

Brookings City Council
January 28, 2020 (unapproved)

The Brookings City Council held a meeting on Tuesday, January 28, 2020 at 6:00 PM, at City Hall with the following City Council members present: Mayor Keith Corbett, Council Members Patty Bacon, Leah Brink, Dan Hansen, Nick Wendell, and Ope Niemeyer. Absent: Council Member Holly Tilton Byrne. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

6:00 PM REGULAR MEETING

Consent Agenda: A motion was made by Council Member Hansen, seconded by Council Member Bacon, to approve the Consent Agenda. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

3.A. Action to approve the agenda.

3.B. Action to approve the January 14 and January 21, 2020 City Council Minutes.

3.C. Action on Resolution 20-007, a Resolution authorizing the City Manager to sign a Wine Operating Agreement 5-year renewal for ERL, LLC, dba The Depot, 921 20th St. So., Kathy McClemans, Robb McClemans, and Liz McClemans-Novak, owners, legal description: Lot 7, Block 13, McCleman's Addition.

Resolution 20-007 - ERL, LLC, dba The Depot
Wine On-Sale Alcoholic Beverage Operating Agreement 5-year Mid-Term Renewal

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal Agreement for the On-Sale Wine Alcoholic Beverage Management Agreement between the City of Brookings and ERL, LLC, dba The Depot, Kathy McClemans, Robb McClemans, and Liz McClemans-Novak, owners, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 921 20th St. So.: legal description: Lot 7, Block 13, McCleman's Addition.

Now, Therefore, Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for the remaining five (5) years of the ten (10) year agreement.

3.D. Action on Resolution 20-004, a Resolution authorizing Change Order No. 1 (Final) for 2019-07STI Asphalt Concrete Freight on Board Project; Bowes Construction, Inc.

Resolution 20-004 - A Resolution Authorizing Change Order No. 1 (Final),
for 2019-07STI Freight On Board Project; Bowes Construction Inc.

Be It Resolved by the City Council that the following change order be allowed for 2019-07STI Freight on Board Project: Construction Change Order Number 1 Final. Adjust estimated bid quantities to "as-built" quantities for a total decrease of \$36,517.41 to close out the project.

Dr. Martin Luther King, Jr. Contest Awards Presentation. In celebration of Dr. King's birthday, the Brookings Human Rights Commission sponsored a poster contest for intermediate school students and an essay contest for middle school and high school students to help students reflect on Dr. King's ideas and their impact on the community. This year's theme for the poster contest was "In the end, we will remember not the words of our enemies, but the silence of our friends." Mayor Keith Corbett presented the winners with the following awards: Grade 4 Poster Contest: 1st Place - Tyler Davis, 2nd Place - Dante Martinson, 3rd Place – Shawna Nupen, Honorable Mention - Allyson Couser. Grade 5 Poster Contest: 1st Place – Tavyn Jae Everding, 2nd Place - Autumn Brink, 3rd Place - Honor Naughton, Honorable Mention - Alexis (Lexi) Erp. Middle School Essay Contest: 1st Place - Anika Hooda, 2nd Place - Shae Lefers, 3rd Place - Taya Haselhorst. High School Essay Contest: 1st Place - Grace Enz, 2nd Place - Cherish Stern, 3rd Place - Victoria Diersen.

SDSU Student Association Report. Hattie Seten, SDSU Students Association Government Affairs Chair, provided an update on SDSU happenings to the City Council and public.

Brookings Municipal Liquor Store Presentation. Brookings Municipal Liquor Store Manager Janet Coplan provided an overview of the Municipal Liquor Store to the City Council and the public.

Resolution 20-009. A motion was made by Council Member Hansen, seconded by Council Member Bacon, that Resolution 20-009, a Resolution to approve the purchase of a 2020 Fire Engine from Toyne, Inc., Breda, IA / Allegiant Emergency Services, Sioux Falls, SD, through Sourcewell Contract #022818-TOY, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell Absent: 1 - Tilton Byrne.

Resolution 20-009 - Resolution to approve the purchase of a 2020 Fire Engine from Toyne, Inc., Breda, IA / Allegiant Emergency Services, Sioux Falls, SD, through Sourcewell Contract #022818-TOY.

Whereas, the City of Brookings Fire Department requests to purchase a 2020 Fire Engine from Toyne, Inc., Breda, IA / Allegiant Emergency Services, Sioux Falls, SD, through Sourcewell Contract #022818-TOY; and

Whereas, the 2020 Fire Engine will replace a 2001 Fire Engine. Replacement of Fire Engines occur on an 18-year basis in order to reduce maintenance costs and breakdowns; and

Whereas, the overall price for the 2020 Fire Engine from Toyne, Inc., Breda, IA / Allegiant Emergency Services, Sioux Falls, SD, is \$605,243.00; and

Whereas, Toyne, Inc., Breda, IA / Allegiant Emergency Services, Sioux Falls, SD, is offering a trade-in value of \$65,000.00 for the 2001 Fire Engine; and

Whereas, the 2020 CIP has a budgeted amount of \$150,000.00 to cover the first installment.

Now, Therefore, Be It Resolved that the contract from Toyne, Inc., Breda, IA / Allegiant Emergency Services, Sioux Falls, SD, in the amount of \$540,243.00 be accepted.

Resolution 20-014. A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that Action on Resolution 20-014, a Resolution authorizing a Interfund Loan from the Landfill Fund to the Fire Department to be used for the purchase of a 2020 Fire Engine. be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

Resolution 20-014 - Resolution Authorizing a Interfund Loan
from the Landfill Fund to the Fire Department
to be used for the purchase of a 2020 Fire Engine

Whereas, the Brookings Fire Department is purchasing a 2020 Fire Engine and desires to finance a portion of the purchase price using an Interfund Loan from the Brookings Landfill Fund; and

Whereas, in accordance with SDCL 9-22-24, the City is authorized, upon approval of the City Council, to loan unrestricted cash from one fund to another fund of the City; and

Whereas, it is in the best interests of the City of Brookings to finance the purchase of said fire equipment internally through a Interfund Loan from the Landfill Fund to the Fire Department Fund.

Now, Therefore, Be It Resolved, that the City Manager is directed to execute an Interfund Loan from the Landfill Fund to the Fire Department Fund, providing an annual interest rate of 1.55%, payable as follows:

Principal: \$540,243

Interest: 1.55%

Term: 6-year term, 1 payment per year

FIRST READING – Ordinance 20-003. Introduction and First Reading was held on Ordinance 20-003, an Ordinance Authorizing Supplemental Appropriation No. 2 to the 2020 Budget. Second Reading: February 11, 2020.

Ordinance 20-002. A motion was made by Council Member Hansen, seconded by Council Member Brink, that Ordinance 20-002, an Ordinance authorizing Supplemental Appropriation No. 1 to the 2020 Budget, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

Temporary Liquor Application. A public hearing was held on a Temporary Liquor Application from St. Thomas More Catholic School, to operate within the City of Brookings, South Dakota, on February 1, 2020, for a Winter Gala and Grand Auction to be held at 1700 8th Street South. A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that the Temporary Liquor Application be approved. Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

Resolution 20-010. A public hearing was held on Resolution 20-010, a Resolution of Intent to Lease Real Property at Brookings Airport to Madison Aircraft, LLC. A motion was made by Council Member Bacon, seconded by Council Member Niemeyer, that Resolution 20-010 be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

Resolution 20-010 - A Resolution of Intent to Lease Real Property at Brookings Airport to Madison Aircraft, LLC

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 Madison Aircraft, LLC for a period of five (5) years, commencing on January 1, 2020 and ending December 31, 2024 and pertaining to the following described property: 4,096 square feet in Lot U1, Airport Hangar Addition Number One, Section 26, Township 110 North, Range 50 West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota.

The lease will be payable annually by the last day of January of each year and subject to increases set by the Brookings City Council. The 2020 lease amount will be five hundred thirty-two dollars and forty-eights cents (\$532.48) payable January 31, 2020.

The City of Brookings may terminate this Lease with sixty (60) days notice.

Be It Further Noted, that a Public Hearing on this Resolution was held on January 28, 2020 at 6:00 o'clock P.M. in the Chambers at the Brookings City and County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

Resolution 20-011. A public hearing was held on Resolution 20-011, a Resolution of Intent to Lease Real Property at Brookings Airport to Civil Air Patrol, Inc. A motion was made by Council Member Hansen, seconded by Council Member Brink, that Resolution 20-011 be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

Resolution 20-011 - Resolution of Intent to Lease Real Property to Civil Air Patrol, Inc.

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 Civil Air Patrol, Inc., for a period of

five (5) years, commencing on February 1, 2020 and ending December 31, 2024 and pertaining to the following described property: approximately 1,040 square feet in the Brookings Airport Terminal Building in Section 26-T110N-R50W, City of Brookings, South Dakota.

The Lease will be in the amount of eighty-four dollars and forty-two cents cents (\$84.42) per month, payable by the first day of each month. The lease amount will be increased 3% beginning on January 1st of each year. The Lessor or Lessee may terminate this Lease with a notice of 30 days.

Be It Further Noted, that a public hearing on this Resolution was held on January 28, 2020 at 6:00 o'clock P.M. at the Chambers at the City & County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

Resolution 20-012. A motion was made by Council Member Bacon, seconded by Council Member Brink, that Resolution 20-012, a Resolution Amending the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

Resolution 20-012 - Resolution Amending the Consolidated Fee Schedule

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

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

Now, Therefore, Be It Resolved, that the City of Brookings hereby adopts the following adjustments to the 2020 Consolidated Fee Schedule:

Fee Description	Resolution	City Code	Fee
Hillcrest Aquatics Center Season Pass			
Individual	19-075	Sec. 62-45	\$60.00
Family of Three (3)	19-075	Sec. 62-45	\$150.00
Daily Admission	19-075	Sec. 62-45	\$6.00
Discount Cards	19-075	Sec. 62-45	\$54.00
Recreation Programs			
Red Cross Lessons – Early Bird	19-075	Sec. 62-45	\$35.00
Wee Waders – Early Bird	19-075	Sec. 62-45	\$35.00
Junior Lifeguarding – Early Bird	19-075	Sec. 62-45	\$40.00
Red Cross Lessons	19-075	Sec. 62-45	\$41.00
Wee Waders	19-075	Sec. 62-45	\$41.00
Junior Lifeguarding	19-075	Sec. 62-45	\$46.00
Planning & Zoning			
Initial Development Plan Amendment	19-075	Sec. 66-29	\$250.00

Final Development Plan Amendment	19-075	Sec. 66-29	\$100.00
Portable Signs Per Month (maximum permit period shall not carry over from one permit period to the next)	19-075	Sec. 94-467	\$50.00

Fee Description	Early Bird	Regular
Unlimited Golf		
Youth	\$190.00	\$225.00
Young Adult	\$465.00	\$550.00
Senior / Veteran	\$465.00	\$550.00
Young Adult Couple	\$520.00	\$610.00
Senior Couple	\$520.00	\$610.00
Individual	\$550.00	\$650.00
Couples	\$630.00	\$750.00
Family	\$720.00	\$850.00
College Student	\$255.00	\$300.00
Unlimited Golf & Half Cart Packages		
Young Adult	\$725.00	\$850.00
Senior / Veteran	\$725.00	\$850.00
Young Adult Couple	\$780.00	\$920.00
Senior Couple	\$780.00	\$920.00
Individual	\$745.00	\$875.00
Couples	\$805.00	\$950.00
Family	\$850.00	\$1,000.00
College Student	\$455.00	\$535.00

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

Resolution 20-013. A motion was made by Council Member Niemeyer, seconded by Council Member Hansen, that Resolution 20-013, a Resolution Authorizing the City Manager to sign a Memorandum of Understanding between the South Dakota Department of Transportation (SDDOT) and the City of Brookings for the 20th Street South BUILD Project, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; Absent: 1 - Tilton Byrne.

Resolution 20-013 - A Resolution Authorizing the City Manager to Sign Memorandum of Understanding between the South Dakota Department of Transportation (SDDOT) and the City of Brookings for the 20th Street South BUILD Project

Whereas, the Brookings City Council desires the construction of a new interchange at Interstate 29 and 20th Street South in Brookings, SD; and

Whereas, the project will be added into the Statewide Transportation Improvement Program and given project number EM 0295(45)130 and PCN 020V; and

Whereas, the City has been awarded a federal “Better Utilizing Investments to Leverage Development (BUILD)” Grant in the amount of \$18,677,630.00 towards the project; and

Whereas, the City has requested the State of South Dakota to function as the administrator for the Project along with the Federal Highway Administration (FHWA); and

Whereas, the City of Brookings has agreed to be responsible for all local match requirements for the Project, provide Project Management, and other provisions described in a Memorandum of Understanding between the SDDOT and City of Brookings.

Now, Therefore, Be It Resolved that the City Manager of the City of Brookings is authorized to sign a Memorandum of Understanding between the SDDOT and City of Brookings for the 20th Street South BUILD Project.

MEMORANDUM OF UNDERSTANDING
BETWEEN
SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
AND
CITY OF BROOKINGS, SOUTH DAKOTA

THIS MEMORANDUM OF UNDERSTANDING (MOU) is made by and between the State of South Dakota, acting by and through its Department of Transportation, referred to in this MOU as the “STATE,” and the city of Brookings, South Dakota, referred to in this MOU as the “CITY.”

BACKGROUND:

1. The CITY wants to build a new interchange at Interstate 29 (I-29) and 20th Street South, referred to in this MOU as the “PROJECT.”
2. The PROJECT will be added into the Statewide Transportation Improvement Program and given project number EM 0295(45)130 and PCN 020V.
3. The CITY has been awarded a federal “Better Utilizing Investments to Leverage Development (BUILD) grant, referred to in this MOU as the “GRANT,” in the amount of Eighteen Million Six Hundred Seventy-seven Thousand Six Hundred Thirty Dollars (\$18,677,630.00) towards the total PROJECT cost.
4. The total PROJECT cost is estimated to be Twenty-three Million Three Hundred Forty-seven Thousand Thirty-seven Dollars (\$23,347,037.00).
5. The CITY, in combination with Brookings County and private development partners, have committed local match in the amount of Four Million Six Hundred Sixty-nine Thousand Four Hundred Seven Dollars (\$4,669,407.00) for the PROJECT.
6. The BUILD GRANT funds must be obligated by September 15th, 2021.
7. The BUILD GRANT funds must be expended by September 30th, 2026.
8. The CITY is requesting the STATE to assume administration responsibilities for the PROJECT.

THE STATE AND THE CITY MUTUALLY AGREE AS FOLLOWS:

A. THE STATE'S RESPONSIBILITIES

1. The STATE will function as the administrator for the PROJECT along with the Federal Highway Administration (FHWA).
2. The STATE will bill the CITY for any required local match associated with expenditures of the PROJECT.
3. The STATE will bill the CITY for any costs in excess of the total estimated cost of the PROJECT.
4. The STATE will bill the CITY for any costs deemed ineligible for GRANT funding by the STATE or FHWA.
5. The STATE will provide the following:
 - a. Project agreements authorizing federal funding through FHWA;
 - b. Technical assistance to the CITY for the PROJECT;
 - c. Geotechnical recommendations;
 - d. Surfacing recommendations;
 - e. Plans Specifications and Estimate (PS&E) review, letting, and construction administration;
 - f. A more detailed agreement for the PROJECT prior to PS&E approval; and
 - g. Coordination on the development of a GRANT agreement with FHWA.
6. Upon completion of the PROJECT, it is the intent that the STATE will assume jurisdiction, ownership, replacement, repair, and maintenance responsibilities for all portions of the PROJECT within the control of access.

B. THE CITY'S RESPONSIBILITIES

1. The CITY will be responsible for all local match requirements for the PROJECT.
2. The CITY will coordinate all match and reimbursements with other partners as identified in BACKGROUND Paragraph 4 above.
3. The CITY will be responsible for any costs determined ineligible for GRANT funding by the STATE or FHWA.
4. The CITY will be responsible for any costs in excess of the estimated PROJECT costs.
5. The City Engineer will function and assume all duties as the Project Manager (PM) for the PROJECT.
6. The PM will:
 - a. Adhere to the design criteria required by the STATE and FHWA.
 - b. Assume the responsibilities of Project Management as identified in Chapter 2 of the South Dakota
 - c. Road Design Manual and any updates to the chapter.
 - d. Be responsible for review and approval of all billings for the PROJECT, with the exception of billings related to construction of the PROJECT.
 - e. Be responsible for development of all documents and activities including but not limited to, design, plans preparation, utility coordination, Right-of-Way acquisition (and related activities), and environmental clearances related to preliminary engineering services in accordance with STATE and FHWA requirements.

C. PROJECT LETTING

The STATE plans to let the PROJECT by September 15, 2021. In order to meet this letting deadline, it is imperative that the CITY promptly provide plans and related documents for the PROJECT to the STATE. Time is of the essence. The CITY must provide PROJECT deliverables and related documents to the STATE by the following deadlines:

June 30, 2020	The CITY will submit PROJECT preliminary Gradeline plans.
August 12, 2020	The CITY will conduct the Preliminary Design Inspection including Type Size and Location (TS&L) for any structures.
October 23, 2020	The CITY will conduct the Final Design Inspection.
December 16, 2020	The CITY will provide a Release to Right-of-Way.
February 9, 2021	The CITY will release final plans for review to the STATE.
June 15, 2021	The CITY will provide all certifications, final plans, right-of-way certifications, environmental clearances, utility certifications, and necessary state and federal PROJECT documentation.

D. GENERAL CONDITIONS:

1. This MOU may not be amended, except in writing, which writing will be expressly identified as a part of this MOU and be signed by an authorized representative of each of the parties.
2. If the CITY breaches any of the terms or conditions of this MOU, the STATE may terminate this MOU at any time with or without notice. If the STATE terminates the MOU, the CITY will be responsible for reimbursing the STATE for all PROJECT costs paid for with GRANT funds and all PROJECT costs incurred by the STATE in meeting its responsibilities under this Agreement, including labor costs and expenses for STATE staff.
3. This MOU depends upon the continued availability of appropriated funds and expenditure authority from the Legislature and the continued availability of the GRANT funds from the federal government. If for any reason the Legislature fails to appropriate funds or grant expenditure authority, or any funds become unavailable by operation of law or federal funds reductions or denials, the MOU may be terminated by the STATE. Termination for any of these reasons is not a default by the STATE nor does it give rise to a claim against the STATE.
4. The CITY has designated its City Manager as the CITY'S authorized representative and has empowered the City Manager with the authority to sign this MOU on behalf of the CITY. A copy of the CITY'S Council minutes or resolution authorizing the execution of this MOU by the City Manager as the CITY'S authorized representative is attached to this MOU as Exhibit A.
5. Any notices or submissions required under this MOU will be provided to the following:

For the CITY
Jackie Lanning
City Engineer

For the STATE
Scott Rabern
Chief Road Design Engineer

Suite 140
Brookings, SD 57006

South Dakota Dept. of Transportation
700 East Broadway
Pierre, SD 57501

This MOU is binding upon the signatories not as individuals, but solely in their capacities as officials of their respective organizations and acknowledges proper action of the STATE and the CITY to enter into the same.

City of Brookings, South Dakota
By:
Its: City Manager
Date:
Attest:
City Clerk
(CITY SEAL)

State of South Dakota
Department of Transportation
By:
Its: Secretary
Date:
Approved as to Form:
Special Assistant Attorney General

Progress Report. Jacob Meshke, Assistant City Manager, provided a progress report highlighting the City's activities/projects.

Adjourn. A motion was made by Council Member Hansen, seconded by Council Member Brink, that this meeting be adjourned at 7:05 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Keith W. Corbett, Mayor

Bonnie Foster, City Clerk