

**Brookings City Council**  
**February 14, 2023**

The Brookings City Council held a meeting on Tuesday, February 14, 2023 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Nick Wendell, Joey Collins, Holly Tilton Byrne, Wayne Avery, Brianna Doran, and Bonny Specker. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

**Agenda.** A motion was made by Council Member Specker, seconded by Council Member Collins, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Open Forum.** Jeanette Gibbons, Brookings, SD, expressed concerns regarding the COVID vaccines for children.

**Consent Agenda.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to approve the Consent Agenda. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**A. Action to approve the 01/24/2023 City Council Minutes.**

**B. Action on volunteer board, committee, and commission appointments:**

Brookings Disability Awareness Committee: appoint Lynda Venhuizen (term expires 1/1/2026); Planning Commission (restructure terms to 3 year rotation): appoint Nick Schmeichel, James Drew, and Greg Fargen (terms expire 12/31/2023); appoint Tanner Aiken, Jacob Mills, and Kyle Jamison (terms expire 12/31/2024); appoint Scot Leddy, Roger Solum (terms expire 12/31/2025); Joint City & County Board of Adjustment: appoint the Mayor or their designee, with Deputy Mayor as alternate; and Planning Commission Chair, with Vice-Chair as alternate.

**C. Action on Resolution 23-014, a Resolution declaring surplus property for the City of Brookings.**

Resolution 23-014 - Declaring Surplus Property

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

Public Works – Engineering Dept. – Brookings Regional Airport: 2005 Dodge Ram 1500, VIN #: 1DuHU18PX5J570304

Public Works – Landfill: 2 - Paint Mixing Tanks with stands, Parker 50047012 Filter, Parker 500233000 Filter, Cat Filter Element 9T-9054, Leach Filter Element 107408, 3 - Leach 101348 Filter, Carquest Filter 88433, Carquest Filter 86442, Carquest Filter 85734, Carquest Filter 86657, 9 - Carquest Fuel Water Separator 86231, Napa Gold 1773 Filter, 2 - Napa Gold 3358 Filter, 2 - 106418 TJ Filter Element, 16 - MP Filtri Filter Element HP1351A10ANP01, Dayco Belt 5060374, Gates Belt K080765

Public Library: Avaya D160 Cordless Phone, Avaya D100 DECT Base, Desktop Organizer, 3 - Library Carts, 3 - Office Chairs, 15-drawer card catalog (missing one drawer), 1 – 3-foot x 6-foot table, 12 – 6-foot tables

Fire Dept.: Sharp EL-1197PIII adding machine (Serial #4D020245); Steelcase Model 84248LBDUP audio/visual storage cabinet.

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.

**D. Action on Resolution 23-013, a Resolution Authorizing the Senior Finance Manager of the City of Brookings to sign checks and warrants.**

Resolution 23-013 - Resolution Authorizing the Senior Finance Manager of the City of Brookings, South Dakota to Sign Checks and Warrants

Be It Resolved by the City Council of the City of Brookings, South Dakota (the "City"), as follows:

That due to the resignation of the Chief Financial Officer, the Senior Finance Manager is hereby authorized to sign checks and warrants of the City of Brookings, South Dakota; and

This Resolution shall constitute Proof of Authority of the Senior Finance Manager of the City of Brookings to sign checks and warrants on behalf of the City of Brookings, South Dakota.

**E. Action to abate the 2022 Drainage Fee in the amount of \$102.54, for Parcel Number 40338-01300-01100, known as Cottonwood Condos VI Common Area, located along 9<sup>th</sup> Avenue South, in the City of Brookings.**

**F. Action to abate property taxes in the amount of \$1,040.24 for Parcel #40991-40005-000-20, Madison Air Craft LLC, owner. Legal description: NW ¼ of SW ¼ in Section 26-T110N-R50W, Hangar #209, Brookings Regional Airport.**

**G. Action to cancel the February 21, 2023 City Council Study Session.**

**Report: SDSU Student Association.** Blake Pulse, SDSU Students Association President, provided an update on SDSU happenings and Legislative updates which effect SDSU.

**Reports: City Council Ex-Officio Reports.** Ex-Officio Reports were presented for the following: Brookings Municipal Utility Board report by Council Members Avery and Specker. Brookings Health Systems Board of Trustees report by Council Members Collins and Doran.

**Resolution 23-015.** A motion was made by Council Member Specker, seconded by Council Member Avery, that Resolution 23-015, a Resolution Awarding Bids on the 2023-04STI 22<sup>nd</sup> Avenue Phase 2 Reconstruction Project, be approved. The motion

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

Resolution 23-015 - Resolution Accepting Bids for the  
2023-04STI 22<sup>nd</sup> Avenue Phase 2 Reconstruction Project

Whereas, the City of Brookings opened bids for the 2023-04STI 22<sup>nd</sup> Avenue Phase 2 Reconstruction Project on Tuesday, January 31, 2023 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings received the following low bid for the 2023-04STI 22<sup>nd</sup> Avenue Phase 2 Reconstruction Project: Timmons Construction, Inc. in the amount of \$4,045,199.65; and

Whereas, the low bid was approximately 13% lower than the Engineer's Estimate of \$4,650,000.00.

Now, Therefore, Be It Resolved that the total low bid of \$4,045,199.65 from Timmons Construction, Inc. be accepted.

**Resolution 23-011.** A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 23-011, a Resolution Approving the Purchase of Two (2) Hustler Mowers, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-011 - Resolution Approving the Purchase of Two (2) Hustler Mowers

Whereas, the Parks, Recreation, and Forestry Department requests action to purchase two (2) new Hustler mowers for turf and vegetation management through Sourcewell, a purchasing cooperative, pursuant to Sourcewell Contract #031121-HTE through vendor Brookings Equipment; and

Whereas, the two (2) new Hustler mowers will replace 2000 and 2012 models, which are beyond their useful life; and

Whereas, the 2023 Adopted Budget identifies \$55,000 for the purchase of two (2) new Hustler mowers.

Now, Therefore, Be It Resolved that a contract with Brookings Equipment through Sourcewell Contract #031121-HTE in the amount of \$51,000 is hereby approved, and the City Manager and City Clerk are authorized to sign the documents required to complete this purchase.

**FIRST READING: Ordinance 23-003.** Introduction and First Reading on Ordinance 23-003, an Ordinance amending Chapter 94, Article VI, Division 4, Sec. 94-432 for the purposes of amending the minimum required parking spaces. Public Hearing and

Action: February 28, 2023.

**FIRST READING: Ordinance 23-004.** Introduction and First Reading on Ordinance 23-004, an Ordinance Amending Section 62-86 of the Code of Ordinances of the City of Brookings, South Dakota, and to Provide for Designation of “No-Mow” Vegetation Areas and “No Mow May” in the City of Brookings, South Dakota. Second Reading and Action: February 28, 2023.

**FIRST READING: Ordinance 23-005.** Introduction and First Reading on Ordinance 23-005, an Ordinance granting a nonexclusive Natural Gas Franchise to NorthWestern Corporation, doing business as NorthWestern Energy, a Delaware Corporation, to Furnish and Sell Natural Gas to the City and its Inhabitants. Second Reading and Action: February 28, 2023.

**FIRST READING: Ordinance 23-006.** Introduction and First Reading on Ordinance 23-006, an Ordinance Authorizing Budget Amendment No. 11 to the 2022 Budget. Second Reading and Action: February 28, 2023.

**Ordinance 23-002.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that Ordinance 23-002, an Ordinance Authorizing Budget Amendment No. 1 to the 2023 Budget, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Resolution 23-010.** A public hearing was held on Resolution 23-010, a Resolution of Intent to Lease Real Property to Rural Technologies, Inc. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 23-010 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-010 - Resolution of Intent to Lease Real Property  
to Rural Technologies, Inc.

Be It Resolved by the governing body of the City of Brookings, South Dakota that the City of Brookings intends to enter into a lease agreement with Rural Technologies, Inc. (RTI), LLC., on a month-to-month basis terminating on or before December 31, 2023 with the option to renew for two additional one-year terms and pertaining to the following described property: Research & Technology Center – 801 32nd Avenue, Suite 100

The Lease will be an amount of \$10.00 per square foot for 10,957 square feet of office/lab space and \$4.00 per square foot for 2,134 square feet of garage/cold storage space.

Be It Further Noted, that a Public Hearing on this Resolution was held on February 14, 2023 at 6:00 o'clock P.M. at the Brookings City & County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

**Resolution 23-016.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that Resolution 23-016, a Resolution Transferring City Manager Contingency Funds to City Departments, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-016 - 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:

495 Subsidies

101-495-5-856-72	Social Service Agency Funding	\$5,000
	Total Transfers	\$5,000

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

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

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.

**2023 Outside Agency Funding.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that the 2023 Outside Agency Funding Recommendations be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

<u>Agency Name / Program</u>	<u>Impact Area</u>	<u>2021 Funding</u>	<u>2022 Funding</u>	<u>2023 Request</u>	<u>2/14/2023 Approved</u>
Brookings Area Transportation Authority (BATA)	Transportation	\$115,000	\$105,000	\$115,000	\$98,000
Brookings Area Crime Stoppers	Safety	\$2,000	\$1,000	\$2,000	\$600
Habitat for Humanity	Affordable Housing	\$21,000	\$19,000	\$40,000	\$9,800
Boys & Girls Club of Brookings	Youth Development	\$75,000	\$65,000	\$75,000	\$60,500
Great After School Place	Youth Development	\$0	\$4,000	\$20,000	\$3,900
Brookings County Youth Mentoring	Youth Development	\$7,000	\$6,000	\$10,000	\$5,900
Domestic Abuse Shelter	Health	\$0	\$15,000	\$15,000	\$13,700
East Central Court Appointed Special Advocate (CASA)	Health	\$3,000	\$2,000	\$4,500	\$1,900
Brookings Backpack Project	Health	\$0	\$0	\$15,000	\$11,800
Food Pantry	Health	\$0	\$0	\$20,000	\$14,500
Feeding Brookings	Health	\$0	\$0	\$20,000	\$14,500

Lutheran Social Services	Health	\$0	\$0	\$3,000	\$2,700
Avera Behavioral Health	Health	\$0	\$15,000	\$40,000	\$14,680
Brookings Empowerment Project	Health	\$2,500	\$2,000	\$0	\$0
Brookings Behavioral Health & Wellness	Health	\$20,000	\$25,000	\$0	\$0
Helpline Center	Health	\$1,000	\$1,000	\$0	\$0

**Executive Session.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, to enter into Executive Session at 6:49 p.m., pursuant to SDCL 1-25-2.1 for 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; SDCL 1-25-2.3 for consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters; and SDCL 1-25-2.5 Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business. Present: City Council, City Manager, and City Attorney. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to exit Executive Session at 7:35 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 7:36 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

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Oepke G. Niemeyer, Mayor

ATTEST:

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Bonnie Foster, City Clerk