

Brookings City Council
April 28, 2020

The Brookings City Council held a meeting on Tuesday, April 28, 2020 at 6:00 PM, at City Hall with the following City Council members present: Mayor Keith Corbett and Council Members Holly Tilton Byrne, Nick Wendell, Leah Brink, Patty Bacon, Dan Hansen, and Ope Niemeyer. 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 Brink, seconded by Council Member Niemeyer, to approve the Consent Agenda. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

3.A. Action to approve the agenda.

3.B. Action to approve the April 8 and April 14, 2020 City Council Minutes.

3.C. Action on a Preliminary Plat of Lots 1-3, Block 18, Prairie Hills Addition.

3.D. Action on Resolution 20-039, a Resolution designating Vote Center locations, and the appointment of Election Superintendents and Judges for the June 23, 2020 Combined Municipal / School Board Election. (postponed April 14, 2020 Election)

Resolution 20-039 - Resolution designating Vote Center Locations, and the Appointment of Election Superintendents and Judges for the June 23, 2020 Combined Municipal / School Board Election (postponed April 14, 2020 Election)

Whereas, a City of Brookings Municipal Election will be held on June 23, 2020 for the positions of two 3-year term City Council members; and

Whereas, as required by SDCL 9-13-16.1, the City Council must appoint Election Superintendents and Deputies and set their rate of compensation; and

Whereas, as required by SDCL 12-14-1, the City Council must designate the Vote Center locations; and

Whereas, the following superintendents and deputies are hereby appointed at a rate of \$14.50 per hour for Superintendents, \$14.00 per hour for Judges, and a flat fee of \$25.00 for the June 22, 2020 Election School: RESOLUTION BOARD: David Peterson, Larry Hult, and alternate Ken Ahartz; VOTE CENTER 1 – Brookings Activity Center, 320 5th Ave.: Norma Linn, Superintendent, Diane Spencer, Mardell Colbeck, Dolores Canaday, and Nancy Thompson; VOTE CENTER 2 – Bethel Baptist Church, 714 17th Ave. So.: Ron Thaden, Superintendent, Kathy Waddell, Marilyn Foerster, Deb Waltman, and Linda Thaden; VOTE CENTER 3 – Holy Life Tabernacle Church, 241 Mustang Pass: Bobbe Bartley, Superintendent, Ellen Herrboldt, and Janet Seeley; VOTE CENTER 4 – Aurora Little Hall, 101 Nicolett St.: Cathy Enlow, Superintendent, Julie Erickson, and Gloria Pike; ABSENTEE/EARLY VOTE CENTER – City & County Government Center, 520 3rd St. – Peggy Whalen, Gloria Miller, Sarah Keizer, and Katie Bortnem; ABSENTEE VOTE CENTER PROCESSING – Larry Hult, Superintendent,

Ken Ahartz, and Sue Sackman; ALTERNATES – Linda Schamp, Paulette Heesch, Peggy Whalen, Barbara Crosser, Gloria Miller, Sarah Keizer, Katie Bortnem, Thomas Chandler, Bret Henning, and Angie Ritter; ELECTION NIGHT WORKER – Greg Witchey.

3.E. Action on Resolution 20-040, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Wonder, Inc., DBA The Wild Hare, Todd Voss, Bobb Winter, and Ann Park, owners, 303 3rd Street, Brookings, South Dakota, legal description: West 75 'of Lots 20 and 21, Block 3, Original Plat Addition.

Resolution 20-040 - On-Sale Liquor Operating Agreement Renewal –
Wonder, Inc., dba The Wild Hare

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement renewal for the On-Sale Operating Alcohol Management Agreement for Liquor between the City of Brookings and Wonder, Inc., DBA The Wild Hare, Todd Voss, Bobb Winter, and Ann Park, owners, for the purpose of a liquor manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 303 3rd Street.

Be It Further Resolved that the City Manager be authorized to execute the Agreement renewal on behalf of the City, which shall be for a period of five (5) years.

3.F. Action on appointments to City Boards, Committees, and Commissions:
Airport Board: appoint Brady Klocker (term expires 5/1/2025); Park & Recreation Board: reappoint Isaac Schulte as the high school student representative (term expires 5/1/2021), reappoint Carson Code as the college student representative (term expires 5/1/2021), reappoint Steve Berseth (term expires 5/1/2023), and appoint Andrea Hogie (term expires 5/1/2023).

Open Forum. The following individuals expressed concerns regarding COVID-19 closures and questioned when the City will be discussing the City opening businesses closed by previous Ordinance: Shelly Anderson and Sierra Murphy.

Outside Agency Funding Process. City Manager Paul Briseno provided an update on 2021 City Funding and a partnership with United Way to ensure funding is dedicated to the greatest need in Brookings.

Brookings Arts Council Director position. The update of the Brookings Arts Council Director position has been tabled to a May City Council meeting to allow time for a thorough plan to be developed.

Resolution 20-042. A motion was made by Council Member Brink, seconded by Council Member Niemeyer, that Resolution 20-042, a Resolution Authorizing Change Order No. 2 for the 2019-01SWR, Concrete Maintenance Project; Clark Drew Construction, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

Resolution 20-042 - Resolution Authorizing Change Order No. 2 for
2019-01SWR, Concrete Maintenance Project; Clark Drew Construction, Inc.

Be It Resolved by the City Council that the following change order be allowed for 2019-01SWR, Concrete Maintenance Project: Construction Change Order Number 2: Adjust plan quantities for additional sidewalk work and removal of one water service for a total increase of \$34,821.00 to the contract and extend the substantial completion date to October 1, 2020 and the final completion date to October 9, 2020 to complete the amended project.

Resolution 20-044. A motion was made by Council Member Brink, seconded by Council Member Bacon, that Resolution 20-044, a Resolution Awarding Bids on Project 2020-08STI Street Maintenance and Overlay Project, be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

Resolution 20-044 - Resolution Awarding Bids on Project 2020-08STI Street
Maintenance and Overlay Project

Whereas, the City of Brookings opened bids for Project 2020-08STI, Street Maintenance and Overlay Project on Thursday, April 21, 2020 at 1:30 pm at the Brookings City & County Government Center via teleconference; and

Whereas, the City of Brookings has received the following bids for the 2020-08STI Street Maintenance and Overlay Project: Schedule A: Bowes Construction - \$603,138.25, Asphalt Surfacing Company - \$699,452.20, Rounds Construction - \$718,762.46; Schedule B: Bowes Construction - \$179,432.78, Asphalt Surfacing Company - \$182,063.48, Rounds Construction - \$185,426.00; Total Bid: Bowes Construction - \$782,571.03, Asphalt Surfacing Company - \$881,515.68 and Rounds Construction - \$904,188.46.

Now, Therefore, Be It Resolved that the total low bid \$782,571.03 for Bowes Construction Co., Inc. be accepted.

Resolution 20-037. A public hearing was held on Resolution 20-037, a Resolution of Intent to Lease Real Property to Daniel P. Bauer in the Wiese and Freeland Additions. A motion was made by Council Member Niemeyer, seconded by Council Member Tilton Byrne that Resolution 20-037 be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne

Resolution 20-037 - Resolution of Intent to Lease Real Property to
Daniel P. Bauer in the Wiese and Freeland Additions

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 Daniel P. Bauer, commencing on April 28, 2020 and ending December 31, 2020, and pertaining to the following described

property:

The designated farmland of thirty (30) acres more or less in the Brookings Wiese Addition, in Section 19, T110N, R49W, and the designated farmland of ten (10) acres more or less in the Brookings Freeland Addition, in Section 18, T110N, R49W in the City of Brookings, Brookings County, South Dakota.

The Lease will be an amount of One Hundred Twenty Dollars and Zero Cents (\$120.00) per acre for farmland annually, payable first half on June 1 and the remaining half on November 1. The City of Brookings may terminate this Lease at any time in the event a parcel of the above described property is to be sold by the City of Brookings. If a portion of the leased land is sold, the number of acres to be paid for will be adjusted at the unit price per acre.

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

Resolution 20-041. A public hearing was held on Resolution 20-041, a Resolution authorizing the City Manager to enter into an On-Sale Operating Agreement for a Liquor License for MG Oil Company, dba The Lanes, Marlyn Erickson and Troy Erickson, owners, 722 Western Ave., Brookings, SD, legal description: Lots 1 and 2, Block 1, Snyder's Addition, with video lottery terminals. A motion was made by Council Member Brink, seconded by Council Member Niemeyer, that Resolution 20-041 be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

Resolution 20-041 - On-Sale Liquor Operating Agreement –
MG Oil Company, dba The Lanes

Now, Therefore, Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement for the On-Sale Liquor Operating Management Agreement between the City of Brookings and MG Oil Company, dba The Lanes, Marlyn Erickson and Troy Erickson, owners, for the purpose of a liquor manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 722 Western Ave.: legal description: Lots 1 and 2, Block 1, Snyder'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 a period of five (5) years and renewal for another five (5) years.

Executive Session. A motion was made by Council Member Brink, seconded by Council Member Niemeyer, to enter into Executive Session at 6:16 p.m. pursuant to SDCL 1-25-2, for consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters, and 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, with the City Manager, City Clerk, City Attorney, Steve Meyer, (TITLE), and Tim Harvey also present. The motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Brink, to exit Executive Session at 6:46 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Brink, seconded by Council Member Niemeyer, that this meeting be adjourned at 6:47 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

Keith W. Corbett, Mayor

ATTEST:

Bonnie Foster, City Clerk