

Brookings City Council
January 25, 2022 (unapproved)

The Brookings City Council held a meeting on Tuesday, January 25, 2022 at 5:30 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members, Patty Bacon, Holly Tilton Byrne, Joey Collins, and Wayne Avery. Absent: Council Members Leah Brink and Nick Wendell. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

6:00 PM REGULAR MEETING

Agenda. A motion was made by Council Member Tilton Byrne, seconded by Council Member Bacon, that the agenda be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Tilton Byrne, Collins, and Avery; Absent: 2 - Brink, and Wendell.

Executive Session. A motion was made by Council Member Collins, seconded by Council Member Bacon, to enter into Executive Session at 5:34 p.m., 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, and SDCL 1-25-2.5 for purposes of 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 Attorney, City Manager, Assistant City Manager, City Clerk, Steve Meyer, Brookings Municipal Utilities (BMU) Executive Vice-President and General Manager, Eric Witt, BMU Water/Wastewater & Engineering Manager, and Eric Rasmussen, BMU Attorney. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Bacon, to exit Executive Session at 6:06 p.m. The motion carried by a unanimous vote.

Consent Agenda. A motion was made by Mayor Collins, seconded by Council Member Tilton Byrne, that the consent agenda be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Tilton Byrne, Collins, and Avery; Absent: 2 - Brink, and Wendell.

A. Action to approve the January 11, 2022 City Council Minutes.

B. Action on Resolution 22-011, a Resolution Authorizing the City Manager to Sign and Submit an Environmental Grant Application and to Sign Agreements, Contracts, Correspondence, Pay Requests, and Other Required Documents for Household Hazardous Waste Drop-Off Event.

Resolution 22-011 - A Resolution Authorizing the City Manager to Sign and Submit an Environmental Grant Application and to Sign Agreements, Contracts, Correspondence, Pay Requests, and Other Required Documents for Household Hazardous Waste Drop-Off Event

Whereas, the City of Brookings is eligible to apply for and receive an environmental grant to defray the costs for hosting a household hazardous waste drop-off event; and

Whereas, the City of Brookings hosted a household hazardous waste drop-off event in 2021 which successfully collected a semi-trailer full of hazardous material. The City desires to again hold the household hazardous waste drop-off event and is proposing to apply for an environmental grant to defray the costs of the event; and

Whereas, this resolution authorizes the City Manager to sign and submit the grant application for a grant to defray the costs for hosting a household hazardous waste drop-off event. The City Manager would also serve as the City's official for the purpose of signing grant agreements, contracts, correspondence, pay requests, and other required documents in connection with the grant application and this project.

Now, Therefore, Be It Resolved that the City Manager of the City of Brookings is authorized to sign and submit the grant application for a grant to defray the costs for hosting a household hazardous waste drop-off event, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this project.
C. Action on Resolution 22-009, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Brookings Steak Company LLC, dba Whiskey Creek Wood Fire Grill, James Gardner, Aelred Kurtenbach, and Kerry Prochaska, owners, 621 32nd Avenue, Brookings, South Dakota, legal description: Block 1, Lot 1, Wiese Addition.

Resolution 22-009 - On-Sale Liquor Operating Agreement - renewal
Brookings Steak Company LLC, dba Whiskey Creek Wood Fire Grill

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 Brookings Steak Company LLC, dba Whiskey Creek Wood Fire Grill, James Gardner, Aelred Kurtenbach, and Kerry Prochaska, 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 621 32nd Avenue. Legal description: Block 1, Lot 1, Wiese 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 a period of ten (10) years, with a mid-term renewal in five (5) years.

Dr. Martin Luther King, Jr. Contest Awards Presentation. In celebration of Dr. King's birthday, the Brookings Human Rights Commission sponsored a poster contest for K-1st Grade, 2nd Grade, and Advance, along with an essay contest for middle school and high school students to help students reflect on Dr. King's ideas and their impact on the community through their contest entry. This year's theme was "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate, only love can do that." Mayor Niemeyer presented the winners with the following awards: K-1st Grade Poster Contest: 1st Place – Norah Miller, 2nd Place – Shiloh Butzin, 3rd Place – Ana Kramer, Honorable Mention – Samara Sloss. 2nd Grade Poster Contest: 1st Place –

Madilynn Doty, 2nd Place – Tanner Frank, 3rd Place – Naomi Nyongbela, Honorable Mention – Elise Ulvestad. Advance Poster Contest: 1st Place – Doug Hakeman, 2nd Place – Matthew Lindberg, 3rd Place – Shelly Egebert, Honorable Mention – Drew Maag. Middle School Essay Contest: 1st Place – Isabella Park, 2nd Place – Shae Lefers, 3rd Place – Madeline Enderson, Honorable Mention – Samuel Caugherty.

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

City of Brookings Employee Service Awards Recognition. Casey Bell, Human Resources Specialist/Risk Manager, presented to the City Council and public the following employees whom have reached a service milestone with the City of Brookings: Recreation: Stacy Claussen (5 years), and Darren Hoff (10 years); Parks & Forestry: Matthew Hillenbrand (5 years), Allen Kruse (15 years), and Brett Torgrude (20 years); Brookings Landfill: Aaron Mumby (10 years), and Rodney Olson (25 years); Finance Office: Gwen Madsen (10 years); Public Library: Ashia Gustafson (5 years); Community Development Dept.: Katie Bortnem (5 years); Fire Dept.: Jeremy Scott (15 years); Volunteer Fire Fighters: Derek Brown (5 years), Alex Berkness (5 years), Troy Herrig (5 years), Austin Sechser (5 years), Nick Oines (5 years), Joshua Mann (10 years), Mandi Cramer (10 years); Roger DeBates (10 years), Tom Coughlin (10 years), Michael Lambertus (15 years), Fabian Ysker (20 years), and Kevin Banken (20 years); Police Dept.: Eric Warkenthien (5 years), Timothy Anderson (10 years), Damian Weets (10 years), Trevor Radtke (10 years), Dana Rogers (15 years), Joseph Fishbaugher (20 years); Police Dept. Reserve Officers: Ben Quam (5 years), and Matthew Luebbert (5 years).

Report: 2021 Swiftel Center Financial Update. Michael Logan, Swiftel Center General Manager, and Erick Rangel, Chief Financial Officer, presented a 2021 Year-End Swiftel Center Financial Update to the City Council and public.

FIRST READING – Ordinance 22-006. An introduction and first reading was held on Ordinance 22-006, an Ordinance amending Chapter 94, Zoning, and Chapter 66, Planning, pertaining to Sections 94-42 through 94-45 and Sections 66-13 through 66-16, authorizing the Planning Commission to act as the Board of Adjustment. Public Hearing and Action: February 8, 2022.

FIRST READING – Ordinance 22-003. An introduction and first reading was held on Ordinance 22-003, an Ordinance to rezone within the Joint Jurisdiction Area, Outlot C (3823 Main Avenue South) and Outlot D (portions of 3901 Main Avenue South) in the Northwest Quarter of the Southeast Quarter of Section 11-T109N-R50W, from Joint Jurisdiction Residence R-3A Multiple-Family and Mobile Home District to Joint Jurisdiction Business B-3 Heavy District. Public Hearing and Action: February 8, 2022.

FIRST READING – Ordinance 22-002. An introduction and first reading was held on Ordinance 22-002, an Ordinance amending Chapter 94, Zoning, pertaining to Section

94-125.7, Residence R-1D Single-Family for the Purposes of Adding Regulations for Single-Family, Small Lot, and Single-Family Zero Feet Side Yard - 2 Units, Small Lot as permitted Special Uses. Public Comment: Dan McColley. Public Hearing and Action: February 8, 2022.

FIRST READING – Ordinance 22-004. An introduction and first reading was held on Ordinance 22-004, an Ordinance to Permit by Conditional Use an apartment building on Outlot E (130 9th Street) and the East 100 Feet of Outlot F in Parkdale Home Addition and the North 100 feet of Lots Six and Seven in Block Five of Oyloe's Addition (124 9th Street). Public Hearing and Action: February 8, 2022.

FIRST READING – Ordinance 22-005. An introduction and first reading was held on Ordinance 22-005, an Ordinance to Permit by Conditional Use an office building on Outlots B and S of Section 23-T110N-R50W. Public Hearing and Action: February 8, 2022.

Ordinance 22-001. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Ordinance 22-001, an Ordinance Authorizing Budget Amendment No.1 to the 2022 Budget, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Tilton Byrne, Collins, and Avery; Absent: 2 - Brink, and Wendell.

Resolution 22-002. A public hearing was held on Resolution 22-002, a Resolution Authorizing the Placement of Yield Signs at the Intersection of 9th Street and 8th Avenue. A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that Resolution 22-002 be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Tilton Byrne, Collins, and Avery; Absent: 2 - Brink, and Wendell.

Resolution 22-002 - A Resolution Authorizing the Placement of
Yield Signs at the Intersection of 9th Street and 8th Avenue

Whereas, Section 82-373 of the Code of Ordinances of the City of Brookings provides for approval by the City Council for placement of stop or yield signs in locations other than along through streets; and

Whereas, a Public Hearing concerning the proposed placement of yield signs at the intersection of 9th Street and 8th Avenue was held on January 25, 2022 at 6:00 o'clock P.M. in the Chambers at the City & County Government Center.

Now, Therefore, Be It Resolved that the City Council concurs with the recommendation of the Traffic Safety Committee and approves the placement of yield signs at the intersection of 9th Street and 8th Avenue.

Resolution 22-003. A public hearing was held on Resolution 22-003, a Resolution Authorizing the Placement of Stop Signs at the Intersection of 9th Street and 9th Avenue.

A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Resolution 22-003 be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Tilton Byrne, Collins, and Avery; Absent: 2 - Brink, and Wendell.

Resolution 22-003 - A Resolution Authorizing the Placement of Stop Signs at the Intersection of 9th Street and 9th Avenue, thereby making it a 4-Way Stop

Whereas, Section 82-373 of the Code of Ordinances of the City of Brookings provides for approval by the City Council for placement of stop or yield signs in locations other than along through streets; and

Whereas, a Public Hearing on the placement of stop signs at the intersection of 9th Street and 9th Avenue was held on January 25, 2022 at 6:00 o'clock P.M. in the Chambers at the City & County Government Center.

Now, Therefore, Be It Resolved that the City Council concurs with the recommendation of the Traffic Safety Committee and approves the placement of 4-way stop signs at the intersection of 9th Street and 9th Avenue.

Resolution 22-010. A motion was made by Council Member Bacon, seconded by Council Member Tilton Byrne, that Resolution 22-010, a Resolution Amending the City of Brookings Green Building Practices Policy for City-Funded Facilities, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Tilton Byrne, Collins, and Avery; Absent: 2 - Brink, and Wendell.

Resolution 22-010 - A Resolution Amending the City of Brookings Green Building Practices Policy for City-Funded Facilities

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

Whereas, the City of Brookings desires to continue implementing green building practices which protect natural resources, prevent waste, reduce consumption, and promote human health and well-building; and

Whereas, the City of Brookings' Sustainable Building Policy yields savings by efficiently managing energy, water, waste, and storm water, while improving the employee and visitor experience, resulting in the following benefits:

- Significant savings through reduced utility costs,
- Lower operation and maintenance costs,
- Reduced impact on municipal infrastructure,
- Enhanced environmental quality and decreased pollution,
- Reduced greenhouse gas emissions,
- Improved health, comfort and productivity of building occupants, and
- Exemplifying sustainable building practices for other public and private building owners and other sustainable building stakeholders in the Brookings area; and

Whereas, the City of Brookings adopted its initial Green Building Practices Policy on February 9, 2016, and subsequent developments in green building practices and revised State laws now permit construction designed to meet or exceed high-performance green building standards at lower costs; and

Whereas, the Brookings Sustainability Council has evaluated the City's current Green Building Practices Policy and State Law, and recommends amending the City's current Green Building Practices Policy to include the Sustainable Building Policy set forth below.

Now, Therefore, Be It Resolved that the City Council of the City of Brookings adopts the following revised Green Building Practices Policy:

- A. New construction using City funds shall, in good faith, be designed with the intention of meeting or exceeding the following high-performance green building standards:
 - 1) A certified rating under the United States Green Building Council's Leadership in Energy and Environmental Design rating system in effect as of November 18, 2013;
 - 2) A two globe rating under the Green Building Initiative's Green Globes rating system as of July 31, 2013; or
 - 3) A comparable numeric rating under a sustainable building certification program recognized by the American National Standards Institute as an accredited standards developer.
- B. A waiver of the requirements of this Green Building Practices Policy may be granted by the City Manager if:
 - 1) The building will have minimal human occupancy;
 - 2) The increased costs of achieving a high-performance green building standard cannot be recouped from decreased operational costs within 15 years; or
 - 3) The City Manager determines that extenuating circumstances exist to make impractical construction designed with the intention of meeting or exceeding high-performance green building standards.

Tax Increment District #11. A motion was made by Council Member Tilton Byrne, seconded by Council Member Bacon, that the Developer Agreement between City of Brookings and Prairie Hills, LLC, for Tax Increment District #11, be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Tilton Byrne, Collins, and Avery; Absent: 2 - Brink, and Wendell.

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

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that the meeting be adjourned at 7:22 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk