

Brookings City Council
August 23, 2022

The Brookings City Council held a meeting on Tuesday, August 23, 2022 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Joey Collins, Wayne Avery, Brianna Doran, and Bonny Specker. Absent: Council Members Nick Wendell and Holly Tilton Byrne. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

Agenda. A motion was made by Council Member Doran, seconded by Council Member Specker, that the agenda be approved. The motion carried by the following vote: Yes: 5 – Niemeyer, Collins, Avery, Doran, and Specker; No: 2 – Wendell and Tilton Byrne.

Open Forum. Sam Smith expressed some concerns regarding the Brookings Police Dept.

Consent Agenda. A motion was made by Council Member Specker, seconded by Council Member Doran, to approve the Consent Agenda. The motion carried by the following vote: Yes: 5 – Niemeyer, Collins, Avery, Doran, and Specker; No: 2 – Wendell and Tilton Byrne.

A. Action to approve the 8/9/2022 City Council Minutes.

B. Action on Resolution 22-065, a Resolution in support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by Branch Creek, LLC, and / or its Affiliates, Agents, or Assigns, for the Benefit of Multi and Single-Family Development.

Resolution 22-065 - Resolution in Support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by Branch Creek, LLC, and / or its Affiliates, Agents, or Assigns, for the Benefit of Multi or Single-Family Development

Whereas, the City of Brookings and Branch Creek, LLC have determined it necessary to proceed with improvements to the City's infrastructure, thus enabling additional single and multifamily units to be constructed in the city limits of Brookings; and

Whereas, the City and Developer have determined financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Branch Creek, LLC (Developer) for the proposed development; and

Whereas, the City will work with the Developer's engineer to ensure the preliminary project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer, and all other necessary improvements as needed; and

Whereas, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

Whereas, the City is committed to the ownership and long-term maintenance of said infrastructure upon acceptance and condition set forth in a future memorandum of agreement and understanding that the said infrastructure and system shall meet the specifications, materials and equipment set forth in said agreement; and

Whereas, the City acknowledges that there is a tremendous housing shortage in City of Brookings and this proposed development will help, but not solve, the housing shortage.

Now, Therefore, Be It Resolved by the City of Brookings as follows:

1. The City hereby supports the submission of an Application for financial assistance by Branch Creek, LLC, to the South Dakota Housing and Development Authority.
2. City officials are hereby authorized to deliver such other documents as necessary, to assist with the Application for financial assistance.

Introduction and Oath of Office: new Brookings Police Chief. Mayor Niemeyer introduced new Police Chief Michael Drake. Chief Michael Drake took his Oath of Office.

Report: SDSU Student Association. SDSU Student Association Government Affairs Chair, Erika Van Nieuwenhuyse, provided an update on SDSU happenings to the City Council and members of the public.

Resolution 22-068. A motion was made by Council Member Doran, seconded by Council Member Avery, that Resolution 22-068, a Resolution Awarding Bids on 2022-2023 Contractor Snow Removal Equipment Contracts, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Collins, Avery, Doran, and Specker; Absent: 2 - Wendell, and Tilton Byrne.

Resolution 22-068 - Resolution Awarding Bids for
2022-2023 Contractor Snow Removal Equipment Contracts

Whereas, the City of Brookings opened bids for Snow Removal Equipment on Tuesday, August 9, 2022 at 1:30 pm at Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for Snow Removal Equipment:

Four (4) Motor Graders with Wings: No bids received and will be rebid.

One (1) 3- to 6-Yard Loader: Two bids received. 1) Winter Contracting LLC, 644K, 4.50 cubic yards, \$199.00/hour; 2) Winter Contracting, LLC, 624K, 3.50 cubic yards, \$159.00/hour.

Four (4) Loaders with Reversible Blades: No bids received and will be rebid.

Ten (10) End-Dump Trucks: Six bids received. 1) Winter Contracting, LLC., #14, 23.00

cubic yards, \$135.00/hour; 2) Prussman Contracting, Inc., #19, 22.80 cubic yards, \$145.00/hour; 3) Prussman Contracting, Inc., #20, 22.80 cubic yards, \$145.00/hour; 4) Prussman Contracting, Inc., #22, 22.20 cubic yards, \$145.00/hour; 5) Prussman Contracting, Inc., #21, 20.60 cubic yards, \$145.00/hour; and 6) Prussman Contracting, Inc., #23, 19.50 cubic yards, \$145.00/hour.

Four (4) Side-Dump Trucks: Three bids received. 1) Winter Contracting, LLC, #10, 34.00 cubic yards, \$158.00/hour; 2) Winter Contracting, LLC, #12, 34.00 cubic yards, \$158.00/hour; and 3) Winter Contracting, LLC, #14, 34.00 cubic yards, \$158.00/hour.

Now Therefore, Be It Resolved the following bids be accepted:

One (1) 3- to 6-Yard Loader: Two bids received. 1) Winter Contracting LLC, 644K, 4.50 cubic yards, \$199.00/hour; 2) Winter Contracting, LLC, 624K, 3.50 cubic yards, \$159.00/hour.

Ten (10) End-Dump Trucks: Six bids received. 1) Winter Contracting, LLC., #14, 23.00 cubic yards, \$135.00/hour; 2) Prussman Contracting, Inc., #19, 22.80 cubic yards, \$145.00/hour; 3) Prussman Contracting, Inc., #20, 22.80 cubic yards, \$145.00/hour; 4) Prussman Contracting, Inc., #22, 22.20 cubic yards, \$145.00/hour; 5) Prussman Contracting, Inc., #21, 20.60 cubic yards, \$145.00/hour; and 6) Prussman Contracting, Inc., #23, 19.50 cubic yards, \$145.00/hour.

Four (4) Side-Dump Trucks: Three bids received. 1) Winter Contracting, LLC, #10, 34.00 cubic yards, \$158.00/hour; 2) Winter Contracting, LLC, #12, 34.00 cubic yards, \$158.00/hour; and 3) Winter Contracting, LLC, #14, 34.00 cubic yards, \$158.00/hour.

Resolution 22-069. A motion was made by Council Member Specker, seconded by Council Member Collins, that Resolution 22-069, a Resolution Awarding Bids on 2022-2023 Snow and Ice Removal Road Salt, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Collins, Avery, Doran, and Specker; Absent: 2 - Wendell, and Tilton Byrne.

Resolution 22-069 - Resolution Awarding Bid
for Snow and Ice Removal Road Salt

Whereas, the City of Brookings opened bids for Snow and Ice Removal Road Salt on Tuesday, August 9, 2022 at 1:30 pm at Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids: 1) Central Salt, LLC, Lyons, KS, \$85.41/ton; 2) NSG Logistics, Gothenburg, NE, \$86.68/ton, and 3) Compass Minerals, Overland Park, KS, No Bid.

Now, Therefore, Be It Resolved the bid for Snow and Ice Removal Road Salt be awarded to Central Salt, LLC, Lyons, KS, in the amount of \$85.41/ton.

Resolution 22-067. A motion was made by Council Member Doran, seconded by Council Member Specker, that Resolution 22-067, a Resolution Awarding Bids on 2022-01SWR Sidewalk Maintenance Project, be approved. The motion carried by the

following vote: Yes: 5 - Niemeyer, Collins, Avery, Doran, and Specker; Absent: 2 - Wendell, and Tilton Byrne.

Resolution 22-067 - Resolution Accepting Bids
on Project 2022-01SWR Sidewalk Maintenance Project

Whereas, the City of Brookings opened bids for 2022-01SWR Sidewalk Maintenance Project on Tuesday, August 16, 2022 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings received the following bid for the 2022-01SWR Sidewalk Maintenance Project: Clark Drew Construction, Inc. in the amount of \$292,732.50; and

Whereas, the low bid was approximately 23% higher than the Engineer's Estimate.

Now, Therefore, Be It Resolved that the total low bid of \$292,732.50 from Clark Drew Construction, Inc., be accepted.

Resolution 22-066. A motion was made by Council Member Doran, seconded by Council Member Specker, that Resolution 22-066, a Resolution Rejecting Bids for the Brookings Regional Airport High Speed Rotary Snow Blower, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Collins, Avery, Doran, and Specker; Absent: 2 - Wendell, and Tilton Byrne.

Resolution 22-066 - Resolution Rejecting Bids
on the Brookings Regional Airport High Speed Rotary Snow Blower

Whereas, the City of Brookings opened bids for the Brookings Regional Airport High Speed Rotary Snow Blower on Tuesday, July 12, 2022 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings received the following bids; and

High Speed Rotary Snow Blower, Brookings regional Airport	SRM Kodiak	Oshkosh Defense, LLC	MB Companies	J.A. Larue, Inc.
Snow removal Equipment with Blower	\$615,000	\$664,700	\$704,150	\$700,000
16-foot Broom Attachment	\$105,000	\$137,475	\$92,649	\$150,000
18-foot Plow Attachment	\$60,000	\$45,300	\$43,093	\$60,000
Total Base Bid	\$780,000	\$847,475	\$839,892	\$910,000

Whereas, due to a protest of bids, the FAA is requiring all bids to be rejected.

Now, Therefore, Be It Resolved that all bids received for the Brookings Regional Airport High Speed Rotary Snow Blower be rejected.

FIRST READING – Ordinance 22-030. Introduction and First Reading on Ordinance 22-030, an Ordinance pertaining to the Unlawful Use of Dynamic Braking Devices. Public Hearing and Action: September 13, 2022.

Ordinance 22-029. A motion was made by Council Member Doran, seconded by Council Member Collins, that Ordinance 22-029, an Ordinance Authorizing Budget Amendment No. 7 to the 2022 Budget, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Collins, Avery, Doran, and Specker; Absent: 2 - Wendell, and Tilton Byrne.

Video Lottery Request. A public hearing was held on a request for Video Lottery for Tee'd Off Golf, LLC, 2508 Wilbert Court. Legal description: Lot 10, Block 1, Wilbert Square Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Collins, seconded by Council Member Specker, that the Video Lottery request be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Collins, Avery, Doran, and Specker; Absent: 2 - Wendell, and Tilton Byrne.

Resolution 22-064. A motion was made by Council Member Specker, seconded by Council Member Collins, that Resolution 22-064, a Resolution Authorizing an Inter-fund Advance from the Capital Improvement Plan (CIP) Fund to the Special Assessment Fund, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Collins, Avery, Doran, and Specker; Absent: 2 - Wendell, and Tilton Byrne.

Resolution 22-064 - Resolution Authorizing an Inter-fund Advance from the Capital Improvement Plan (CIP) Fund to the Special Assessment Fund

Whereas, the Special Assessment Fund is the funding source for annual sidewalk and alley improvements; and

Whereas, the City acknowledges that obligations for special assessment projects are due prior to receipt of special assessment revenue received from property owners; and

Whereas, the City desires to finance the up-front costs of special assessments through an inter-fund advance from the CIP Fund to be paid back as special assessment revenue is received; 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 expenditures for upcoming special assessment projects from the CIP Fund with annual special assessment revenues directed to the CIP Fund until the advance is paid in full, no later than December 31, 2028.

Now, Therefore, Be It Resolved, that the City Manager is directed to execute an inter-fund advance from the CIP Fund to the Special Assessment Fund, payable as follows:

Principal \$121,000.00
Interest 0.0%
Term August 23, 2022 – December 31, 2028

Estimated Payment Schedule:

<u>Year</u>	<u>Amount</u>		<u>Year</u>	<u>Amount</u>
2023	\$60,500		2026	\$12,100
2024	\$12,100		2027	\$12,200
2025	\$12,100		2028	\$12,100
			TOTAL	\$121,000

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

Executive Session. A motion was made by Council Member Collins, seconded by Council Member Specker, to enter into Executive Session at 6:36 p.m., pursuant to SDCL 1-25-2.4, for purposes of preparing for contract negotiations or negotiating with employees or employee representatives. Present: City Council, City Manager, City Attorney, Jacob Meshke, Assistant City Manager, Susan Rotert, Human Resources Director, and Erick Rangel, Chief Financial Officer. The motion carried by a unanimous vote. A motion was made by Council Member Specker, seconded by Council Member Avery, to exit Executive Session at 7:18 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Specker, seconded by Council Member Avery, that this meeting be adjourned at 7:18 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk