

BRING YOUR DREAMS.



City of Brookings
Meeting Agenda - Final
City Council

Brookings City Council
Brookings City & County
Government Center
520 3rd St., Suite 230
Brookings, SD 57006
Phone: (605) 692-6281
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"We are an inclusive, diverse, connected community that fuels the creative class, embraces sustainability and pursues a complete lifestyle. We are committed to building a bright future through dedication, generosity and authenticity. Bring your dreams!"

Tuesday, December 14, 2021

5:30 PM

Council Chambers

The City of Brookings is committed to providing a high quality of life for its citizens and fostering a diverse economic base through innovative thinking, strategic planning, and proactive, fiscally responsible municipal management.

5:30 PM REGULAR MEETING

1. Call to Order / Pledge of Allegiance.

2. Record of Council Attendance.

3. Executive Session

- 3.A.** [ID 21-0582](#) Executive Session, pursuant to SDCL 1-25-2.1, for purposes of discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor.

Action: Motion to enter Executive Session, Voice Vote

Action: Motion to exit Executive Session, Voice Vote

6:00 PM REGULAR MEETING

4. Consent Agenda:

Action: Motion to Approve, Request Public Comment, Roll Call

Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the Council at one time, without discussion, unless a member of the Council or City Manager requests an opportunity to address any given item. Items removed from the Consent Agenda will be discussed at the beginning of the formal items. Approval by the Council of the Consent Agenda items means that the recommendation of the City Manager is approved along with the terms and conditions described in the agenda supporting documentation.

4.A. Action to approve the agenda.

4.B. [ID 21-0586](#) Action on the November 23, 2021 City Council minutes.

Attachments: [Minutes](#)

4.C. [RES 21-109](#) Action on Resolution 21-109, a Resolution declaring surplus property for the City of Brookings.

Attachments: [Resolution](#)

4.D. [ID 21-0600](#) Action to cancel the December 21, 2021 City Council Study Session.

4.E. [ID 21-0571](#) Action on the 2022 City Council Meeting Calendar.

Attachments: [Calendar](#)

4.F. [RES 21-107](#) Action on Resolution 21-107, a Resolution Approving Agreements with the Brookings Regional Humane Society for the Care and Disposition of Impounded Animals.

Attachments: [Memo](#)
[Resolution](#)
[2022 BRHS Agreement - clean](#)
[2022 BRHS Agreement - marked](#)
[2021 Agreement](#)

5. Items removed from Consent Agenda.

Action: Motion to Approve, Request Public Comment, Roll Call

6. Open Forum/Presentations/Reports:

6.A. SDSU Student Association Report.

6.B. [ID 21-0594](#) Update: 2021-2026 City Council Strategic Plan

Attachments: [Memo](#)
[2021-2026 Strategic Plan](#)

6.C. [ID 21-0601](#) Update: Housing Study

6.D. Open Forum.

At this time, any member of the public may request time on the agenda for an item not listed. Items are typically scheduled for the end of the meeting; however, very brief announcements or invitations will be allowed at this time.

7. Contracts/Change Orders:

- 7.A. [RES 21-106](#) Action on Resolution 21-106, a Resolution Authorizing Change Order No. 1 (Final) for 2021-08STI, Overlay Project; Bowes Construction, Inc.

Attachments: [Memo](#)
[Resolution](#)

Action: Motion to Approve, Request Public Comment, Roll Call

- 7.B. [RES 21-116](#) Action on Resolution 21-116, a Resolution Authorizing Change Order No. 1 (Final) for Project 2021-04STI Swiftel Pavement Reconstruction Project; Timmons Construction, Inc.

Attachments: [Memo](#)
[Resolution](#)

Action: Motion to Approve, Request Public Comment, Roll Call

- 7.C. [RES 21-112](#) Action on Resolution 21-112, a Resolution Approving Amended and Restated Joint Cooperative Agreement for the Management of the Brookings City & County Government Center.

Attachments: [Memo](#)
[Resolution](#)
[Agreement - clean](#)
[Agreement - marked](#)
[Agreement - 2010](#)

Action: Motion to Approve, Request Public Comment, Roll Call

- 7.D. [ID 21-0576](#) Action on a Legal Services Agreement between the City of Brookings and Steven J. Britzman, Attorney at Law for a one-year contract (01/01/2022 - 12/31/2022).

Attachments: [Memo](#)
[Contract - clean](#)
[Contract - marked](#)

Action: Motion to Approve, Request Public Comment, Roll Call

8. Ordinance First Readings:

The title of the Ordinance is read. No vote is required on the first reading of an Ordinance. Public Comment and Council discussion is permitted. The date for the second reading is announced.

- 8.A. [ORD 21-042](#) Introduction and First Reading on Ordinance 21-042, an Ordinance Authorizing Budget Amendment No. 6 to the 2021 Budget. Second Reading: January 11, 2022.

Attachments: [Memo](#)
[Ordinance](#)

9. Public Hearings and Second Readings:

- 9.A.** [ORD 21-040](#) Public Hearing and Action on Ordinance 21-040, an Ordinance to Change the Zoning within the City of Brookings, rezoning Block 20 in Prairie Hills Addition from B-2/R-3 to Residence R-3 Apartment District.

Attachments: [Memo](#)
 [Ordinance](#)
 [Planning Commission Minutes](#)
 [Legal Notice - Planning Commission](#)
 [Legal Notice - City Council](#)
 [Application](#)
 [Area Map](#)
 [Zoning Map](#)
 [Future Land Use Map](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

Legislative History

11/23/21 City Council read into the record

- 9.B.** [ORD 21-041](#) Public Hearing and Action on Ordinance 21-041, an Ordinance to Change the Zoning within the City of Brookings, rezoning Lot 2, Block 19 in Prairie Hills Addition from Business B-2 District to Residence R-3 Apartment District.

Attachments: [Memo](#)
 [Ordinance](#)
 [Planning Commission Minutes](#)
 [Legal Notice - Planning Commission](#)
 [Legal Notice - City Council](#)
 [Application](#)
 [Area Map](#)
 [Zoning Map](#)
 [Future Land Use Map](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

Legislative History

11/23/21 City Council read into the record

- 9.C.** [RES 21-108](#) Public Hearing and Action on Resolution 21-108, a Resolution of Intent to Lease Real Property to LNJ Farms in the Wiese and Freeland Additions.

Attachments: [Memo](#)
 [Resolution](#)
 [Legal Notice](#)
 [Maps](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

- 9.D.** [RES 21-110](#) Public Hearing and Action on Resolution 21-110, a Resolution of Intent to Lease Real Property to MC Hay, Mike Erickson and Corey Granum, owners, for Hay Lease at Brookings Regional Airport.

Attachments: [Memo](#)
 [Resolution](#)
 [Legal Notice](#)
 [Map](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

- 9.E.** [ID 21-0577](#) Public Hearing and Action on a Temporary Alcohol Application from St. Thomas More Catholic School, to operate within the City of Brookings, South Dakota, on February 5, 2022, for a Winter Gala and Grand Auction to be held at 1700 8th Street South.

Attachments: [Memo](#)
 [Legal Notice](#)
 [SDCL Reference](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

- 9.F.** [ID 21-0587](#) Public Hearing and Action on a request for Video Lottery for MG Oil, dba Corner Pantry #19, 921 20th Street South. Legal description: Lot 7B, Block 13, McCleman's Addition. Pending permit issuance and final inspection per the Community Development Department.

Attachments: [Memo](#)
 [City Attorney Memo on Video Lottery - 2018.05.02](#)
 [City Attorney Opinion on AR 48.02.11.02](#)
 [Video Lottery - State Statues and Admin Rule](#)
 [Legal Notice](#)
 [Location Map](#)
 [Proposed Building Plan](#)
 [Building Plan - approved 8.2021](#)
 [Current Video Lottery List](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

- 9.G.** [ID 21-0596](#) Public Hearing and Action on a request for an On-Off Sale Malt License for MG Oil Company, dba Corner Pantry #24, Marlyn Erickson and Troy Erickson, owners, 600 6th Street., Suite B, legal description: Lots 5-7, Block 11, Second Addition, Suite B. Pending permit issuance and final

inspection per the Community Development Department.

Attachments:

[Memo](#)

[City Attorney Opinion on AR 48.02.11.02](#)

[Legal Notice](#)

[Proposed Building Plan](#)

[Location Map](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

9.H. [ID 21-0597](#)

Public Hearing and Action on a request for Video Lottery for MG Oil Company, dba Corner Pantry #24, Suite B, Marlyn Erickson and Troy Erickson, owners, 600 6th Street, legal description: Lots 5-7, Block 11, Second Addition, Suite B. Pending permit issuance and final inspection per the Community Development Department.

Attachments:

[Memo](#)

[City Attorney Memo on Video Lottery - 2018](#)

[City Attorney Opinion on AR 48.02.11.02](#)

[Video Lottery - State Statutes and Admin Rule](#)

[Legal Notice](#)

[Location Map](#)

[Proposed Building Plan](#)

[Current Video Lottery List](#)

Action: Open & Close Public Hearing, Motion to Approve, Roll Call

10. Other Business:

10.A. [RES 21-117](#)

Action on Resolution 21-117, a Resolution Authorizing the Licensing of Deja Vu SD as a Medical Cannabis Dispensary in the City of Brookings.

Attachments:

[Memo](#)

[Resolution](#)

[Application](#)

[Location Map](#)

[Ordinance 21-028](#)

Action: Motion to Approve, Request Public Comment, Roll Call

10.B. [RES 21-111](#)

Action on Resolution 21-111, a Resolution amending the Consolidated Fee Schedule.

Attachments:

[Memo](#)

[Resolution](#)

[Fee Schedule - clean](#)

[Fee Schedule - marked](#)

Action: Motion to Approve, Request Public Comment, Roll Call

- 10.C.** [RES 21-115](#) Action on Resolution 21-115, a Resolution Transferring City Manager Contingency Funds to 2021's Budget.

Attachments: [Memo](#)
[Proposal](#)

Action: Motion to Approve, Request Public Comment, Roll Call

- 10.D.** [RES 21-113](#) Action on Resolution 21-113, a Resolution Establishing Procedures for City of Brookings Construction Manager-At-Risk Projects.

Attachments: [Memo](#)
[Resolution](#)

Action: Motion to Approve, Request Public Comment, Roll Call

11. City Council member introduction of topics for future discussion.

Any Council Member may request discussion of any issue at a future meeting only. Items cannot be added for action at this meeting. A motion and second is required stating the issue, requested outcome, and time. A majority vote is required.

12. Executive Session

- 12.A.** [ID 21-0585](#) Executive Session, pursuant to SDCL 1-25-2.1, for purposes of discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor.

- 13.** [RES 21-114](#) Action on Resolution 21-114, a Resolution Amending the City Manager's Contract for 2022.

Attachments: [Memo](#)
[Resolution](#)
[Contract](#)

Action: Motion to Approve, Request Public Comment, Roll Call

14. Adjourn.

*Brookings City Council: Oepke Niemeyer, Mayor; Nick Wendell, Deputy Mayor
Council Members Wayne Avery, Patty Bacon, Leah Brink, Joey Collins, Holly Tilton Byrne,*

Council Staff:

Paul M. Briseno, City Manager Steven Britzman, City Attorney Bonnie Foster, City Clerk

View the City Council Meeting Live on the City Government Access Channel 9.

Rebroadcast Schedule: Wednesday 1:00pm/Thursday 7:00pm/Friday 9:00pm/Saturday 1:00pm

The complete City Council agenda packet is available on the city website: www.cityofbrookings.org

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Public Comment can be submitted: 1) via eComment on InSite (<https://cityofbrookings.legistar.com/Calendar.aspx>), 2) Email your comments the City Clerk (bfoster@cityofbrookings-sd.gov), or 3) participate via Zoom (contact the City Clerk for login access bfoster@cityofbrookings-sd.gov). Thank you.