

**BROOKINGS CITY COUNCIL**  
**JUNE 25, 2024**

The Brookings City Council held a meeting on Tuesday, June 25, 2024 at 5:30 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 Doran, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Study Session: Downtown Safety.** Samantha Beckman, Assistant to the City Manager, Michael Drake, Police Chief, and Kirsten Gjesdal, Downtown Brookings Director, provided an overview of safety efforts and collaboration in downtown.

**Regular Meeting**

**Open Forum.** Al Austreim requested clarification on Code violations, specifically pertaining to grass and weeds taller than 12 inches. He also expressed concerns with the number of clicks it takes to locate the City Council Agenda on the City's Website.

Lawrence Novotny expressed concerns with the City Council Agenda being hard to find on the City's Website.

Mayor Niemeyer read a statement about recent events: Juneteenth and PRIDE Month.

**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 June 11, 2024 City Council Minutes.**

**B. Action on Resolution 24-062, a Resolution declaring surplus property for the City of Brookings.**

**RESOLUTION 24-062 – DECLARING SURPLUS PROPERTY**

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

**Police Dept.:** Bicycles: #3080 White and Blue, Serial #PL1205028269; #3025 Pink Shimano Equippe, Serial #SNHTM21D531; #3106 Blue and White Kent Flexor, Serial #618100649; #3027 Red and Black Huffy Rock Creek, Serial #SNHTM23D61376; #3089 Black and Silver Roadmaster Granite Peak, Serial #SNFSD16CA3022; #3108 Black and Red Hyper, Serial #FGDM5J1816; #3068 Blue and Black Cannondale, Serial

#HU2016; Gray and Pink Roadmaster Mt. Fury, Serial #FSD5L49042; #3057 Black and Gray Hyper Havoc, Serial #TT17D13060; #3042 Yellow and Red Huffy Frontier, Serial #80629HUFFY; #3019 Maroon and Silver Next All Terrain; #3100 Gray and Black Roadmaster Granite Peak; #3104 Black and White Ken Ambush, Serial #HS1600320933; #3028 Red and Black Trek Marlin5, Serial #TBI-2712; #3206 Maroon Huffy Rock Creek, Serial #AL13D04685; #3072 Black Bike; #3051 Green and White Roadmaster Chromium edition, Serial #RAA290933; #3070 Purple and Black Huffy Rockcreek, Serial #SNHTM0M02490; #3056 Blue and Pink Bike, Serial #81HIL21023557; #3073 Silver Roadmaster Mt. Fury, Serial #shfsd099f99936; #3096 Black and Red Genesis V2100; #3011 Blue and Silver Next Avalon, Serial #L050735640; #3083 Silver and Pink Schwinn Aluminum comp; #3015 Black and Blue Quest Escape; #3061 Black Mongoose BMX, Serial #SNFSD20MC5866; #3012 Red and Silver Roadmaster Mountain Storm, Serial #HH0820375; #3043 Green Schwinn Thrasher; #3066 Green and Black Chaos Raceteam, Serial #DWIC007572; #3110 Black and Blue Roadmaster Granite Peak; #3055 Black and Yellow Mongoose Excursion, Serial #SNFSD21MP042; #3935 Blue and Black Huffy Rock It, Serial #AH19M117780; #3097 Gray and Black Murray Ultra Terrain; #3095 Blue and Orange Roadmaster Granite Peak; #3113 Purple and Black Genesis Inspire; #3006 Green and Silver Columbia Tourist; #3087 Pink and Silver Schwinn High Timber, Serial #11007854; #3045 Purple and White Schwinn Riverside, Serial #SNFSD08H06499; #3103 Black and Orange Mongoose Terrex, Serial #5NXDS15E; #3058 Blue and Green Murray Flexor; #3086 Black and Blue Shimano Shocker20, Serial #TC21L230353; #3049 Red and Black Next Gauntlet; #3090 Silver and Green Diamond back Venom, Serial #ACS9I02076; #3029 Green and Black Huffy Stone Mountain; #3099 Tan/Beige and White Schwinn Skyliner, Serial #8027; #3074 Black and White Huffy Rockcreek, Serial #AF14F004583; #3044 Silver and Black Trek 4 Series, Serial #WTU355C0686C; #3038 Purple and Black Huffy Rockcreek, Serial #8NHTM21L42118; #3077 Blue and Black Roadmaster Mountain Sports SX, Serial #HH0651914; #3105 Tan/Beige and Brown Thruster Rampage, Serial #88033658997; #3081 Blue and White Mongoose Repeat, Serial #FSD12B9804; #3033 Green and Black Fade, Serial #61311211509; #3067 Silver and Black Kent SEACHANGE, Serial #G512622; #3091 Blue and Black Mongoose Craze; #3092 Purple and Black Genesis Inspire, Serial #DJMA056589; #3005 Red and Black Huffy Santa Fe, Serial #93200Huffy 26630; #3041 Red and Black Schwinn Solution, Serial #HM03247781; #3054 Purple Shimano ROADMASTER; #3037 Gray and Black Roadmaster GRANITE PENH.

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 on Temporary Alcohol / Special Event Licenses for existing alcohol**

**license holders with events held on publicly owned property:** Sodexo Catering (License Holder RB-28249 and RW-28251): SDSU TL24-040; SDSU TL24-044; SDSU TL24-045; SDSU TL24-046; SDSU TL24-047; SDSU TL24-048; and SDSU TL24-049.

**D. Action on appointments to the Human Rights Commission:** appoint Denia Warne (term expires 1/1/2026); appoint Rhiannon Nedlund (term expires 1/1/2026); and appoint Ari Limoges, College Student Representative (term expires 5/1/2025).

**Proclamation.** Mayor Niemeyer presented a Proclamation to Kristin Zimmerman, Director of Parks, Recreation and Forestry, recognizing July as Parks and Recreation Month.

#### MAYORAL PROCLAMATION

WHEREAS, parks and recreation promotes health and wellness, improving the physical and mental health of people who live near parks; and

WHEREAS, parks and recreation promotes time spent in nature, which impacts mental health by increasing cognitive performance, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer's; and

WHEREAS, parks and recreation encourages physical activities by providing space for activities designed to promote active lifestyles; and

WHEREAS, parks and recreation increases economic prosperity through increased property values, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS, parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, Brookings recognizes the benefits derived from parks and recreation resources.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim July as PARKS AND RECREATION MONTH

**Resolution 24-065.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 24-065, a Resolution Authorizing Change Order #01 for the Pioneer Park Bandshell Restoration, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

#### RESOLUTION 24-065 - RESOLUTION AUTHORIZING CHANGE ORDER #01 FOR THE PIONEER PARK BANDSHELL RESTORATION

WHEREAS, the City of Brookings is requesting changes to the Pioneer Park Bandshell

Restoration, to retain the historic buildings original architectural design.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookings hereby authorizes the approval of Change Order #01 for the Pioneer Park Bandshell Restoration.

**FIRST READING – Ordinance 24-015.** Introduction and First Reading was held on Ordinance 24-015, an Ordinance Authorizing Budget Amendment No. 6 to the 2024 Budget. Second Reading and Action: July 9, 2024.

**FIRST READING – Ordinance 24-009.** Introduction and First Reading was held on Ordinance 24-009, an Ordinance to Rezone 2311 Yorkshire Drive from a Residence R-3 Apartment District to a Business B-2A Office District. Public Hearing and Action: July 9, 2024.

**Resolution 24-061.** A public hearing was held on Resolution 24-061, a Resolution of Intent to Lease Real Property at Brookings Regional Airport to Altitude Investments, LLC. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-061 be approved. Public Comment: Jeff Borah. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell

RESOLUTION 24-061 - A RESOLUTION OF INTENT TO LEASE REAL PROPERTY  
AT BROOKINGS AIRPORT TO ALTITUDE INVESTMENTS, LLC

WHEREAS, the governing body of the City of Brookings, South Dakota, intends to enter into a Lease with Altitude Investments LLC, for 21,693 square feet on Site 167 at the Brookings Regional Airport, in Section 26 and 27, T110N, R50W in the City of Brookings, Brookings County, South Dakota; and

WHEREAS, the lease will be for a period of 25-years, commencing on June 25, 2024 and ending December 31, 2048; and

WHEREAS, the lease will be payable annually by the last day of January of each year and subject to annual increases of two percent (2%) per year and subject to review by City Council; and

WHEREAS, the 2024 lease amount will be \$2,032.60, due to proration of the lease to June 25, 2024; and

WHEREAS, Altitude Investments, LLC intends to assign to its Lender, for financing purposes, its rights but not any of its duties and obligations, under said Lease Agreement, and this Assignment is acceptable, based on the City's review of that Assignment; and

WHEREAS, a Public Hearing on this Resolution was held on June 25, 2024 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, BE IT 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 Altitude Investments LLC as set forth above; and
- B. That the City Manager is authorized to execute the Lease Agreement and Financing Acknowledgement in accordance with this Resolution.

**Commercial Corridor Design Review Overlay District Site Plan.** A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan for 534 22<sup>nd</sup> Avenue. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the Commercial Corridor Design Review Overlay District Site Plan be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Resolution 24-068.** A public hearing was held on Resolution 24-068, a Resolution to Amend the 2040 Comprehensive Plan's Future Land Use Map. A motion was made by Council Member Rasmussen, seconded by Council Member Doran, that Resolution 24-068 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-068 - 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, a portion of the property legally described as Outlots C - J of the NW ¼ of the SE ¼ of Section 11, Township 109, Range 50 and Blocks 1 & 2 of Voss-Kneip First Addition will be amended on the Future Land Use Map from Urban Low Intensity to Urban Medium Intensity; 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 amendments 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 amendment to the Future Land Use Map of the Brookings South Dakota Comprehensive Plan 2040 is hereby adopted by the City of Brookings.

**Resolution 24-073.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-073, a Resolution Amending the Distribution of American Rescue Plan Act Funds, be approved. Public Comment: Tim Reed, Brookings Economic Development Corporation. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-073 - A RESOLUTION AMENDING THE DISTRIBUTION OF  
AMERICAN RESCUE PLAN ACT FUNDS

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota as follows:

WHEREAS, in response to the impacts of COVID, the federal government passed the American Rescue Plan Act that allocated funds to local governments to address community needs; and

WHEREAS, the City of Brookings previously proposed the use of \$580,000 of ARPA funds for a Brookings Economic Development Corporation Plan for a Child Care Facility and Coordinator; however, as a result of extensive analysis of the Brookings area child care shortage; and in collaboration with the Brookings Child Care Collaborative, a new child care project has been developed; and

WHEREAS, the Brookings Child Care Collaborative has identified funds consisting of 86% of the total project costs which would support 360 new 0 to 5 year-old child care slots; and

WHEREAS, the City of Brookings recognizes that the Brookings Child Care Collaborative, with the use of the funds from this Amended ARPA Fund Resolution will facilitate the startup, remodeling and equipment for the 0 to 3 year-old facility serving 130 children,

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City of Brookings will distribute \$580,000 in APRA Funds previously distributable entirely to the Brookings Economic Development Corporation for child care purposes to be used in accordance with the City's Americans with Disabilities Act and Green Building Practices policies as follows:

Brookings Economic Development Corporation	\$16,173.89
(for its Childcare Feasibility Study)	

Boys & Girls Club of Brookings, SD, Inc. for the	
Brookings Child Care Collaborative (BCCC)	<u>\$563,826.11</u>
Total	\$580,000.00

B. That the City Manager is authorized to execute the required agreements and details to satisfy the direction of this Resolution.

**Resolution 24-069.** A motion was made by Council Member Specker, seconded by Council Member Doran, that Resolution 24-069, a Resolution Dissolving Tax Increment District #1, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-069 - RESOLUTION DISSOLVING TAX INCREMENT DISTRICT  
NUMBER ONE OF THE CITY OF BROOKINGS, SOUTH DAKOTA

WHEREAS, the City of Brookings created Tax Increment District Number One on May 8, 2007; and

WHEREAS, under SDCL §11-9-46 a Tax Incremental District shall terminate when either (1) the positive tax increments are no longer allocable to a district under § 11-9-25 or (2) the governing body, by resolution, dissolves the district, after payment or provision for payment of all project costs and all tax incremental bonds and notes of the district; and

WHEREAS, all project costs incurred or obligations issued pledging tax increment revenues have been satisfied.

NOW THEREFORE, BE IT RESOLVED by the City of Brookings, South Dakota as follows:

Section 1. Termination. Tax Increment District Number One shall be terminated as of the date of this resolution.

Section 2. Allocation of Tax Increment Fund. Any moneys remaining in the Tax Increment Number One fund, shall be paid to the treasurer of the county, school district, or other tax-levying municipality or to the general fund of the municipality in such amounts as belong to each respectively, having due regard for what portion of such moneys, if any, represents tax increments not allocated to the municipality and what portion thereof, if any, represents voluntary deposits of the municipality into the fund.

Section 3. Authorization of Officers. The officers of the city shall take such action as is necessary to carry out the intent of this resolution.

**Resolution 24-060.** A motion was made by Council Member Doran, seconded by Council Member Tilton Byrne, that Resolution 24-060, a Resolution Appointing Members of a City Charter Review Commission to review the Brookings City Charter, be approved. Public Comment: Al Austreim, Derek Okubo, National Civic League. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-060 - A RESOLUTION ESTABLISHING A CHARTER COMMISSION  
PURSUANT TO SECTION 8.01 (c) OF THE BROOKINGS CITY CHARTER.

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota as follows:

WHEREAS, the Brookings City Charter Commission (hereafter also referred to as the "Commission") is hereby created for the purposes of reviewing the Brookings City Charter and proposing amendments to the Brookings City Charter by a Report to the City Council; and

WHEREAS, the Commission may receive input from any person including the City Council and representatives of the National Civic League, but shall work independently of the City Council and its members, and accordingly, its report to the City Council shall solely represent the product of its study and work. The Report of the Commission shall include any proposed amendments to the City Charter, which shall be in a form sufficient to submit to the voters of the City pursuant to Section 8.02 of the Brookings City Charter; and

WHEREAS, the Brookings City Charter Commission shall consist of eleven (11) members. Members shall be resident voters of the City, appointed by the Mayor, subject to the approval of the City Council; and

WHEREAS, the members of the Brookings City Charter Commission shall serve without compensation for a term to conclude following the submission of a Report to the City Council as provided in Section 8.01 (c) of the Brookings City Charter. Vacancies on the Commission shall be appointed by the Mayor and approved by the City Council; and

WHEREAS, a quorum shall consist of Six (6) members. The Commission shall convene and shall organize by electing a chairperson from among its members for a term to terminate upon completion of the election, if necessary, and any further work as directed by the City Council. The City Manager shall serve as staff liaison, but shall not be a member of the Commission. The Commission shall adopt, amend, or rescind such rules as shall be necessary for the conduct of its meetings; and

WHEREAS, the City Attorney shall render such legal assistance and counsel to the Commission as may from time to time be required; and

WHEREAS, the City Clerk shall provide necessary records to the Commission as may be required; and

WHEREAS, the Commission shall submit funding requests for items or services the Commission requires in performing its work. Funding requests shall be reviewed and approved by the City Manager; and



WHEREAS, the Commission shall hold at least One (1) regular meeting each month and shall submit a monthly report to the City Council of its proceedings and the progress of its work; and

WHEREAS, the Mayor, subject to approval of the City Council and following public hearing, shall have the authority to remove any member of the Commission for cause. Cause for removal shall be stated in writing and made a part of the record of such hearing; and

WHEREAS, the Commission, in the initial period following adoption of this ordinance, shall complete and submit its Report to the City Council by January 31, 2025. Following the election, the Commission shall terminate its activities unless the City Council determines the Commission should continue its work.

NOW THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Brookings, South Dakota, as follows:

- A. The Brookings City Charter Commission is hereby created, to perform its work consistent with the Recitals set forth herein; and
- B. The City Manager is authorized to facilitate the work of the Commission and establish a schedule for work sessions and assist the Commission in the performance of its tasks.
- C. The members who are to serve on the City Charter Commission are as follows: Jeanne Manzer, Dianne Nagy, Dr. Lisa Hager, Gail Robertson, Tom Yseth, Roger Solum, Keith Corbett, David Gilbertson, Ashley Ragsdale, Van Fishback, Lynn Darnall, and Bob Burns.

**Resolution 24-063.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-063, a Resolution transferring Capital Improvement Project (CIP) Sinking Fund funds to the Brookings Public Safety Center Budget, be approved. Public Comment: Al Austreim. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-063 - RESOLUTION TRANSFERRING CAPITAL IMPROVEMENT  
PROJECT (CIP) SINKING FUND FUNDS TO THE BROOKINGS PUBLIC SAFETY  
CENTER BUDGET**

WHEREAS, the City of Brookings's Financial Sustainability Policy establishes the authority for the City to maintain a Sinking Fund for unexpected Vehicle, Equipment, Information Technology, and Building Maintenance/Replacement capital expenses; and

WHEREAS, the City of Brookings hereby transfers Sinking Fund contingency funds to fund critical unexpected capital projects of the municipality. This resolution is for the purpose of completing a transfer of capital Sinking Fund funds to the following accounts:

531 Public Safety Center

531-000-5-422-03 Consulting & Engineering     \$ 45,000.00

Total Transfers       \$ 45,000.00

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

213-000-5-911-00 Buildings Sinking Fund       \$ 45,000.00

Total Source of Funding       \$ 45,000.00

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.

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

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that this meeting be adjourned at 6:56 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