

**Brookings City Council
June 9, 2020**

The Brookings City Council held a meeting on Tuesday, June 9, 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.

5:00 PM SPECIAL MEETING

Executive Session. A motion was made by Council Member Brink, seconded by Council Member Wendell, to enter into Executive Session at 5:02 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 Attorney, and City Clerk present. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne A motion was made by Council Member Brink, seconded by Council Member Bacon, to exit Executive Session at 5:55 p.m. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

6:00 PM REGULAR MEETING

Consent Agenda: A motion was made by Council Member Niemeyer, seconded by Council Member Tilton Byrne, to approve the Consent Agenda. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

4.A. Action to approve the agenda.

4.B. Action to approve the May 26, 2020 City Council Minutes.

4.C. Action on appointments to City Boards, Committees and Commissions.

Utility Board: appoint Spencer Hawley (term expires 5/1/2025); Sustainability Council: reappoint Anna Barr as the College Student Representative (term expires 5/1/2021); Human Rights Commission: appoint Dan Berg (term expires 1/1/2022).

4.D. Action on Resolution 20-054, a Resolution Authorizing the City Manager to Sign Documents for a CARES Act Grant for the Brookings Airport.

Resolution 20-054 - A Resolution Authorizing the City Manager to Sign Documents for a CARES Act Grant for the Brookings Airport

Whereas, the City of Brookings desires financial assistance due to the COVID-19 public health emergency; and

Whereas, the Brookings Airport is eligible for funding under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to assist the airport in addressing the COVID-19 public health emergency.

Now Therefore, Be It Resolved that the Brookings City Manager is authorized to sign all related documents for the CARES Act Grant.

4.E. Action on Resolution 20-050, a Resolution declaring surplus property for the City of Brookings.

Resolution 20-050 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings: Park & Recreation Dept.: House, located at 1615 22nd Ave. So., SW ¼ excluding H-4, Section 34-T110N-R49W (The house was used by a former Golf Course employee who has since retired. The house was offered to Habitat for Humanity, and they chose to not accept it. The house will be sold and moved off of the property.); 2008 Brush Bandit 250XP Chipper. Engineering Dept.: House, located at 659 Faculty Drive, Lot 17 of College Addition (The property located at 659 Faculty Drive was purchased as part of a Hazard Mitigation Grant through the Federal Emergency Management Agency (FEMA) for funding to purchase the property for the installation of storm sewer and reshaping the parcel to create added detention. The house and garage will be demolished. Habitat for Humanity will be allowed to salvage the reusable items in the home prior to demolition.). Fire Dept.: 2 ½ Ton Bumper Air Jack, Brookings City ID

#9801; 2 ¼ Ton Hydraulic Floor Jack, Serial #49837 (does not work); Hydraulic Press Frame; Government Surplus Arc Welding Set; 5-inch NST Low Head Suction Strainer; 1996 FRHT FL70 Water Tender, Serial #1FYGHFAA0TL793661; 4 – 20" truck tires.

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.

4.F. Action on a request to abate property taxes from Broadacre Mobile Homes, #20, 120 2nd St. So., in the amount of \$21.79, legal description: Weichsel Addition, except the W 235'; E 140' of Outlot "A" except Lots 1-3; E 140' of N 309.26' of Outlot "B" in Roberts Second Addition (Parcel: 40999-000-01-020-00).

4.G. Action on Resolution 20-055, a Resolution designating additional Election Judges for the June 23, 2020 Combined Municipal / School Board Election (Postponed April 14, 2020 Election).

Resolution 20-055 - Appointing Additional Election Judges for the June 23, 2020 Combined Municipal / School Board Election (Postponed April 14, 2020 Election)

Whereas, a Combined City of Brookings Municipal / Brookings School Board Election will be held on June 23, 2020 for the positions of two 3-year City Council members, and one School Board member; and

Whereas, as required by SDCL 9-13-16.1, the City Council approved Resolution 20-039 on April 28, 2020 appointing election superintendents, judges and alternates, and set their rate of compensation; and

Whereas, there have been some changes in election superintendents, judges, and alternates; and

Whereas, the following superintendent, judge, and alternate were not appointed via Resolution 20-039, and are hereby appointed at a rate of \$14.50 per hour for Superintendents, and \$14.00 per hour for Judges: VOTE CENTER 2 – Sue Knutzen, Supt.; ABSENTEE PROCESSING – Barb Meyer, Judge; ALTERNATE – Tim Reed, Judge.

Open Forum. Jake Meshke, Assistant City Manager, shared with the City Council and members of the public the new electric car charging station is operational. It is located in the South parking lot of the City & County Government Center. Matt Schmidt, 1903 Windermere Way, thanked the City Council for all the work they have done this year. Brad Walker voiced concerns regarding the Justice for Black Lives - Brookings and if they violated the City's Ordinance 20-007 regarding public gatherings.

FIRST READING – Ordinance 20-010. A motion was made by Council Member Niemeyer, seconded by Council Member Tilton Byrne, that the first reading on Ordinance 20-010, an Ordinance Amending Emergency Ordinance 20-007 to Address a Public Health Crisis and to Revise Certain Measures Which Have Been Deemed Necessary to Slow the Community Spread of Coronavirus (COVID-19), be approved. Public Comment: Steve Timmerman, Rick Hieb, Bill Alsaker, and Brad Walker.

A motion was made by Council Member Brink, seconded by Council Member Hansen, to Amend Ordinance 20-010 by changing "requirements" to "guidelines", replacing the word "shall" with "should" when it appears, and removing the penalty clause. Second Reading to be held on June 30th. The motion carried by the following vote: Yes: 4 - Corbett, Niemeyer, Hansen, and Brink; No: 3 - Bacon, Wendell, and Tilton Byrne.

On the original motion, as amended, the motion carried by the following vote: Yes: 4 - Corbett, Niemeyer, Hansen, and Brink; No: 3 - Bacon, Wendell, and Tilton Byrne.

Ordinance 20-008. A public hearing was held on Ordinance 20-008, an Ordinance to Rezone Block 21 & 22 of Timberline Addition, in the East 1,635' of the North ½ of the Northwest ¼ Except Clites Addition and Except the East 264' thereof in Section 34, Township 110 North, Range 50 West of the 5th P.M., Brookings County, South Dakota from Agricultural A District to a Residence R-1C Single-Family District (Generally located North of Steamboat Trail and South of 8th Street South). A motion was made by Council Member Niemeyer, seconded by Council Member Brink, that Ordinance 20-008 be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

Ordinance 20-009. A public hearing was held on Ordinance 20-009, an Ordinance on an Amendment to the Subdivision Regulations. A motion was made by Council Member Niemeyer, seconded by Council Member Brink, that Ordinance 20-009 be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Hansen, Brink, Bacon, and Wendell; No: 1 - Tilton Byrne.

Resolution 20-052. A public hearing was held on Resolution 20-052, a Resolution Determining the Necessity of Repairing or Installing Sidewalks in the City of Brookings at the Expense of abutting property owners (2020-01SWR Concrete Maintenance Project). A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that Resolution 20-052 be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne; Abstain: 1 – Hansen.

Resolution 20-052 - Resolution Determining the Necessity of Repairing or Installing Sidewalks in the City of Brookings at the Expense of Abutting Property Owners; 2020-01SWR Concrete Maintenance Project

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

1. It is hereby determined that sidewalk repairs or installation is necessary abutting the parcels and lots of land in the City described in the Notice to Property Owners attached to this Resolution and marked as 2020-01SWR Concrete Maintenance Project.
2. Such sidewalks shall be installed to the width and of the materials prescribed by Chapter 74, "Streets, Sidewalks and other Public Places" and Article V. "Sidewalks", and to the grade and in accordance with the Plans and Specifications prepared in the office of the City Engineer.
3. The method of apportionment of benefits is as follows: Such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Section 9-43-102, South Dakota Compiled Laws of 1967, as amended, with interest of 10% on the unpaid balance. Assessments amounting to less than \$300.00 shall be paid in one payment.
4. The City has caused a copy of the Resolution and a Notice to Property Owners to be mailed to each property owner by certified mail.

Executive Session. A motion was made by Council Member Brink, seconded by Council Member Bacon, to enter into Executive Session at 6:39 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 and City Manager present. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne. A motion was made by Council Member Brink, seconded by Council Member Niemeyer, to exit Executive Session at 6:50 p.m. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

City Manager 2020 Contract. A motion was made by Council Member Brink, seconded by Council Member Wendell, that the 2020 City Manager Compensation Package be approved. The motion carried by the following vote: Yes: 7 - Corbett, Niemeyer, Hansen, Brink, Bacon, Wendell, and Tilton Byrne.

Adjourn. A motion was made by Council Member Brink, seconded by Council Member Hanson, that this meeting be adjourned at 6:58 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

 Bonnie Foster
Bonnie Foster, City Clerk

Keith W. Corbett
Keith W. Corbett, Mayor