

Brookings City Council
May 23, 2023 (unapproved)

The Brookings City Council held a meeting on Tuesday, May 23, 2023 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Deputy Mayor Nick Wendell, Council Members Wayne Avery, Holly Tilton Byrne, Bonny Specker, Brianna Doran, and Andrew Rasmussen. City Manager Paul Briseno, City Attorney Steve Britzman, and Deputy City Clerk DeShawn Scott were also present.

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

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

A. Action to approve the May 9, 2023 City Council Minutes.

B. Action on Resolution 23-051, a Resolution in support of an Application for Financial Assistance to the South Dakota Housing Development Authority by Branch Creek, LLC, and / or its Affiliates, Agents, or Assigns, for the Benefit of Multi and Single-Family Development.

Resolution 23-051 - Resolution in Support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by Branch Creek, LLC, and / or its Affiliates, Agents, or Assigns, for the Benefit of Multi or Single-Family Development

Whereas, the City of Brookings and Branch Creek, LLC have determined it is necessary to proceed with improvements to the City's infrastructure, thus enabling additional single and multifamily units to be constructed in the city limits of Brookings; and

Whereas, the City and Developer have determined financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by Branch Creek, LLC (Developer) for the proposed development; and

Whereas, the City will work with the Developer's engineer to ensure the preliminary project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer, and all other necessary improvements as needed; and

Whereas, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

Whereas, the City is committed to the ownership and long-term maintenance of said

infrastructure upon acceptance and the conditions set forth in the certificate of completion that the said infrastructure and system shall meet the specifications, materials and equipment set forth as shown on the approved plans in said agreement; and

Whereas, the 2022 Brookings County Housing Study identified the need for additional owner-occupied housing in the moderate to market price range, an increase in the variety of housing types, designs, and densities; and

Whereas, the City acknowledges that there is a significant housing shortage in City of Brookings and this proposed development will help, but not resolve the housing shortage.

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

1. The City hereby supports the submission of an Application for financial assistance by Branch Creek, LLC, to the South Dakota Housing and Development Authority.
2. City officials of the City of Brookings are hereby authorized to deliver such other documents as necessary, to assist with the Application.

C. Action on Resolution 23-049, a Resolution awarding bid 2023-07 STI Freight-On-Board Asphalt Material.

Resolution 23-049 - Resolution Awarding Bids on
Project 2023-07STI Freight-On-Board Asphalt Material

Whereas, the City of Brookings opened bids for Project 2023-07STI Freight-On-Board Asphalt Material on Tuesday, May 9, 2023 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bid: Bowes Construction Inc.: \$87,075.00.

Now, Therefore, Be It Resolved that the total low bid of \$87,075.00 for Bowes Construction Inc., Brookings, SD be accepted.

Proclamation. Mayor Niemeyer presented a proclamation to Jon Stauff and Mark Sternhagen, members of the Brookings Disability Awareness Committee, recognizing May as Global Accessibility Awareness Month in the City of Brookings.

MAYORAL PROCLAMATION

Whereas, Global Accessibility Awareness Day (GAAD) is commemorating its 12th Anniversary of educating about digital access and inclusion for the more than one billion people with disabilities; and

Whereas, GAAD is led by the GAAD Foundation, which was founded on the 10th Anniversary of Global Accessibility Awareness Day and whose mission is to disrupt the

culture of technology and digital product development to include accessibility as a core requirement; and

Whereas, workplaces welcoming of the talents of all people, including disabled people, are a critical part of our efforts to build an inclusive community and strong economy, yet more than 98.1% of corporate and organizations home pages have at least one Web Content Accessibility Guidelines 2.0 failure, thus making it difficult with those members of the disabled community from fully accessing information.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 2023 as Global Accessibility Month, and I call upon employers, schools and other community organizations in Brookings to observe this month with an appropriate review of their digital content, and to address issues identified in such reviews that prevent disabled people from accessing and using digital content provided by these institutions.

Proclamation. Mayor Niemeyer presented a proclamation to Lawrence Novotny, member of the Brookings Human Rights Commission, recognizing June as LGBTQ2S+ Pride Month in the City of Brookings.

MAYORAL PROCLAMATION

Whereas, June is celebrated as Lesbian, Gay, Bisexual, Transgender, Queer, and Two Spirit (LGBTQ2S+) Pride Month across the USA; and

Whereas, Pride Month celebrates everyone's right to live without fear of prejudice based on sexual orientation or gender identity; and

Whereas, the LGBTQ2S+ community includes our neighbors, friends, and family members; and

Whereas, the City of Brookings vision is to be a welcoming and inclusive community where all can bring your dreams; and

Whereas, the City of Brookings has received a perfect score of 100 on the Human Rights Campaign Municipal Equality Index, the largest LGBTQ2S+ civil rights organization in the U.S. for five years in a row; and

Whereas, these entities in Brookings have been working tirelessly for LGBTQ2S+ awareness and equality: Human Rights Commission, Brookings PFLAG, Brookings Public Library, Brookings Arts Council, and Brookings Pride; and

Whereas, the Brookings community will be celebrating Pride on June 3rd at Pioneer Park.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City

of Brookings, do hereby proclaim June 2023 as LGBTQ2S+ Pride Month.

Proclamation. Mayor Niemeyer presented a proclamation to John Thompson, Public Works Director, and Public Works Department employees, recognizing May 21-27 as Public Works Week in the City of Brookings.

MAYORAL PROCLAMATION

Whereas, public works professionals focus on infrastructure, facilities, and services that are of vital importance to our public health, high quality of life, well-being, and sustainable and resilient communities; and

Whereas, Brookings recognizes the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other essential structures and facilities; and

Whereas, it is in the public interest for all citizens to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs; and

Whereas, 2023 marks the 63rd annual National Public Works Week.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 21–27, 2023 as Public Works Week, and urge all citizens to join in activities, events, and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

Ordinance 23-018. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 23-018, an Ordinance Amending Article III of Chapter 42 of the Code of Ordinances of the City of Brookings, South Dakota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Temporary Alcohol Application. A public hearing was held on a Temporary Alcohol License Application from Wooden Legs Brewing Co. for a July 20th Comedy at the Park event at Pioneer Park, 104 6th Street West. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Temporary Alcohol Application be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Temporary Alcohol Application. A public hearing was held on a Temporary Alcohol Application from Sodexo Catering for the Oscar Howe VIP Reception to be held on June

9, 2023 at the SDSU Alumni Center, 815 Medary Avenue. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Temporary Alcohol Application be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

House Moving Request. A public hearing was held on a house moving request for a two-story residential home from 1224 6th Street to 1125 3rd Street. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the house moving request be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-050. A motion was made by Council Member Avery, seconded by Council Member Doran, to approve Resolution 23-050, a Resolution to Annex 52.7 acres in the Southwest ¼ of Section 20, Township 110, Range 50, Brookings County, South Dakota. A motion was made by Council Member Doran, seconded by Council Member Avery, that Resolution 23-050, a Resolution to Annex 52.7 acres in the Southwest ¼ of Section 20, Township 110, Range 50, Brookings County, South Dakota, be tabled. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Preliminary Plat. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Revised Preliminary Plat of Lots 1-5, Outlot A, and Outlot B in Block 9 of Wiese Addition, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Preliminary Plat. A motion was made by Council Member Avery, seconded by Council Member Doran, that a Preliminary Plat for Blocks 1-15 in Branch Creek Addition be approved. Public Comment: Justin Bucher. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-048. A motion was made by Council Member Avery, seconded by Council Member Wendell, that Resolution 23-048, a Resolution approving a Naming, Advertising, and Sponsorship Agreement with Dacotah Bank, providing for the currently named "Swiftel Center" be named "Dacotah Bank Center" be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-048 - A Resolution Approving a Naming, Advertising and Sponsorship Agreement with Dacotah Bank, providing for the currently named "Swiftel Center" be named "Dacotah Bank Center"

Whereas, the City of Brookings is the owner of the Swiftel Center, a premiere public entertainment and meeting facility ("facility") located in the City of Brookings; and

Whereas, OVG360 is the Management Firm retained by the City of Brookings to manage the Swiftel Center; and

Whereas, Dacotah Bank is a South Dakota banking, mortgage and trust, wealth management and financial services firm with locations in Brookings and throughout northeastern South Dakota; and

Whereas, consistent with the goals of the City of Brookings' Strategic Plan, OVG360, the Swiftel Center Advisory Board and the City of Brookings have explored proposals for a new naming rights partner for the Swiftel Center; and

Whereas, a proposed Naming, Advertising and Sponsorship Agreement has been developed which provides, in part, for naming, advertising and sponsorship opportunities, including the naming rights for the Swiftel Center, for Annual Fees of \$150,000 over a 10-year period; and

Whereas, the City of Brookings believes that naming its facility Dacotah Bank Center and entering into a long term agreement with Dacotah Bank will be mutually beneficial to both the City of Brookings and Dacotah Bank.

Now, Therefore, Be It Resolved by the City Council of the City of Brookings, that the City of Brookings enter into a Naming Rights Agreement with Dacotah Bank, and that the City Manager is authorized to execute the documents in accordance with this Resolution.

Resolution 23-047. A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Resolution 23-047, a Resolution Concerning Updated City Council Policies, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-047 - A Resolution Approving Revised Policies of the City of Brookings

Whereas, City Council policies are compiled in the Governance and Ends Policy, which includes a number of policies adopted by the City Council over the past 20 years; and

Whereas, it is important Council Policies are reviewed regularly so Council policies are consistent with the current Council's priorities and the City of Brookings of today; and

Whereas, over the past year, current and former Council Members Holly Tilton Byrne, Joey Collins, Wayne Avery, Leah Brink, and Patty Bacon participated in the process of reviewing and preparing proposed revisions of current City of Brookings policies. These Council members were assisted by the City Manager, City Clerk, and City Attorney; and

Whereas, the attached City Policies have been reviewed and proposed revisions have been prepared. Policies include the following:

Type	Number	Name
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City Council	100	Vision, Mission, Values
Governance	101	Ownership of Council
Governance	102	Council Role
Governance	103	Council Style & Vision
Governance	104	Code of Conduct
Governance	105	Council Action
Governance	106	Citizen Advisory Board
Governance	107	Review of Policies
Ends	108	Financial Stability
Ends	109	Municipal Services
Ends	110	Business Models
Ends	111	Economic Development
Ends	112	Employee Training & Development
Ends	113	Intergovernmental Cooperation
Ends	114	Strategic Planning
CC Other	200	Council Staff Linkage
CC Other	201	City Manager Direction
CC Other	202	Public Comment
CC Other	203	Study Session Format
CC Other	204	Code of Ethics
CC Other	205	City Council Vacancy
CC Other	206	Equal Opportunity Policy
CC Other	300	Green Building Policy
CC Other	302	Donations
CC Other	303	Naming Rights
CC Other	307	Special Assessment Policy

Now, Therefore, Be It Resolved that the City Policies attached hereto and referenced in this Resolution are hereby approved.

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

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, to enter into Executive Session at 7:22 p.m., pursuant to SDCL 1-25-2.3, consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Present: City Council, City Manager, and Deputy City Manager. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to exit Executive Session at 7:50 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that this meeting be adjourned at 7:251 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk