

BROOKINGS CITY COUNCIL
September 24, 2024 (unapproved)

The Brookings City Council held a meeting on Tuesday, September 24, 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 Tilton Byrne, seconded by Council Member Specker, that the agenda be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne; Absent: 1 – Wendell.

Budget Workshop #2. The 2025 Budget Work Session #2 was held, covering the following topics: Budget-in-Brief, 10-year Capital Improvement Plan, and Fee Schedule updates.

Open Forum. Kara Rossi-Bianchi and Molly Richter expressed ongoing concerns with the home located at 312 8th Street. There have been numerous violations of City Code since early 2024, and the City has not enforced City Code. They asked the City to enforce necessary violations today.

Council Member Brianna Doran shared the next Coffee with the City Council will be held on September 27th from 11:00 am - 1:00 pm at Starbucks.

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 September 10, 2024 City Council Minutes.

B. Action on Temporary Alcohol / Special Event Licenses for existing alcohol license holders: Sodexo Catering (License Holder RB-28249 and RW-28251): SDSU TL24-073, SDSU TL24-074, SDSU TL24-075, SDSU TL24-076, SDSU TL24-077, SDSU TL24-078, SDSU TL24-079, SDSU TL24-080, SDSU TL24-081; SDSU TL25-003, SDSU TL25-004, SDSU TL25-005, SDSU TL25-006, SDSU TL25-007, SDSU TL25-008, SDSU TL25-009, SDSU TL24-072.

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

Presentation: Six-Mile Creek Feasibility Study. Charlie Richter, City Engineer, presented the Six-Mile Creek Feasibility Study. The City has been working with RESPEC Engineering to identify future improvements to Six-Mile Creek for reducing

flooding along the creek. Public Comment: Eric Witt, Water / Waste Water Manager for Brookings Municipal Utilities.

Resolution 24-089. A motion was made by Council Member Tilton Byrne, seconded by Council Member Rasmussen, that Resolution 24-089, a Resolution Awarding Bids for the 2024 Brookings Trails Project, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-089 - RESOLUTION AWARDING BIDS FOR THE 2024
BROOKINGS TRAILS PROJECT

WHEREAS, the City of Brookings opened bids for the 2024 Brookings Trails Project on Tuesday, September 17, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings has received the following bids: Timmons Construction: \$164,084.23; BX Civil & Construction: \$284,000.00; and Clark Drew Construction: \$320,252.50

NOW, THEREFORE, BE IT RESOLVED that the total low bid of \$164,084.23 for Timmons Construction Inc., Brookings, SD be accepted.

Resolution 24-087. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-087, a Resolution Awarding Bids on Project 2025-09STI Concrete Maintenance Project, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-087 - RESOLUTION AWARDING BID ON PROJECT 2025-9STI
CONCRETE MAINTENANCE PROJECT

WHEREAS, the City of Brookings opened bids for Project 2025-09STI Concrete Maintenance on Tuesday, September 17, 2024 at 1:30 pm at the Brookings City & County Government Center; and

WHEREAS, the City of Brookings received the following low bid for the 2025-09STI Concrete Maintenance Project from Timmons Construction, Inc., in the amount of \$298,549.50 and

WHEREAS, the low bid was approximately 2% lower than the Engineer's Estimate.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the low bid of \$298,549.50 be accepted; and
2. The City Manager is authorized to sign the contract documents for this project.

Resolution 24-088. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-088, a Resolution authorizing Change Order No. 1 for 2024-09STI Concrete Maintenance Project; Timmons Construction, Inc., be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-088 - RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR PROJECT 2024-09STI CONCRETE MAINTENANCE PROJECT

WHEREAS, the City of Brookings opened bids for the 2024-09STI Concrete Maintenance Project on Tuesday, April 16, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings awarded Timmons Construction, Inc the contract for 2024-09STI Concrete Maintenance project for their low bid of \$523,490.00 at the April 23, 2024 City Council Meeting.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That Change Order 1 totaling \$22,914.50 for additional work be approved; and
2. The City Manager is authorized to sign the change order.

Resolution 24-086. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 24-086, a Resolution authorizing Change Order No. 1 for 2024-06STI Chip Seal Project; Bituminous Paving, Inc., be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-086 - RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR PROJECT 2024-06STI CHIP SEAL PROJECT

WHEREAS, the City of Brookings opened bids for the 2024-06STI Chip Seal Project on Tuesday, March 26, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings awarded Bituminous Paving, Inc the contract for 2024-06STI Chip Seal for their low bid of \$523,490.00 at the April 2, 2024 City Council Meeting.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Change Order 1 totaling \$22,631.30 for additional work be approved; and
2. the City Manager is authorized to sign the change order.

FIRST READING – Ordinance 24-016. Introduction and First Reading was held on Ordinance 24-016, an Ordinance Amending Division 3 - Speed and Related Offenses, Section 82-305 – Speed Zones. Second Reading and Action: October 8, 2024.

FIRST READING – Ordinance 24-032. Introduction and First Reading was held on Ordinance 24-032, an Ordinance to Rezone Lot 2 in Block 3B of Prairie Hills Addition from a Planned Development District with Business B-2A Office District Underlying Zoning to a Planned Development District with Business B-2 District Underlying Zoning. Public Hearing and Action: October 8, 2024.

FIRST READING – Ordinance 24-033. Introduction and First Reading was held on Ordinance 24-033, an Ordinance Amending Chapter 94, Article IV, Division 2, pertaining to Section 94-165 Commercial Corridor Design Review Overlay District. Public Hearing and Action: October 8, 2024.

FIRST READING – Ordinance 24-034. Introduction and First Reading was held on Ordinance 24-034, an Ordinance Amending Chapter 94, Article VI, Division 3, pertaining to Section 94-395 Projections of porches, decks, platforms and cantilevered floors. Public Hearing and Action: October 8, 2024.

FIRST READING – Ordinance 24-035. Introduction and First Reading was held on Ordinance 24-035, an Ordinance Amending Chapter 94, Article IV, Division 2, pertaining to Section 94-163 Planned Development District (“PDD”). Public Hearing and Action: October 8, 2024.

Ordinance 24-023. A protest hearing was held on Ordinance 24-023, an Ordinance to Rezone the East 151 feet of Block 1 in Northern Plains Addition from a Business B-2A Office District to a Residence R-2 Two-Family District. A motion was made by Council Member Avery, seconded by Council Member Rasmussen, that Ordinance 24-023 be approved. Public Comment: Kyle Rausch, Jason Flaskey, and Ron Stee. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 24-024. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that TABLED ITEM: Public Hearing and Action on 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 public hearing was held on 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. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 24-024 be approved. Public Comment: Kyle Rausch. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 24-031. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that TABLED ITEM: Public Hearing and Action on Ordinance 24-031, an Ordinance establishing Reasonable Accommodations Pursuant to the

Federal Fair Housing Amendments Act of 1988, 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 Tilton Byrne, seconded by Council Member Wendell, to amend Ordinance 24-031, by striking the definition of sober house (Sec. 1-13 (b) (c)), changing the 150 feet to 250 feet for notifications (Sec. 1-13 (d) (b)), and to strike the limitation for sober house (Sec. 1-13 (g)). The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

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, as amended. Public Comment: Kara Rossi-Bianchi and Tom Bozied. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

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

City Council Member Introduction of Topics for Future Discussion. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to schedule a special City Council Meeting at 6:00 p.m. on Thursday, October 3rd. Council Member Wendell modified his motion to change the date to Monday, September 30th. Council Member Tilton Byrne agreed. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 8:00 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk