

Brookings City Council
November 10, 2020 (unapproved)

The Brookings City Council held a meeting on Tuesday, November 10, 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 Oepke Niemeyer. City Attorney Steve Britzman, City Manager Paul Briseno, and Assistant City Manager Jacob Meshke were also present. City Clerk Bonnie Foster was absent.

6:00 PM REGULAR MEETING

Consent Agenda. A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, to approve the 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 October 27, 2020 City Council Minutes.

3.C. Action on Resolution 20-093, a Resolution authorizing the City Manager to sign a Wine Operating Agreement renewal for the Swiftel Center, Tom Richter, Executive Director, 824 32nd Avenue, legal description: Blocks 4-5, Wiese Addition.

Resolution 20-093 - Wine Operating Agreement - renewal Swiftel Center

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal for the Wine Operating Management Agreement between the City of Brookings and the Swiftel Center, Tom Richter, Executive Director, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 824 32nd Ave., legal description: Blocks 4-5, Wiese 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 a period of ten (10) years, with a renewal in five (5) years.

3.D. Action on Resolution 20-092, a Resolution authorizing the City Manager to sign a Wine Operating Agreement renewal for Wal-Mart Supercenter #1538, Dennis Tramp, Store Manager, 2233 6th Street, legal description: Lot 2, Tract A-Z of Blocks 9-10, Telkamp Addition.

Resolution 20-092 - Wine Operating Agreement - renewal Wal-Mart Supercenter #1538

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal for the Wine Operating Management Agreement between the City of Brookings and Wal-Mart Supercenter #1538, Dennis Tramp, Store Manager, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 2233 6th St., legal description: Lot 2, Tract A-Z of Blocks 9-10, Telkamp 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 a period of ten (10) years, with a renewal in five (5) years.

Open Forum. Brian Finch, Vice-President of South Dakota Pheasants, a women's professional football team, shared with the City Council and public they are looking for sponsors in order to call Brookings their home. Bradley Walker expressed concerns about the mask mandate, and the preparedness for when SDSU students return to Brookings after winter break.

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

3rd Quarter CFO Report. Erick Rangel, Chief Financial Officer, provided the 3rd Quarter Report to the City Council and public.

Resolution 20-087. A motion was made by Council Member Collins, seconded by Council Member Niemeyer, that Resolution 20-087, a Resolution Awarding Bids on City Crop Land Lease by the Brookings Regional Landfill (120 acres), be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-087 - Resolution Awarding Bids on Crop Land Lease
at the Brookings Regional Landfill (120 acres)

Whereas, the City of Brookings opened bids for approximately 120 acres of Landfill Crop Land Lease for the City-owned parcel located in Section 8-T110N-R49W located north of the Brookings Regional Landfill on Tuesday, October 27, 2020 at 1:30 PM at the Brookings City & County Government Center; and

Whereas, the City of Brookings received the following bids for the Landfill Crop Land Lease: James Meyer, White, SD \$ 227.00/acre, David Rochel, Elkton, SD \$ 218.00/acre, Tim and Dan Bauer Elkton, SD - \$167.50/acre, and LNJ Farms Aurora, SD \$ 135.00/acre.

Whereas, the lease will be for a period of (5) five years, commencing on January 1, 2021 and ending on December 31, 2025; and

Whereas, the annual rent payment will be due on April 1st of each year; and

Whereas, if a portion of the farm land is to be used for Solid Waste activities, the number of acres to be paid for will be adjusted at the bid price of \$227.00 per acre.

Now Therefore, Be It Resolved that the bid be awarded to the high bidder, James Meyer, White, SD for \$227.00.

Resolution 20-095. A motion was made by Council Member Wendell, seconded by Council Member Niemeyer, that Resolution 20-095, a Resolution Awarding Bids on City Crop Land Lease in Wiese and Freeland Additions, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-095 - Resolution Awarding Bids on City Crop Land Lease
in Wiese and Freeland Additions

Whereas, the City of Brookings opened bids for approximately 40 acres of City Crop Land Lease for City-owned parcels located in Wiese Addition and Freeland Additions on Tuesday, November 3, 2020 at 1:30 PM at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for City Crop Land Lease: Lyle Bothe - \$170.00 per acre; Tim & Dan Bauer - \$157.50; and

Whereas, the Crop Land Lease will be a one-year lease for 2021, renewable for one additional year in 2022.

Now, Therefore, Be It Resolved that the high bid of Lyle Bothe for \$170.00 per acre be accepted.

Resolution 20-096. A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, that Resolution 20-096, a Resolution Awarding Bids for City Hay Land Lease in Section 21-T110N-R50W (West of Brookings Airport), be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-096 - Resolution Awarding Bids on City Hay Land Lease
in Section 21-T110N-R50W (West of Brookings Airport)

Whereas, the City of Brookings opened bids for approximately 85 acres of City Hay Land for the City-owned parcel located in Section 21-T110-R50W on Tuesday, November 3, 2020 at 1:30 PM at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for City Hay Lease: Lyle Bothe - \$111.00 per acre; Lyle Johnson - \$85.00 per acre and Tim & Dan Bauer - \$51.00 per acre; and

Whereas, the Hay Land Lease will be a two-year lease for 2021 and 2022, renewable for two additional, one year terms for 2023 and 2024.

Now, Therefore, Be It Resolved that the high bid of \$111.00 per acre from Lyle Bothe be accepted.

Resolution 20-097. A motion was made by Council Member Niemeyer, seconded by Council Member Collins, that Resolution 20-097, a Resolution Awarding Bids for City Hay Land Lease in Section 11-T109N-R50W (Main Ave. S. & 32nd St. So.), be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-097 - Resolution Awarding Bids on City Hay Land Lease
in Section 11-T109N-R50W (32nd Street South and Main Avenue South)

Whereas, the City of Brookings opened bids for a two-year lease of approximately 18 acres of City Hay Land in Section 11-T109N-R50W, southeast of 32nd Street South and Main Avenue South, on Tuesday, November 3, 2020 at 1:30 PM at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for City Hay Land Lease: Lyle Bothe - \$52.50 per acre, Tim & Dan Bauer - \$40.00/acre and Lyle Johnson - \$35.00/acre; and

Whereas, the Hay Land Lease will be a two-year lease for 2021 and 2022, renewable for two additional, one year terms for 2023 and 2024.

Now, Therefore, Be It Resolved that the high bid from Lyle Bothe for \$52.50 per acre be accepted.

FIRST READING – Ordinance 20-024. An introduction and first reading was held on Ordinance 20-024, an Ordinance Authorizing Supplemental Appropriation #6 to the 2020 Budget - Parts 1-3. Second Reading: November 24, 2020.

Ordinance 20-023. A public hearing was held on Ordinance 20-023, an Ordinance Rezoning Lots 8A, 9, 10, 11, 12 & 13 Block 1, Fox Run Addition, from a Residence R-2 Two-Family District, Residence R-1D Single-Family / Residence R-2 Two-Family District, and Residence R-1D Single-Family District to a Residence R-3 Apartment District (Generally located south of 20th Street South and east of Fox Run Trail). A motion was made by Council Member Wendell, seconded by Council Member Niemeyer, that Ordinance 20-023 be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-088. A motion was made by Council Member Wendell, seconded by Council Member Niemeyer, that Resolution 20-088, a Resolution Approving Special Assessments for Snow Removal and Mowing, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-088 - 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 herein after 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:

Celink, 723 Main Ave., Mowing, \$195.00; Jacob Clement, 725 9th Street, Snow Removal, \$300.00; Hennen Properties, 1342 4th St. / 321 4th St., Snow Removal, \$295.00; Katherine & John Holland, 1646 15th St. S./ 1504 17th Ave. So., Snow Removal, \$690.00; David Knudsen, 914 2nd St., Mowing/Snow Removal, \$1,140.00

Resolution 20-089. A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, that Resolution 20-089, a Resolution amending Tax Increment District Number One (#1) Project Plan, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-089 - Resolution Amending Tax Increment District
Plan Number One (#1)

Whereas, the Planning Commission pursuant to SDCL § 11-9-18 has passed an amendment to the project plan of Tax Increment District Number One; and

Whereas, Tax Increment District Number One has \$1,914,272.40 of Project Costs (the "Remaining Project Costs") yet to be spent; and

Whereas, the duration of Tax Increment District Number One is twenty (20) years pursuant to SDCL § 11-9-25; and

Whereas, pursuant to SDCL § 11-9-18, the City Council is required to approve any amendment to the initial project plan.

Now, Therefore, Be It Resolved by the City Council of the City of Brookings, South Dakota, that Tax Increment District Number One initial Project Plan be amended to reflect that the duration of Tax Increment District Number One shall be twenty (20) years and the Remaining Project Costs shall be incurred and paid for 10,000 linear feet of infrastructure prior to the expiration of the Tax Increment District Number One.

Resolution 20-090. A motion was made by Council Member Wendell, seconded by Mayor Corbett, that Resolution 20-090, a Resolution approving Tax Increment District #9 Project Plan, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-090 - Resolution Approving Tax Increment Financing District
Number Nine (#9) Project Plan

Whereas, the Brookings Planning Commission has recommended the approval of the Tax Increment Financing District Number Nine Project Plan, City of Brookings; and

Whereas, the City Council finds that all requirements have been met in order to approve said Tax Increment Plan.

Now, Therefore, Be It Resolved by the City Council

1. Approval of Project Plan. The project plan, a copy of which is on file with the City Finance Officer hereby approved.
2. Findings. The City Council finds that the project plan is feasible and that it conforms to the City's master plan. All findings made in the tax increment financing project plan are included herein by reference.
3. Effective 20 days after publication. This resolution shall become effective 20 days after publication and absent any challenge at law all findings and conclusions in the Tax Increment Financing Project Plan for Tax Increment Financing District Number Nine, City of Brookings shall be final.

Resolution 20-091. A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, that Resolution 20-091, a Resolution approving Tax Increment District #10 Project Plan, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-091 - Resolution Approving Tax Increment Financing District
Number Ten (#10) Project Plan

Whereas, the Brookings Planning Commission has recommended the approval of the Tax Increment Financing District Number Ten Project Plan, City of Brookings; and

Whereas, the City Council finds that all requirements have been met in order to approve said Tax Increment Plan.

Now, Therefore, Be It Resolved by the City Council

1. Approval of Project Plan. The project plan, a copy of which is on file with the City Finance Officer hereby approved.
2. Findings. The City Council finds that the project plan is feasible and that it conforms to the City's master plan. All findings made in the tax increment financing project plan are included herein by reference.
3. Effective 20 days after publication. This resolution shall become effective 20 days after publication and absent any challenge at law all findings and conclusions in the Tax

Increment Financing Project Plan for Tax Increment Financing District Number Ten, City of Brookings shall be final.

Resolution 20-098. A motion was made by Council Member Bacon, seconded by Council Member Wendell, that Resolution 20-098, a Resolution budgeting Third Penny Sales Tax Funds for the Brookings Area Chamber Gift Card Give Back Program, be approved. Public Comment: Kelsey Doom. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 20-098 - A Resolution Budgeting Third Penny Sales Tax Funds
for the Brookings Area Chamber Gift Card Give Back Program

Be It Resolved, that the City of Brookings budgeted funds for the Downtown at Sundown Program which were not utilized due to the COVID-19 pandemic, and will use these funds to fund the Brookings Chamber Gift Card Give Back Program. Financing Source for this appropriation is from the following account: 284-000-5-856-72 Downtown at Sundown \$ 23,294.00 Total amount budgeted for this expenditure \$ 23,294.00

Whereas, this resolution is deemed necessary for the immediate preservation of the public peace, health, safety and support of the City, and shall become effective upon publication.

Discussion on transitioning to virtual City Council Meetings. The City Council held discussion on being prepared to transition to virtual City Council Meetings if the COVID-19 pandemic situation requires this move. No action was taken.

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

Executive Session. A motion was made by Council Member Wendell, seconded by Council Member Niemeyer, to enter into Executive Session at 7:28 p.m., pursuant to SDCL 1-25-2, for discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor. With the City Council, City Manager, and City Attorney present. The motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to exit Executive Session at 8:15 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Wendell, seconded by Council Member Collins, that this meeting be adjourned at 8:18 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Keith W. Corbett, Mayor

Bonnie Foster, City Clerk