

BROOKINGS CITY COUNCIL
December 9, 2025

The Brookings City Council held a meeting Tuesday, December 9, 2025 at 5:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, and Council Members Wayne Avery, Brianna Doran, Lisa Hager, Holly Tilton Byrne, and Nick Wendell. Absent: Council Member Bonny Specker. City Manager Paul Briseno, City Attorney J. Vince Jones, and City Clerk Bonnie Foster were also present.

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

Executive Session. A motion was made by Council Member Doran, seconded by Council Member Wendell, to enter into Executive Session at 5:01 p.m., pursuant to SDCL 1-25-2(1), for 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 motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Doran, to exit Executive Session at 5:48 p.m. The motion carried by a unanimous vote.

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

A. Action to approve the November 25, 2025 City Council Minutes.

B. Action on Resolution 25-102, a Resolution Awarding the Bid for Brookings Regional Landfill Farm Land Lease.

RESOLUTION 25-102 - RESOLUTION AWARDING THE BID FOR
BROOKINGS REGIONAL LANDFILL FARM LAND LEASE

WHEREAS, the City of Brookings opened bids for the Brookings Regional Landfill Farm Land Lease on Tuesday, November 25, 2025 at 1:30 pm at the Brookings City & County Government Center; and

WHEREAS, the City of Brookings received the following high bid for the Farm Land Lease: Dave Berndt in the amount of \$326 per acre for 115 acres of farm land; and

WHEREAS, the Brookings Regional Landfill will generate \$195,826.60 of revenue through the duration of the lease.

NOW, THEREFORE, BE IT RESOLVED that the high bid of \$326/acre from Dave Berndt be accepted; and

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

Introduction of promoted City of Brookings Employee. Paul Briseno, City Manager, introduced promoted City of Brookings employee, Samantha Beckman, as Assistant City Manager.

Report: City Council Ex-Officio Report. A Brookings Municipal Utility Board report was given by Council Member Avery. A Brookings Health Systems Board of Trustees report was not given, due to no November meeting.

Update: 3M / Solventum PFAS Mitigation. Jim Burkhardt, Solventum Plant Director, provided an update of the ongoing 3M / Solventum PFAS Mitigation.

Resolution 25-101. A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 25-101, a Resolution authorizing Change Order No. 1 for 2025-01SWR Sidewalk Maintenance Project; Brock Contracting, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

RESOLUTION 25-101 - RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR
PROJECT 2025-01SWR: SIDEWALK MAINTENANCE PROJECT

WHEREAS, the City of Brookings opened bids for the 2025-01SWR Sidewalk Maintenance Project on Tuesday, June 17, 2025 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings awarded Brock Contracting the contract for 2025-01SWR Sidewalk Maintenance project for their low bid of \$52,738.75 at the July 8, 2025 City Council Meeting.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Change Order 1 totaling \$9,649.00 for additional work be approved; and
2. The City Manager is authorized to sign the change order.

FIRST READING – Ordinance 25-042. Introduction and First Reading was held on Ordinance 25-042, an Ordinance Authorizing Budget Amendment No. 9 to the 2025 Budget. Second Reading and Action: December 16, 2025.

Ordinance 25-039. A public hearing was held on Ordinance 25-039, an Ordinance to Rezone Lot 3 of Block 2 of Telkamp Industrial Addition from an Industrial I-1R Restricted District to an Industrial I-1 Light District. A motion was made by Council Member Wendell, seconded by Council Member Doran, to approve Ordinance 25-039. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

Ordinance 25-040. A public hearing was held on Ordinance 25-040, an Ordinance for a Conditional Use Permit to Establish an Office in a Residence R-2 Two-Family District (709 Main Avenue). A motion was made by Council Member Doran, seconded by Council Member Wendell, that Ordinance 25-040 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

Ordinance 25-041. A public hearing was held on Ordinance 25-041, an Ordinance to Rezone NE ¼ NW ¼ excluding Outlot A in Section 3-T109N-R50W from the Residential R-3 Apartment District to a Residential R-1A Single Family District (1115 West 20th Street South). A motion was made by Council Member Wendell, seconded by Council Member Doran, that Ordinance 25-041 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

Ordinance 25-037. A motion was made by Council Member Wendell, seconded by Council Member Doran, that Ordinance 25-037, an Ordinance Setting the Annual Election Date (June) be approved. The motion failed by the following vote: No: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

Ordinance 25-038. A motion was made by Council Member Doran, seconded by Council Member Wendell, that Ordinance 25-038, an Ordinance Setting the Annual Election Date (November) be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

Resolution 25-100. A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 25-100, a Resolution Transferring City Manager Contingency Funds to City Departments, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

RESOLUTION 25-100 - A RESOLUTION TRANSFERRING CITY MANAGER
CONTINGENCY FUNDS TO CITY DEPARTMENTS

WHEREAS, the City of Brookings hereby transfers City Manager's contingency funds to fund unplanned operational obligations of the municipality. This resolution is for the purpose of completing a transfer of contingency funds to the following accounts:

454 Forestry

101-454-5-101-01 Temporary Pay	\$11,000
101-454-5-130-00 Worker's Compensation	\$11,000
101-454-5-425-04 Maintenance – Equipment	<u>\$12,000</u>
Total Transfers	\$34,000

The Financing Source for this transfer is from the following accounts:

101-405-5-856-99 Contingency Fund	<u>\$34,000</u>
Total Source of Funding	\$34,000

WHEREAS, this resolution is deemed necessary for the immediate preservation of the public peace, health, safety and support of the City, and shall become effective upon publication.

Resolution 25-099. A motion was made by Council Member Doran, seconded by Council Member Wendell, that Resolution 25-099, a Resolution Transferring Capital Improvement Plan Sinking Funds, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

RESOLUTION 25-099 - A RESOLUTION TRANSFERRING CAPITAL IMPROVEMENT PLAN SINKING FUNDS

WHEREAS, the City of Brookings hereby transfers CIP Sinking Funds to fund unplanned operational obligations of the municipality. This resolution is for the purpose of completing a transfer of contingency funds to the following accounts:

420 City & County Administration Building

101-420-5-911-00 Buildings & Structures	<u>\$634,111</u>
Total Transfers	\$634,111

The Financing Source for this transfer is from the following accounts:

213-405-5-911-00 CIP Sinking Fund	<u>\$634,111</u>
Total Source of Funding	\$634,111

WHEREAS, this resolution is deemed necessary for the immediate preservation of the public peace, health, safety and support of the City, and shall become effective upon publication.

City Attorney 2026 Legal Services Agreement. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the City Attorney Legal Services Agreement for 2026 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

Executive Session. A motion was made by Council Member Wendell, seconded by Council Member Hager, to enter into Executive Session at 5:01 p.m., pursuant to SDCL 1-25-2(1), for 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 motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Hager, to exit Executive Session at 8:35 p.m. The motion carried by a unanimous vote.

Resolution 25-104. A motion was made by Mayor Niemeyer, seconded by Council Member Avery, that Resolution 25-104, a Resolution Amending the City Manager's Contract for 2026, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Niemeyer, Tilton Byrne, and Wendell; Absent: 1 - Specker.

RESOLUTION 25-104 - RESOLUTION APPROVING THE CITY MANAGER'S
EMPLOYMENT AGREEMENT FOR 2026

WHEREAS, the City Council annually approves an Employment Agreement for the City Manager for the ensuing year; and

WHEREAS, the position of City Manager is a position appointed by the City Council and the City Council desires that Paul Briseno continue as the City Manager for the City of Brookings; and

WHEREAS, the City Council has determined it is appropriate to increase the City Manager's salary from Range 48 to Range 51; giving a 2% merit increase, plus 2% per Range increase for a total of 8% increase, resulting in a total annual salary for 2026 of \$224,102.99; and

WHEREAS, the City Manager shall also receive deferred compensation 457 to IRS limit, and to include age 50 457 catch-up contribution; and

WHEREAS, the City Manager Employment Agreement shall also provide that the City Manager shall be eligible to receive a cost-of-living increase, bonus and pay range adjustments in the same manner as other City employees; and

WHEREAS; the City Council has reviewed and approves the employee benefits provided to the City Manager pursuant to the proposed City Manager Employment Contract;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Brookings, South Dakota, that the City Manager Employment Agreement, reflecting the compensation and benefits set forth herein, is hereby approved, and the Mayor and City Clerk are authorized to execute the City Manager Employment Agreement on behalf of the City of Brookings.

Adjourn. A motion was made by Council Member Wendell, seconded by Council Member Doran, that this meeting be adjourned at 8:47 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk