

BROOKINGS CITY COUNCIL
August 27, 2024

The Brookings City Council held a meeting on Tuesday, August 27, 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 Wendell, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Open Forum. Doug Austreim, Austreim Landscaping, expressed concerns regarding 6-Mile Creek flooding and the channel obstruction on SDSU property north of the Highway 14 Bypass.

Consent Agenda. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, 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 13, 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 TL24-061, SDSU TL24-062, SDSU TL24-063, SDSU TL24-064, SDSU TL24-065, SDSU TL24-066, SDSU TL24-067, SDSU TL24-068, and SDSU TL24-069.

C. Action on Resolution 24-083, a Resolution Awarding Bids on the 2024-2025 Contractor Snow Removal Equipment Contracts.

RESOLUTION 24-083 - RESOLUTION AWARDING BID FOR 2024-2025
CONTRACTOR SNOW REMOVAL EQUIPMENT CONTRACTS

WHEREAS, the City of Brookings opened bids for Snow Removal Equipment on Tuesday, August 13, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings received the following bids for Snow Removal Equipment:

Five (5) Motor Graders with Wing: Five (5) bids received.

1. Bowes Construction, Inc. CAT140M, \$255.00/hour
2. Bowes Construction, Inc. CAT140M, \$255.00/hour
3. Austreim Excavating, LLC JD 772CH, \$245.00/hour
4. Austreim Excavating, LLC JD 770G, \$245.00/hour
5. Bowes Construction, Inc. CAT140M, \$240.00/hour (no wing)

One (1) 3 to 6 Yard Loader: Four (4) bids received.

1. Bowes Construction, Inc CAT966M 5CY, \$220.00/hour
2. Winter Contracting, LLC 644K 4.5CY, \$217.00/hour
3. Winter Contracting, LLC 624K 3.5CY, \$169.00/hour
4. Bowes Construction, Inc CAT950M 4CY, \$195.00/hour

Four (4) Loaders with Reversible Blades: Four (4) bids received.

1. Bowes Construction, Inc. CAT938K, \$230.00/hour
2. Austreim Excavating, LLC JD544K, \$255.00/hour
3. Austreim Excavating, LLC JD544K, II \$255.00/hour
4. Austreim Excavating, LLC 624K, \$255.00/hour

Four (4) End-Dump Trucks: Ten (10) bids received.

1. Winter Contracting LLC #14 23.00CY, \$149.00/hour
2. Prussman Contracting Inc. #19 22.80CY, \$145.00/hour
3. Prussman Contracting Inc. #20 22.80CY, \$145.00/hour
4. Prussman Contracting Inc. #22 22.20CY, \$145.00/hour
5. Prussman Contracting Inc. #21 20.60CY, \$145.00/hour
6. Prussman Contracting Inc. #23 19.50CY, \$145.00/hour
7. Bowes Construction, Inc. T1 12.00CY, \$145.00/hour
8. Bowes Construction, Inc. T28 12.00CY, \$145.00/hour
9. Bowes Construction, Inc. T29 12.00CY, \$145.00/hour
10. Bowes Construction, Inc. T30 12.00CY, \$145.00/hour

Six (6) Side-Dump Trucks: Twelve (12) bids received.

1. Winter Contracting LLC #10 34CY, \$179.00/hour
2. Winter Contracting LLC #12 34CY, \$179.00/hour
3. Winter Contracting LLC #14 34CY, \$179.00/hour
4. Olsen Custom Farms, LLC 116 25CY, \$165.00/hour
5. Olsen Custom Farms, LLC 44 25CY, \$165.00/hour
6. Olsen Custom Farms, LLC 65 25CY, \$165.00/hour
7. Olsen Custom Farms, LLC 61 25CY, \$165.00/hour
8. Bowes Construction, Inc. T10 17CY, \$170.00/hour
9. Bowes Construction, Inc. T11 17CY, \$170.00/hour
10. Bowes Construction, Inc. T5 17CY, \$170.00/hour
11. Bowes Construction, Inc. T12 17CY, \$170.00/hour
12. Bowes Construction, Inc. T25 17CY, \$170.00/hour

NOW, THEREFORE, BE IT RESOLVED, that all bids be accepted.

D. Action on Resolution 24-084, a Resolution declaring surplus property for the City of Brookings.

RESOLUTION 24-084 – DECLARING SURPLUS PROPERTY

WHEREAS, the City of Brookings is the owner of the following described equipment

formerly used at the City of Brookings:

Police Dept.: bicycles: Genesis GX7, Silver & Red, Serial #GS120601, Tag #3804; MGX Denali, Red & Black, Serial #L121301011, Tag #3076; Mongoose Rebel, Black & Silver, Serial #R1016WMDS, Tag #3078; Mongoose Shimmano, Red & Black, Serial #SNFSD08D099, Tab #3090; Hiawatha, Maroon & Brown, Tag #3085; Huffy Rock Creek, Blue & White, Serial #SNHBT23E, Tag #3114; Schwinn Ranger, Blue & Purple, Serial #374009570-0, Tag #3050; Huffy Rockcreek, Black & White, Serial #SNHBT23E13, Tag #3075; Hyper Urban, Gray & Black, Serial #TJ18E)11197, Tag #3071; and Roller, Black, Tag #3016.

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.

Introduction of new City of Brookings employee. Bonnie Foster, City Clerk, introduced Amber Hanson, as the new Deputy City Clerk for the City of Brookings.

Report: SDSU Student Association. Claire Koenecke, SDSU Students Association Government Affairs Chair, provided an update on SDSU happenings.

Presentation: Brookings Pre-Disaster Mitigation Plan. Luke Muller, First District, presented the Brookings Area Pre-Disaster Mitigation Plan. Public Comment: Jason Albee.

FIRST READING – Ordinance 24-029. Introduction and First Reading was held on Ordinance 24-029, an Ordinance Certifying the 2025 City of Brookings Property Tax Levy to the Brookings County Finance Officer. Second Reading and Action: September 10, 2024.

FIRST READING – Ordinance 24-028. Introduction and First Reading was held on 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. Second Reading and Action: September 10, 2024.

FIRST READING – Ordinance 24-031. Introduction and First Reading was held on Ordinance 24-031, an Ordinance establishing Reasonable Accommodations Pursuant to the Federal Fair Housing Amendments Act of 1988. Public Comment: Kara Rossi-

Bianchi, Molly Richter, Nancy Flynn, Ed Hogan, and Tom Bozied. Second Reading and Action: September 10, 2024.

FIRST READING - Ordinance 24-030. Introduction and First Reading 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 17th Avenue South. Public Hearing and Action: September 10, 2024.

Ordinance 24-025. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 24-025, an Ordinance Authorizing Budget Amendment No. 8 to the 2024 Budget, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 24-026. A public hearing was held on Ordinance 24-026, an Ordinance Amending Chapter 82 of the Code of Ordinances of the City of Brookings and Pertaining to the Covering of Vehicle Loads in the City of Brookings. A motion was made by Council Member Specker, seconded by Council Member Doran, that Ordinance 24-026 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 24-027. A public hearing was held on Ordinance 24-027, an Ordinance Amending Articles I & II of Chapter 72 - Storm Drainage, of the Code of Ordinances of the City of Brookings, South Dakota. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 24-027 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Commercial Corridor Design Review Overlay District Site Plan. A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan for Lot 1 in Block 1 of Reserve Fourth Addition. A motion was made by Council Member Wendell, seconded by Council Member Specker, that the Commercial Corridor Design Review Overlay District Site Plan be approved. Public Comment: Marty Sullivan. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 24-081. A public hearing was held on Resolution 24-081, a Resolution to amend the 2040 Comprehensive Plan's Future Land Use Map. A motion was made by Council Member Wendell, seconded by Council Member Specker, that Resolution 24-081 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-081 - A RESOLUTION TO AMEND THE BROOKINGS, SOUTH DAKOTA COMPREHENSIVE PLAN 2040

WHEREAS, the Comprehensive Plan provides a Major Street Plan Map, identifies a

Future Land Use Map, projects population figures for the planning period, and describes an integrated land use vision for the City; and

WHEREAS, the following described property will be amended on the Future Land Use Map to wit:

A portion of Outlot 1 in the NW $\frac{1}{4}$ in Section 6, Township 109, Range 49, City of Brookings, Brookings County, State of South Dakota to be amended from Open Space and Mobile Homes to Urban High Intensity; and

A portion of Government Lot 3 in the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ in Section 6, Township 109, Range 49, City of Brookings, Brookings County, State of South Dakota to be amended from Open Space to Urban High Intensity; and

The North 300 Feet of the East 650 Feet Excluding the North 40 Feet of Government Lot 3 of the NW $\frac{1}{4}$ in Section 1, Township 109, Range 50, City of Brookings, Brookings County, State of South Dakota to be amended from Medium Density Residential to Urban Medium Intensity; and

Lot 7B and Lot 8 in Block 13 of McClemans Addition to the City of Brookings, Brookings County, State of South Dakota from Open Wetland to Urban Medium Intensity; and

A portion of Block 3B in Prairie Hills Addition to the City of Brookings, Brookings County, State of South Dakota from Urban Low Intensity to Urban Medium Intensity; and

The South 182 Feet of the West 1,113 Feet, Excluding the South 40 Feet in the South-East $\frac{1}{4}$ of Section 35, Township 110, Range 50, City of Brookings, Brookings County, State of South Dakota to be amended from Urban Low Intensity to Urban Medium Intensity; and

WHEREAS, the City Council of the City of Brookings, SD held a public hearing in accordance with SDCL 11-6-18 on the proposed amendment to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040; and

WHEREAS, the City Planning Commission of the City of Brookings, SD has recommended approval of the amendments to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040 in accordance with SDCL 11-6-17.

NOW, THEREFORE, BE IT RESOLVED that said amendment to the Future Land Use Map of the Brookings South Dakota Comprehensive Plan 2040 is hereby adopted by the City of Brookings.

Resolution 24-079. A motion was made by Council Member Specker, seconded by Council Member Wendell, that Resolution 24-079, a Resolution Transferring City Manager Contingency Funds to City Departments, be approved. The motion carried by

the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-079 - A RESOLUTION TRANSFERRING CITY MANAGER
CONTINGENCY FUNDS TO CITY DEPARTMENTS**

WHEREAS, the City of Brookings hereby transfers City Manager's contingency funds to fund unplanned operational obligations of the municipality. This resolution is for the purpose of completing a transfer of contingency funds to the following accounts:

431 Street Division	
101-431-5-426-16 Mosquito Control	\$23,000
Total Transfers	\$23,000

The Financing Source for this transfer is from the following accounts:

101-405-5-856-99 Contingency Fund	\$23,000
Total Source of Funding	\$23,000

WHEREAS, this resolution is deemed necessary for the immediate preservation of the public peace, health, safety and support of the City, and shall become effective upon publication.

Resolution 24-078. A motion was made by Council Member Rasmussen, seconded by Council Member Wendell, that Resolution 24-078, a Resolution Declaring Boundaries and Recommending Creation of Tax Increment Financing District #16, City of Brookings, be approved. Public Comment: Tim Reed, Brookings Economic Development Corporation. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-078 - RESOLUTION PROVIDING FOR THE CREATION OF TAX
INCREMENT FINANCING DISTRICT #16, CITY OF BROOKINGS**

WHEREAS, the Planning Commission has recommended the District Boundaries for Tax Increment Financing District #16, City of Brookings, and has recommended its creation; and

WHEREAS, the City of Brookings has the powers, pursuant to SDCL 11-9-2, to create Tax Increment Financing District #16, City of Brookings, and to define its boundaries.

NOW, THEREFORE, IT IS HEREBY RESOLVED:

1. Authority and Declaration of Necessity. The City of Brookings declares the necessity for the creation of Tax Increment Financing District #16, City of Brookings (hereinafter sometimes referred to as the "District"), pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area within the District is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the city.

2. Findings. The City Council makes the following findings with regard to affordable housing:

- a. The proposed improvements will create new jobs and diversity the overall economic base of the City of Brookings through industrial development.
- b. The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Increment District #16 of City of Brookings to be Industrial Development.
- c. At least 50 percent of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of housing opportunities.
- d. The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district.
- e. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the city does not exceed 10 percent of the total assessed valuation in the City.

3. Boundaries of District. The Boundaries of the district are determined to be as follows: Outlots, that Portion of SW ¼ Lying S of C & NW RR, INC. Meyers Subdiv. EXC Lot 5A, 5B,6B, & 7B & EXC S .84 AC of L H-11, EXC L H-8 SEC 30-110-49, Also N ½ NW ¼ EXC H-2, & EXC .43 Acres of Lot H-5 (113.06 AC). All located in the City of Brookings, Brookings County, South Dakota including within and adjacent rights-of-ways.

4. Findings of Annual Appropriation TID. Tax Increment District #16 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.

5. Creation of Tax Increment Fund. There is hereby created, pursuant to SDCL 11-9-31, a City of Brookings Tax Increment Financing District #16 Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District #16 shall be deposited into the Tax Increment Financing District #16 Fund. All funds in the Tax Increment Financing District #16 Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

Resolution 24-080. A motion was made by Council Member Rasmussen, seconded by Council Member Tilton Byrne, that Resolution 24-080, a Resolution Adopting the Tax Increment District #16 Project Plan, be approved. Public Comment: Al Austreim. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-080 - RESOLUTION APPROVING
TAX INCREMENT FINANCING DISTRICT #16

WHEREAS, the Brookings Planning Commission has recommended the approval of the Tax Increment Financing District #16 Project Plan, City of Brookings; and

WHEREAS, the City Council finds that all requirements have been met in order to approve said Tax Increment Plan.

NOW, THEREFORE, BE IT RESOLVED by the City Council

1. Approval of Project Plan. The project plan, a copy of which is on file with the City Finance Officer hereby approved.
2. Findings. The City Council finds that the project plan is feasible and that it conforms to the City's master plan. All findings made in the tax increment financing project plan are included herein by reference.
3. Effective 20 days after publication. This resolution shall become effective 20 days after publication and absent any challenge at law all findings and conclusions in the Tax Increment Financing Project Plan for Tax Increment Financing District Number Sixteen, City of Brookings shall be final.

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. Council Member Specker requested a future PFAS Report from 3M / Solventum.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 7:38 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk