

BROOKINGS CITY COUNCIL
April 15, 2025

The Brookings City Council held a meeting Tuesday, April 15, 2025 at 5:00 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, Bonny Specker, Holly Tilton Byrne, and Nick Wendell. City Manager Paul Briseno, City Attorney Steve Britzman and City Clerk Bonnie Foster were also present.

Election Canvass. Bonnie Foster, City Clerk, presented the Canvass for the April 8th Municipal Election.

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: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

Study Session – Discussion with applicants for the vacant City Council Member position. Applicants Al Austreim, Larry Ayres, Lisa Hager, Michael Lambertus, and Zeno Wicks III provided information and responded to questions from the City Council. Applicant Blake Stevens withdrew his application. Public Comment: Tim Gutormson, Jeff West, John Mills, David Kneip, Zeno Wicks III, Mike McClemans, and Jane Payfer. The City Council is scheduled to vote on the appointment at the April 22, 2025 City Council meeting.

Open Forum. Reggie Huff expressed concerns the City of Brookings is deficient in being welcoming and respectful of others.

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

A. Action to approve the March 25 and April 10, 2025 City Council Minutes.

B. Action on Temporary Alcohol / Special Event Alcoholic Beverage Licenses from existing alcohol license holders: Sodexo Catering (License Holder RB-28249 and RW-28251): SDSU TL25-035, SDSU TL25-036, SDSU TL25-037, SDSU TL25-038, SDSU TL25-039, SDSU TL25-040 through 042, SDSU TL25-043 through 046.

C. Action on Resolution 25-028, a Resolution Canvassing the April 8, 2025 Municipal Election.

RESOLUTION 25-028 - CANVASSING THE APRIL 8, 2025 MUNICIPAL ELECTION

WHEREAS, on the 8th day of April, 2025, there was held in the City of Brookings, South Dakota, an election for the purpose of electing two 3-year term Council Members and City Charter Amendments; and

WHEREAS, the judges and clerks of said election have returned to the City Council of the City of Brookings the official results for the purpose of the Official Canvass; and

WHEREAS, the City Council on April 15, 2025 has canvassed the results for the purpose of determining the official election outcome; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Brookings, South Dakota that the official vote at the City Election held April 8, 2025 was as follows:

| City Council 3-Year Term (2) | Al Austreim | Bonny Specker | Holly Tilton Byrne | Total Votes Cast | Total Ballots Cast |
|---|------------------------|--------------------------|-------------------------------|-----------------------------|-------------------------------|
| Vote Center 1 | 204 | 293 | 310 | 807 | 536 |
| Vote Center 2 | 362 | 352 | 344 | 1,058 | 691 |
| Vote Center 3 | 165 | 124 | 141 | 430 | 299 |
| Vote Center 4 | 0 | 0 | 0 | 0 | 38 |
| Absentee Vote Center | 510 | 588 | 578 | 1,676 | 1,138 |
| | | | | | |
| TOTAL | 1,241 | 1,357 | 1,373 | 3,971 | 2,702 |

| City Charter Amendments | For | Against | Total Votes Cast | Total Ballots Cast |
|------------------------------------|--------------|----------------|-----------------------------|-------------------------------|
| Vote Center 1 | 351 | 97 | 448 | 536 |
| Vote Center 2 | 414 | 177 | 591 | 691 |
| Vote Center 3 | 160 | 76 | 236 | 299 |
| Vote Center 4 | 0 | 0 | 0 | 38 |
| Absentee Vote Center | 623 | 260 | 883 | 1,138 |
| | | | | |
| TOTAL | 1,548 | 610 | 2,158 | 2,702 |

(Note: 209 School-only ballots were cast in this election.)

D. Action on Resolution 25-012, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for MG Oil Company, dba The Lanes, Marilyn Erickson and Troy Erickson, owners, 722 Western Avenue, Brookings, South Dakota.

RESOLUTION 25-012 - ON-SALE LIQUOR OPERATING AGREEMENT - 5-YEAR MID-TERM RENEWAL; THE LANES

BE IT RESOLVED by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement renewal for the On-Sale Operating Alcohol Management Agreement for Liquor between the City of Brookings and MG Oil Company, dba The Lanes, Marilyn Erickson and Troy Erickson, owners, 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 722 Western Avenue. Legal description: Lots 1 and 2, Block 1, Snyder's Addition.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager be authorized to execute the Agreement renewal on behalf of the City, which shall be for the remaining 5 years of the 10-year Agreement.

E. Action on Resolution 25-016, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Wonder, Inc., dba The Wild Hare, Todd Voss and Bob Winter, and Ann Park owners, 303 3rd Street, Brookings, South Dakota. Legal description: West 75' of Lots 20 and 21, Block 3, Original Plat Addition.

RESOLUTION 25-016 - ON-SALE LIQUOR OPERATING AGREEMENT RENEWAL
WONDER, INC., DBA THE WILD HARE

BE IT RESOLVED by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement renewal for the On-Sale Operating Alcohol Management Agreement for Liquor between the City of Brookings and Wonder, Inc., dba The Wild Hare, Todd Voss and Bob Winter, and Ann Park, owners, for the purpose of a liquor manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 303 3rd Street.

BE IT FURTHER RESOLVED that the City Manager be authorized to execute the Agreement renewal on behalf of the City, which shall be for a period of five (5) years.

F. Action on Resolution 25-024, a Resolution Awarding the Bid for Portable Litter Control Fences.

RESOLUTION 25-024 - RESOLUTION AWARDING BID FOR
PORTABLE LITTER CONTROL FENCES

WHEREAS, the City of Brookings utilizes portable litter fences to control wind-blown litter at the Brookings Regional Landfill; and

WHEREAS, the City opened bids for Portable Litter Control Fencing on Tuesday, March 11, 2025 at 1:30 pm at Brookings City & County Government Center; and

WHEREAS, Metta Technologies, Inc. submitted the lowest responsive bid in the amount of \$74,000; and

WHEREAS, the 2025 adopted budget includes \$90,000 for this purchase under fund 625 – Solid Waste Disposal.

NOW, THEREFORE BE IT RESOLVED the lowest responsive bid of \$74,000 from Metta Technologies, Inc. be accepted.

Report: SDSU Student Association. Anna Hundt, SDSU Student's Association Government Affairs Chair, provided an update on SDSU current affairs.

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

Update: Downtown Fire. Jacob Meshke, Deputy City Manager, provided an update on the December 2024 Downtown Fire.

Resolution 25-033. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 25-033, a Resolution Authorizing Naming the Fire Training Tower in the City of Brookings, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-033 - A RESOLUTION AUTHORIZING NAMING THE FIRE
TRAINING TOWER IN THE CITY OF BROOKINGS

WHEREAS, City Council Policy #303 defines a process for the naming of certain public spaces or improvements; and

WHEREAS, the City Council has received a request to name the Training Tower at the Fire Training Site, located at 1519 32nd Street South, in honor of Fire Chief Pete Bolzer; and

WHEREAS, Chief Bolzer has provided 25 years of exemplary service and dedication to the City of Brookings, and a total of 45 years of service in the field of emergency services; and

WHEREAS, Chief Bolzer will be retiring April 30, 2025; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of the City of Brookings that the Training Tower at the Fire Training Site be named in honor of Fire Chief Pete Bolzer.

FIRST READING – Ordinance 25-011. Introduction and First Reading was held on Ordinance 25-011, an Ordinance amending Chapter 6, Article I, Section 6-8 of the Code of Ordinances of the City of Brookings pertaining to Sidewalk Café Alcoholic Beverage Sales and Consumption Guidelines. Second Reading and Action: April 22, 2025.

Resolution 25-032. A public hearing was held on Resolution 25-032, a Resolution Determining the Necessity of Repairing and Installing Sidewalks in the City of Brookings at the expense of abutting property owners; 2024-01 SWR Concrete Maintenance Project. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 25-032 be approved. The motion carried by the following vote:

RESOLUTION 25-032 - A RESOLUTION DETERMINING THE NECESSITY OF
REPAIRING OR INSTALLING SIDEWALKS IN THE CITY OF BROOKINGS AT THE
EXPENSE OF ABUTTING PROPERTY OWNERS; 2024-01SWR CONCRETE
MAINTENANCE PROJECT

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota, as follows:

1. It is hereby determined sidewalk repairs or installation is necessary for parcels and lots of land in the City described in the Notice to Property Owners attached to this Resolution and marked as 2024-01SWR Concrete Maintenance Project.
2. Such sidewalks shall be installed to the width and of the materials prescribed by Chapter 74, "Streets, Sidewalks and other Public Places" and Article V. "Sidewalks", and to the grade and in accordance with the Plans and Specifications prepared in the office of the City Engineer.
3. The method of assessment to abutting property owners for the repair or installation of sidewalk is as follows: such assessments, unless paid within 30 days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Section 9-43-102, South Dakota Compiled Laws of 1967, as amended, with interest of 4.27% set by the City's Special Assessment Policy on the unpaid balance. Assessments amounting to less than \$300.00 shall be paid in one payment.
4. The City has mailed a copy of this proposed Resolution and a Notice to Property Owners to each property owner by certified mail.

Resolution 25-035. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 25-035, a Resolution Setting Forth a Schedule of Proposed Fines for Violations of the Ordinances of the City of Brookings, South Dakota, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-035 - A RESOLUTION SETTING FORTH A SCHEDULE OF
PROPOSED FINES FOR VIOLATIONS OF THE ORDINANCES OF THE CITY OF
BROOKINGS, SOUTH DAKOTA.

BE IT RESOLVED by the Governing Body of the City of Brookings, South Dakota, that the following Schedule of Proposed Fines shall be effective as prescribed by law for all violations of the Ordinance set forth below.

SCHEDULE OF PROPOSED FINES WITH COURT COSTS

| <u>Section</u> | <u>Offense</u> | <u>Fine</u> | <u>Costs</u> | <u>Total</u> |
|--|------------------------------------|-------------|--------------|--------------|
| Violations of Flood Damage Prevention Ordinances | | | | |
| Chapter 38 | Flood Damage Prevention Ordinances | | | |
| Ord. Violations | 38-31 through 38-55 | | | |
| | First Offense | \$300.00 | \$72.50 | \$372.50 |
| | Second Offense | \$400.00 | \$72.50 | \$472.50 |
| | Third Offense | \$500.00 | \$72.50 | \$572.50 |

Resolution 25-031. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 25-031, a Resolution Authorizing the Acquisition of Real Property for 20th Street South / 22nd Avenue South Intersection

Improvements, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-031 - RESOLUTION AUTHORIZING THE ACQUISITION OF REAL
PROPERTY FOR 20TH STREET SOUTH / 22ND AVENUE SOUTH INTERSECTION
IMPROVEMENTS

BE IT RESOLVED by the City Council of the City of Brookings, South Dakota as follows:

WHEREAS, for the purpose of acquiring real property for possible 20th Street South / 22nd Avenue South Intersection improvements, the City of Brookings desires to acquire the following described property:

Approximately 7,938 square feet, more or less, in the area of the 20th Street South / 22nd Avenue South Intersection, and located upon the following property:

Lot H-2 in the Southeast Quarter (SE¹/₄) of Section Thirty-six (36), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota; and

WHEREAS, the City of Brookings has determined that the above-described property is necessary to facilitate the construction of additional right-of-way in the location described above; and

WHEREAS, the above-described real property has been the subject of negotiations between the City of Brookings and the Paul E. Moriarty Living Trust, and an agreement as to a purchase price of \$158,522.50 will allow the City to acquire the necessary right-of-way to complete the above-described improvements.

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

- A. That the City of Brookings acquire title to the above-described real property from the Paul E. Moriarty Living Trust for the purposes set forth herein; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the documents required to complete the acquisition of real property in accordance with this Resolution.

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to enter into Executive Session at 7:59 p.m., pursuant to SDCL 1-25-2.1, for the 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. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, to exit Executive Session at 8:20 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council

Member Wendell, that this meeting be adjourned at 8:20 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk