

**BROOKINGS CITY COUNCIL
MARCH 12, 2024**

The Brookings City Council held a meeting on Tuesday, March 12, 2024 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Council Members Wayne Avery, Brianna Doran, Andrew Rasmussen, Bonny Specker, and Holly Tilton Byrne. Absent: Mayor Oepke Niemeyer and Council Member Nick Wendell. Attorney Steve Britzman and City Clerk Bonnie Foster were also present. City Manager Paul Briseno was absent.

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 - Avery, Doran, Rasmussen, Specker, and Tilton Byrne. Absent: 2 - Niemeyer and Wendell.

Consent Agenda. A motion was made by Council Member Specker, seconded by Council Member Rasmussen, to approve the Consent Agenda. The motion carried by the following vote: The motion carried by the following vote: Yes: 5 - Avery, Doran, Rasmussen, Specker, and Tilton Byrne. Absent: 2 - Niemeyer and Wendell.

A. Action to approve the February 27, 2024 City Council Minutes.

B. Action to cancel the March 19, 2024 City Council Study Session.

C. Action to make changes to the City Council Meeting schedule for May 2024. (Cancel the May 14th Council Meeting. Schedule a meeting for May 7th.)

D. Action on Resolution 24-028, a Resolution authorizing the Slurry Seal Contract Award for the City of Brookings utilizing City of Sioux Falls Bid #24-1045, Surface Treatment Program - Slurry Seal for Sioux Falls and Surrounding Communities.

RESOLUTION 24-028 - RESOLUTION AWARDING CONTRACT FOR SLURRY SEAL

WHEREAS, the Public Works Department requests action to award a contract for Slurry Seal utilizing City of Sioux Falls bid #24-1045, Surface Treatment Program – Slurry Seal for Sioux Falls and Surrounding Communities; and

WHEREAS, Asphalt Surface Technologies from Saint Joseph, Minnesota was identified by the City of Sioux Falls as the lowest bidder; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the City of Brookings contract with Asphalt Surface Technologies, in the amount of \$201,329.45, be accepted.
2. The City Manager is authorized to sign the contract documents for this Project and any further contract documents and change orders which may be required.

E. Action on Resolution 24-029, a Resolution Authorizing the Acquisition of Real Property for Future 20th Street South / 22nd Avenue Intersection Improvements.

RESOLUTION NO 24-029 - RESOLUTION AUTHORIZING
THE ACQUISITION OF REAL PROPERTY FOR POSSIBLE 20TH STREET SOUTH /
22ND AVENUE SOUTH INTERSECTION IMPROVEMENTS

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota as follows:

WHEREAS, for the purpose of acquiring real property for possible 20th Street South / 22nd Avenue South Intersection improvements, the City of Brookings desires to acquire the following described property: approximately 2,127 square feet, more or less, in the area of the 20th Street South / 22nd Avenue South Intersection, and located upon the following property: Lots Three (3), Four (4) and Five (5) of Richard Price First Addition to the City of Brookings, County of Brookings, State of South Dakota; and

WHEREAS, the City of Brookings has determined that the above-described property is necessary to facilitate the construction of additional right-of-way in the location described above; and

WHEREAS, the above-described real property has been the subject of negotiations between the City of Brookings and CD Properties, LLC and James Drew, and an agreement as to a purchase price, not to exceed \$80,000, will allow the City to acquire the necessary right-of-way to complete the above-described improvements;

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City of Brookings acquire title and temporary easement(s) to the above-described real property from PMVK/CD Properties, LLC/James Drew for the purposes set forth herein; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the documents required to complete the acquisition of real property and temporary easement(s) in accordance with this Resolution.

F. Action to abate the 2023 Drainage Fee in the amount of \$38.68, for Parcel Number 40620-00200-007-00, SDSU Foundation, owner, located at 1302 8th Street, in the City of Brookings.

G. Action on Temporary Alcohol / Special Event Licenses for existing alcohol license holders with events held on publicly owned property. Sodexo Catering (License Holder RB-28249 and RW-28251): SDSU 24-TL023, SDSU-24-TL024, SDSU-24-TL025, SDSU 24-TL026, SDSU 24-TL027, SDSU 24-TL028, SDSU 24-TL029, SDSU 24-030, SDSU 24-TL031, SDSU 24-TL032.

H. Action on Resolution 24-027, a Resolution Designating Vote Center locations, and the Appointment of Election Superintendents and Deputies for the April 9, 2024 Municipal Election.

RESOLUTION 24-027 - RESOLUTION DESIGNATING VOTE CENTER LOCATIONS,
AND THE APPOINTMENT OF ELECTION WORKERS FOR THE APRIL 9, 2024
MUNICIPAL ELECTION

WHEREAS, a City of Brookings Municipal Election will be held on April 9, 2024, for election of 2 City Council Member seats; and

WHEREAS, as required by SDCL 9-13-16.1, the City Council must appoint Election

Superintendents, Deputies, and other workers, 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 election workers are hereby appointed at the following rates of compensation: Superintendents \$15.50 per hour; Deputies \$15.00 per hour; Election Training \$25.00 flat fee; Resolution Board \$20.00 per hour, or \$50.00 flat fee if less than 2 hours; On-Call Workers \$50.00 flat fee; and Election Night Worker \$50.00 flat fee.

VOTE CENTER 1 – Brookings Activity Center, 320 5th Avenue: Superintendent Norma Linn, and Deputies Mardell Colbeck, Diane Spencer, Jackie Lanning, and Barb Meyer.

VOTE CENTER 2 – Bethel Baptist Church, 714 17th Avenue South: Superintendent Sue Knutzen, and Deputies Janet Fergen, Kathy Waddell, Linda Thaden, and Cherie Anderson.

VOTE CENTER 3 – Holy Life Tabernacle Church, 241 Mustang Pass: Superintendent Bobbe Bartley, and Deputies Ellen Herrboldt, and Diane DeGroot.

EARLY/ABSENTEE VOTE CENTER – City & County Government Center, 520 3rd Street – Superintendents Peggy Whalen and Diane Spencer.

ABSENTEE VOTE CENTER PROCESSING – City & County Government Center, 520 3rd Street, Room 300: Superintendent Sue Sackman, and Deputies Judi Dezeeuw, and Dorothy Bos.

RESOLUTION BOARD – Superintendents David Peterson and Larry Hult.

ON-CALL WORKERS / ELECTION NIGHT: Cathy Enlow and David Wells.

ELECTION NIGHT WORKER – Terry Heidemann (\$50.00 flat fee).

Proclamation. Council Member Tilton Byrne presented a Proclamation to Mark Sternhagen, on behalf of the Brookings Disability Awareness Committee recognizing March as Developmental Disabilities Awareness Month.

MAYORAL PROCLAMATION

WHEREAS, developmental disabilities are often present as early as birth in those impacted, and endure across the lifespan of a person; and

WHEREAS, disability is a natural part of the human experience that does not diminish the right of individuals to enjoy self-determination and experience full inclusion; and

WHEREAS, family, friends, and the community can play an important role in enhancing the lives of individuals with disabilities, especially when provided with necessary services and supports; and

WHEREAS, the goals of our community include providing individuals with disabilities the opportunities and support to achieve full integration in society, in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

WHEREAS, through increased awareness of programs and activities, the public will better understand the potential and needs of individuals with disabilities.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim March 2024, as DEVELOPMENTAL DISABILITIES AWARENESS MONTH and call upon the people of Brookings to recognize this special observance.

Report: City Council Ex-Officio Reports. A Brookings Health Systems Board of Trustees report was given by Council Member Doran. A Brookings Municipal Utility Board report was not given.

FIRST READING: Ordinance 24-006. Introduction and first reading was held on Ordinance 24-006, an Ordinance Authorizing Budget Amendment No. 1 to the 2024 Budget. Second Reading and Action: March 26, 2024.

FIRST READING: Ordinance 24-005. Introduction and first reading was held on Ordinance 24-005, an Ordinance Amending Chapter 2 of the Code of Ordinances of the City of Brookings and pertaining to the Brookings Public Arts Commission. Second Reading and Action: March 26, 2024.

FIRST READING: Ordinance 24-007. Introduction and first reading was held on Ordinance 24-007, an Ordinance to Change the Zoning within the City of Brookings (305 and 307 Main Avenue South from Business B-2A Office District to Business B-3 Heavy District). Public Hearing and Action: March 26, 2024.

Development Agreement - Tax Increment District #14. A motion was made by Council Member Rasmussen, seconded by Council Member Doran, that the Development Agreement for Tax Increment District #14 be approved. Public Comment: Tom Fishback. The motion carried by the following vote: Yes: 5 - Avery, Doran, Rasmussen, Specker, and Tilton Byrne. Absent: 2 – Niemeyer and Wendell.

Executive Session. A motion was made by Council Member Specker, seconded by Council Member Doran, to enter into Executive Session at 6:33 p.m., pursuant to SDCL 1-25-2.3, for the purpose of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. The motion carried by a unanimous vote. A motion was made by Council Member Doran,

seconded by Council Member Rasmussen, to exit Executive Session at 6:58 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Doran, seconded by Council Member Specker, that this meeting be adjourned at 6:59 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk