

**Brookings City Council**  
**September 9, 2020** (unapproved)

The Brookings City Council held a meeting on Tuesday, September 9, 2020 at 6:00 PM, at the Swiftel Center (824 32<sup>nd</sup> Avenue) 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 Wendell, seconded by Council Member Brink, to approve the consent agenda. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

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

**3.B. Action to approve the August 25 and September 2, 2020 City Council Minutes.**

**3.C. Action Resolution 20-070, a Resolution declaring surplus property for the City of Brookings.**

Resolution 20-070 - Declaring Surplus Property

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

Public Library: 2 filing cabinets, 1 shelving unit

Police Dept.: Glock G26, Serial #WUG482

Street Dept.: 2006 Chevrolet 6F-210 4x4 pickup ½ ton extended cab, VIN#: 1GCEK19Z66Z217676; 2000 Ford F150 4x4 pickup, VIN#: 1FTRF18L3YNB10405; 2014 Elgin Pelican Sweeper, Serial #NP30252; 2004 Crafcro Magnum Spray Patcher Machine, VIN#: 1C9AF162941418346.

Park, Recreation & Forestry Dept.: 1986 International 1700 Water Truck, VIN# 1HTLCHXL7GHA34652; 1986 John Deere 316 mower, 52", Serial #: M00316X361797; 1996 Ryan Mataway Overseeder Walk Behind, Serial #: 97503370; 30 – 6x12 fence panels with 8x14 trailer, plate #: TRL2826, VIN#: 0370670; Onan Emerald III Genset 10 Generator with 4x6 trailer, plate #: TRL5353, VIN #: 384159, Serial #: E870897654; Tree Log Lowering Device (2000 lb.), Serial #: 11032KP; 2 – 25 gallon pull behind sprayers; 67 – 4-foot black pedestals; 2 – 12-foot Hobie Mirage Outfitter Kayaks; 2 – 10-foot Future Beach Explorer Kayaks.

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.

**Ordinance 20-019.** A second reading was held on Ordinance 20-019, an Ordinance to Revise Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of Coronavirus (COVID-19) in the City of Brookings, South Dakota. A motion was made by Council Member Wendell, seconded by Council Member Bacon, that Ordinance 20-019 be approved. Public Comment: Rachel Harmon, Donna Andrews, Tom Stenvig, Jody Owen, Ashley Plueger, Janice Nielsen, Semhar Michael, Jennifer Wingate, Melodie Lichty, Jake Farmen, Jacob Wallace, Steve Myer, Jessica Kirkham, Jared Larson, Tabi Stewart, Lewayne Erickson, Teresa Binkley, Bonny Specker, Lora Berg, Emily Abele, Tom Manzer, Amy Hockett, Jessie Kuechenmeister, Jennifer Anderson, Natalie Thiex, Rebecca Barber, Cable Hardin, Kelly Crevier, Howard Wey, Aaron Ragsdale, Sarah Wilson, Travis Bortnem, Joshua Westwick, Kevin Grunewaldt, Patty Dexter, Jason Bowes, Jason Flaskey, Chuck Dieter, Teresa Holloman, Mya Olson, Jody Thompson, Nate Holden, Reed Mahlke, Amy Hockett, Mary Anne Krogh, Maged Mahfooz, Joe Ganahl, Jordan Neises, Sam Smith, Dr. Rachel Willand-Charnley, Dr. Bonny Specker, Dr. Sarah Smith, Dr. Gary Gackstetter, Hara Mubashir, Madisen Hansen, Greg Heiberger, Jared Gass, Daniel Scholl, Sarah Wilson, Julie Erickson, Laura Burns, Matthew Worm, Jennifer Anderson, Tim Caya, Rick Weible, Adam Hoppe, Natalie Thiex, Micayla TerWee, Jennifer Krauel, Caleb Crevier, Bruce Crevier, Russ Widhalm, Moiria Curry, Kristin Brandt, Lillian Estling, Richard Hieb, Bob Burns, Shaina Rinks, Landon Schulte, Amanda Quam, Dave Schneider, Kalea VanderWiele, Amanda Fickes, Luke Thompson, Adam Martin, Bradley Walker, Ryan Beasley, Alexander McAnerney, Kara Grayson, Lyle Boltjes, Jim Aamot, Gretchen Weible, Tyler Wharton, Craig Jorgensen, Ethan Anderson, Andrew McCann, Laura Mills, Chuck VanderWoude, and Brooklyn Schmidt. The motion carried by the following vote: Yes: 5 - Corbett, Niemeyer, Bacon, Wendell, and Tilton Byrne; No: 2 - Brink, and Collins.

**Resolution 20-076.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 20-076, an Emergency Resolution of the City Council of the City of Brookings, South Dakota, to Address a Public Health Crisis, be approved. Public Comment: Rachel Harmon, Jody Owen, Ashley Plueger, Cole Sartell, Jennifer Wingate, Tabi Stewart, Teresa Binkley, Bonny Specker, Lora Berg, Amy Hockett, Carla Dieter, Jessie Kuechenmeister, Jennifer Anderson, Natalie Thiex, Rebecca Barber, Hayli DeJong, Kelly Crevier Aaron Ragsdale, Travis Bortnem, Bradley Walker, Chuck VanderWoude, Shelly Anderson, and Cindy Halbersma. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-076 - An Emergency Resolution of the City Council of the City of Brookings, South Dakota, to Address a Public Health Crisis.

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

Whereas, the City of Brookings has the authority pursuant to SDCL 9-29-1 and SDCL 9-32-1 to pass resolutions and ordinances for the purpose of promoting the health, safety, and general welfare of the community, and to do what may be necessary for the promotion of health or the suppression of diseases; and

Whereas, pursuant to Ordinance 20-010, the City Council may by resolution modify the mandatory closures and enact revised restrictions on public gatherings and public movements it deems necessary to address the current public health emergency. Any revised measures and restrictions, adopted by resolution shall be for a specific duration and shall be periodically reviewed to ensure the continued necessity of such restrictions or closures; and

Whereas, upon the adoption of Ordinance 20-019 which requires masks at City sanctioned events and in indoor businesses and indoor public places, the following clarifications of the requirements and exceptions are set forth in Ordinance 20-019 shall be applicable:

1. All persons in the city shall cover their mouth and nose with a mask or other face covering when they are in the following situations:
  - a. When inside, or in line to enter, any indoor public space;
  - b. When obtaining services from the healthcare sector in settings, including but not limited to, a hospital, pharmacy, medical clinic, laboratory, physician or dental office, veterinary clinic, or blood bank, unless directed otherwise by an employee thereof or a health care provider;
2. Waiting for or riding on public transportation or while in a taxi, private car service, or ride-sharing vehicle;
3. The following individuals are exempt from wearing masks or other face coverings:
  - a. Persons age five years or under—children age two years and under in particular should not wear a face covering because of the risk of suffocation;
  - b. Persons with a medical condition, mental health condition, or disability that prevents wearing a face covering—this includes persons with a medical condition for whom wearing a face covering could obstruct breathing or who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance;
  - c. Persons who are deaf or hard of hearing, or when communicating with a person who is deaf or hard of hearing, where the ability to see the mouth is essential for communication;
  - d. Persons for whom wearing a face covering would create a risk to the person related to their work, as determined by local, state, or federal regulations or workplace safety guidelines;
  - e. Persons who are obtaining a service involving the nose or face for which temporary removal of the face covering is necessary to perform the service;

- f. Persons who are seated at a restaurant or other establishment that offers food or beverage service, while they are eating or drinking, provided they maintain a 6-foot distance between individuals (not including individuals who reside together or are seated together) with only infrequent or incidental moments of closer proximity;
- g. Athletes and participants who are engaged in an organized sports activity that allows athletes to maintain a 6-foot distance from others with only infrequent or incidental moments of closer proximity;
- h. Persons who are engaged in an activity that a professional or recreational association, public regulatory entity, medical association, or other public-health oriented entity has determined cannot be safely conducted while wearing a mask or other face covering and where other protections and precautions are established and utilized;
- i. Persons attending educational institutions where the public and private schools through 12th grade, colleges, and universities have implemented protections.
- j. Persons engaged in church and religious places of worship which may implement their own protections.

**Ordinance 20-016.** A second reading was held on Ordinance 20-016, an Ordinance Waiving Sidewalk Café Permit Fees during the COVID-19 Pandemic. A motion was made by Council Member Bacon, seconded by Council Member Niemeyer, that Ordinance 20-016 be approved. Public Comment: Rachel Harmon and Jennifer Wingate. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

**Resolution 20-074.** A motion was made by Council Member Brink, seconded by Council Member Wendell, that Resolution 20-074, a Resolution Awarding Bids on 2020-04STI, Traffic Signal Improvements Project, 8th Street South & Medary Avenue South, be approved. Public Comment: Jennifer Wingate. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-074 - Resolution Awarding Bids on 2020-04STI, Traffic Signal Improvements Project (8<sup>th</sup> Street South & Medary Avenue South)

Whereas, the City of Brookings opened bids for the 2020-04STI Traffic Signal Improvements Project, 8<sup>th</sup> Street South & Medary Avenue South on Tuesday, September 1, 2020 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bids for the 2020-04STI Traffic Signal Improvements Project: Timmons Construction, Inc. - \$492,985.36; Bowes Construction, Inc. - \$516,684.90; Rounds Construction Co., Inc. - \$544,599.89; Sentry - \$577,345.33.

Now, Therefore, Be It Resolved that the low bid of \$492,985.36 from Timmons Construction, Inc. be accepted.

**FIRST READING – Ordinance 20-020.** Introduction and First Reading was held on Ordinance 20-020, an Ordinance Authorizing Supplemental Appropriation #5 to the 2020 Budget - Part 1 & 2. Second Reading: September 22, 2020.

**Resolution 20-069.** A motion was made by Council Member Collins, seconded by Council Member Brink, that Resolution 20-069, a Resolution Authorizing Capital Outlay Accumulations for Purposes of Saving for Enhanced 911 Radio Expenditures, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-069 - A Resolution Authorizing Capital Outlay Accumulations for Purposes of Saving for Enhanced 911 Radio Expenditures

Whereas, it is the desire of the City Council of the City of Brookings, South Dakota to save capital outlay accumulations of \$25,000 in 2021 and \$10,000 in 2022 for a total of \$35,000 towards Police Department radio expenditures to be incurred in 2022.

Therefore, Be It Resolved, that the Brookings City Council duly approves the capital outlay accumulations for Enhanced 911 Dispatch radio expenditures and shall take effect for the 2021 budget.

**Adjourn.** A motion was made by Council Member Brink, seconded by Council Member Collins, that this meeting be adjourned at 10:09 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