

BROOKINGS CITY COUNCIL
NOVEMBER 12, 2024 (unapproved)

The Brookings City Council held a meeting on Tuesday, November 12, 2024 at 5:30 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, Bonny Specker, Holly Tilton Byrne, and Nick Wendell. Absent: Council Member Andrew Rasmussen. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

Agenda. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the agenda be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

Reasonable Accommodations Request: 312 8th Avenue. A public hearing was held on a Request for a Reasonable Accommodation for property located at 312 8th Avenue. A motion was made by Council Member Wendell, seconded by Council Member Avery, that the Reasonable Accommodation request be denied. Public Comment: Kara Bianci-Rossi, Molly Richter, George Ust, Neil Miller, Tom Bozied, Jared Gass, Deb Dominiack, and Tim Hogan. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

Reasonable Accommodations Request: 908 1st Street. A public hearing was held on a Request for a Reasonable Accommodation for property located at 908 1st Street. A motion was made by Council Member Wendell, seconded by Council Member Avery, that the Reasonable Accommodation request be denied. Public Comment: George Ust, Kara Bianci-Rossi, Vance Voegeli, and Ricky Nase. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

Open Forum. Kirsten Gjesdal, Executive Director of Downtown Brookings and owner of a retail business and 2 downtown buildings, provided some clarification on the Downtown Master Plan and what it does and does not do.

Consent Agenda. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to approve the Consent Agenda. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

A. Action to approve the October 22 and October 29, 2024 City Council Minutes.

B. Action on the annual Liquor and wine Alcoholic Beverage License renewals for 2025. Alcohol Renewals for January – December 2025. Liquor (Off-Sale): Brookings Municipal Liquor Store, 780 22nd Avenue South Convention Center Liquor (On-Sale): Wilbert's / Comfort Suites University / Den Will Hospitality Group, Inc., 931 25th Avenue. Liquor (On-Sale): Applebee's Neighborhood Grill & Bar / Apple BRK, LLC 3001 LeFevre

Drive; Bank Saloon & Bank Vault / Jack's Entertainment LLC 327 Main Avenue; Craft Fusion / Jesse Davis, LLC, 610 Medary Avenue; Cubby's Sports Bar & Grill / GDT Inc., 307 Main Avenue; Danny's / David Olson Inc., 703 Main Avenue South; Elks Club Lodge #1490, 516 4th Street; Jim's Tap / Urquhart Ent., Inc., 309 Main Avenue; The Lanes / MG Oil Company, 722 Western Avenue; 9 Bar Nightclub / Nine Inc., 303 Main Avenue; Pheasant Restaurant & Lounge / RGO, Inc., 726 Main Avenue South; Pints & Quarts / KR Hospitality, Inc., 313 Main Avenue; Ray's Corner / Icon Investments, 401 Main Avenue; Skinner's Pub, Inc., 300 Main Avenue; Sully's Irish Pub / B&L Sullivan Inc., 421 Main Avenue; VFW GEO Dokken Post 2118, 520 Main Avenue; and The Wild Hare / Wonder, Inc., 303 3rd Street. Full-Service Restaurant (On-Sale): Boss's Pizza / On In 2 LLC, 2515 6th Street; and Whiskey Creek Wood Fire Grill / Brookings Steak Co., LLC, 621 32nd Avenue. Wine (On-Off Sale): Brookings Municipal Liquor Store, 780 22nd Avenue South; Bank Saloon & Bank Vault / Jack's Entertainment LLC 327 Main Avenue; BYG Backyard Grill, 1805 6th Street; Children's Museum of South Dakota, 521 4th Street; Corner Pantry #19 / MG Oil Company, 919 20th Street South; Corner Pantry #24 / MG Oil Company, 600 6th Street; Dacotah Bank Center, 824 32nd Avenue; Danger von Dempsey's / The Crown, 770 22nd Avenue South, Suite 1; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6th Street, Suite 105A, Suite 105B, 105C, and Suite 105E; Flavor Indian & Asian Flare, 501 Main Avenue; George's Pizza / M2P3 Enterprise LLC, 311 Main Avenue; Hy-Vee Food Store, 790 22nd Avenue South; Kwik Trip / Kwik Star #1718, 2016 20th Street South; McCrory Gardens Educational & Visitors Center / Sodexo, 6th Street and 22nd Avenue; Mosaic Wine Bar, 225 Main Avenue; Old Sanctuary / Old Sanctuary Assoc., LLC, 928 4th Street; Pheasant Restaurant & Lounge / RGO, Inc., 726 Main Avenue South; Sake One, Inc., 724 22nd Avenue South; Schoon's Pump N' Pak South / Schoon's Properties, Inc., 1205 Main Avenue South; Wal-Mart Supercenter #1538 / Wal-Mart Stores, Inc., 2233 6th Street; Wilbert's / Comfort Suites University / Den Will Hospitality Group, Inc., 931 25th Avenue; and Yessica's Restaurant, 1300 Main Avenue South. Liquor Municipal-owned Facility (On-Sale): Brookings Activity Center, 516 4th Street; Brookings Arts Council, 524 4th Street; Dacotah Bank Center, 824 32nd Avenue South; and Larson Ice Center, 924 32nd Avenue. Existing License Holder not renewing: Cottonwood Coffee, Inc, 1710 6th Street (On-Off Sale Wine License).

C. Action on Resolution 24-099, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Urquhart Enterprises, Inc., dba Jim's Tap, Don Urquhart and Mary VandeCrommert, owners, 309 Main Avenue, Brookings, SD.

RESOLUTION 24-099 - ON-SALE LIQUOR OPERATING AGREEMENT – 10-YEAR RENEWAL URQUHART ENTERPRISES, INC., dba JIM'S TAP

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 Urquhart Enterprises, Inc., dba Jim's Tap, Don Urquhart and Mary VandeCrommert, owners, for the purpose of an alcohol manager to operate the on-sale establishment or business for and on behalf of

the City of Brookings at 309 Main Avenue. Legal description: Lot 5, Block 3, Original Plat Addition.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager be authorized to execute an Operating Agreement renewal on behalf of the City, which shall be for 10-years, expiring 2023; with a 5-year mid-term renewal in 2029.

D. Action on Resolution 24-104, a Resolution to Delete Bridge Structure No. 06-160-152 from the National Bridge Inventory.

RESOLUTION 24-104 - RESOLUTION TO DELETE BRIDGE FROM NATIONAL BRIDGE INVENTORY

The City of Brookings Board of Commissioners is in agreement with SDDOT that the following structure(s) should be deleted from the National Bridge Inventory (NBI) for the following reason(s):

STRUCTURE ID, LOCATION and REASON FOR DELETION:

06-160-152 Western Avenue - Brookings Structure has been replaced with culverts that no longer meet length requirements of the NBIS.

The Commission is aware of the following stipulations once a structure is deleted from the NBI:

1. Federal Bridge funds will not be available for structure replacement or rehabilitation, and
2. The structure will only be added to the Inventory following replacement, using City funds.

Upon receipt of this resolution, the above structure(s) will be deleted from inventory.
Vote of Commissioners: Yes X No

Report: SDSU Student Association. Claire Koenecke, SDSU Students Association Government Affairs Chair provided an update on SDSU current affairs.

Reports: City Council Ex-Officio Reports. A Brookings Municipal Utility Board report was given by Council Member Avery. A Brookings Health Systems Board of Trustees report was given by Council Member Doran.

Resolution 24-098. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-098, a Resolution authorizing Change Order #1 for the 2024 Brookings Trails Project, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

RESOLUTION 24-098 - A RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR THE 2024 BROOKINGS TRAILS PROJECT

WHEREAS, the City of Brookings is requesting to approve the additional costs outlined in Change Order #1 for the 2024 Brookings Trails Project; and

WHEREAS, the City of Brookings is requesting to have additional base material and reinforced concrete installed on the Sexauer Park portion of the 2024 Brookings Trails Project; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookings hereby authorizes the approval of Change Order #1 which approves the additional costs of \$22,829.20 for the 2024 Brookings Trails Project.

Ordinance 24-037. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 24-037, the 2025 Appropriation Ordinance, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

Alcoholic Beverage License Renewals for establishments with compliance check failures. A public hearing was held on Annual Liquor and Wine Alcohol License Renewals for establishments which have failed an alcoholic beverage compliance check within the past 12 months. A motion was made by Mayor Niemeyer, seconded by Council Member Tilton Byrne, to conduct separate motions for these individual establishments alcoholic beverage license renewals. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

A motion was made by Council Member Avery, seconded by Council Member Specker, that the On-Off Sale Wine License and the On-Sale Municipal-owned Facility Liquor License for Edgebrook Golf Course, Moen Management, manager, be renewed for 2025. Public Comment: Gary Moen. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

A motion was made by Mayor Niemeyer, seconded by Council Member Wendell, that the On-Sale Liquor Convention License renewal for Park Hospitality (La Cantina Restaurant), be tabled to the November 26, 2024 City Council Meeting. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

A motion was made by Council Member Avery, seconded by Council Member Doran, that the On-Sale Liquor License for W&P of Brookings, LLC, dba Buffalo Wild Wings, be renewed for 2025. Public Comment: Dillon Meek. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

Resolution 24-100. A public hearing was held on Resolution 24-100, a Resolution of Intent to Lease Real Property at Brookings Airport to Pheasants Fury Aviation, LLC. A motion was made by Council Member Tilton Byrne, seconded by Council Member

Specker, that the lease be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 – Rasmussen.

RESOLUTION 24-100 - A RESOLUTION OF INTENT TO LEASE REAL PROPERTY AT BROOKINGS AIRPORT TO PHEASANTS FURY AVIATION, 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 with Pheasants Fury Aviation LLC for a period of 25-years, commencing on November 12, 2024 and ending December 31, 2049 and pertaining to the following described property: 5,280 square feet on Site #133 at the Brookings Regional Airport, in Section 26 and 27, T110N, R50W in the City of Brookings, Brookings County, South Dakota.

The lease will be payable annually by the last day of January of each year and subject to increases set by the Brookings City Council. The 2024 lease amount will be nine hundred fifty dollars and forty cents (\$950.40) with 2% annual increases.

Be It Further Noted, that a Public Hearing on this Resolution was held on November 12, 2024 at 6:00 o'clock p.m. in the Chambers at the Brookings City and County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

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

- A. The City of Brookings will enter into a new lease agreement with Pheasants Fury Aviation LLC as set forth above; and
- B. The City of Brookings will terminate a current lease agreement dated January 1, 2022 with Pheasants Fury Aviation LLC; and
- C. That the City Manager is authorized to terminate the current lease and execute a new lease agreement in accordance with this Resolution.

Resolution 24-101. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-101, a Resolution authorizing the City Manager to execute a Fixed Base Operator (FBO) Agreement with Pheasants Fury Aviation, LLC, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

RESOLUTION 24-101 - RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN FIXED BASE OPERATOR'S AGREEMENT WITH PHEASANT'S FURY AVIATION, LLC

WHEREAS, the City of Brookings is desirous in having a Fixed Base Operator at the Brookings Regional Airport to serve the area aviation needs; and

WHEREAS, the City of Brookings is desirous in entering into a five (5) year agreement

with Pheasants Fury Aviation, LLC of Sioux Falls, South Dakota for Fixed Base Operator services.

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

- A. The City of Brookings will enter into a Fixed Base Operator Agreement with Pheasants Fury Aviation LLC, effective November 12, 2024 for a period of five (5) years, expiring December 31, 2029; and
- B. The City of Brookings will terminate a current Fixed Base Operator Agreement dated July 24, 2018 with Pheasants Fury Aviation LLC; and
- C. The City Manager is authorized to terminate the current agreement and execute the new agreement in accordance with this Resolution.

Resolution 24-097. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-097, a Resolution Adopting the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 – Rasmussen.

RESOLUTION 24-097 - RESOLUTION ADOPTING
THE CONSOLIDATED FEE SCHEDULE

WHEREAS, the adopted Municipal Code and City Policies make references to fees charged; and

WHEREAS, it is prudent that the fees be reviewed for cost effectiveness.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookings hereby adopts the following Consolidated Fee Schedule as defined in the attached schedule.

10-Year Capital Improvement Plan. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the 10-Year Capital Improvement Plan, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

Resolution 24-102. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-102, a Resolution Creating the Boundaries of Tax Increment District Number Thirteen, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

RESOLUTION 24-102 - RESOLUTION PROVIDING FOR THE CREATION OF TAX
INCREMENT FINANCING DISTRICT NUMBER THIRTEEN, CITY OF BROOKINGS

WHEREAS, the Planning Commission has recommended the District Boundaries for Tax Increment Financing District Number Thirteen, City of Brookings, and has recommended its creation; and

WHEREAS, the City of Brookings has the powers, pursuant to SDCL 11-9-2, to create Tax Increment Financing District Number Thirteen, City of Brookings, and to define its boundaries.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. Authority and Declaration of Necessity. The City of Brookings declares the necessity for the creation of Tax Increment Financing District Number Thirteen, City of Brookings (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area within the District is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the city.
2. Findings of Economic Welfare. The City Council makes the following findings with regard to economic welfare:
 - a. More than 50% of the property in the District will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development; and
 - b. Improvements to the District will significantly and substantially enhance the value of all property within the District; and
 - c. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the city does not exceed Ten (10%) percent of the total assessed valuation in the City.
3. Findings of Maximum Percentage of Tax Increment Financing Districts. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed Ten (10%) percent of the total assessed valuation of the City of Brookings.
4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, Tax Increment Financing District Number Thirteen, City of Brookings. The District is hereby created on the day this Resolution becomes effective, which shall be 20 days after publication of this Resolution.
5. Designation of District boundaries. The District shall be located with the boundaries of the following described real property:
 - Lot 2, Block 1, Wiese Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - West 134 feet of Lot 3, Block 1, Wiese Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - Block 9, Wiese Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - 32nd Avenue rights-of-way from 6th Street north 600 feet
6. Creation of Tax Incremental Fund. There is hereby created, pursuant to SDCL 11-9- 31, a City of Brookings Tax Increment Financing District Number Thirteen

Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Thirteen shall be deposited into the Tax Increment Financing District Number Thirteen Fund. All funds in the Tax Increment Financing District Number Thirteen Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

Resolution 24-103. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-103, a Resolution Approving Tax Increment District Number Thirteen Project Plan, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

RESOLUTION 24-103 - RESOLUTION APPROVING TAX INCREMENT FINANCING DISTRICT NUMBER THIRTEEN

WHEREAS, the Brookings Planning Commission has recommended the approval of the Tax Increment Financing District Number Thirteen Project Plan, City of Brookings; and

WHEREAS, the City Council finds that all requirements have been met in order to approve said Tax Increment Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council

1. Approval of Project Plan. The project plan, a copy of which is on file with the City Finance Officer, is hereby approved.
2. Findings. The City Council finds that the project plan is feasible and that it conforms to the City's Master Plan. All findings made in the tax increment financing project plan are included herein by reference.
3. Effective 20 days after publication. This resolution shall become effective 20 days after publication and absent any challenge at law all findings and conclusions in the Tax Increment Financing Project Plan for Tax Increment Financing District Number Thirteen, City of Brookings shall be final.

Development Agreement. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the Development Agreement with Ryan Companies US, Inc., be approved. Public Comment: Tim Reed, Executive Director of the Brookings Economic Development Corporation, and Patrick Daly, Ryan Companies Lead Developer on the Brookings Marketplace Project. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

Resolution 24-096. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 24-096, a Resolution Revising Compensation for the Mayor and City Council Members of the City of Brookings, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; Absent: 1 - Rasmussen.

RESOLUTION 24-096 - RESOLUTION REVISING COMPENSATION FOR THE
MAYOR AND CITY COUNCIL MEMBERS OF THE CITY OF BROOKINGS

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota that the annual salary for the Office of Mayor shall be \$12,000, and for the Office of City Council Member shall be \$9,000.

Beginning in 2026, the salaries for the Mayor and City Council Members shall be adjusted annually based on the cost-of-living adjustment (COLA) or pay adjustment rate provided to all full-time city employees.

In accordance with City Charter Section 2.04, this resolution shall not become effective until the first regular meeting in May, 2025.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 9:24 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk