

**Brookings City Council**  
**December 20, 2022** (unapproved)

The Brookings City Council held a joint meeting with the County Commission on Tuesday, December 20, 2022 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Nick Wendell, Joey Collins, Holly Tilton Byrne, Wayne Avery, Brianna Doran, and Bonny Specker. County Commission Members present: Angela Boersma, Lee Ann Pierce, Mike Bartley, Ryan Krogman, and Larry Jensen. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

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

**Ordinance 22-037.** A public hearing was held on City Council Ordinance 22-037, an Ordinance adopting the Joint Jurisdiction Zoning Ordinance for the City of Brookings and Brookings County. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Ordinance 22-037 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**County Commission Ordinance 22-05.** A public hearing was held on Brookings County Commission Ordinance 22-05, an Ordinance adopting the Joint Jurisdiction Zoning Ordinance for the City of Brookings and Brookings County. A motion was made by County Commission Member Bartley, seconded by County Commission Member Pierce, that Ordinance 22-05 be approved. The motion carried by the following vote: Yes: 5 – Boersma, Pierce, Bartley, Krogman, and Jensen.

A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the City Council and County Commission Joint Meeting be adjourned at 6:10 p.m. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker

(A brief recess began at 6:10 p.m. to end the joint portion of the meeting, dismissing the County Commission. The City Council reconvened at 6:15 p.m.)

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

**A. Action to approve 12/13/2022 City Council meeting minutes.**

**B. Action on Volunteer Board, Committee, and Commission appointments:** Board of Appeals: reappoint George Houtman (term expires 1/1/2028); Brookings Disability Awareness Committee: reappoint Ismael Collazo and Ali Teesdale (terms expire 1/1/2026); Business Improvement District #1 Board: reappoint Kate Treiber and Lynda Pierce (terms expire 1/1/2026); Historic Preservation Commission: reappoint Nathaniel

Condelli and Matthew Weiss (terms expire 1/1/2026); Human Rights Commission: reappoint Dianne Nagy, Erica Moore, and Amanda Fickes (terms expire 1/1/2026); Library Board: reappoint Kathy Miller (term expires 1/1/2026), and appoint Brittany Shaw (term expires 1/1/2026); Planning Commission: reappoint Roger Solum, and Appoint Kayla Lounsbury (terms expires 12/31/2027), and appoint Scot Leddy (term expires 12/31/2027); Public Arts Commission: reappoint Jamison Lamp (term expires 1/1/2026), appoint Abigail Ramsbottom and Betty Beer (terms expire 1/1/2026); and appoint D'Shaun Herman (term expires 1/1/2025); Sustainability Council: reappoint Emile Abele (term expires 1/1/2026), and reappoint Betty Beer (term expires 1/1/2024); Swiftel Center Advisory Committee: reappoint Jeff Holm (term expires 1/1/2026); appoint Elena McKeown (term expires 1/1/2026); and appoint Kyleigh Cramer (term expires 1/1/2025); Traffic Safety Committee: reappoint Brian Lueders (term expires 12/31/2025).

**C. Action on Resolution 22-094, a Resolution declaring surplus property for the City of Brookings.**

Resolution 22-094 - Declaring Surplus Property

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

Public Works – Street Dept.: Brother Fax 2820, Serial #U61325F7N131424

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 annual renewals for Medical Cannabis Establishment Licenses in the City of Brookings:** Silver Creek Trading Co., dba Cannabis Connection – 1304 6<sup>th</sup> Street; TK Cannabis LLC, dba Prairie Grass – 310 7<sup>th</sup> Street West; Shangri-la SD, dba Shangri-la Dispensary – 1010 6<sup>th</sup> Street; Déjà Vu SD – 604 1<sup>st</sup> Avenue.

**Employee Service Awards Recognition.** Community Development Dept.: Sarah Keizer (20 years); Brookings Public Library: Alice Hayes (10 years), and Nancy Swenson (5 years); Brookings Municipal Liquor Store: Andrew Ekeland (10 years); Parks, Recreation & Forestry Dept.: Paul Erickson (20 years), and William DeBlonk (15 years); Police Dept.: Christina Larson (15 years), Brian Franklin (15 years), Jonathan Weinrich (10 years); Rhett Larson (5 years); Jacob Vukovich (5 years); Travis Asmus (5 years); and Eric Lee (5 years); Solid Waste / Landfill Dept.: Tim Huber (25 years), and Calvin Cook (15 years); Street Dept.: Martin Wagner (5 years).

**Resolution 22-095.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 22-095, a Resolution Authorizing Change Order No. 1 for 2022-05STI Main Avenue South and 8<sup>th</sup> Street South Intersection Reconstruction; Bowes Construction, Inc., be approved. The motion carried by

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

Resolution 22-095 - Resolution Authorizing Change Order No. 1, for  
2022-05STI Main Avenue and 8<sup>th</sup> Street South Intersection Reconstruction;  
Bowes Construction, Inc.

Be It Resolved by the City Council that the following change order be allowed for 2022-05STI Main Avenue and 8<sup>th</sup> Street South Intersection Reconstruction Project: Construction Change Order Number 1: Adjust plan quantities to include additional work. The work being added includes the rental of message boards, thermoplastic line painting, and utility work. The total price increase in the contract for these changes is \$61,359.45.

**FIRST READING – Ordinance 22-043.** Introduction and First Reading was held on Ordinance 22-043, an Ordinance Rezone 18.84 acres of BMU WTP Addition. Public Hearing and Action: January 10, 2023.

**Ordinance 22-041.** A public hearing was held on Ordinance 22-041, an Ordinance Amending Ordinance Section 82-521, and Pertaining to Maximum Duration of Parking in Public Parking Lots in the City of Brookings. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 22-041 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**On-Sale Liquor Operating Agreement change.** A public hearing was held on a request to change the On-Sale Liquor Operating Agreement with Den-Wil Hospitality Group, Inc., Dennis Bielfeldt, owner, to doing business as Boss's Pizzeria at 2515 6<sup>th</sup> Street, Brookings, SD. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the Operating Agreement change be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Resolution 22-102.** A public hearing was held on Resolution 22-102, a Resolution Accepting and Awarding the Bid for Recyclable Processing and Marketing. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 22-102 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-102 - Resolution Accepting and Awarding the Bid  
for Recyclable Processing and Marketing

Whereas, on November 25, 2022 the City of Brookings solicited bid proposals for the processing and marketing of the City's residential single stream recyclables; and

Whereas, on December 6, 2022 the City of Brookings received one responsive bid from

Waste Connections of South Dakota, Inc., dba Cook's Wastepaper & Recycling, which provides that the City of Brookings pay the sum of \$60 per ton of recyclable material processed and marketed; and

Whereas, the City of Brookings, South Dakota, intends to enter into an agreement with Waste Connections of South Dakota, Inc., dba Cook's Wastepaper & Recycling for a period of five (5) years, commencing January 1, 2023; and

Whereas, a Public Hearing on this Resolution was held on December 20, 2022 at 6:00 o'clock P.M. in the Chambers of the City & County Government Center and all persons were given an opportunity to be heard on this Resolution.

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

- A. The City of Brookings accepts the bid of \$60 per ton submitted by Waste Connections of South Dakota, Inc. dba Cook's Wastepaper & Recycling and intends to enter into an agreement with Waste Connections of South Dakota, Inc. dba Cook's Wastepaper & Recycling as set forth above; and
- B. That the City Manager is authorized to execute the Agreement in accordance with this Resolution.

**Resolution 22-097.** A public hearing was held on Resolution 22-097, a Resolution of Intent to Lease Real Property at Brookings Airport to M&C Partners, LLC. A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that Resolution 22-097 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-097 - A Resolution of Intent to Lease Real Property  
at Brookings Airport to M&C Partners LLC

Be It Resolved by the governing body of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with M&C Partners LLC for a period of 25-years, commencing on January 1, 2023 and ending December 31, 2047 and pertaining to the following described property: 4,032 square feet on Site 117A and 117B at the Brookings Regional Airport, in Section 26 and 27, T110N, R50W in the City of Brookings, Brookings County, South Dakota.

The lease will be payable annually by the last day of January of each year and subject to increases set by the Brookings City Council. The 2023 lease amount will be five hundred sixty-four dollars and forty-eight cents (\$564.48).

Be It Further Noted, that a Public Hearing on this Resolution was held on December 20, 2022 at 6:00 o'clock P.M. in the Chambers at the Brookings City and County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

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

- A. The City of Brookings enter into a Lease Agreement with M&C Partners LLC as set forth above; and
- B. That the City Manager is authorized to execute the Lease Agreement in accordance with this Resolution.

**Resolution 22-092.** A public hearing was held on Resolution 22-092, a Resolution of Intent to Lease Real Property to Lyle Bothe for Agricultural Haying in Section 11-T109N-R50W (Main Avenue South and 32<sup>nd</sup> Street South). A motion was made by Council Member Wendell, seconded by Council Member Specker, that Resolution 22-092 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-092 - Resolution of Intent to Lease Real Property  
to Lyle Bothe for Agricultural Haying in Section 11-T109N-R50W  
(Main Avenue South and 32<sup>nd</sup> Street South)

Be It Resolved by the City Council of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with Lyle Bothe for a period of one year, commencing January 1, 2023 and ending December 31, 2023, with Lyle Bothe having the option to renew this Lease for two additional one-year terms for 2024 and 2025. This lease pertains to the following described property: the designated hay land, consisting of Eighteen (18) acres more or less, in Section 11-T109N-R50W, in the City of Brookings, Brookings County, South Dakota.

The Lessee will pay the City One Hundred Dollars (\$100.00) per acre for the hay land (\$1,800) with the first half payable on July 1<sup>st</sup> of each year and the second half payable on November 1<sup>st</sup> of each year.

A Public Hearing on this Resolution was held on December 20, 2022 at 6:00 o'clock P.M. in the Chambers of the City & County Government Center and all persons were given an opportunity to be heard on this Resolution of the Intent to Lease Real Property.

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

- A. The City of Brookings enter into a Lease Agreement with Lyle Bothe as set forth above; and
- B. That the City Manager is authorized to execute the Lease Agreement in accordance with this Resolution.

**Resolution 22-100.** A public hearing was held on Resolution 22-100, a Resolution of Intent to Lease Real Property to MC Hay for Agricultural Haying in Section 21-T110N-R50W (West of Brookings Regional Airport). A motion was made by Council Member Specker, seconded by Council Member Doran, that Resolution 22-100 be approved. The

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

Resolution 22-100 - Resolution of Intent to Lease Real Property to MC Hay for Agricultural Haying in Section 21-T110N-R50W (West of Brookings Regional Airport)

Be It Resolved by the City Council of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with MC Hay for a period of one (1) year, commencing January 1, 2023 and ending December 31, 2023, with MC Hay having the option to renew this Lease for two additional one-year terms for 2024 and 2025. This lease pertains to the following described property: the designated hay land, consisting of Eighty-Five (85) acres more or less, in Section 21- T110N-R50W, in the City of Brookings, Brookings County, South Dakota.

The Lessee will pay the City One Hundred Forty-One Dollars and Fifty Cents (\$141.50) per acre for the hay land (\$12,027.50) with the first half payable on July 1<sup>st</sup> of each year and the second half payable on November 1<sup>st</sup> of each year.

A Public Hearing on this Resolution was held on December 20, 2022 at 6:00 o'clock P.M. in the Chambers of the City & County Government Center and all persons were given an opportunity to be heard on this Resolution of the Intent to Lease Real Property.

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

- A. The City of Brookings enter into a Lease Agreement with MC Hay as set forth above; and
- B. That the City Manager is authorized to execute the Lease Agreement in accordance with this Resolution.

**Resolution 22-098.** A public hearing was held on Resolution 22-098, a Resolution of Intent to Lease Real Property to MC Hay for Agricultural Crop Land in Section 19-T110N-R49W (32<sup>nd</sup> Avenue & Capital Street). A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 22-098 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-098 - Resolution of Intent to Lease Real Property to MC Hay for Crop Land in Wiese Addition, Section 19-T110N-R49W (32<sup>nd</sup> Avenue and Capital Street)

Be It Resolved by the City Council of the City of Brookings, South Dakota, that the City of Brookings intends to enter into a Lease with MC Hay for a period of one (1) year, commencing January 1, 2023 and ending December 31, 2023, with Mc Hay having the option to renew this Lease for two additional one-year terms for 2024 and 2025. This lease pertains to the following described property: the designated crop land, consisting of Thirty (30) acres more or less, in Wiese Addition, Section 19-T110N-R49W, in the City of Brookings, Brookings County, South Dakota.

The Lessee will pay the City Two Hundred Seventy-Five Dollars (\$275.00) per acre for the crop land (\$8,250.00) with the first half payable on April 1<sup>st</sup> of each year and the second half payable on November 1<sup>st</sup> of each year.

A Public Hearing on this Resolution was held on December 20, 2023 at 6:00 o'clock P.M. in the Chambers of the City & County Government Center and all persons were given an opportunity to be heard on this Resolution of the Intent to Lease Real Property.

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

- A. The City of Brookings enter into a Lease Agreement with MC Hay as set forth above; and
- B. That the City Manager is authorized to execute the Lease Agreement in accordance with this Resolution.

**Resolution 22-099.** A public hearing was held on Resolution 22-099, 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 Collins, that Resolution 22-099 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-099 - 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, the owner of property legally described as the North 18.84 acres of Tract 1 of BMU WTP Addition in the NW ¼ of Section 20-T110N-R49W, Brookings County, South Dakota wishes to amend the Future Land Use Map for the area described from an Urban Medium Intensity (UM) to a Civic (C); 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 amendment 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 amendments to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040 is hereby adopted by the City of Brookings.

**Resolution 22-101.** A motion was made by Council Member Specker, seconded by Council Member Doran, that Resolution 22-101, a Resolution Transferring City Manager Contingency Funds to City Departments, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-101 - 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:

452 Parks Department

101-452-5-425-04 Maintenance Equipment	\$6,000
101-452-5-426-10 Gasoline	\$7,000
101-452-5-426-13 Diesel	\$7,000

453 Larson Ice Center

101-453-5-911-00	<u>\$5,000</u>
Total Transfers	\$25,000

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

101-405-5-856-99 Contingency Fund	<u>\$25,000</u>
Total Source of Funding	\$25,000

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 22-103.** A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Resolution 22-103, a Resolution to Annex 219.37 acres in the NW 1/4 and NE 1/4, Section 13, Township 110 North, Range 50 West of the 5th PM, Brookings County, South Dakota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-103 - Resolution to Annex 219.37 Acres of Section Thirteen (13), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th P.M., County of Brookings, State of South Dakota

Whereas, the City of Brookings is authorized pursuant to South Dakota Codified Law 9-4-1 to annex contiguous territory upon receipt of a written petition, describing said territory sought to be annexed, signed by not less than three-fourths (3/4) of the legal voters and by the owner or owners of not less than three-fourths (3/4) of the value of said territory; and



Whereas, the City of Brookings desires to annex the following described property, to wit: the Northwest Quarter (NW ¼) of Section Thirteen (13) Excluding the south Eight Hundred Sixty Feet (S 860') of the North One Thousand Nine Hundred Seventy Feet (N 1,970') of the West Six Hundred Twenty-eight Feet (W 628'), Excluding the North One Thousand One Hundred Ten Feet (N 1,110') and Excluding Lot H-2 thereof; All in Section Thirteen (13), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5<sup>th</sup> P.M., County of Brookings, State of South Dakota; and

The Northeast Quarter (NE ¼) of Section Thirteen (13), Excluding the North One Thousand One Hundred Ten Feet (N 1,110') of the West Four Hundred Seventy-eight Feet (W 478') and Excluding the North Five Hundred Eighty-four Feet (N 584') of the East Five Hundred Twenty-four Feet (E 524') thereof, All in Section Thirteen (13), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5<sup>th</sup> P.M., County of Brookings, State of South Dakota; and

Whereas, the aforementioned land is contiguous to the present boundaries of the City of Brookings; and

Whereas, the City of Brookings has received a Petition for Annexation of Territory signed by the owners of greater than three-fourths (3/4) of the value of the aforementioned property and there being no legal voters residing in said territory.

Now, Therefore, Be It Resolved by the City of Brookings, South Dakota, that the property described above is hereby annexed to the City of Brookings.

**Preliminary Plat.** A motion was made by Council Member Avery, seconded by Council Member Wendell, that the preliminary plat be subject to a 60-foot right-of-way along the northern boundary of Lots 1 and 3, Block, 4 and the southern boundary of Lots 4 through 6, Block 4. Public Comment: Justin Bucher, Banner Assoc. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**City Council Policy: Public Comment during City Council Meetings.** A motion was made by Council Member Specker, seconded by Council Member Collins, that City Council Policy: Public Comment during City Council meetings, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; No: 1 – Collins.

#### City Council Public Comment Policy

The Brookings City Council encourages all residents to attend its meetings and welcomes their views on matters within the Board's jurisdiction, whether expressed in person, electronically, or by written communication. All comments made by the public and members of the City Council must be civil and respectful.

All regular and special meetings of the Brookings City Council shall be open to the public and shall conform to the Open Meetings Laws of South Dakota. The public is precluded

from attending an executive session of the Brookings City Council.

### Authority of the Chair

In accordance with the Brookings City Charter, the Chair of the Brookings City Council is the designated individual who presides over City Council meetings. No person shall address a meeting of a public body without permission of the Chair, and all persons shall, at the request of the Chair, be silent.

If a person:

- Speaks out of order,
- Expresses obscenities, threats, or inflammatory words, or
- Engages in other disorderly conduct during a meeting.

The Chair shall have the right to rule said person out of order, and may take steps to maintain order.

### Procedure for General Public Comments

1. Public comment will occur in the regular meeting during the Open Forum, except as otherwise determined by the Chair.
2. The Chair will commence the Open Forum with the following statements, "All speakers are asked to present their comments in a respectful and courteous manner, and within the 3-minute time limit. If obscenities, threats or inflammatory words are expressed during this meeting, you will be asked immediately to stop commenting. The comments and views expressed by the public are those of the speakers and do not necessarily reflect the views or positions of the City of Brookings or City Council." This statement will be listed on the agenda. The streaming video will contain a brief narrative consistent with this policy.
3. Each person wishing to provide public comment in writing shall deliver such public comment to the City Clerk. To be included in the public record, written public comment must identify the person offering the public comment and their city of residence and the agenda item for which public comment is being offered or whether it is being offered as general public comment. Any public comment that does not include the name of the person submitting it will not be forwarded to the Council. Such public comment must be received by the City Clerk by 5 p.m. of the meeting day. Any public comment received after the deadline will not be posted prior to the meeting.
4. Each person wishing to provide live public comment is encouraged to make such public comment in person at the location advertised by the City Clerk. Individuals who wish to comment are asked to sign in with the City Clerk upon arrival at the meeting. If the City provides remote, electronic, or virtual options for providing live public comment, then the City Clerk shall, in advance of each meeting, post on the City's website how to provide such public comment. Please note that the primary format for providing live public comment is in person. The City cannot and does not guarantee remote, electronic, or virtual access to meetings.
5. Comments will be limited to 3 minutes per person. Verbal comments will be curtailed by the Chair once they exceed the time limits.

6. Speakers will begin their remarks by clearly stating their first and last name and city of residence for the record.
7. All comments must be made from the podium and must be directed to the Chair, unless the Chair determines otherwise. All others will be ruled out of order.
8. Speakers may not assign their time to another speaker, and in general, extensions of time will not be permitted. However, speakers who require reasonable accommodations for a speech-related disability or who require language interpretation services, or any other accommodations may request those accommodations from the City Clerk. Accommodations will be provided as the City is able. Speakers are encouraged to notify the City Clerk by email, or by phone at least 48 hours in advance, if possible, of the meeting if they wish to request an extension of time for one of these reasons.
9. Although the Public Comment time may be used to address questions to the Council, a speaker is not entitled to a response to any such question.
10. The Chair shall have the right to interrupt a speaker in order to enforce decorum and applicable rules. Other members of the City Council can call for a point of order.
11. The Chair reserves the right to terminate speech that is not Constitutionally protected because it constitutes true threats, incitement to imminent lawless conduct, comments that were found by a court of law to be defamatory, and/or sexually explicit comments made to appeal to prurient interests.

#### Interruptions and Other Disturbances:

Members of the public are required to act with decorum and to address the Governing Body and each other with respect. No person shall interrupt the proceedings of the City Council or cause any other form of disturbance or disruption. In furtherance of this general rule, the following specific rules shall apply to persons attending any meeting of the City Council:

1. Members of the public shall not engage in audible conversation or making noise in a way that inhibits individuals from hearing and/or participating in a public meeting, or disrupts the conduct of business by the Council.
2. Unless otherwise approved in advance of a Council meeting by the Chair or the Chair's designee, no sign or placard greater in size than 8.5" by 11" may be brought into the meeting room at any time. When a sign larger than 8.5" by 11" is authorized by the Chair or the Chair's designee, no such sign or placard shall be displayed in a manner that will inhibit individuals from viewing a public meeting, or that will otherwise disrupt the conduct of business by the Council. All signs must be consistent with restrictions set forth in the authority of the chair section.
3. Members of the public shall remain seated or stand without causing obstruction at all times; however, any person may enter and leave the meeting room at any time, provided such entrance or exit is made quietly and in an orderly fashion.
4. No person may be physically aggressive, impertinent, threatening, or otherwise uncivil, uttering fighting words, speeches invasive of the privacy of individuals, unreasonably loud speech, and speeches so disruptive of the proceedings that the business of the City is substantially interrupted.
5. It shall be the duty of the Chair to preserve order and decorum. Any member of the

public engaging in disruptive behavior that interferes with the Governing Body's ability to conduct the business of the City may, after a warning, be subject to removal from the meeting. The Chair may limit the comments of any person who engages in this conduct. No person may continue to speak after the Chair has taken the floor from that person. The following specific conduct is prohibited during any meeting of the Council:

- a. Conduct in violation of any City ordinance, state or federal law, or any rule or regulation implementing state or federal law;
  - b. Interruption of speakers; name calling; boisterous remarks; yelling; excessive loud commentary as determined by the Chair;
  - c. Offensive use of abusive, obscene, profane, or threatening language or gestures;
  - d. Acting or behaving in such an unreasonable manner so as to provoke a breach of the peace; and
  - e. Any other act designed to intimidate, threaten, or harm persons, or damage or destroy property.
  - f. The Chair shall have the right to interrupt a speaker in order to enforce these rules or other applicable rules of order. Any member of the governing body may call for a point of order to address any potential violations of this policy.
6. Members of the public shall silence all electronic devices.

#### Response to Public Comments

1. Upon closing of the Open Forum period, further public comments pertaining to items not on the agenda will not be heard, unless approved by the Council.
2. During the Open Forum Period. City Council will generally listen rather than respond to comments.
3. Public comments related to repairs, maintenance, safety issues or general information will be referred to the appropriate department through the City Manager.

#### Enforcement

The standards of process and decorum set forth in these Rules will be enforced with necessary means, up to and including eviction from the premises of the meeting at the order of the Chair or a majority of the Members. In addition, a person who violates the standards of process and decorum will be subject to other action as deemed necessary by the Chair and Members. The removal of an offender from a public meeting shall proceed as follows:

1. The Chair shall give the offender notice that they are violating certain terms of these Rules and is subject to removal from the public meeting; however, depending on the severity and nature of an act performed by a disruptive individual, the Chair may call for immediate removal of the offender from the meeting room.
2. If the offender continues to violate any of the provisions of these Rules after receiving the above notice, the Chair may order the removal of the offender from the meeting room. If the offender continues the disturbance outside the meeting

room, such that the orderly conduct of business by the Council is disrupted, the offender may be removed from the premises.

3. The offender has no right to appeal from an order of the Chair requiring the removal of the offender from the meeting room or from the City/County Building or meeting premises.
4. The offender removed from the premises may be criminally charged for any violation of applicable law.
5. Any offender found in violation of these Rules may be suspended from the opportunity to speak at a public meeting of the City Council. The first such suspension of an offender shall not be for a period of greater than one month. A second such suspension within a 12-month period shall not be for a period of greater than two months. A third such suspension within a 12-month period shall not be for a period of greater than three months. Any additional suspensions within a 12-month period shall not be for a period of greater than 12 months. Any violators can continue to utilize the public comment section of the meeting within the electronic Granicus system.

**Adjourn.** A motion was made by Council Member Wendell, seconded by Council Member Doran, that this meeting be adjourned at 6:59 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

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Oepke G. Niemeyer, Mayor

ATTEST:

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Bonnie Foster, City Clerk