

BROOKINGS CITY COUNCIL
APRIL 16, 2024 (unapproved)

The Brookings City Council held a meeting on Tuesday, April 16, 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, 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.

Election Canvass. Bonnie Foster, City Clerk, presented the Canvass for the April 9th Municipal Election.

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

Open Forum. John Maynes expressed concerns regarding the water situation at Edgebrook Golf Course. Al Austreim congratulated Council Members Wayne Avery and Nick Wendell on their re-election. Al expressed concerns of the low voter turnout and lack of public engagement.

Consent Agenda. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, to approve the Consent Agenda. The motion carried by the following vote: The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

A. Action to approve the March 26, 2024 City Council Minutes.

B. Action on Resolution 24-034, a Resolution Canvassing the April 9, 2024 Municipal Election.

RESOLUTION 24-034 - CANVASSING THE APRIL 9, 2024 MUNICIPAL ELECTION

WHEREAS, on the 9th day of April, 2024, there was held in the City of Brookings, South Dakota, an election for the purpose of electing one 3-year term Mayor, and two 3-year term Council Members; and

WHEREAS, the Mayoral incumbent, Oepke G. Niemeyer, ran unopposed; and

WHEREAS, the judges and clerks of said election have returned to the City Council of the City of Brookings the official results for the purpose of the Official Canvass; and

WHEREAS, the City Council on April 16, 2024 has canvassed the results for the purpose of determining the official election outcome; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings, South Dakota that the official vote at the City Election held April 9, 2024 was as follows:

City Council 3-Year Term (2)	Wayne Avery	Al Austreim	Nick Wendell	Total Votes Cast	Total Ballots Cast
Vote Center 1	256	191	250	697	413
Vote Center 2	351	353	296	1,000	597
Vote Center 3	131	152	115	398	247
Absentee	483	375	447	1,305	767
Provisional Ballot	0	0	0	0	0
TOTAL	1,221	1,071	1,108	3,400	2,024

C. Action on Resolution 24-039, a Resolution declaring surplus property for the City of Brookings.

RESOLUTION 24-039 - DECLARING SURPLUS PROPERTY

WHEREAS, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings:

Fire Department: 2017 Dodge Ram 2500 Pickup, VIN#3C6UR5DJ7HG516314
(vehicle was totaled in an accident on I-29 on 2/14/2024)

WHEREAS, in the best financial interest, it is the desire of the City of Brookings to dispose of as surplus property; and

WHEREAS, the City Manager is hereby authorized to sell or dispose of said surplus property.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Brookings, SD, that this property be declared surplus property according to SDCL Chapter 6-13.

D. Action on Resolution 24-035, a Resolution Awarding the Bid for Landfill Leachate Hauling, for a term through December 31, 2024.

RESOLUTION 24-035 - RESOLUTION AWARDDING THE BID
FOR LANDFILL LEACHATE HAULING

WHEREAS, the City of Brookings opened bids for the Landfill Leachate Hauling on Tuesday, March 26, 2024 at 1:30 pm at the Brookings City & County Government Center; and

WHEREAS, the City of Brookings received the following low bid for the Landfill Leachate Hauling: Endurance Environmental Solutions, LLC., in the amount of \$0.048/gallon; and

WHEREAS, the Brookings Regional Landfill has appropriations of \$75,000 in the 2024 adopted budget for the hauling of Landfill Leachate.

NOW, THEREFORE, BE IT RESOLVED that the low bid of \$0.048/gallon from Endurance Environmental Solutions, LLC. be accepted; and

The City Manager or his designee is authorized to execute any associated agreement(s) to secure these services.

Update: Brookings Marketplace. Patrick Daly, Ryan Companies Vice President of Retail Real Estate Development provided an update on the Brookings Marketplace.

Presentation: 2024 Rain Barrel and Native Plant Pilot Program. Charlie Richter, City Engineer, and Robin Robin Buterbaugh, Sustainability Council representative, presented the 2024 Rain Barrel and Native Plant Pilot Program details.

Presentation: 2024 Capital Improvements Projects. John Thompson, Public Works Director, and Charlie Richter, City Engineer, presented the 2024 Capital Improvement Projects list.

2024 Capital Improvement Projects

1. Traffic Signal and Ramp Replacement at the intersection of Main Avenue and 12th Street South - includes new ramps and traffic signals.
2. University Boulevard and 22nd Avenue Gravity Sewer Improvement Project (Year 2 of 2) - includes sanitary sewer, new curb and gutter, turning lane, streetscape improvements, road reconstruction.
3. 2024 Overlay Project - resurface five (5) streets, ramps, valley gutter, curb & gutter repairs, and sidewalk.
4. Concrete Maintenance Project - repair 75 sidewalk locations, replacement of ramps at 10 intersections.
5. Chip Seal Project - chip sealing of 54 streets. Improvements made to specifications to improve performance.
6. Slurry Seal Project - pilot program to be used on 3 streets to study performance and determine future usage.
7. Western Ave Culvert Replacement - replacement of failing culvert under Western Avenue.

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

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

Resolution 24-036. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-036, a Resolution Awarding the Bid for the 2024-06STI Chip Seal Project, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-036 - RESOLUTION AWARDING BIDS

ON THE 2024-06STI CHIP SEAL PROJECT

WHEREAS, the City of Brookings opened bids for the 2024-06STI Chip Seal Project on Tuesday, March 26, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings received the following bids for the 2024-06STI Chip Seal Project: Bituminous Paving, Inc. - \$523,490.00; The Road Guy Construction Co., Inc. - \$562,882.00; and Topkote, Inc. - \$622,852.72;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the low bid of \$523,490.00 for Bituminous Paving Inc., 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.

Ordinance 24-008. A public hearing was held on Ordinance 24-008, an Ordinance to Amend Chapter 94, Article IV, Division 1, pertaining to Section 94-133 related to the elimination of drive-thru services for permitted special uses in the Business B-2A Office District. A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Ordinance 24-008 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 24-038. A public hearing was held on Resolution 24-038, a Resolution to Amend the 2040 Comprehensive Plan Major Street Plan. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-038 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-038 - A RESOLUTION TO AMEND THE BROOKINGS, SOUTH DAKOTA COMPREHENSIVE PLAN 2040

WHEREAS, the Comprehensive Plan provides a Major Streets 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, The City of Brookings has proposed amendments to the Major Streets Plan including the removal of a proposed arterial street, the removal of proposed collector streets, the addition of proposed collector streets, and the reduction of Medary Avenue south of 20th Street from an arterial to a collector street; 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 Major Streets Plan 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 Major Streets Plan 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 Major Streets Plan of the Brookings South Dakota Comprehensive Plan 2040 is hereby adopted by the City of Brookings.

Resolution 24-037. A public hearing was held on Resolution 24-037, a Resolution to Amend the 2040 Comprehensive Plan's Future Land Use Map. A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 24-037 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-037 - 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, a portion of the property legally described as the Northwest Quarter, excluding Tract 1 Hansen Addition and excluding lots H-1 and H-2 in Section 20, Township 110, Range 49, Brookings County, South Dakota will be amended on the Future Land Use Map from Urban Medium Intensity to General Industrial; 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.

2021-2026 Strategic Plan: 2024 update. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the 2021-2026 City Council Strategic Plan be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 24-033. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-033, a Resolution of Support for the Parks,

Recreation and Forestry Department to apply for the Land and Water Conservation Fund 2024 Grant Cycle, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-033 - LAND AND WATER CONSERVATION FUND (LWCF)
APPLICATION**

WHEREAS, the United States of America and the State of South Dakota have authorized the making of grants from the Land and Water Conservation Fund (LWCF) to public bodies to aid in financing the acquisition and/or construction of specific public outdoor recreation projects.

NOW, THEREFORE BE IT RESOLVED:

1. That the City Council of the City of Brookings, South Dakota is hereby authorized to execute and file an application on behalf of the City of Brookings of South Dakota with the National Park Service, U.S. Department of the Interior, through the State of South Dakota, Department of Game, Fish and Parks, Division of Parks and Recreation, for an LWCF grant to aid in financing the Brookings Inclusive Play Project for the City of Brookings, Dakota and its Environs.
2. That Oepke G. Niemeyer, Mayor, is hereby authorized and directed to furnish such information as the above mentioned federal and/or state agencies may reasonably request in connection with the application which is hereby authorized to be filed.
3. That the City of Brookings, South Dakota shall provide a minimum of 50% of the total cost of the project; and will assume all responsibility in the operation and maintenance of the project upon completion of construction, for the reasonable life expectancy of the facility.

Revised Preliminary Plat. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that a Revised Preliminary Plat for Lots 11-15B of Block 2; Lots 7A-18B of Block 4; Lots 1A-6B of Block 5; Block 6; All in Fox Run Addition, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Tax Increment Financing Memorandum of Understanding. A motion was made by Council Member Rasmussen, seconded by Council Member Wendell, that a Tax Increment Financing (TIF) Memorandum of Understanding (MOU) with Solventum/ Previously 3M, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 7:16 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk