

Brookings City Council
May 25, 2021 (unapproved)

The Brookings City Council held a meeting on Tuesday, May 25, 2021 at 5:30 PM, at the City & County Government Building Chambers with the following City Council members present: Mayor Oepke Niemeyer, Council Members Patty Bacon, Leah Brink, Joey Collins, Holly Tilton Byrne, and Nick Wendell. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

5:30 PM EXECUTIVE SESSION

A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, to enter into Executive Session at 5:30 p.m. pursuant to SDCL 1-25-2.1, for purposes of discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor. The City Council, City Manager, City Attorney, and City Clerk were present. The motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to exit Executive Session at 5:38 p.m. The motion carried by a unanimous vote.

6:00 PM REGULAR MEETING

Consent Agenda. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, to approve the Consent Agenda. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins

4.A. Action to approve the agenda.

4.B. Action to approve the May 11 and May 18, 2021 City Council Minutes.

4.C. 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 Patty Bacon and Leah Brink; Brookings Municipal Utilities: Mayor Oepke Niemeyer and Council Member Joey Collins; Brookings Economic Development Corporation Board: Council Member Nick Wendell; Brookings Economic Development Corporation Investment Committee: Mayor Oepke Niemeyer, and Council Members Leah Brink and Patty Bacon; Joint Powers Board: Council Members Nick Wendell and Leah Brink.

4.D. Action on Annual Malt Beverage Alcohol License Renewals: On-Off Sale Malt (retail): Agua Fresh, 420 Main Ave.; Aramark/McCrory Gardens Visitors Center, 16th St. & 22nd Ave.; BP of Brookings, 2420 6th St., Suite A and B; Brookings Softball Assoc. (Southbrook Softball Diamonds), 2800 22nd Ave. So.; BVG Backyard Grill, 1805 6th St.; Carpy's Pub, 700 22nd Ave. So.; Casey's General Store #1694, 620 8th St. So.; Casey's General Store #2198, 122 6th St. W.; Casey's General Store #2419, 534 22nd Ave. So.; Casino 2000, 622 25th Ave.; CHS, Inc., dba Cenex Zip Trip #63, 1005 6th St.; CHS, Inc., dba Cenex Zip Trip #64, 3045 LeFevre Dr.; The Children's Museum of South Dakota, 521 4th St.; The Clothes Line Lounge, 727 Wilson Ave. (inactive); Corner Pantry #24, 600 6th St.; Cubby's Sports Bar & Grill, 307 Main Ave.; Danny's, 703 Main Ave. So.; The Depot Casino, 919 20th St. So.; Deuces Casino, 223 6th St., Suite 105A; Deuces Casino, 223 6th St., Suite 105B; Deuces Casino, 223 6th St., Suite 105C; EdgeBrook

Golf Course, 1415 22nd Ave. So.; El Tapatio, Inc., 1717 6th St., Suite F; Eponymous Brewing Co., 126 Main Ave. So.; Flavor International Restaurant & Grocery, 501 Main Ave.; George's Pizza, Inc., 311 Main Ave.; Guadalajara Mexican Restaurant, 1715 6th St.; Hy-Vee Food Store, 790 22nd Ave. So.; Hy-Vee Gas, 716 22nd Ave. So.; Jim's Tap, 309 Main Ave.; The Lanes, 722 Western Ave., Suite B; The Lanes, 722 Western Ave., Suite C; The Lodge, 2515 6th St.; Main Street Pub, 408 Main Ave.; New Sake, Inc., 724 22nd Ave. So.; Newman's Convenience Store, 503 6th St.; Old Sanctuary, 928 4th St.; PNP Pub, 318 2nd St. So.; Ray's Corner, 401 Main Ave.; Schoon's Pump N Pak, 202 S. Main Ave.; Schoon's PNP Pub South, 1203 Main Ave. So.; Skinner's Pub, 300 Main Ave.; South Main Casino & Pub, 615 Main Ave. So.; Sully's Irish Pub, 421 Main Ave.; Swiftel Center, 824 32nd Ave.; Tee'd Off Golf, 2508 Wilbert Court, Suite B; Wal-Mart Supercenter #1538, 2233 6th St.; Wilbert's, 931 25th Ave.; The Wild Hare, 303 3rd St.; Wooden Legs Brewing Co., 309 5th St., Suite 100; Woody's Axe Throwing, 2508 Wilbert Court, Suite C; Yessica's Restaurant, 1300 Main Ave. So.

4.E. Action on Resolution 21-042, a Resolution declaring surplus property for the City of Brookings.

Resolution 21-042 - Declaring Surplus Property

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

Public Library: One (1) 2007 Gateway E4610D (G68) (does not work); One (1) 2012 HP Convertible Minitower 8300 (HP28) (does not work); One (1) 2012 HP Convertible Minitower 8300 (HP30) (does not work); One (1) 2012 HP EliteBook 8470 (HP31) (internal mouse does not work); One (1) 2013 HP EliteDesk 800 G1 Tower (HP38) (does not work); One (1) 2014 HP EliteDesk 800 G1 Tower (HP40) (does not work); One (1) 2012 HP Compaq 8200 Elite E8C CMT (HP27) (does not work); One (1) 2013 HP EliteDesk 800 G1 Tower (HP32); One (1) 2009 Netgear ProSafe GS748 48 Port Switch (fan does not work); One (1) 2009 Netgear ProSafe GS748 48 Port Switch; One (1) Gateway 21" monitor (stand is broken); One (1) NEC 19" monitor; One (1) HP 21" monitor (screen has a pink horizontal stripe); One (1) Acer 19" monitor; One (1) Martin Yale Folding Machine (does not work); One (1) 2011 Amazon Kindle Keyboard (3rd Gen) (no plug in); One (1) 2011 Barnes & Noble Nook (no plug in); One (1) 2011 Barnes & Noble Simple Touch Nook (no plug in); One (1) 2013 HP MSM430 Access Point - 5 total; One (1) 2013 HP Proliant Server TPS-F002 with 2 500 GB SATA drives; One (1) Vacuum; One (1) metal storage cabinet; Two (2) desk chairs; One (1) puppet rack; Five (5) metal carts; Two (2) wooden chairs; Two (2) 2-drawer filing cabinets; Two (2) padded wooden storage benches; Three (3) wooden guest chairs; One (1) Round wooden table; Two (2) 2008 AWE Learning Computers (Dell Optiplex 755); Two (2) plastic children's chairs (one yellow, one orange).

Solid Waste / Landfill: 200,00 to 220,000 cubic yards of surplus clay

Park, Recreation & Forestry: 1967 Ford Tractor 4000 with cab, #394, Asset #1010512

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.

SDSU Report. Anna Shane, Government Affairs Chair for the SDSU Students Association, provided an update on SDSU happenings to the City Council and public.

First Quarter CFO Report. Chief Financial Officer, Erick Rangel, presented the 1st Quarter Financial Report to the City Council and public.

Resolution 21-046. A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 21-046, a Resolution approving of the Swiftel Center Venue Management Agreement Between the City of Brookings, and Spectra Venue Management, be approved. Public Comment: Zeno Wicks, Tim Gutormson, and Tye Eischenbaum. Spectra Staff Present: Katie Portco, Director of Business Development, Rick Hontz, Regional Vice-President, and Tim Savona, General Manager of the Sioux City, IA Tyson Event Center. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-046 - A Resolution Approving a Management Agreement between the City of Brookings, South Dakota and Global Spectrum, L.P., d/b/a Spectra Venue Management

Whereas, the City of Brookings has completed a Request for Proposals process to obtain competitive proposals for the management of the Swiftel Center as of August 1, 2021; and

Whereas, VenuWorks and Spectra Venue Management submitted proposals in response to the Request for Proposals for Swiftel Center Management Services; and

Whereas, the City of Brookings established a Request for Proposal procedure which included a Selection Committee to evaluate firms offering to provide Swiftel Center Management Services; and

Whereas, following the consideration of written responses and interviews, the Selection Committee recommends that the City engage Spectra Venue Management to provide management services for the Swiftel Center; and

Whereas, Spectra Venue Management is engaged, among other things, in the business of providing management services, including operations and marketing services for venues similar to the Swiftel Center; and

Whereas, the City desires to engage Spectra Venue Management, and Spectra Venue Management desires to accept the engagement, to provide management services for the Swiftel Center pursuant to the terms and conditions set forth in a Management Agreement; and

Whereas, the City and Spectra Venue Management intend to work in mutual accord in order to ensure provision of first-class management services, thereby enhancing the public's use and enjoyment of the Swiftel Center.

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

- a. That a Management Agreement between the City of Brookings, South Dakota and Global Spectrum, L.P., d/b/a Spectra Venue Management is hereby approved; and
- b. The City Manager is authorized to sign the Management Agreement after it is executed by Spectra Venue Management.

FIRST READING – Ordinance 21-010. An introduction and first reading was held on Ordinance 21-010, an Ordinance to Change the Zoning Within the City of Brookings, rezoning 5.75 acres (generally located along the 1500 and 1600 block of Main Avenue South) from a Residence R-1A Single-Family District to a Business B-2A Office District. Public Comment: Bradley Walker. Public Hearing: June 8, 2021.

FIRST READING – Ordinance 21-011. An introduction and first reading was held on Ordinance 21-011, an Ordinance to Change the Zoning Within the City of Brookings, rezoning Lot 11A, Block 6 of Folsom's Addition (also known as 204 1st Street South) from an Industrial I-1 Light District to a Business B-3 Heavy District. Public Hearing: June 8, 2021.

FIRST READING – Ordinance 21-014. An introduction and first reading was held on Ordinance 21-014, an Ordinance to Change the Zoning within the City of Brookings, rezoning Lot 1, Block 2 of Folsom Addition (also known as 530 1st Street South) and Lots 2 and 3, Block 2 of Folsom Addition (also known as 110 6th Avenue South) from an Industrial I-1 Light District to a Business B-3 Heavy District. Public Hearing: June 8, 2021.

FIRST READING – Ordinance 21-018. An introduction and first reading was held on Ordinance 21-018, an Ordinance to permit by Conditional Use an Office in a Residence R-2 Two-Family District on the South 105 Feet of Lot 1 in Block 7 of Morehouse Addition, also known as 903 8th Street. Public Hearing: June 8, 2021.

Resolution 21-044. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that Resolution 21-044, a Resolution Authorizing the Retirement Brookings Municipal Utility Bonds (2005), be approved. Present: Steve Meyer, Brookings Municipal Utilities (BMU) Executive Vice-President and General

Manager, and Laura Julius, BMU Finance & Accounting Manager. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-044 - A Resolution Authorizing the Retirement of
Brookings Municipal Utility Bonds (2005)

Whereas, Brookings Municipal Utilities (BMU) has outstanding debt of \$658,200 from municipal tax exempt bonds issued in 2005; and

Whereas, the Brookings Municipal Utilities Board has determined that it is beneficial to BMU to retire the above mentioned bonds issued in 2005; and

Whereas, the Brookings Municipal Utilities Board has further determined that there are sufficient resources within the BMU fund balances to retire the debt outstanding from the above mentioned bonds; and

Whereas, on May 10, 2021 the Brookings Municipal Utilities Board authorized the Executive Vice President and General Manager of BMU to execute the documents necessary to retire the outstanding debt from the municipal tax free bonds issued in 2005 by BMU Resolution No. 13-21; and

Whereas, the City Council recognizes the benefit of the retirement of the 2005 bonds; and

Whereas, this authorization by the City Council will facilitate the retirement of the 2005 bonds effective June 1, 2021.

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

- A. That the retirement of Brookings Municipal Utility Bonds issued in 2005 is hereby authorized; and
- B. That the Mayor, City Clerk, and the Executive Vice President and General Manager of BMU are authorized to execute the documents and notices required to retire the 2005 Brookings Municipal Utility Bonds in accordance with this Resolution.

Resolution 21-045. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that Resolution 21-045, a Resolution Authorizing the Retirement of Brookings Municipal Utility Bonds (2011), be approved. Present: Steve Meyer, Brookings Municipal Utilities (BMU) Executive Vice-President and General Manager, and Laura Julius, BMU Finance & Accounting Manager. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-045 - A Resolution Authorizing the Retirement of

Brookings Municipal Utility Bonds (2011)

Whereas, Brookings Municipal Utilities (BMU) has outstanding debt of \$3,880,000 from municipal tax exempt bonds issued in 2011; and

Whereas, the Brookings Municipal Utilities Board has determined that it is beneficial to BMU to retire the above mentioned bonds issued in 2011; and

Whereas, the Brookings Municipal Utilities Board has further determined that there are sufficient resources within the BMU fund balances to retire the debt outstanding from the above mentioned bonds; and

Whereas, on May 10, 2021 the Brookings Municipal Utilities Board authorized the Executive Vice President and General Manager of BMU to execute the documents necessary to retire the outstanding debt from the municipal tax free bonds issued in 2011 by BMU Resolution No. 14-21; and

Whereas, the City Council recognizes the benefit of the retirement of the 2011 bonds; and

Whereas, this authorization by the City Council will facilitate the retirement of the 2011 bonds effective December 1, 2021.

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

- A. That the retirement of Brookings Municipal Utility Bonds issued in 2011 is hereby authorized; and
- B. That the Mayor, City Clerk and the Executive Vice President and General Manager of BMU are authorized to execute the documents and notices required to retire the 2011 Brookings Municipal Utility Bonds in accordance with this Resolution.

Resolution 21-041. A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Resolution 21-041, a Resolution Declaring Jurisdictional Change of a Portion of 214th Street (20th Street South), be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-041 - A Resolution Declaring Jurisdictional Change of a Portion of 214th Street (20th Street South)

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

Whereas, the City of Brookings was awarded a federal "Better Utilizing Investments to

Leverage Development (BUILD) Grant to construct 20th Street South between 22nd Avenue South and 34th Street South along with an interchange at I-29 & 20th Street South; and

Whereas, a portion of 214th Street, otherwise known as 20th Street South, is currently under the jurisdictional control of Aurora Township and Trenton Township; and

Whereas, Aurora Township and Trenton Township have adopted resolutions requesting the jurisdictional transfer for a portion of 214th Street from approximately one thousand two hundred feet (1,200 feet) west of Interstate 29 to two hundred fifty feet (250 feet) east of 34th Avenue from Aurora Township and Trenton Township to the City of Brookings; and

Whereas, the purpose of this resolution is to accept the jurisdictional control by the City of Brookings for portions of 214th Street (20th Street South) to allow the City to plan, finance, and construct the street improvements necessary for the BUILD Grant Project; and

Whereas, SDCL §31-17-7 sets forth the procedure for assignment of responsibility for boundary line highways between organized townships and SDCL §9-45-1 authorizes a municipality to construct, maintain and repair roads within its jurisdiction.

Now, Therefore, the City of Brookings hereby accepts responsibility for the highway described in this Resolution pursuant to applicable law, thereby including the above-described highway within its jurisdiction.

Resolution 21-043. A motion was made by Council Member Brink, seconded by Council Member Wendell, that Resolution 21-043, a Resolution Repealing Resolution 21-024 Pertaining to Safety Recommendations to Reduce the Spread of COVID-19 in the City of Brookings, South Dakota, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-043 - A Resolution Repealing Resolution 21-024 Pertaining to Safety Recommendations to Reduce the Spread of COVID-19 in the City of Brookings, South Dakota.

Whereas, the City of Brookings adopted Resolution 21-024, a Resolution providing safety recommendations to reduce the spread of COVID-19 on April 27, 2021; and

Whereas, the reduction of COVID-19 cases in Brookings and the new Centers for Disease Control and Prevention (CDC) guidelines provide a sufficient basis to terminate Resolution 21-024; and

Whereas, the public is encouraged to continue to operate in a manner consistent with the most recent CDC COVID-19 guidelines and any applicable recommendations from the South Dakota Department of Health.

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota that Resolution 21-024 is hereby repealed May 31, 2021.

Appoint Council Member Vacant Seat. A motion was made by Council Member Brink, seconded by Council Member Collins, to appoint Wayne Avery to fill the vacant City Council seat for a term effective 5/26/2021-4/30/2022. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Appoint Deputy Mayor. A motion was made by Council Member Tilton Byrne, seconded by Mayor Niemeyer, to appoint Nick Wendell as Deputy Mayor, term expiring 6/1/2022. The motion carried by the following vote: Yes: 5 - Niemeyer, Brink, Bacon, Tilton Byrne, and Collins; Abstain: 1 – Wendell.

Progress Report. Jacob Meshke, Assistant City Manager, provided a progress report highlighting the City's activities/projects.

Adjourn. A motion was made by Council Member Brink, seconded by Council Member Wendell, that the meeting be adjourned at 7:32 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk