

Brookings City Council
November 14, 2023 (unapproved)

The Brookings City Council held a meeting on Tuesday, November 14, 2023 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, Andrew Rasmussen, Bonny Specker, Holly Tilton Byrne, and Nick Wendell. 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: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

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

A. Action to approve the October 24, 2023 City Council Minutes.

B. Action on Resolution 23-095, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for the Pheasant Café & Lounge, Georgiana Olson, owner, 726 Main Avenue South, Brookings, South Dakota.

Resolution 23-095 - On-Sale Wine Operating Agreement – 10-year renewal
Pheasant Café & Lounge

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 The Pheasant Café & Lounge, Georgianna Olson, owner, 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 726 Main Avenue South). Legal description: Lot 2, Block 2, Grossman Heights Addition.

Now, Therefore, Be It Further Resolved that the City Manager be authorized to execute the Operating Agreement.

C. Action on annual Liquor and Wine Alcohol License Renewals for 2024. Liquor (Off-Sale): Brookings Municipal Liquor Store, 780 22nd Avenue South; Convention Center (On-Sale): Wilbert's / Comfort Suites University / Den Will Hospitality Group, Inc., 931 25th Avenue; Liquor (On-Sale): 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; Jack's Entertainment LLC / O'Hare's, 327 Main Avenue; Jim's Tap / Urquhart Ent., Inc., 309 Main Avenue; The Lanes / MG Oil Company, 722 Western Avenue; Main Street Pub, 408 Main 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; The Wild Hare / Wonder, Inc., 303 3rd Street; Full-Service Restaurant (On-Sale): Whiskey Creek Wood Fire Grill / Brookings Steak Co., LLC, 621 32nd Avenue; Boss's Pizza / On In 2 LLC, 2515 6th Street; Wine (On-Off Sale): Brookings Municipal Liquor Store, 780 22nd Avenue South; BYG Backyard Grill, 1805 6th Street; Cenex Zip Trip #63 / CHS, Inc., 1005 6th Street; Cenex Zip Trip #64 / CHS, Inc., 3045 LeFevre Drive; Children's Museum of South Dakota, 521 4th Street; Circle K / Holiday Stationstores, LLC, I-29 & Hwy 14 By-pass – INACTIVE; Corner Pantry #19 / MG Oil Company, 919 20th Street South; Cottonwood Coffee, Inc., 1710 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; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6th Street, Suite 105B; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6th Street, Suite 105C; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6th Street, Suite 105E; Flavor Indian & Asian Flare, 501 Main Avenue; George's Pizza / M2P3 Enterprise LLC, 311 Main Avenue; Guadalajara, 1715 6th Street, Suite F; McCrory Gardens Educational & Visitors Center / Sodexo, 6th Street and 22nd Avenue; Mosaic Wine Bar, 225 Main Avenue; New Sake / Sake, Inc., 724 22nd Avenue South; Old Sanctuary / Old Sanctuary Assoc., LLC, 928 4th Street; Pheasant Restaurant & Lounge / RGO, Inc., 726 Main 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; Wooden Legs Brewing Co., 309 5th Street, Suite 100; Yessica's Restaurant, 1300 Main Avenue South.

D. Action on Resolution 23-105, a Resolution Authorizing a three-year agreement for Barracuda Message Archiving Service.

Resolution 23-105 - Resolution Authorizing a three-year agreement for
Barracuda Message Archiving Service

Whereas, the City of Brookings has determined a need for City email to be archived for 220 users for legal compliance and storage needs; and

Whereas, a three-year agreement offers substantial savings over a one-year agreement; and

Whereas, Barracuda offers superior cloud archiving that meets all the needs of the City of Brookings, South Dakota's archiving needs.

Now, Therefore, Be It Resolved, that the City of Brookings hereby authorizes the signing of an agreement between ITsavvy and the City of Brookings, SD for a 3-year purchase of Barracuda's cloud archiving system for Office 365 in the amount of \$22,492.80; and

Be It Further Resolved, that the City of Brookings hereby authorizes the IT Manager to sign the agreement on behalf of the City of Brookings, SD.

Proclamation: Purple Heart City. Mayor Niemeyer presented a proclamation to the Military Order of the Purple Heart and Brookings Police Chief Michael Drake.

MAYORAL PROCLAMATION

Whereas, the City of Brookings, South Dakota, and our community have great admiration and the utmost gratitude for all individuals who have, and are, selflessly serving their country and this community in the United States Armed Forces; and

Whereas, Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and

Whereas, the contributions and sacrifices of individuals who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and

Whereas, many individuals in uniform have given their lives while serving in the Armed Forces; and

Whereas, citizens of our community were wounded in combat and were awarded the Purple Heart Medal in recognition of their meritorious acts of bravery and service to our nation.

Now, Therefore, I, Oepke G. Niemeyer, Mayor of the City of Brookings, State of South Dakota, do hereby proclaim the City of Brookings to be a Purple Heart City.

Brookings Police Dept. Pinning Ceremony.

Mayor Niemeyer and Police Chief Michael Drake conducted a Pinning Ceremony for new Brookings Department Officers Scott Roberts, Noah Smith, and Rick Widicker.

Presentation: Medicare Advantage Plans. Jason Merkley, President & CEO of Brookings Health Systems presented information on the Medicare Advantage Plans.

Report: SDSU Student Association. Michael Garofalo, SDSU Students Association Government Affairs Chair, provided an update on SDSU happenings.

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

FIRST READING – Ordinance 23-041. Introduction and first reading was held on Ordinance 23-041, an Ordinance Authorizing Budget Amendment No. 9 to the 2023 Budget. Second Reading and Action: November 28, 2023.

Ordinance 23-037. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 23-037, the 2024 Appropriation Ordinance, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 23-035. A public hearing was held on Ordinance 23-035, an Ordinance Amending Chapter 22 of the Code of Ordinance Pertaining to Moving a Building. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 23-035 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 23-036. A public hearing was held on Ordinance 23-036, an Ordinance amending Chapter 94, Article IV, Section 94-131, Section 94-132, Section 94-136, Section 94-137, and Section 94-161 related to public transportation facility as an allowable use. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 23-036 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Temporary Alcohol Application. A public hearing was held on a Temporary Alcohol Application from St. Thomas More Catholic School, to operate within the City of Brookings, South Dakota, on February 3, 2024, for a Winter Gala and Grand Auction to be held at 1700 8th Street South. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the Temporary Alcohol Application be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Liquor and Wine Renewals for establishments which have failed an alcohol compliance check. A public hearing was held on Annual Liquor and Wine Alcohol License Renewals for establishments which have failed an alcohol compliance check within the past 12 months. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that the alcohol license renewals for Park Place, Inc., 2500 6th Street (Convention Liquor On-Sale), Applebee's Neighborhood Grill & Bar / Apple BRK, LLC, 3001 LeFevre Drive (Liquor On-Sale); Hy-Vee Food Store, 790 22nd Avenue South (Wine On-Off Sale), Park Hospitality, Inc., and Buffalo Wild Wings Bar & Grill / W&P of Brookings, LLC, 1801 6th Street (Liquor On-Sale), be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-102. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 23-102, a Resolution Adopting the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-102 – 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.

Resolution 23-103. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 23-103, a Resolution Authorizing the Placement of Stop Signs at the Intersection of 20th Street South and 17th Avenue be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-103 - A Resolution Authorizing the Placement of Stop Signs at the Intersection of 20th Street South and 17th Avenue, making it a 4-way stop

Whereas, Section 82-373 of the Code of Ordinances of the City of Brookings provides for approval by the City Council for placement of stop or yield signs in locations other than long through streets; and

Whereas, the City contracted with HDR Inc. to perform a Warrant Review for a multi-way stop control (4-way stop) at the intersection; and

Whereas, the Warrant Review recommended a 4-way stop at the intersection in accordance with the Manual on Uniform Traffic Control Devices; and

Whereas, on September 21, 2023, the Traffic Safety Committee reviewed the Warrant Review and concurred.

Now, Therefore, Be It Resolved that the City Council concurs with the Warrant Review conducted by HDR, Inc. and approves the placement of two stop signs on 20th Street South at the intersection of 17th Avenue, making the intersection a 4-way stop.

Resolution 23-104. A motion was made by Council Member Doran, seconded by Council Member Tilton Byrne, that Resolution 23-104, a Resolution Authorizing the Placement of Stop Signs at the Intersection of 5th Street and 5th Avenue be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-104 - A Resolution Authorizing the Placement of Stop Signs at the Intersection of 5th Street and 5th Avenue, Thereby Making it a 4-Way Stop

Whereas, Section 82-373 of the Code of Ordinances of the City of Brookings provides for approval by the City Council for placement of stop or yield signs in locations other than along through streets; and

Whereas, the City contracted with HDR Inc. to perform a Warrant Review for the existing signal and to determine whether it could be replaced with a multi-way stop control (4-way stop) at the intersection; and

Whereas, the Warrant Review recommended to remove the traffic signal and to replace it with a 4-way stop at the intersection in accordance with the Manual on Uniform Traffic Control Devices.

Now, Therefore, Be It Resolved that the City Council approves the placement of 4-way stop signs at the intersection of 5th Street and 5th Avenue.

10-Year Capital Improvement Plan. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the 10-Year Capital Improvement Plan (CIP) be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-100. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 23-100, a Resolution Amending the Transfer of Real Property to Brookings Economic Development Corporation be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-100 - Resolution Amending the Transfer of Real Property to Brookings Economic Development Corporation for Economic Development Purposes

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

Whereas, this Resolution amends and revises Resolution 23-009 by revising the number of acres to be acquired by Ryan Companies US, Inc., a Minnesota Corporation (or its designated assignee) from 18.53 acres to 10 acres; and

Whereas, the City of Brookings has received a revised proposal from Ryan Companies US, Inc. for the purchase of the following described property:

Approximately 10 acres located within Block Nine (9) of Wiese Addition in the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Nineteen (19), Township One Hundred Ten (110) North, Range Forty-nine (49) West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota, and

Whereas, the proposed purchase price remains at \$1.40 per square foot (excluding all areas subject to roadway easements, public rights-of-way, or any pipeline, or similar easement which prevents and/or prohibits any development of any improvements on, over, across or through that easement area) and the purpose of the acquisition remains for commercial development of the above-described property by Ryan Companies US, Inc., a Minnesota Corporation experienced in commercial development of property; and

Whereas, Ryan Companies US, Inc. has offered to purchase the above-described property for a price which the City has determined is market value and is acceptable; and

Whereas, the City of Brookings has determined that the proposed commercial development by Ryan Companies US, Inc. will provide economic growth and economic development as a result of retail and other commercial businesses locating within the above-described property as tenants of Ryan Companies US, Inc.; and

Whereas, for the express purpose of furthering the economic growth and development of the City of Brookings, South Dakota, the City of Brookings and the Brookings Economic Development Corporation accept the revised proposal from Ryan Companies US, Inc. to purchase the above-described property for commercial development, including retail and other businesses, by Ryan Companies US, Inc. Furthermore, the City agrees to convey the above-described property to the Brookings Economic Development Corporation pursuant to a Real Estate Purchase Agreement between the Brookings Economic Development Corporation and Ryan Companies US, Inc. for the sum of \$1.40 for each square foot of property purchased by Ryan Companies US, Inc., and located within the above-described property, in accordance with applicable law; and

Whereas, the City is authorized to enter into this transaction as an economic development activity under the laws of the State of South Dakota;

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City convey title to the above-described property to the Brookings Economic Development Corporation, Inc. for the transfer of the above-described property to Ryan Companies US, Inc. for the purposes set forth herein; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the required documents in accordance with this Resolution.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that this meeting be adjourned at 7:19 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk