

BROOKINGS CITY COUNCIL
May 12, 2026 (unapproved)

The Brookings City Council held a meeting Tuesday, May 12, 2026 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Deputy Mayor Nick Wendell, and City Council Members Wayne Avery, Brianna Doran, Lisa Hager, Bonny Specker, and Tilton Byrne. County Commissioners present: Shawn Hostler, Larry Jensen, Jeff Miller, and Kelly VanderWal. City Attorney J. Vince Jones and City Clerk Bonnie Foster were also present. Absent: City Manager Paul Briseno, Mayor Oepke Niemeyer, and County Commissioner Doug Post.

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: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer. A motion was made by County Commissioner Jensen, seconded by County Commissioner VanderWal, that the agenda be approved. The motion carried by the following vote: Yes: 4 - Hostler, Jensen, Miller, and VanderWal; Absent: 1 - Post.

Ordinance 26-013. A public hearing was held on City of Brookings Ordinance 26-013 and Brookings County Commission Ordinance 2026-02, an Ordinance Amending Chapter 94, Appendix A - Joint Zoning Ordinance for the City of Brookings and Brookings County Joint Jurisdiction Area. A motion was made by Council Member Avery, seconded by Council Member Tilton Byrne, that Ordinance 26-013 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer. A motion was made by County Commissioner Miller, seconded by Commissioner Jensen, that Ordinance 2026-02 be approved. The motion carried by the following vote: Yes: 4 - Hostler, Jensen, Miller, and VanderWal. Absent: 1 - Post.

Adjourn the Joint Meeting. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this portion of the Joint Meeting be adjourned at 5:35 p.m. The motion carried by a unanimous vote. A motion was made by County Commissioner Jensen, seconded by County Commissioner Miller that this portion of the Joint Meeting be adjourned at 5:35 p.m. The motion carried by a unanimous vote.

(A brief recess began at 5:35 p.m. to end the joint portion of the meeting, dismissing the County Commission. The City Council reconvened at 6:00 p.m.)

Open Forum. Luke Davidson, Brookings Resident, provided the following comments: "I'm here to speak about a growing problem affecting some of the most financially vulnerable people in our community, unpredictable and excessive rent increases in mobile home parks.

The problem. Some residents are seeing increases of 25%, others are seeing multiple increases in one year due to being on month-to-month leases, and due to their parks

being bought and sold by ownership groups outside of Brookings, and often outside SD. Trailers are one of the few paths to home ownership for low-income people. They often own the home, but they almost always Lease the land on a month-to-month basis. Moving a trailer is expensive, 20k in the case of a double wide, this is prohibitive as a family in this situation likely doesn't have that kind of liquid capital and cannot get a loan for the move and therefore is at the mercy of their landlords. There are also no new parks being developed, and open spaces are limited to non-existent. Home owners are essentially trapped. Add to this the fact that several parks have had BMU notices saying that they cannot guarantee the safety of the drinking water in those parks, while the park owners have done nothing to signal they'll work to solve this problem, and we see a potential snowball effect. Folks outside of Brookings are buying and selling the various parks to make quick profits. Each time a park is sold the rent increases, but the new owners provide no new services/benefits to the people living there

Human Impact: Fixed and low-income residents cannot absorb sudden increases and cannot afford to move. Lot rent is still lower than the cost of a 2/3-bedroom apartment. So selling their home and moving to a rental isn't an option. Families are being forced to choose between essentials and housing. This is a community wide issue. It affects affordable housing stability for the entire city. These practices can lead to increased homelessness or displacement and abandonment of homes, as we're seeing in the trailer park across from Western Estates next to the new Starbucks. There are good actors, I live in Sunny Meadows, owned by the McClemens family, and we are treated fairly, however we still face housing uncertainty due to being on month-to-month leases, we could be forced to move at any moment.

Solutions: I had a long list of solutions, until I discovered SD law 6-1-13 which prohibits city's from controlling rent of private residential property, unless the city has a property interest. Could the city buy a trailer park or two, use the income to pay off a loan, and keep the rent stable or tie it to inflation? Could the city implement a requirement that leases be yearly, while not directly controlling how much the rent is? Could the city require park owners to provide notice at 90-180 days? Could the city require that the management/ownership group have an onsite person within Brookings who is available during normal business hours? Could the city implement an ordinance giving trailer park owners the right of first refusal on the sale of their park/the ability for the park to collectively bargain to buy the park?

Summary: I ask that the city do something, anything, to help prevent profit hungry outside groups from displacing low-income families in Brookings. If the city cannot help, can it work with our state representatives to make a change at the state level to allow cities to help protect their most vulnerable home owners?"

Consent Agenda. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the consent agenda be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

A. Action to approve the April 28, 2026 City Council Minutes.

B. Action on Resolution 26-020, a Resolution authorizing the City Manager to sign the 5-year mid-term renewal of an existing 10-year Wine Operating Agreement with MG Oil Company, dba Corner Pantry #19.

**RESOLUTION 26-020 - WINE ON-SALE ALCOHOLIC BEVERAGE
OPERATING AGREEMENT, 5-YEAR MID-TERM RENEWAL;
MG OIL COMPANY, DBA CORNER PANTRY #19**

BE IT RESOLVED by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement renewal for the On-Sale Wine Alcoholic Beverage Management Agreement between the City of Brookings and the Store Manager for MG Oil Company, dba Corner Pantry #19, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 919 20th Street South. Legal Description: Lot 7, Block 13, McCleman's 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 the remaining 5 years of the 10-year agreement.

C. Action on Annual On-Off Sale Malt Alcoholic Beverage License Renewals (retail):
BYG Backyard Grill, 1805 6th Street; Bank Saloon & Bank Vault, 327 Main Avenue; BP of Brookings, 2420 6th Street, Suites A and B; Brookings Softball Association, 2800 22nd Avenue South; Carpy's Pub, 714 22nd Avenue South; Casey's General Store #2198, 122 6th Street West; Casino 2000, 622 25th Avenue, Suites A and B; CHS, Inc., dba Cenex Zip Trip #63, 1005 6th Street; CHS, Inc., dba Cenex Zip Trip #64, 3045 LeFevre Drive; The Children's Museum of South Dakota, 521 4th Street; Circle K, Hwy 14 Bypass (INACTIVE); Classic Convenience, 916 6th Street; Comfort Suites University / Domellie's / Domellie's Events, 929-931 25th Avenue; Corner Pantry #24 / MG Oil, Co., 600 6th Street; Corner Pantry #24 / MG Oil, Co., 600 6th Street, Suite B; Cubby's Sports Bar & Grill, 307 Main Avenue; Dacotah Bank Center, 824 32nd Avenue; Danger von Dempsey's, 770 22nd Avenue South; Danny's, 703 Main Avenue South; The Depot, 921 20th Street South; Deuces Casino, 223 6th Street, Suites A, B, C, D and E; EdgeBrook Golf Course, 1415 22nd Avenue South; El Tapatio, Inc., 1816 6th Street; The End Zone, 2515 6th Street; Eponymous Brewing Co., 126 Main Avenue South; 4 Aces Casino / SVK Properties, Inc., 141 Main Avenue South, Suites A, B, C and D; Flavor Indian & Asian Fare, 501 Main Avenue; George's Pizza, 311 Main Avenue; Guadalajara, 1715 6th Street, Suite F; Hy-Vee Fast & Fresh, 716 22nd Avenue South; Hy Fee Food Store, 790 22nd Avenue South; Jim's Tap, 309 Main Avenue; Kwik Star, 2016 20th Street South; The Lanes / MG Oil, Co., 722 Western Avenue, Suite B; The Lanes / MG Oil, Co., 722 Western Avenue, Suite C; Main Street Pub, 408 Main Avenue; Mosaic Wine Bar, 225 Main Avenue; Old Sanctuary, 928 4th Street; PNP Pub / Schoon's Pub, Inc., 318 2nd Street South, Suites A and B; Ray's Corner / Icon Investments, 401 Main Avenue, Suites A and B; Sake One, Inc., 724 22nd Avenue South; Schoon's PNP Pub North, Schoon's Properties, Inc., 202 So. Main Ave.; Schoon's PNP Pub South / Schoon's Properties, Inc., 1203 Main Avenue South; Shorty's Burgers & Brew, 1224 6th Street, Suite A; Skinner's Pub, 300 Main Avenue; South Main Casino & Pub/SVK Properties, LLC, 615 Main Avenue South, Suites A and B; Sully's Irish Pub / 3 Guys LLC, 421 Main

Avenue; Tee'd Off Golf, 2508 Wilbert Court, Suite B; Wal-Mart Supercenter #1538, 2233 6th Street; The Wild Hare, 303 3rd Street; and Wooden Legs Brewing Co., 309 5th Street, Suite 100.

- D. Action to abate property taxes in the amount of \$115.76 for Parcel #40999-00011-076-00.**
- E. Action to abate property taxes in the amount of \$140.52 for Parcel 40995-00002-032-00.**
- F. Action on Temporary Alcohol / Special Event Alcoholic Beverage Licenses from existing alcohol license holders:** Sodexo Catering (License Holder RB-28249 and RW-28251): SDSU TL26-064, SDSU TL26-065, SDSU TL26-066.

Proclamation. Deputy Mayor Wendell presented a Proclamation designating May 17-23 as Public Works Week. Charlie Richter, City Engineer, accepted the proclamation on behalf of the Public Works Department.

MAYORAL PROCLAMATION

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Brookings; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Brookings to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, 2026 marks the 66th Annual National Public Works Week.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 17 - 23, 2026 as National Public Works Week and I urge all citizens to join in activities, events, and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial contributions they make to protecting our national health, safety, and advancing quality of life for all.

Reports: City Council Ex-Officio Reports. A Brookings Municipal Utility Board report was given by Council Member Specker. A Brookings Health Systems Board of Trustees report was given by Council Members Hager and Doran.

Resolution 26-030. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 26-030, a Resolution Awarding Bids on 2026-08STI Asphalt Maintenance Project, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

RESOLUTION 26-030 - RESOLUTION AWARDING BIDS ON PROJECT 2026-08STI ASPHALT MAINTENANCE PROJECT

WHEREAS, the City of Brookings opened bids for 2026-08STI Asphalt Maintenance Project on Tuesday, May 5, 2026 at 1:30 pm at the Brookings City & County Government Center; and

WHEREAS, the City of Brookings received the following bid for the 2026-08STI Asphalt Maintenance Project: Bowes Construction, Inc, in the amount of \$1,939,086.05

WHEREAS, the low bid was approximately 21% lower than the Engineer's Estimate.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the low bid of \$1,939,086.05 for Bowes Construction Inc., be accepted.
2. The City Manager is authorized to sign the contract documents for this project and any further contract documents and change orders which may be required.

FIRST READING – Ordinance 26-019. Introduction and First Reading was held on Ordinance 26-019, an Ordinance Authorizing Budget Amendment No. 3 to the 2026 Budget. Public Comment: Kirstin Gjesdal. Second Reading and Action: May 26, 2026.

Ordinance 26-015. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 26-015, an Ordinance Authorizing Budget Amendment No. 2 to the 2026 Budget, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

Special Event Temporary Alcoholic Beverage License. A public hearing was held on a Special Event Temporary Alcoholic Beverage Application for the Annual Brookings Volunteer Fire Association Street Dance. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the Special Event Temporary Alcoholic Beverage License be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

On-Off Sale Malt Alcoholic Beverage License Renewals. A public hearing was held on Annual Malt Alcoholic Beverage License Renewals for establishments which have failed an alcohol compliance check within the past 12 months: Casey's General Store #1694, 620 8th Street South; Casey's General Store #2419, 534 22nd Avenue South; and McCrory Gardens Visitors Center / Sodexo, 6th Street & 22nd Avenue. A motion

was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the On-Off Sale Malt Licenses be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

New On-Off Sale Malt License. A public hearing was held on a request for an On-Off Sale Malt License, for THR, LLC, dba JD's @ Trailshead to be located at 1130 Main Avenue South. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

Resolution 26-028. A public hearing was held on Resolution 26-028, a Resolution authorizing the City Manager to enter into a 10-year On-Sale Wine Operating Agreement with THR, LLC, dba JD's @ Trailshead, owners Jesse Davis and Mary Jo Minor. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 26-028 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

RESOLUTION 26-028 - ON-SALE WINE OPERATING AGREEMENT –
10-YEAR AGREEMENT: THR, LLC, dba JD's @ Trailshead

BE IT RESOLVED by the City of Brookings, South Dakota, that the City Council hereby approves an Operating Alcohol Management Agreement for Wine between the City of Brookings and owners Jesse Davis and Mary Jo Minor, THR, LLC, dba JD's @ Trailshead, for the purpose of an alcohol manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 1130 Main Avenue South, Suite D. Legal description: Outlots 7A, 7&8, excluding Lots H1 & H2 in Lot 8 of the NW ¼ Section 35-T110N-R50W, City of Brookings, Brookings County, South Dakota.

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 10-years, with a 5-year mid-term renewal.

Resolution 26-031. A public hearing was held on Resolution 26-031, a Resolution of Intent to Lease Real Property to David Berndt, highest bidder, 26 acres of public land for agricultural crop land in Wiese Addition, Section 19-T110N-R49W (32nd Avenue & Capital Street). A motion was made by Council Member Specker, seconded by Council Member Doran, that Resolution 26-031 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

RESOLUTION 26-031 - RESOLUTION OF INTENT TO LEASE REAL PROPERTY

WHEREAS, the City of Brookings owns 26 acres of designated crop land in Section

19-T110N-R49W, in the City of Brookings, Brookings County, South Dakota; and

WHEREAS, the City of Brookings intends to award a lease agreement with David Berndt for a period of 1-year, commencing on May 12, 2026 and ending December 31, 2026, having the option to extend this Lease for 1 additional 1-year term in 2027; and

WHEREAS, the lessee will pay the City \$270.00 per acre for the crop land, totaling \$7,020.00 annually, with the first half payable on July 1st of each year and the second half payable on November 1st of each year; and

WHEREAS, a Public Hearing on this Resolution was held on May 12, 2026 at 6:00 p.m. in the Chambers at the Brookings City and County Government Center and all persons were given an opportunity to be heard on the intent to lease real property.

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

- A. The City of Brookings will enter into a lease agreement with David Berndt as set forth above; and
- B. The City Manager or his designee is authorized to execute a new lease agreement in accordance with this Resolution.

Ordinance 26-014. A public hearing was held on Ordinance 26-014, an Ordinance to amend Section 94-362 Home Occupations. A motion was made by Council Member Doran, seconded by Council Member Tilton Byrne, that Ordinance 26-014 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

Ordinance 26-016. A public hearing was held on Ordinance 26-016, an Ordinance to Change the Zoning within the City of Brookings (Portions of Outlot 2 in the SW ¼ of the NW ¼ in Section 23, Township 110 North, Range 50 West from a Residence R-1A Single-Family District to a Residence R-3 Multi-Family District and a Business B-3 Heavy District). A motion was made by Council Member Specker, seconded by Council Member Doran, that Ordinance 26-016 be approved. Public Comment: Jacob Mills, Mills Development. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

Preliminary Plat. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the Preliminary Plat of Lots 1-3 in Heron Cove Addition, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

Resolution 26-027. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 26-027, a Resolution Amending the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Hager, Specker, Tilton Byrne, and Wendell; Absent: 1 - Niemeyer.

RESOLUTION 26-027 - 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”

<u>Parks, Recreation, and Forestry</u>	
Labor (Non-DED/EAB) (Per Hour)	Average Burdened Salary Rate by Title
Equipment (Per Hour)	Current FEMA schedule of equipment rates

Council Member Introduction of topics for future discussion. Council Member Doran encouraged the City Council, through internal discussions and conversations with economic partners, to look into the issue in the mobile home parts presented by Luke Davidson this evening. There was no formal request from Council Member Doran to bring this back for future discussion.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 7:04 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk

City of Brookings Volunteer List – as per Resolution 16-025.

(Addendum to the May 12, 2026 City Council Minutes.)

Brookings City Library Volunteers: Elise Fornia, Carole Mackey, Cheryl Riley; Sarah Schultz; Diane Smart; and Taryn Yttrie. Brookings City Fire Department Volunteers: Major Anderson, Preston Anderson, Kevin Banken, Alex Berkness, Derek Brown, Dan Bruna, Nick Casstevens, Tom Coughlin, Mandi Cramer, Roger DeBates, Scott Hallan, Bill Hardin, Drew Harding, Marty Hendricks, Justin Heyer, Kevin Hilmoe, Dalton Holm, Dave Koch, Jim Kriese, Brett Lawrence, Brandon Long, Garrett Mann, Logan Melberg, Gatlin Miller, Nick Oines, Austin Priest – NEW – Effective 04/15/2026, Steven Rensink, Connor Ringling, Tim Rynearson, Peyton Schaeffer, Rob Schuneman, Jesse Seas, Joseph Sheeley, Lucas Speakman, Curt Teal, Anthony Teesdale, Adam Vaux, Nicholas Voichahoske, and Rainer Westall. Brookings City Park & Recreation Volunteers: Matthew Albritton, Tynna Bain, Matthew Bowman, Cody Burggraff, Samuel Clement, Woodrow Dahl, Travis Erickson, Matthew Filed, Nathan Harrington, Nathan Hilbrands, Dillon Howe, Matthew Hupf, Cameron Jones, Brandon Karels, Connor Landberg, Spencer Laufmann – NEW – Effective 04/23/2026, Bo McCloud, Chad Nicola, Cody Miller, Lisa Robinson, Seth Sayler, Joseph Schumacher, Christina Silva, Andrew Wright, and Nicole Yseth.