

**Brookings City Council**  
**November 23, 2021** (unapproved)

The Brookings City Council held a meeting on Tuesday, November 23, 2021 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Leah Brink, Holly Tilton Byrne, Patty Bacon, Joey Collins, and Wayne Avery. Absent: Council Member Nick Wendell. Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

**6:00 PM REGULAR MEETING**

**Consent Agenda.** A motion was made by Mayor Tilton Byrne, seconded by Council Member Brink, to approve the agenda. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery. Absent: 1 - Wendell.

**3.A. Action to approve the agenda.**

**3.B. Action to approve the November 9, 2021 City Council Minutes.**

**3.C. Action on Resolution 21-096, a Resolution accepting South Dakota Solid Waste Management Program Grant (SWMP 2022G-SW-200) and authorizing the City Manager to sign the Grant Agreement and other Grant Documents.**

Resolution 21-096 - Resolution Accepting South Dakota Solid Waste Management Program Grant (SWMP 2022G-SW-200) and Authorizing the City Manager to Sign the Grant Agreement and Other Grant Documents

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

Whereas, the City of Brookings, South Dakota has been awarded a South Dakota Solid Waste Management Program Grant, SWMP No. 2022G-SW-200 in the amount of \$62,000.00 to evaluate the Solid Waste Division's operations and financial health and identify and address critical needs; and

Whereas, that the City of Brookings is required to comply with all Solid Waste Management Program Grant requirements, assurances, terms and conditions; and

Whereas, the Grant Agreement between the South Dakota Board of Natural Resources and the City of Brookings, South Dakota requires that the City designate an official to sign the Grant Agreement and other grant-related documents, and the City authorizes the City Manager to sign these documents for the above-described grant.

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, that the City will comply with all Solid Waste Management Program Grant requirements, assurances, terms and conditions, and designates the City Manager of the City of Brookings to sign the Grant Agreement and other grant documents.

**3.D. Action on Volunteer Board, Committee, and Commission Appointments.**

**Board of Appeals:** reappoint Jonathan Meendering (term expires 12/31/2026); appoint Brad Peterson (term expires 12/31/2026); **Brookings Disability Awareness Committee:** reappoint Aysia Platte, Carol Jung, Jon Stauff and Mark Sternhagen (terms

expires 12/31/2024); Business Improvement District #1 Board: reappoint Laura Schoen Carbonneau (term expires 12/31/2024) and appoint Mike Logan (term expires 12/31/2024); Historic Preservation Commission: reappoint Kyle Nelson and Tom Thaden (terms expire 12/31/2024) and appoint Paula Carson (term expires 12/31/2024); Human Rights Commission: reappoint Dan Berg (term expires 12/31/2024) and appoint Tracy Chapman (term expires 12/31/2024); Library Board: appoint Staci Mergenthal (term expires 12/31/2024); Public Arts Commission: reappoint Julia Eberhart and Kate Treiber (terms expire 12/31/2024) and appoint Emily Howell (term expires 12/31/2024); Planning Commission: appoint Nick Schmeichel (term expires 12/31/2026); Sustainability Council: reappoint Al Patin and Robin Buterbaugh (terms expire 12/31/2024) and appoint Cynthia Kunkel (term expires 12/31/2024); Swiftel Center Advisory Committee: reappoint Laura Schoen Carbonneau and Jennifer Johnson (terms expire 12/31/2024) and appoint Bill Retterath and Alex Parker (terms expire 12/31/2024); Traffic Safety Committee: reappoint LeWayne Erickson, Jake McGlade and Charles Schnabel (terms expire 12/31/2024).

### **3.E. Action on annual Liquor and Wine License Renewals for 2022.**

Liquor (Off-Sale): Brookings Municipal Liquor Store, 780 22<sup>nd</sup> Ave. So. Liquor (On-Sale) Convention Center: Wilbert's/Comfort Suites University (Den Wil Hospitality Group, Inc.), 921 25<sup>th</sup> Ave.; Park Place, Inc., 2500 6<sup>th</sup> Street. Liquor (On-Sale): Applebee's / Porter Apple Co. B Inc., 3001 LeFevre Dr.; Buffalo Wild Wings Bar & Grill / W&P of Brookings, LLC, 1801 6<sup>th</sup> St.; Craft Fusion / Jesse Davis, LLC, 610 Medary Ave.; Cubby's Sports Bar & Grill / GDT Inc., 307 Main Ave.; Danny's / David Olson Inc., 703 Main Ave. So.; Elks Club Lodge #1490, 516 4<sup>th</sup> St.; Jim's Tap / Urquhart Ent., Inc., 309 Main Ave.; Main Street Pub, 408 Main Ave.; 9 Bar Nightclub / Nine Inc., 303 Main Ave.; Pheasant Restaurant & Lounge / RGO, Inc., 726 Main Ave. So.; Pints & Quarts / KR Hospitality, Inc., 313 Main Ave.; The Lanes (MG Oil Company), 722 Western Ave.; The Ram (Jack's Entertainment LLC, 327 Main Ave.; Ray's Corner / Fergen Enterprises Inc., 401 Main Ave.; Skinner's Pub, Inc., 300 Main Ave.; Sully's Irish Pub / B&L Sullivan Inc., 421 Main Ave.; VFW GEO Dokken Post 2118, 520 Main Ave.; The Wild Hare / Wonder, Inc., 303 3<sup>rd</sup> St. Restaurant (On-Sale): Whiskey Creek Wood Fire Grill / Brookings Steak Co., LLC, 621 32<sup>nd</sup> Ave.; The Lodge/Den Wil Hospitality Group Inc., 2515 6<sup>th</sup> St. Wine (On-Off Sale): Brookings Municipal Liquor Store, 780 22<sup>nd</sup> Ave. So.; BVG Backyard Grill, 1805 6<sup>th</sup> Street; Cenex Zip Trip #63 / CHS, Inc., 1005 6<sup>th</sup> St.; Cenex Zip Trip #64 / CHS, Inc., 3045 LeFevre Dr.; Children's Museum of South Dakota, 521 4<sup>th</sup> St.; Corner Pantry #19 / MG Oil Inc, 919 20<sup>th</sup> St. So.; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6<sup>th</sup> St., Suite 105A; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6<sup>th</sup> St., Suite 105B; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6<sup>th</sup> St., Suite 105C; Guadalajara Mexican Restaurant, 1715 6<sup>th</sup> St., Suite F; Hy-Vee Food Store / Hy-Vee, Inc., 700 22<sup>nd</sup> Ave. So.; McCrory Gardens Educational & Visitors Center, 6<sup>th</sup> St. & 22<sup>nd</sup> Ave.; Mosaic Wine Bar / Mosaic Wine Bar LLC, 225 Main Ave.; New Sake / Sake, Inc., 724 22<sup>nd</sup> Ave. So.; Old Sanctuary / Old Sanctuary Assoc., LLC, 928 4<sup>th</sup> St.; Pheasant Restaurant & Lounge / RGO, Inc., 726 Main Ave. So.; Schoon's Pump N' Pak So. / Schoon Properties, Inc., 1205 Main Ave. So.; Swiftel Center, 824 32<sup>nd</sup> Ave.; Wal-Mart Supercenter #1538 / Wal-Mart Stores, Inc., 2233 6<sup>th</sup> St.; Wilbert's/Comfort Suites University / Den Wil Hospitality Group, 931 25<sup>th</sup>

Ave.; Wooden Legs Brewing Co., Inc. 309-311 5<sup>th</sup> Street; Yessica's Restaurant, 1300 Main Ave. So.

**3.F. Action on Resolution 21-105, a Resolution Authorizing Change Order No. 1 for Apron and Taxilane Improvements Project AIP #3-46-0005-031-2019; Bowes Construction, Inc.**

Resolution 21-105 - Resolution Authorizing Change Order No. 1 for Apron & Taxilane Improvements Project, #3-46-0005-031-2019; Bowes Construction Inc.

Be It Resolved by the City Council that the following change order be allowed for Apron & Taxilane Project, #3-46-0005-031-2019: Construction Change Order Number 1: Adjust plan quantities to as-constructed quantities for a decrease of \$21,594.17 and add 1 Underdrain Headwall for an increase of \$3,800.00 for a total decrease in Contract Price of \$17,794.47

**SDSU Student Association Report.** Andrew Rasmussen, Students Association President, on behalf of Anna Shane, the Government Affairs Chair for the SDSU Students Association, provided an update on SDSU happenings to the City Council and public.

**Informational Report: 2021 Bridge Re-Inspection Program.** Chris Brozik, PE, Vice-President, Civil Design, Inc., presented the 2021 Bridge Re-Inspection Report for the City of Brookings to the City Council and members of the public.

**Presentation: Outside Agency Funding Process.** Heidi Gullickson, United Way Director, provided an overview of the 2022 Outside Agency Funding Process to the City Council and members of the public.

**Resolution 21-098.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Resolution 21-098, a Resolution Awarding Bids on Brookings City & County Lawn Care & Snow Removal Services, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

Resolution 21-098 - Resolution Awarding Bids on Brookings City & County Lawn Care and Snow Removal Services

Whereas, the City of Brookings opened bids for Brookings City & County Lawn Care and Snow Removal Services on Tuesday, November 9, 2021 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the service contract will run from January 1, 2022 through December 31, 2022 and will be renewable for one additional year for 2023; and

Whereas, the City of Brookings has received the following bid for the Brookings City & County Lawn Care and Snow Removal Services: Schedule A: Razors Edge - \$37,920.00 and Schedule B: Razors Edge - \$46,905.00.

Now Therefore, Be It Resolved that the low total bid of \$84,825.00 for Razor's Edge be accepted.

**Resolution 21-099.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Resolution 21-099, a Resolution Awarding Bids on City Crop Land Lease in Wiese and Freeland Additions, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

Resolution 21-099 - Resolution Awarding Bids on City Crop Lease in Wiese and Freeland Additions

Whereas, the City of Brookings opened bids for approximately 40 acres of City Crop Lease for City-owned parcels located in Wiese Addition and Freeland Additions on Tuesday, November 9, 2021 at 1:30 PM at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for City Crop Lease: LNJ Farms - \$180.00 per acre; Cody & Seth Moret - \$177.50; and Bauer Farms - \$172.50 per acre.

Whereas, the crop lease will be a one-year lease for 2022, and may be renewable for one additional year in 2023.

Now, Therefore, Be It Resolved that the high bid of (Bidder) for \$180.00 per acre be accepted.

**Resolution 21-100.** A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that Resolution 21-100, a Resolution Awarding Bids for Airport Hay Land Lease, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

Resolution 21-100 - Resolution Awarding Bids on Airport Hay Lease

Whereas, the City of Brookings opened bids to lease approximately 314 acres of Airport Hay Land at the Brookings Regional Airport located in Sections 26, 27 and 28, T110, R50W, on Tuesday, November 9, 2021 at 1:30 PM at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for Airport Hay Lease:

- MC Hay, Volga SD \$91.33 per acre
- Cody & Seth Moret, Brookings, SD \$90.50 per acre
- LNJ Farms, Aurora, SD \$88.00 per acre
- Steve Johnson, Brookings, SD \$75.00 per acre
- Bauer Farms, Elkton, SD \$67.50 per acre

Now Therefore, Be It Resolved that the high bid of MC Hay, Volga, SD for \$91.33 per acre be accepted.

**Resolution 21-101.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Resolution 21-101, a Resolution Approving the Purchase of a New Automated Collection Truck. be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

Resolution 21-101 - Resolution Approving the Purchase of a New Automated Collection Truck

Whereas, the Solid Waste Division requests action to purchase a new automated collection truck for refuse, recycling, and yard waste collections through Sourcewell, a purchasing cooperative, pursuant to Sourcewell Contracts #091219-CRB and #060920-PMC through vendor Sanitation Products; and

Whereas, the new automated collection truck will replace a 2012 truck that is beyond its useful life; and

Whereas, the 2021 Adopted Budget identifies \$290,000 for the purchase of a new automated collection truck, with a 2022 budget supplement of \$652 anticipated to complete this purchase.

Now, Therefore, Be It Resolved that a contract with Sanitation Products and Allstate Peterbilt of Fargo through Sourcewell Contracts #091219-CRB and #060920-PMC in the amount of \$290,652 is hereby approved, and the City Manager and City Clerk are authorized to sign the documents required to complete this purchase.

**FIRST READING – Ordinance 21-040.** An introduction and first reading was held on Ordinance 21-040, an Ordinance to Change the Zoning within the City of Brookings, rezoning Block 20 in Prairie Hills Addition from B-2/R-3 to Residence R-3 Apartment District. Public Hearing: December 14, 2021.

**FIRST READING – Ordinance 21-041.** An introduction and first reading was held on Ordinance 21-041, an Ordinance to Change the Zoning within the City of Brookings, rezoning Lot 2, Block 19 in Prairie Hills Addition from Business B-2 District to Residence R-3 Apartment District. Public Hearing: December 14, 2021.

**Resolution 21-102.** A public hearing was held on Resolution 21-102, a Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests. (Water Treatment Facility and Piping Project) be approved. A motion was made by Council Member Brink, seconded by Council Member Bacon, that Resolution 21-102 be approved. The motion carried by the

following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery;  
Absent: 1 - Wendell.

Resolution 21-102 - Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests.

Whereas, the City of Brookings/BMU (the "City") has determined it is necessary to proceed with improvements to its Water System, including but not limited to constructing a Water Treatment Facility, renovating the East Water Plant, installing water mains, and constructing 6 new wells (the "Project"); and

Whereas, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

Whereas, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

Now, Therefore, Be It Resolved by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$74,000,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Brookings Municipal Utilities General Manager/Executive Vice President is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

**Resolution 21-103.** A public hearing was held on Resolution 21-103, a Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests. (34<sup>th</sup> Avenue Sewer Replacement Project). A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that Resolution 21-103 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

Resolution 21-103 - Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests

Whereas, the City of Brookings/BMU (the "City") has determined it is necessary to proceed with improvements to its Wastewater Collection System, including but not limited to replacing mains and manholes, and extending the sewer north for future development (the "Project"); and

Whereas, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

Whereas, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

Now, Therefore, Be It Resolved by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$4,000,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Brookings Municipal Utilities General Manager/Executive Vice President is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

**Resolution 21-104.** A public hearing was held on Resolution 21-104, a Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests. (Lead Water Service Line Replacement Project). A motion was made by Council Member Brink, seconded by Council Member Avery, that Resolution 21-104 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

Resolution 21-104 - Resolution Authorizing an Application for Financial Assistance, Authorizing the Execution and Submittal of the Application, and Designating an Authorized Representative to Certify and Sign Payment Requests.

Whereas, the City of Brookings/BMU (the "City") has determined it is necessary to proceed with improvements to its Water System, including but not limited to replacing lead service lines (the "Project"); and

Whereas, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

Whereas, it is necessary to designate an authorized representative to execute and submit the Application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project,

Now, Therefore, Be It Resolved by the City as follows:

1. The City hereby approves the submission of an Application for financial assistance in an amount not to exceed \$1,000,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. The Mayor is hereby authorized to execute the Application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the Application for financial assistance.
3. The Brookings Municipal Utilities General Manager/Executive Vice President is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

**Ordinance 21-036.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Bacon, that Ordinance 21-036, an Ordinance repealing Sections 2-261 through 2-272 of the Code of Ordinances of the City of Brookings, SD, and pertaining to the University Community Coalition, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

**Resolution 21-097.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Resolution 21-097, a Resolution Authorizing Supplemental Appropriations of Grant Funds to the 2021 Budget, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

Resolution 21-097 - A Resolution Authorizing  
Supplemental Appropriations of Grant Funds to the 2021 Budget

Be It Ordained by the City of Brookings, South Dakota:

Whereas State Law (SDCL 9-21-9.1) permits supplemental appropriations by motion of the governing board for funds made available after the final appropriation ordinance from state, county or federal grants for expenditure by the municipality.

Now, therefore, Be It Resolved by the City Council that the City Manager be authorized to make the following budget adjustments to the 2021 budget:

<b><u>Police Department Grants</u></b>		<b><u>Increase / (Decrease)</u></b>	<b><u>Justification</u></b>
101-421-4-334.09	Grants	\$57,150.00	Recognize receipt of Homeland Security Grant



<b>Total Grant Revenue</b>		<b>\$57,150.00</b>	
101-421-5-920.00	Furniture & Equipment	\$57,150.00	Increase budget authority for tactical vest for CID and SRT
<b>Total Grant Expenditures</b>		<b>\$57,150.00</b>	
101-421-4-334.09	Grants	\$13,791.00	Recognize receipt of Homeland Security Grant
<b>Total Grant Revenue</b>		<b>\$13,791.00</b>	
101-421-5-427.02	Registration & Training	\$13,791.00	Increase budget authority for SWAT Team Leader Training
<b>Total Grant Expenditures</b>		<b>\$13,791.00</b>	

**Revised Preliminary Plat.** A motion was made by Council Member Brink, seconded by Council Member Collins, that Action on a Revised Preliminary Plat for Lots 1 and 2, Block 19; Block 20 and Block 21 in Prairie Hills Addition. be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

**City General Employee Contract.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that the City General Employee Contract be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

**Police Department Union Contract.** A motion was made by Council Member Brink, seconded by Council Member Collins, that the Police Department Union Contract be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Tilton Byrne, Collins, and Avery; Absent: 1 - Wendell.

**Progress Report.** Jacob Meshke, Assistant City Manager, provided a progress report highlighting the City's activities/projects.

**Executive Session.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, to enter into Executive Session at 7:04 p.m., pursuant to SDCL 1-25-2.1, for purposes 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 purposes of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Those present were: City Council, City Manager, City Attorney, City Clerk, and Lisa Marso, Attorney with SDPAA. The motion carried by a unanimous vote.

A motion was made by Council Member Bacon, seconded by Council Member Tilton Byrne, to exit Executive Session Item at 7:20 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that the meeting be adjourned at 7:21 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

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Oepke G. Niemeyer, Mayor

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Bonnie Foster, City Clerk