

BROOKINGS CITY COUNCIL
May 27, 2025 (unapproved)

The Brookings City Council held a meeting Tuesday, May 27, 2025 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Wayne Avery, Brianna Doran, Lisa Hager, Bonny Specker, Holly Tilton Byrne, and Nick Wendell. City Manager Paul Briseno, City Attorney J. Vincent Jones, and City Clerk Bonnie Foster were also present.

Agenda. A motion was made by Mayor Niemeyer, seconded by Council Member Wendell, that Item #9C, Action on a On-Off Sale Malt License Transfer, and Item #9D, Action on a new Full-Service Restaurant On-Sale Liquor Operating Agreement, be removed from the agenda. The motion carried by the following vote: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the agenda be approved as amended. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

Consent Agenda. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that the consent agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

A. Action to approve the May 13, 2025 City Council Minutes.

B. Action on City Council Ex-Officio Appointments: Brookings County & City Joint Jurisdictional Committee: Mayor Oepke Niemeyer and Council Member Holly Tilton Byrne; Brookings Health System Board of Trustees: Council Members Brianna Doran and Lisa Hager; Brookings Municipal Utilities Board: Council Members Wayne Avery and Bonny Specker; Brookings Economic Development Corporation Board: Council Member Nick Wendell; Brookings Economic Development Corporation Investment Committee: Mayor Oepke Niemeyer, and Council Members Wayne Avery and Holly Tilton Byrne; Brookings City & County Joint Board of Adjustment: Mayor Oepke Niemeyer (Designee: Council Member Wayne Avery), and Alternate Deputy Mayor Nick Wendell; SDSU Students Association: Council Member Brianna Doran. All are one-year terms, expiring June 1, 2026.

C. Action to appoint the Deputy Mayor: Council Member Nick Wendell, for a one-year term, expiring June 1, 2026.

D. Action on Temporary Alcohol / Special Event Alcoholic Beverage Licenses from existing alcohol license holders: Skinners Pub (License Holder RL-6311 and RB-3559) - CITY TL25-018; Sully's Irish Pub (License Holder RL-5478 and RB-25522) - CITY TL25-019; and Cubby's Sports Bar (License Holder RL-6282 and RB-3639) - CITY TL25-020.

Proclamation: Global Accessibility Awareness Month. Mayor Niemeyer presented a proclamation declaring May 2025, as Global Accessibility Awareness Month. Mark

Sternhagen, member of the Brookings Disability Awareness Committee, accepted the Proclamation.

MAYORAL PROCLAMATION

WHEREAS, Global Accessibility Awareness Day (GAAD) is commemorating its 13th Anniversary of educating about digital access and inclusion for the more than one billion people with disabilities; and

WHEREAS, GAAD is led by the GAAD Foundation, which was founded on the 10th Anniversary of Global Accessibility Awareness Day and whose mission is to disrupt the culture of technology and digital product development to include accessibility as a core requirement; and

WHEREAS, Workplaces welcoming of the talents of all people, including disabled people, are a critical part of our efforts to build an inclusive community and strong economy, yet more than 98.1% of corporate and organizations home pages have at least one Web Content Accessibility Guidelines 2.0 failure, thus making it difficult with those members of the disabled community from fully accessing information.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 2025 as Global Accessibility Awareness Month, and I call upon employers, schools and other community organizations in Brookings to observe this month with an appropriate review of their digital content, and to address issues identified in such reviews that prevent disabled people from accessing and using digital content provided by these institutions.

Proclamation: Special Olympics Day. Mayor Niemeyer presented a proclamation declaring May 27, 2025 as Special Olympics Day. Brian Chatham, Special Olympics Coach accepted the Proclamation.

MAYORAL PROCLAMATION

WHEREAS, the Special Olympics South Dakota provides individuals with intellectual disabilities the opportunity to engage in sports, promote physical fitness, and foster a sense of community and inclusion; and

WHEREAS, the athletes representing Brookings in the Special Olympics South Dakota State Competition have demonstrated exceptional dedication, determination, and sportsmanship in preparation for this event; and

WHEREAS, these athletes, their families, and coaches have shown incredible commitment to fostering an environment of growth, encouragement, and mutual respect, both on and off the field; and

WHEREAS, the City of Brookings is proud to support these athletes and recognize their achievements as they work toward achieving their personal best and representing our community with pride; and

WHEREAS, we extend our heartfelt best wishes to all the athletes competing at the Special Olympics South Dakota State Competition in Vermillion, as they strive for excellence and demonstrate the power of inclusion and perseverance.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 27, 2025 as Special Olympics Day.

Report: 2025 Year-to-Date Finance Report. Ashley Rentsch, Finance Director, presented a 2025 Year-to-Date Finance Report showcasing year-to-date sales tax revenue, budget status, City Council Financial Policy Projects, and an economic outlook.

Resolution 25-050. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 25-050, a Resolution to Award the Contract for Playground Replacements at Indian Hills, Sarah Renee, and Hillcrest Parks, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-050 - RESOLUTION TO PURCHASE PLAYGROUND
REPLACEMENTS AT INDIAN HILLS, SARAH RENEE, AND HILLCREST PARKS

WHEREAS, the City of Brookings has determined a need for replacement playgrounds at Indian Hills, Sarah Renee, and Hillcrest Parks; and

WHEREAS, the City has budgeted funds to replace the ages 2-5 playground at Indian Hills; and

WHEREAS, the City has budgeted funds to replace the ages 5-12 playground at Sarah Renee; and

WHEREAS, the City has budgeted funds to replace the swings at Hillcrest; and

WHEREAS, the City has completed a Request For Proposals and will purchase the playground replacements from Dakota Playground, for the amount of \$450,000.00; subject to the execution of a Construction Contract with Dakota Playground.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookings hereby approves the Proposal by Dakota Playground for the purchase and construction of replacement playgrounds at Indian Hills, Sarah Renee, and Hillcrest Parks.

Resolution 25-051. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 25-051, a Resolution to Award the Contract to

Upgrade Restrooms at the Dacotah Bank Center, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-051 - RESOLUTION TO AWARD THE CONTRACT TO UPGRADE RESTROOMS AT THE DACOTAH BANK CENTER

WHEREAS, the City of Brookings has determined a need for upgrading Restrooms at the Dacotah Bank Center; and

WHEREAS, the City has budgeted funds to upgrade up to 8 restrooms; and

WHEREAS, the City has completed a Request for Proposals and will award the contract for restroom upgrades to be completed by HME Companies, for the amount of \$409,716.00, subject to the execution of a Construction Contract with HME Companies.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookings hereby approves the Proposal by HME Companies for the Dacotah Bank Center restroom upgrades, and authorizes the City Manager to execute a Construction Contract for the Dacotah Bank Center restroom upgrade project.

FIRST READING: Ordinance 25-016. Introduction and First Reading was held on Ordinance 25-016, an Ordinance Authorizing Budget Amendment Number 2 to the 2025 Budget. Second Reading and Action to be held: June 10, 2025.

FIRST READING: Ordinance 25-017. Introduction and First Reading was held on Ordinance 25-017, an Ordinance Authorizing Budget Amendment No. 3 to the 2025 Budget. Second Reading and Action to be held: June 10, 2025.

FIRST READING: Ordinance 25-018. Introduction and First Reading was held on Ordinance 25-018, an Ordinance to Change the Zoning within the City of Brookings (Lot 1, Clark Addition, and Lot 2, Clark Second Addition, from an Agriculture A District to a Business B-3 Heavy District). Public Hearing and Action to be held: June 10, 2025.

FIRST READING: Ordinance 25-019. Introduction and First Reading was held on Ordinance 25-019, an Ordinance pertaining to an Application for a Conditional Use Permit to establish a Major Home Occupation (Gunsmithing Business) in a Residence R-2 Two-Family District (2505 Larkspur Ridge Drive). Public Comment: Tyler Brockel. Public Hearing and Action to be held: June 10, 2025.

FIRST READING: Ordinance 25-020. Introduction and First Reading was held on Ordinance 25-020, an Ordinance Pertaining to an Application for a Conditional Use Permit to Establish a Major Home Occupation (Hair Salon) in a Residence R-1A Single Family District (1214 Western Avenue). Public Hearing and Action to be held: June 10, 2025.

On-Off Sale Malt License – PNP Pub, Suite B. A public hearing was held on a request for an On-Off Sale Malt License, with Video Lottery authorization, for PNP Pub, Suite B to be located at 318 2nd Street South, Suite B. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the On-Off Sale Malt License be approved. Public Comment: Reed Mahlke. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

Video Lottery Authorization – PNP Pub, Suite B. A public hearing was held on a request for a Video Lottery authorization for PNP Pub to be located at 318 2nd Street South, Suite B. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Video Lottery authorization be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

Ordinance 25-008. A public hearing was held on Ordinance 25-008, an Ordinance Amending Chapter 94, Article IV, Division 2, pertaining to Section 94-165 Commercial Corridor Design Review Overlay District. A motion was made by Council Member Specker, seconded by Council Member Wendell, that Ordinance 25-008 be approved. Public Comment: Kyle Rausch. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

Ordinance 24-035. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that REMOVE FROM THE TABLE: Public Hearing and Action on Ordinance 24-035, an Ordinance Amending Chapter 94, Article IV, Division 2, pertaining to Section 94-163 Planned Development District (“PDD”), be removed from the table. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

A public hearing was held on Ordinance 24-035, an Ordinance Amending Chapter 94, Article IV, Division 2, pertaining to Section 94-163 Planned Development District (“PDD”). A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 24-035 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

Commercial Corridor Design Review Overlay District Site Plan. A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan for Lot 2, Block 1, Wiese Addition. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Site Plan be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

Resolution 25-055. A public hearing was held on Resolution 25-055, a Resolution of Intent to Lease Real Property to RTI, LLC. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 25-055 be

approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-055 - RESOLUTION OF INTENT TO LEASE
REAL PROPERTY TO RTI, LLC

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 agreement with RTI, LLC, Inc., on a month-to-month basis terminating on or before August 31, 2026 and pertaining to the following described property:

Research & Technology Center – 801 32nd Avenue

The Lease will be an amount of \$10.00 per square foot for 10,957 square feet of office space and \$4.00 per square foot for 2,134 square feet of garage/storage space, for the total annual sum of \$118,106 payable in equal monthly installments of \$9,842.17 plus utilities.

BE IT NOTED, that a Public Hearing on this Resolution was held on May 27, 2025 at 6:00 o'clock P.M. at the Brookings City & County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

BE IT FURTHER NOTED, that the City Manager, City Clerk, and City Attorney are authorized to execute a lease agreement with RTI, LLC, Inc. for real property located in the Research and Technology Center at 801 32nd Avenue.

Resolution 25-053. A public hearing was held on Resolution 25-053, a Resolution to Annex the West Half of the Northwest Quarter, Excluding Platted Areas in Section 20, Township 110 North, Range 49 West and Excluding Land North of US Highway 14 in Brookings County, South Dakota. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 25-053 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-053 - RESOLUTION TO ANNEX THE WEST HALF OF THE
NORTHWEST QUARTER, EXCLUDING PLATTED AREAS IN SECTION TWENTY,
TOWNSHIP ONE HUNDRED TEN NORTH, RANGE FORTY-NINE WEST,
BROOKINGS COUNTY, SOUTH DAKOTA, EXCLUDING LAND NORTH OF U.S.
HIGHWAY 14 BYPASS

WHEREAS, the City of Brookings is authorized pursuant to South Dakota Codified Law 9-4-1 to annex contiguous territory upon receipt of a written petition, describing said territory sought to be annexed, signed by not less than three-fourths (3/4) of the legal voters and by the owner or owners of not less than three-fourths (3/4) of the value of said territory; and

WHEREAS, the City of Brookings has received a Petition for Annexation on the following described property, to wit: the West Half of the Northwest Quarter, Excluding Platted Areas in Section 20, Township 110 North, Range 49 West, Brookings County, South Dakota, Excluding Land North of U.S. Highway 14 Bypass; and

WHEREAS, the aforementioned land is contiguous to the present boundaries of the City of Brookings; and

WHEREAS, the City of Brookings has received a Petition for Annexation of Territory signed by the owners of greater than three-fourths (3/4) of the value of the aforementioned property and greater than three-fourths (3/4) of the legal voters residing in said territory; and

WHEREAS, the Brookings County Board of County Commissioners reviewed the petition during their regular meeting on March 18, 2025 pursuant to South Dakota Codified Law 9-4-5 and has approved, by Resolution 25-19, that this property, as described, be annexed into the City of Brookings.

NOW, THEREFORE, BE IT RESOLVED by the City of Brookings, South Dakota, that the property described above is hereby annexed to the City of Brookings

Resolution 25-054. A public hearing was held on Resolution 25-054, a Resolution to Amend the 2040 Comprehensive Plan's Future Land Use Map. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 25-054 be approved. Public Comment: Matthew Weiss, Janet Merriman, Sandra Callies, Rachel Reed, Audra Fullerton, Gene Stegeman, Elizabeth Wika, Mark Kelsey, Josh Westwick, Michael Langland, and Calla Hogue. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 25-054 - A RESOLUTION TO AMEND THE BROOKINGS,
SOUTH DAKOTA COMPREHENSIVE PLAN 2040**

WHEREAS, the Comprehensive Plan provides a Major Street Plan Map, identifies a Future Land Use Map, projects population figures for the planning period, and describes an integrated land use vision for the City; and

WHEREAS, portions of Future Land Use Map as shown on the attached area map are to be amended to wit: a portion of said areas from Medium Density Residential and High Density Residential to Residential Scale Preservation; and

WHEREAS, the City Council of the City of Brookings, SD held a public hearing in accordance with SDCL 11-6-18 on the proposed amendment to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040; and

WHEREAS, the City Planning Commission of the City of Brookings, SD has recommended approval of the amendments to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040 in accordance with SDCL 11-6-17.

NOW, THEREFORE, BE IT RESOLVED that said amendment to the Future Land Use Map of the Brookings South Dakota Comprehensive Plan 2040 is hereby adopted by the City of Brookings

Resolution 25-056. A public hearing was held on Resolution 25-056, a Resolution to vacate a portion of 26th Street South right-of-way east of 22nd Avenue. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 25-056 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-056 - RESOLUTION VACATING A PORTION OF 26TH STREET
SOUTH STREET RIGHT-OF-WAY EAST OF 22ND AVENUE

WHEREAS, a petition to vacate has been filed with the City Clerk of the City of Brookings; and

WHEREAS, the petition was filed in proper form and signed by 100 percent of the adjacent property owners.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Brookings: that the 26th Street South right-of-way east of 22nd Avenue abutting the following properties shall be vacated:

- Lot 1, Vandervliet Addition, City of Brookings, Brookings County, State of South Dakota, Plat Book 11, Page 60
- Lots 1 and 2, Block 1, Bowes Addition, City of Brookings, Brookings County, State of South Dakota, Plat Book 20, Page 13
- Block 1, Bowes Second Addition, City of Brookings, Brookings County, State of South Dakota, Plat Book 30, Page 31
- NW ¼ of Section 6, Township 109 North, Range 49 West, in the City of Brookings, Brookings County, State of South Dakota.

Large Scale Residential Development Plan – Prairie Hills Landing. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that an Amended Large Scale Residential Development Plan (Prairie Hills Landing), be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Hager, Niemeyer, Specker, Tilton Byrne, and Wendell.

Progress Report. Samantha Beckman, Assistant to the City Manager, provided a progress report highlighting the City's activities and projects.

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Mayor Niemeyer, to enter into Executive Session at 8:23 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; and SDCL 1-25-2.6, for the purpose of 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. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to exit Executive Session at 9:00 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that this meeting be adjourned at 9:00 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk