

Brookings City Council
June 8, 2021 (unapproved)

The Brookings City Council held a meeting on Tuesday, June 8, 2021 at 6:00 PM, at the City & County Government Building Chambers with the following City Council members present: Mayor Oepke Niemeyer, Council Members Patty Bacon, Leah Brink, Joey Collins, Wayne Avery, Holly Tilton Byrne, and Nick Wendell. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

6:00 PM REGULAR MEETING

Oath of Office and Certificates of Election. Mayor Niemeyer presented a Certificate of Appointment and Oath of Office to incoming City Council Member Wayne Avery.

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

4.A. Action to approve the agenda.

4.B. Action to approve the May 25, 2021 City Council Minutes.

4.C. Action on Resolution 21-051, a Resolution authorizing the City Manager to sign a Wine Operating Agreement renewal for CHS, Inc., dba Cenex Zip Trip #63, 1005 6th Street. Legal description: Lots 1-2, Block 1, Randi Peterson Addition.

Resolution 21-051 - Wine Operating Agreement – renewal
CHS, Inc, dba Cenex Zip Trip #63

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal for the Wine Operating Management Agreement between the City of Brookings and CHS Inc., dba Cenex Zip Trip #63, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 1005 6th Street, legal description: Lots 1-2, Block 1, Randi Peterson Addition.

Now, Therefore, 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 ten (10) years, with a renewal in five (5) years.

4.D. Action on Resolution 21-054, a Resolution declaring surplus property for the City of Brookings.

Resolution 21-054 - Declaring Surplus Property

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

Information Technology: HP 8200 Elite PC, Serial #MXL1331XGL; HP Compaq 6005 Pro PC, Serial #2UA0030RDF (does not work); HP 8200 Elite PC, Serial #MXL1331X4W; HP 8100 Elite PC, Serial #MXL1071ZN5; HP Elite 8300 Small FF PC, Serial #2UA30715X3; HP Elite 8300 PC, Serial #MXL2380QQB; HP Elite 8300 PC,

Serial #2UA24704WM; HP Elite 8300 PC, Serial #MXL302102Z; HP 8200 Elite Slim PC, Serial #MXL2051N8X; HP Elitedesk 800G2 TWR PC, Serial #MXL612243K (does not work); Compaq 6005 Pro PC, Serial #2UA0030YTJ; HP Elite 8300 PC, Serial #MXL2332OXT; HP Elite 8300 PC, Serial #MXL302102Y; HP Compaq 6005 Pro PC, Serial #MXL0040GLW (does not work); HP Envy 20 TouchSmart All-in-One PC, Serial #5CM3110605; Lenovo M7515 PC, Serial #MJDP816; HP Compaq Elite 8300 PC, Serial #MXL3361MPD; Xerox Phaser 3260 Printer, Serial #K7A007076 (does not work); Xerox Phaser 3260 Printer, Serial #K7A226869 (does not work).

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.

Retirement Recognition. A Certificate of Recognition was presented to retiring Fire Chief Darrell Hartmann. Hartmann was recognized for 23 years of service to the City of Brookings. Hartmann shaped the brotherhood that defines the Fire Department today; leading by example, attending to the needs of the volunteers and staff, all the time with professional leadership. He was "hands-on" in training, taking on the responsibility of teaching firefighters how to protect themselves when they went into danger.

Retirement Recognition. A Certificate of Recognition was presented to retiring City Engineer Jackie Lanning. Lanning was recognized for 30 years of service to the City of Brookings. Lanning was hired October 1990 as the Assistant City Engineer. In October 2003 she was appointed as Acting City Engineer, and was appointed in April 2004 as City Engineer. During her tenure with the City she has been involved with the management of the Brookings Regional Airport, many drainage projects, infrastructure projects, the first phase of the 22nd Avenue Reconstruction Project, and most recently she has been the Project Manager on the 20th Street South BUILD Project.

FIRST READING – Ordinance 21-019. An introduction and first reading was held on Ordinance 21-019, an Ordinance establishing a schedule for introduction and adoption of the Annual Municipal Budget Ordinance of the City of Brookings, South Dakota. Second Reading: June 22, 2021.

FIRST READING – Ordinance 21-020. An introduction and first reading was held on Ordinance 21-020, a Temporary Ordinance Establishing Procedures Pertaining to Licensing Medical Cannabis Establishments in the City of Brookings, South Dakota. Public Hearing: June 22, 2021.

Community Development Block Grant (CDBG). A public hearing was held on a Community Development Block Grant (CDBG) Application and Community Development and Housing Needs Assessment Plan. Public Comment: Todd Kays,

Executive Director of the First District Association of Local Governments, Heidi Gullickson, United Way, Tom Squires, DesignArc Group, and Nicholas Kummer, DesignArc Group.

Housing Needs Assessment Plan – part of CDBG. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Community Development and Housing Needs Assessment Plan as part of the Community Development Block Grant (CDBG) Application, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-049 – part of CDBG. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Resolution 21-049, a Resolution Designating the City Manager to Sign Documents and be the Environmental Certifying Officer for the Community Development Block Grant (CDBG) for a Joint Facility to Address Food Insecurity, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-049 - A Resolution Designating the City Manager to Sign Documents and be the Environmental Certifying Officer for the Community Development Block Grant (CDBG) for a Joint Facility to Address Food Insecurity.

Whereas, the City of Brookings has held discussions with community partners to address the aging food pantry facility. These conversations have identified an opportunity to create a joint facility addressing food insecurity which would house multiple community partners; and

Whereas, to maximize available resources, the City of Brookings and First District Association of Local Governments have discussed possible Community Development Block Grant (CDBG) funding. A special population survey of users of the Food Pantry was used to determine if the City of Brookings is eligible to apply for a CDBG Grant for the project. An adequate survey response has been received and the City of Brookings is eligible to apply for CDBG funding; and

Whereas, this resolution designates the City Manager as the City's Official for the purpose of signing CDBG grant agreements, contracts, correspondence, pay requests, and other required documents and environmental reports. Additionally, this resolution designates the City Manager as the City's Environmental Certifying Officer for the purpose of signing environmental reports, correspondence and other required documents and forms in conjunction with the possible CDBG grant for this project.

Now, Therefore, Be It Resolved that the City Manager of the City of Brookings shall be the City's Environmental Certified Officer with respect to the above-described project and is authorized to sign the CDBG grant agreements, contracts, correspondence, pay requests, and other required documents and environmental reports for this project.

Resolution 21-048 – part of CDBG. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 21-048, a Resolution Authorizing the City Manager to Sign and Submit a Community Development Block Grant (CDBG) Application for a Joint Facility to Address Food Insecurity, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-048 - A Resolution Authorizing the City Manager to Sign and Submit a Community Development Block Grant (CDBG) Application for a Joint Facility to Address Food Insecurity.

Whereas, the City of Brookings has held discussions with community partners to address the aging Food Pantry facility. These conversations have identified an opportunity to create a joint facility addressing food insecurity which would house multiple community partners; and

Whereas, to maximize available resources, the City of Brookings and First District Association of Local Governments have discussed possible Community Development Block Grant (CDBG) funding. A special population survey of users of the Food Pantry was used to determine if the City of Brookings is eligible to apply for a CDBG grant for the project. An adequate survey response has been received and the City of Brookings is eligible to apply for CDBG funding; and

Whereas, this resolution authorizes the City Manager to sign and submit the CDBG Grant Application for a grant of up to \$2 Million Dollars for a joint facility to address food insecurity. The City Manager would also serve as the City's Official for the purpose of signing CDBG grant agreements, contracts, correspondence, pay requests, and other required documents in connection with a CDBG grant and this project.

Now, Therefore, Be It Resolved that the City Manager of the City of Brookings is authorized to sign and submit the CDBG Grant Application for a grant of up to \$2 Million Dollars for a joint facility to address food insecurity, and to sign CDBG agreements, contracts, correspondence, pay requests, and other required documents for this project.

Ordinance 21-010. A public hearing was held on Ordinance 21-010, an Ordinance to Change the Zoning within the City of Brookings, rezoning 5.75 acres (generally located along the 1500 and 1600 Block of Main Avenue South) from a Residence R-1A Single-Family District to a Business B-2A Office District. A motion was made by Council Member Bacon, seconded by Council Member Collins, that Ordinance 21-010 be approved. Public Comment: Justin Booker, Banner Associates. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Ordinance 21-011. A public hearing was held on Ordinance 21-011, an Ordinance to Change the Zoning within the City of Brookings, rezoning Lot 11A, Block 6 of Folsom's Addition (also known as 204 1st Street South) from an Industrial I-1 Light District to a Business B-3 Heavy District. A motion was made by Council Member Wendell,

seconded by Council Member Brink, that Ordinance 21-011 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Ordinance 21-014. A public hearing was held on Ordinance 21-014, an Ordinance to Change the Zoning within the City of Brookings, rezoning Lot 1, Block 2 of Folsom Addition (also known as 530 1st Street South) and Lots 2 and 3, Block 2 of Folsom Addition (also known as 110 6th Avenue South) from an Industrial I-1 Light District to a Business B-3 Heavy District. A motion was made by Council Member Avery, seconded by Council Member Brink, that Ordinance 21-014 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Ordinance 21-018. A public hearing was held on Ordinance 21-018, an Ordinance to permit by Conditional Use an Office in a Residence R-2 Two-Family District on the South 105 feet of Lot 1 in Block 7 of Morehouse Addition, also known as 903 8th Street. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Ordinance 21-018 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-052. Resolution 21-052, a Resolution amending the 2040 Comprehensive Plan's Future Land Use Map, died due to lack of motion. Public Comment: Chad Borchard, CKS Partners LLC.

TABLED ITEM: Resolution 18-088. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Resolution 18-088, Resolution of Necessity for Street Assessment Project 2019-02STA, 15th Street South and 7th Avenue South, be removed from the table. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

A motion was made by Council Member Brink, seconded by Council Member Collins, that Resolution 18-088, a Resolution of Necessity for Street Assessment Project 2019-02STA, 15th Street South and 7th Avenue South, be rescinded. Motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-047. A public hearing was held on Resolution 21-047, a Resolution of Necessity for Street Assessment Project 2021-02STA; 15th Street South & 7th Avenue South. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 21-047 be approved. Public Comment: Jacob Mills and Bob Jones. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-047 - Resolution of Necessity for Street Assessment Project 2021-02STA; 15th Street South & 7th Avenue South

Be It Resolved by the City Council of the City of Brookings, South Dakota, as follows:

The City Council of the City of Brookings hereby declares the necessity of construction of the streets and public improvements of the City as follows:

Water main, sanitary sewer main, water and sanitary sewer services, storm sewer, grading, curb and gutter, gravel base course and asphalt pavement for a total street width of forty-one feet (41') for Collector streets located as follows:

Collector Street: 7th Avenue South from 12th Street South to approximately one hundred fifty feet (150') north of Remington Circle; and

Collector Street: 15th Street South from approximately five hundred sixty feet (560') east of Main Avenue South to approximately eight hundred thirty feet (830') west of Medary Avenue;

All in the City of Brookings, County of Brookings, State of South Dakota.

1. The general nature of the improvements is set forth above and reference for details is hereby made to the drawings and specifications prepared by the City Engineer and on file with the City Clerk.
2. The material to be used is concrete for curb and gutter. The material for the street construction shall be asphalt pavement on gravel base course or equivalent materials. The water and sanitary sewer mains shall be PVC pipe. Storm sewer shall be reinforced concrete pipe.
3. The project improvement is substantially uniform. The estimated construction cost for the street work including grading, storm drainage, curb and gutter, gravel base course and asphalt surfacing to a width of thirty-one feet (31') is approximately \$431.30 per foot or \$215.65 per side of street. The estimated construction cost for the water main work is approximately \$97.28 per foot or \$48.64 per side of street. Water services shall be assessed on a per unit basis for each service to the abutting property owner.

The estimated construction cost for the sanitary sewer main work is approximately \$103.32 per foot or \$51.66 per side of street. Sanitary sewer services shall be assessed on a per unit basis for each service to the abutting property owner.

The City will assume and pay for any extra thickness required on collector streets in excess of that described for residential streets and for the extra width of the streets which exceed thirty-one feet (31') from back of the curb to back of the curb, concrete valley gutter along Lot 1 and Lot 3, Block 2, D & D Addition, detention pond work on Block 3 of D & D Addition, channel grading south of 15th Street South, sidewalk along city-owned parcels, street signage and striping.
4. A description of classes of lots to be assessed is as follows: The lots and tracts of land lying adjacent to the streets described above. Water services and sanitary sewer

services shall be assessed on a per unit basis for each service to the abutting property owner.

5. The method of apportionment of benefits is as follows: The cost of improvements described above are to be assessed against all lots and tracts of land according to the front foot benefits determined by the governing body to accrue to all such lots and tracts from the construction of the improvement. The assessed amount includes engineering and administration costs. The assessment shall be divided into ten (10) equal annual installments and interest of ten (10) percent per annum shall accrue on the unpaid balance of the assessment.

6. The benefits to the abutting properties are as follows: Substantial increase in the market value of the property. Improved street and drainage system. Upgrade to an urban hard-surfaced street. City will provide snow removal, street lighting and street maintenance.

The above-described improvement shall be hereinafter referred to as Street Assessment Project 2021-02STA, 15th Street South and 7th Avenue South, which shall be deemed a description of the improvement of the streets as hereinabove set forth.

Resolution 21-050. A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Resolution 21-050, a Resolution approving the Appointment of Assistant City Attorney Eric N. Rasmussen, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-050 - A Resolution Approving the Appointment of
Assistant City Attorney Eric N. Rasmussen

Whereas, City Attorney Steve Britzman has retained Eric N. Rasmussen, of Brookings, South Dakota, who is an attorney licensed in South Dakota, to provide legal assistance for the City of Brookings and in the event Steve Britzman is unavailable or on vacation; and

Whereas, Steve Britzman has requested that Eric N. Rasmussen be appointed as a senior Assistant City Attorney to provide legal services to the City of Brookings, and to assist when Steve Britzman is not available or on vacation;

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota that Eric N. Rasmussen is appointed as an Assistant City Attorney of the City of Brookings.

Resolution 21-053. Resolution 21-053, a Resolution designating the Fishback Soccer Complex as a Permissible Consumer Fireworks Discharge Location on July 4, 2021, died due to lack of motion.

Adjourn. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that the meeting be adjourned at 7:20 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk

ADDENDUM: Volunteer Listing for Work Comp Coverage (as per Resolution 16-025)
Brookings City Library Volunteers – Updated June 2021: Cheryl Riley. Brookings City Fire Department Volunteers – Updated June 2021: Major Anderson, Kurt Athey, John Austin, Kevin Banken, Alex Berkness, Pete Bolzer, Derek Brown, Dan Bruna, Nick Casstevens, Bret Christianson, Dillon Collins, Tom Coughlin, Mandi Cramer, Roger DeBates, Monte Gummer, Scott Hallan, Bill Hardin, Troy Herrig, Kevin Hilmoie, Dalton Holm, Dave Koch, Jim Kriese, Mike Lambertus, Brett Lawrence, Brandon Long, Jaque Mann, Joshua Mann, Lori Mergen, Nick Oines, Keegan Reeves, Steven Rensink, Connor Ringling, Jared Runge, Tim Ryneearson, Rob Schuneman, Jeremy Scott, Jesse Seas, Austin Sechser, Lucas Speakman, Charles Stephenson, Shannon Stuefen, Curt Teal, Anthony Teesdale, Natanr Vandersnick, Adam Vaux, Fabian Ysker. Brookings City Police Department Reserve Unit – Updated June 2021: Mark Anawski, Justin Borns, Andrew Erickson, Zach Erickson, Josh Henslin, Matthew Luebbert, Jaque Mann, Joshua Mann, Cora Olson, Ben Quam. Brookings City Park & Recreation Volunteers – Updated June 2021: Brian Kvamme – new – effective 06/01/21; Daniel Forester – new – effective 06/01/21; Jason Bain – new – effective 06/01/21; Joseph Schumacher – new – effective 06/01/21; Julio Castillon – new – effective 06/01/21; Natasha Raguse – new – effective 06/01/21; Nathan Hilbrands – new – effective 06/01/21; Robb McClemans – new – effective 06/01/21; Shane Kuehl – new – effective 06/01/21; Tyler Koch – new – effective 06/01/21.