block 2 and Blocks 1, 3, 4, 5, & 6, Southland Addition.

Ordinance 18-015. An introduction and first reading was held on Ordinance 18-015, an Ordinance rezoning Lots 8 & 9, Block 11, Bane & Poole Addition from Residence R-1B Single-Family to Business B-2A District. Public Hearing: November 13, 2018.

Resolution 18-081. A public hearing was held on Resolution 18-081, a Resolution approving Special Assessments for Snow Removal and Mowing. A motion was made by Hansen, seconded by Bacon, that Resolution 18-081 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Hansen, Kidwiler, Wendell, Bacon, Tilton Byrne, and Corbett.

Resolution 18-081 – Resolution Approving Special Assessments
for Snow Removal and Mowing

Whereas, the City Manager has submitted to the City Council Special Assessments against the owner and legal description listed below as hereinafter set out for weed

removal and snow removal fees; Be It Resolved by the City Council of the City of Brookings, South Dakota, these fees be assessed, in accordance with South Dakota Codified Law 9-32-12 as follows:

Scott Staniszewski 300 5th Ave S, Brookings Snow Removal \$315.00

Mary Helen Hoppenen 105 Council Ridge Rd, Brookings Mowing \$840.00

Jessica L. Currier 206 Half Moon Rd, Brookings Snow Removal \$190.00

Resolution 18-085. A motion was made by Council Member Tilton Byrne, seconded by Council Member Bacon, that Action on Resolution 18-085, a Resolution Authorizing the Mayor to Sign an Agreement for Project P-PH 0014(179)419 PCN 027B, US Highway 14 Project from Main Avenue to Medary Avenue be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Hansen, Kidwiler, Wendell, Bacon, Corbett, and Tilton Byrne.

Resolution 18-085 - A Resolution Authorizing the Mayor to Sign an Agreement for Project P-PH 0014(179)419 PCN 027B, US Highway 14 Project from Main Avenue to Medary Avenue

Whereas, the Brookings City Council desires the construction improvement of 6th Street from Main Avenue to Medary Avenue in Brookings, SD; and

Whereas, the City of Brookings desires the State of South Dakota Department of Transportation to upgrade the storm sewer and install decorative lighting; and

Whereas, the City of Brookings is obligated and hereby agrees to the provisions outlined in the "State of South Dakota Joint Powers Maintenance, Encroachment and Financial Agreement between Department of Transportation and City of Brookings.

Now, Therefore, Be It Resolved that the Mayor of the City of Brookings is authorized to sign the "State of South Dakota Joint Powers Maintenance, Encroachment and Financial Agreement between Department of Transportation and City of Brookings."

Adjourn. A motion was made by Council Member Hansen, seconded by Council Member Wendell, to adjourn the meeting at 6:14 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

Keith W. Corbett, Mayor

ATTEST:

Shari Thornes, City Clerk