

**BROOKINGS CITY COUNCIL**  
**September 10, 2024**

The Brookings City Council held a meeting on Tuesday, September 10, 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 Wendell, seconded by Council Member Specker, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Budget Workshop #1.** The 2025 Budget Workshop #1 was held, covering the following topics: budget highlights, primary revenue sources, the budget overview included the General Fund, Special Revenue Funds, and Enterprise Funds, as well as the 10-year General Fund projection plan, and outside agency funding discussion.

**Consent Agenda.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, 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 August 27, 2024 City Council Minutes.**

**B. Action on Brookings Historic Preservation Commission appointments:**

Stephen Van Buren, term expires 1/1/2025 (filling unexpired term); Melisa Yager, term expires 1/1/2027 (filling unexpired term).

**C. Action on Brookings Human Rights Commission appointment:** Keely Eagleshield, term expires 1/1/2025 (filling unexpired term).

**D. Action on Temporary Alcohol / Special Event Licenses for existing alcohol license holders:** Sodexo Catering (License Holder RB-28249 and RW-28251): SDSU TL24-070, SDSU TL24-071, SDSU TL25-002.

**E. Action on Resolution 24-082, a Resolution declaring surplus property for the City of Brookings.**

**RESOLUTION 24-082 – DECLARING SURPLUS PROPERTY**

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

Library: 2 – 6-foot wooden library tables, 12 wooden chairs, 2 Honeywell Scanners, 14 adjustable metal slat blinds, 2 – HP 19-inch Monitors (one doesn't work), 1 e-Image Data Microfilm Scanner.

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.

**Report: SDSU Student Association.** Claire Koenecke, SDSU Students Association Government Affairs Chair, provided a report on the latest events and developments at SDSU.

**Report: City Council Ex-Officio Reports.** A Brookings Municipal Utility Board report was given by Council Member Rasmussen. A Brookings Health Systems Board of Trustees report was given by Council Member Specker.

**Ordinance 24-024.** A motion was made by Council Member Avery, seconded by Council Member Specker, that Ordinance 24-024, an Ordinance to permit by Conditional Use Permit townhouses on Blocks 3A and 4 in Northern Plains Addition, City of Brookings, Brookings County, South Dakota, be removed from the table. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

A motion was made by Council Member Avery, seconded by Council Member Wendell, that Ordinance 24-024, an Ordinance to permit by Conditional Use Permit townhouses on Blocks 3A and 4 in Northern Plains Addition, City of Brookings, Brookings County, South Dakota, be tabled to the September 24, 2024 City Council Meeting. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Ordinance 24-031.** A public hearing was held on Ordinance 24-031, an Ordinance establishing Reasonable Accommodations Pursuant to the Federal Fair Housing Amendments Act of 1988. A motion was made by Council Member Wendell, seconded by Council Member Avery, that Ordinance 24-031 be approved. Public Comment: Kara Rossi-Bianchi, Tom Bozied, Mark Kratochvil, Molly Richter, Nancy Flynn, Fedora Sutton-Butler, Deb Dominiack, and Doug Austreim.

A motion was made by Council Member Doran, seconded by Council Member Tilton Byrne, that Ordinance 24-031, an Ordinance establishing Reasonable Accommodations Pursuant to the Federal Fair Housing Amendments Act of 1988, be tabled. A friendly amendment was made by Council Member Wendell to table Ordinance 24-031 to the September 24, 2024 City Council Meeting. City Council direction was given to staff to enforce the existing rental occupancy code. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Ordinance 24-030.** A public hearing was held on Ordinance 24-030, an Ordinance to permit by Conditional Use a Major Home Occupation Hair Salon on Lot 1 in Block 3 of

Moriarty Edgebrook Addition, also known as 1635 17<sup>th</sup> Avenue South. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 24-030 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Ordinance 24-029.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 24-029, an Ordinance Certifying the 2025 City of Brookings Property Tax Levy to the Brookings County Finance Officer, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Ordinance 24-028.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 24-028, an Ordinance Granting a Franchise to Mediacom Minnesota LLC to Construct, Operate, and Maintain a Cable Television System in the City of Brookings, SD, Setting Forth Conditions Accompanying the Grant of the Franchise; Providing for Regulation and Use of the System; and Prescribing Penalties for the Violation of its Provisions, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Special Event Temporary Alcoholic Beverage Application.** A public hearing was held on a Special Event Temporary Alcoholic Beverage Application from the Brookings Area Chamber, to host a Downtown SDSU Watch Party on the 300 Block of Main Avenue on October 5, 2024. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Temporary Alcoholic Beverage Application be approved. Public Comment: Kelsey Doom. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Resolution 24-085.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 24-085, a Resolution Amending the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-085 - RESOLUTION AMENDING THE CONSOLIDATED FEE SCHEDULE

WHEREAS, the adopted Municipal Code and City Policies make references to fees charged; and

WHEREAS, it is prudent that the fees be reviewed for cost effectiveness.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookings hereby adopts the following amendment to the Consolidated Fee Schedule:

<b>Parks, Recreation, and Forestry Department</b>			
<b>Fee Description</b>	<b>Resolution</b>	<b>Code</b>	<b>Fee Amount</b>
<b>Labor (Non-DED/EAB) (per hour)</b>	24-085	Sec. 62-170	\$60.00
<b>DED, EAB Removal/BMU Line Clearance</b>			

Aerial Budget Plus 2 Employees (per hour)	24-085	Sec. 62-170	\$160.00
Loader Plus 1 Employee (per hour)	24-085	Sec. 62-170	\$130.00
Trucks Plus 1 Employee (per hour)	24-085	Sec. 62-170	\$90.00
Chipper Plus 1 Employee (per hour)	24-085	Sec. 62-170	\$90.00
Chainsaw/Miscellaneous Equipment Plus 1 Employee (per hour)	24-085	Sec. 62-170	\$70.00
Labor (per hour)	24-085	Sec. 62-170	\$75.00
<b>Restroom Stocking &amp; Cleaning</b>	24-085	Sec. 62-170	\$50.00
<b>Extra Garbage Cans</b>	24-085	Sec. 62-45	\$20.00
<b>Equipment Rental Rates</b>			
Portable Stage	24-085	Sec. 62-45	\$150.00
<b>Reservations</b>			
Community Gardens (per Season)	24-085	Sec. 62-45	\$50.00
Mini Golf	24-085	Sec. 62-45	\$150.00
Disc Golf Course (per day)	24-085	Sec. 62-45	\$200.00
Horseshoe Pits (per day)	24-085	Sec. 62-45	\$50.00
Tennis/Pickleball Court Rentals (per court, per hour)	24-085	Sec. 62-45	\$10.00
<b>Picnic Shelter Reservations</b>			
Large Day (Hillcrest A,D,E, Moriarty)	24-085	Sec. 62-45	\$40.00
<b>Activity Center</b>			
Activity Center – All-Inclusive Membership (per year)	24-085		\$45.00
Activity Center – Newsletter Membership (per year) (+\$10 for USPS Mail Delivery)	24-085		\$15.00

**Executive Session.** A motion was made by Council Member Avery, seconded by Council Member Wendell, to enter into Executive Session at 8:00 p.m. pursuant to SDCL 1-25-2.1, for the purpose 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; and pursuant to SDCL 1-25-2.3, for the purpose of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters; and pursuant to SDCL 1-25-2.5, for the purpose of discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivision, when public discussion may be harmful to the competitive position of the business. The motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to exit Executive Session at 9:15 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that this meeting be adjourned at 9:15 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

---

Oepke G. Niemeyer, Mayor

ATTEST:

---

Bonnie Foster, City Clerk