

**BROOKINGS CITY COUNCIL
OCTOBER 22, 2024**

The Brookings City Council held a meeting on Tuesday, October 22, 2024 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 Doran, 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 8 and October 15, 2024 City Council Minutes.
B. Action on Resolution 24-090, a Resolution declaring surplus property for the City of Brookings.

RESOLUTION 24-090 - 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: (1) 2004 Denon Dolby A/V Receiver (Serial # 4073300641), (1) Sanborn 80 Gallon 220-Volt Air Compressor (Serial # 11520407), (1) 2017 Staber Industries; Ready Rack PPE Extractor (Serial # J18013235), (1) 2018 Staber Industries; Ready Rack PPE Extractor (Serial # J18013235), (1) 2018 Staber Industries; Ready Rack PPE Extractor (Serial # J18013236)

Edgebrook Golf Course: 1,169.2 lbs. of used Range Balls; Gil-Co 6-foot 3-point Seeder, Serial #5185, and 2006 Ford Ranger XLT, VIN 1FTYR14U06PA24746 (96,664 miles).

Parks & Recreation Department: Landpride 3-point 6-foot Rake, Serial #240209; Skid Steer Backhoe attachment; 2006 FFC 10-foot Snowplow, Serial #F053848; Gorman-Rupp large water pump with 4-cylinder motor, Serial #243886; Chest-style Deep Freezer, Serial #14107073 BM; Poulan Pro rear-tine Tiller, Serial #050207T001381; 2013 Hustler 104 Mower, Serial #13051398 (3766 hours); New Roll-up Door (7 foot 10 inches x 4 foot 1 inch), Serial #569963; and an 8-ton engine hoist (cylinder leaks).

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.

C. Action to add a Special City Council Meeting on Tuesday, October 29, 2024 at 6:00 p.m.

Proclamation: National Disability Employment Awareness Month. Mayor Niemeyer presented a proclamation recognizing October as National Disability Employment Awareness Month. Brookings Disability Awareness Committee Members Mark Sternhagen and Matthew Weiss accepted the proclamation.

MAYORAL PROCLAMATION

WHEREAS, National Disability Employment Awareness Month is commemorating its 79th anniversary of educating about disability employment issues and celebrating the many and varied contributions of America's disabled workers; and

WHEREAS, NDEAM is led by the U.S. Department of Labor's Office of Disability Employment Policy, but its true spirit lies in the many observances held at the grassroots level across the nation every year; and

WHEREAS, Employers of all sizes and in all industries are encouraged to participate in NDEAM; 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.

NOW, THEREFORE, I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim October 2024 as National Disability Employment Awareness Month, and I call upon employers, schools and other community organizations in Brookings to observe this month with appropriate programs and activities, and to advance its important message that disabled people are equal to the task throughout the year.

Proclamation: First-Generation College Celebration Day. Mayor Niemeyer presented a proclamation recognizing November 8th as First-Generation College Celebration Day. Linde Murray, SDSU Student Success Center, accepted the proclamation.

MAYORAL PROCLAMATION

WHEREAS, the Council for Opportunity in Education has declared an annual First-Generation College Celebration each year in November to celebrate the passing of the Higher Education Act of 1965, which expanded opportunities for low-income and

first-generation populations; and

WHEREAS, education is a priority in Brookings, South Dakota; and

WHEREAS, first-generation students and alumni exhibit resilience on their paths to earning a degree; and

WHEREAS, first-generation students and alumni make important contributions to the Brookings community.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Friday, November 8, 2024 as First-Generation College Celebration Day.

Report: SDSU Student Association. Claire Koenecke, SDSU Students Association Government Affairs Chair provided an update on SDSU current affairs.

Reports: City Council Ex-Officio Reports. A Brookings Municipal Utility Board report was given by Council Member Avery. A Brookings Health Systems Board of Trustees report and a SDSU Student's Association Report was given by Council Member Doran.

Resolution 24-095. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-095, a Resolution authorizing Change Order No. 1 for Project 2024-05STI Structure No. 06-160-152 Replacement Project; Austreim Excavating, Inc., be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-095 - RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR
STRUCTURE NO. 06-160-152 REPLACEMENT PROJECT

WHEREAS, the City of Brookings opened bids for the Structure No. 06-160-152 Replacement Project on Tuesday, August 6, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings awarded Austreim Excavating, LLC the contract for Structure No. 06-160-152 Replacement Project for their low bid of \$166,489.94 at the April 13, 2024 City Council Meeting; and

WHEREAS, during construction the contractor discovered concrete underneath the asphalt pavement which needed to be removed, which also increased the amount of asphalt needed to tie the project back into the existing roadway; and

WHEREAS, the contract with Austreim Excavating, LLC needs to be amended to account for the additional work.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Change Order 1 totaling \$21,670.09 for additional work be approved; and
2. The City Manager or his designee is authorized to sign the change order.

FIRST READING – Ordinance 24-037. Introduction and First Reading was held on Ordinance 24-037, the 2025 Appropriation Ordinance. Second Reading and Action: November 12, 2024.

Ordinance 24-036. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 24-036, an Ordinance Authorizing Budget Amendment No. 9 to the 2024 Budget, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

On-Off Sale Malt License. A public hearing was held on a request for an On-Off Sale Malt License, for Kwik Trip, Inc., dba Kwik Star #1718, located at 2016 20th Street South. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the On-Off Sale Malt License be approved. Public Comment: Joe Stortz, District Leader, and Kaleb Malakowsky, Store Leader. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 24-092. A public hearing was held on Resolution 24-092, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for Kwik Trip, Inc., dba Kwik Star #1718, located at 2016 20th Street South, Brookings, South Dakota. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 24-092 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-092 - WINE OPERATING AGREEMENT – NEW 10-YEAR
AGREEMENT - Kwik Trip, Inc., dba Kwik Star #1718**

BE IT RESOLVED by the City of Brookings, South Dakota, that the City Council hereby approves an Operating Alcohol Management Agreement for Wine between the City of Brookings and Scott Zietlow, President, Kwik Trip, Inc., dba Kwik Star #1718, 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 2016 20th Street South. Legal description: Lot 3, Block 4, Southland Addition, City of Brookings, Brookings County, South Dakota.

BE IT FURTHER RESOLVED that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of 10 years, with a 5-year mid-term renewal.

Resolution 24-076. A motion was made by Council Member Rasmussen, seconded by Council Member Avery, that TABLED ITEM: Action on Resolution 24-076, a Resolution Adopting the Downtown Brookings Master Plan, be removed from the table. The motion

carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Cory Scott, Senior Partner, RDG Planning & Design, presented additional information on the Downtown Brookings Master Plan to the City Council. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-076, a Resolution Adopting the Downtown Brookings Master Plan, be approved. Public Comment: Kirsten Gjesdal. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-076 - RESOLUTION ADOPTING
THE DOWNTOWN BROOKINGS MASTER PLAN**

WHEREAS, the City Council of the City of Brookings, SD received a presentation on the proposed Downtown Brookings Master Plan; and

WHEREAS, the Downtown Brookings Master Plan assesses each of the five subareas within the boundaries of downtown, and assesses development and mobility opportunities for each; and

WHEREAS, the Downtown Brookings Master Plan will be utilized as a resource for the City Council to further pursue a downtown revitalization initiative.

NOW, THEREFORE, BE IT RESOLVED, that the Downtown Brookings Master Plan is hereby adopted for the City of Brookings. The Downtown Brookings Master Plan shall be on file in the Office of the City Clerk and is available for public inspection by any interested person.

Resolution 24-094. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-094, a Resolution Transferring Budget Authority between City Departments and Funds, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-094 - A RESOLUTION TRANSFERRING BUDGET AUTHORITY
BETWEEN CITY DEPARTMENTS AND FUNDS**

WHEREAS, the City of Brookings hereby transfers City Manager's Contingency Funds to fund unplanned operational obligations of the municipality and transfers budget authority between departments to account for changes in expenditure management.

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	\$20,000

213 CIP Fund
 213-000-5-940-04 Park & Rec Improvements \$ 1,000

417 General Government Buildings
 101-417-5-425-05 Maintenance Building \$25,000

Total Transfers \$46,000

The Financing Sources for this transfer are from the following accounts:

101-452-5-101-01 Temporary Pay \$20,000.00
 101-495-5-856-20 BDAC \$ 1,000.00
 213-000-5-911-00 Buildings Sinking Fund \$25,000.00
 Total Sources of Funding \$46,000.00

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 24-091. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-091, a Resolution Authorizing Special Assessments for Snow Removal and Lawn Care, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-091 - RESOLUTION AUTHORIZING SPECIAL ASSESSMENTS FOR SNOW REMOVAL AND LAWN CARE

WHEREAS, the City Manager has submitted to the City Council Special Assessments against the owner and legal description listed below as herein after set out for weed removal and snow removal fees.

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota, these fees be assessed, in accordance with South Dakota Codified Law 9-32-12 as follows:

<u>Name</u>	<u>Property Address</u>	<u>Description</u>	<u>Amount</u>
Jamison, Amanda	521 12 th Street South #15	Lawn Care	\$280.00
Knudsen, David	914 2 nd Street	Snow Removal	\$185.00
Burroughs, Bryon	1038 7 th Avenue	Lawn Care	\$285.00
Crawford, Matthew	2220 Primrose Drive	Lawn Care	\$285.00
Denoncourt, Jesse	911 3 rd Avenue	Lawn Care	\$595.00
Gauer, Brock	314 5 th Avenue South	Lawn Care	\$285.00
Hazzard, Holly	521 12 th Street South #69	Lawn Care	\$285.00
Murray Investments LLC	109 7 th Street	Lawn Care	\$180.00
Murray Investments LLC	708 Main Avenue	Lawn Care	\$200.00
Murray Investments LLC	323 Thunder Lane	Lawn Care	\$285.00

Murray Investments LLC	108 West Folsom Street	Lawn Care	\$200.00
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Preliminary Plat. A motion was made by Council Member Wendell, seconded by Council Member Specker, that the Preliminary Plat for Lot 1 in Block 1 of Moriarty Edgebrook Second Addition, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Progress Report. Samantha Beckman, Assistant to the City Manager, provided a progress report highlighting the City's activities and projects.

City Council Member Introduction of Topics for Future Discussion. A motion was made by Council Member Specker, seconded by Council Member Doran, to have future Study Session topics on Zoning and the difference between Planned Development Districts and Commercial Overlay Districts, and a refresher on Tax Improvement Financing Districts. 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 7:21 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk