

BROOKINGS CITY COUNCIL
March 25, 2025

The Brookings City Council held a meeting on Tuesday, March 25, 2025 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, 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 Mayor Niemeyer, seconded by Council Member Tilton Byrne, to amend the agenda to add to the Consent Agenda, action to add a Special City Council Meeting on April 10th to meet with the City Attorney Services applicants. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the agenda be approved, as amended. The motion carried by the following vote: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

Consent Agenda. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, 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 11, 2025 City Council Minutes and the March 17, 2025 Board of Equalization 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 TL25-032, SDSU TL25-033, and SDSU TL25-034.

C. Action on Resolution 25-022, a Resolution authorizing the City Manager to sign a Wine Operating Agreement 5-year renewal for Yessica's Restaurant, Edwin Alvarez, owner.

RESOLUTION 25-022 - YESSICA'S RESTAURANT WINE ON-SALE ALCOHOLIC
BEVERAGE OPERATING AGREEMENT - 5-YEAR MID-TERM RENEWAL

BE IT RESOLVED by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal Agreement for the On-Sale Wine Alcoholic Beverage Management Agreement between the City of Brookings and Yessica's Restaurant, Edwin Alvarez, owner, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 1300 Main Ave. So.: legal description: Lot 1 excluding the South 92-feet of the West 40-feet, Block 3, Fishback Second Addition.

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

D. Action on various Volunteer Board appointments: Park & Recreation Board: appoint Paul Term (term expires 5/1/2027); Human Rights Commission: appoint Estela Jeffcoat (term expires 1/1/2027), and appoint Elena Friedman as the College Student Representative (term expires 5/1/2025); Historic Preservation Commission: appoint Audra Fullerton (term expires 1/1/2028).

Presentation: "I Voted" Sticker Design Contest Winners. Mayor Niemeyer and Bonnie Foster, City Clerk, presented Certificates of Award to Elementary Winner, 2nd Grader Ruby Yseth, and Intermediate School Winner, 4th Grader Elliott Ahmann. "I Voted" Stickers with the winning designs will be available for the April 8th Election.

Proclamation: Developmental Disabilities Awareness Month. Mayor Niemeyer presented a proclamation declaring March 2025, as Developmental Disabilities Awareness Month. Mark Sternhagen, member of the Brookings Disability Awareness Committee accepted the Proclamation.

MAYORAL PROCLAMATION

WHEREAS, developmental disabilities are often present as early as birth in those impacted, and endure across the lifespan of a person; and

WHEREAS, disability is a natural part of the human experience that does not diminish the right of individuals to enjoy self-determination and experience full inclusion; and

WHEREAS, family, friends, and the community can play an important role in enhancing the lives of individuals with disabilities, especially when provided with necessary services and supports; and

WHEREAS, the goals of our community include providing individuals with disabilities the opportunities and support to achieve full integration in society, in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

WHEREAS, through increased awareness of programs and activities, the public will better understand the potential and needs of individuals with disabilities.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim March 2025, as Developmental Disabilities Awareness Month, and call upon the people of Brookings to recognize this special observance.

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

Presentation: 2025 Stormwater Incentive Program. Sean Doremus, Engineering Technician, provided an update on the City's 2025 Stormwater Incentive Program: Rain Barrels, Native Plants, and Rain Gardens.

Resolution 25-023. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 25-023, a Resolution Awarding the Contract for the Slurry Seal Project, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-023 - RESOLUTION AWARDING THE CONTRACT FOR THE SLURRY SEAL PROJECT

WHEREAS, the Public Works Department requests action to award a contract for Slurry Seal, utilizing City of Sioux Falls Bid #25-1011 Surface Treatment Program – Slurry Seal for Sioux Falls and Surrounding Communities; and

WHEREAS, Asphalt Surface Technologies Corporation from Saint Joseph, Minnesota was identified by the City of Sioux Falls as the lowest responsive bidder; and

WHEREAS, the City of Brookings adopted 2025 Budget includes sufficient appropriations in fund 213 (Capital Improvement Plan Infrastructure Maintenance) of \$1,300,000.00.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the City of Brookings contract with Asphalt Surface Technologies Corp, in the amount of \$1,203,814.04 be accepted.
2. The City Manager is authorized to sign the contract documents for this Project and any further contract documents and change orders which may be required.

Resolution 25-026. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 25-026, a Resolution Awarding the Contract for the Landfill Force Main Construction Project, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-026 - RESOLUTION AWARDING THE CONTRACT FOR THE
LEACHATE FORCE MAIN CONSTRUCTION

WHEREAS, the 2023 Solid Waste Master Plan recommends constructing a leachate force main from the Brookings Regional Landfill to the Brookings Municipal Utilities sanitary sewer; and

WHEREAS, the City opened bids for the Leachate Force Main Construction Project on Tuesday, March 4, 2025 at 1:30 pm; and

WHEREAS, Metro Construction Inc., headquartered in Tea, SD, submitted the lowest responsive bid; and

WHEREAS, the amended 2025 Budget includes sufficient appropriations in fund 625 - Solid Waste Disposal of \$3,000,000.00.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The low bid of \$2,591,403.76 from Metro Construction Inc. is hereby accepted.
2. The City Manager is authorized to sign the contract and any necessary change orders in accordance with procurement requirements.

Ordinance 25-009. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 25-009, an Ordinance Authorizing Budget Amendment No. 10 to the 2024 Budget, be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

Ordinance 25-010. A public hearing was held on Ordinance 25-010, an Ordinance Amending Chapter 38 - Floods, of the Code of Ordinances of the City of Brookings, and Pertaining to the Flood Prevention and Regulations. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 25-010 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

Resolution 25-027. A public hearing was held on Resolution 25-027, a Resolution to Annex the West Half of the Northeast Quarter, Excluding Platted Areas in Section 20, Township 110 North, Range 49 West and Excluding Land North of US Highway 14 in Brookings County, South Dakota. A motion was made by Council Member Specker, seconded by Council Member Wendell, that Resolution 25-027 be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Specker, Tilton Byrne, and Wendell.

RESOLUTION 25-027 - RESOLUTION TO ANNEX THE WEST HALF OF THE
NORTHEAST QUARTER, EXCLUDING PLATTED AREAS IN SECTION 20,
TOWNSHIP 110 NORTH, RANGE 49 WEST AND EXCLUDING LAND NORTH OF US
HIGHWAY 14 IN BROOKINGS COUNTY, SOUTH DAKOTA

WHEREAS, the City of Brookings is authorized pursuant to South Dakota Codified Law 9-4-1 to annex contiguous territory upon receipt of a written petition, describing said territory sought to be annexed, signed by not less than three-fourths (3/4) of the legal voters and by the owner or owners of not less than three-fourths (3/4) of the value of said territory; and

WHEREAS, the City of Brookings has received a Petition for Annexation on the following described property, to wit: The West Half of the Northeast Quarter, Excluding Platted Areas in Section 20, Township 110 North, Range 49 West and Excluding Land North of US Highway 14 in Brookings County, South Dakota; and

WHEREAS, the aforementioned land is contiguous to the present boundaries of the City of Brookings; and

WHEREAS, the City of Brookings has received a Petition for Annexation of Territory signed by the owners of greater than three-fourths (3/4) of the value of the

aforementioned property and greater than three-fourths (3/4) of the legal voters residing in said territory; and

WHEREAS, the Brookings County Board of County Commissioners reviewed the petition during their regular meeting on March 18, 2025 pursuant to South Dakota Codified Law 9-4-5 and has approved, by Resolution 25-19, that this property, as described, be annexed into the City of Brookings.

NOW, THEREFORE, BE IT RESOLVED by the City of Brookings, South Dakota, that the property described above is hereby annexed to the City of Brookings.

Progress Report. Samantha Beckman, Assistant to the City Manager, provided a progress report highlighting the City's initiatives and projects.

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to enter into Executive Session at 6:45 p.m., pursuant to SDCL 1-25-2.3, for the purpose 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 the purpose 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.. The motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to exit Executive Session at 7:23 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 7:23 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk