

Brookings City Council
September 12, 2023 (unapproved)

The Brookings City Council held a meeting on Tuesday, September 12, 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 Wayne Avery, Brianna Doran, Andrew Rasmussen, 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 Council Member Specker, seconded by Council Member Tilton Byrne, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

2024 Budget Study Session #1. The 2024 Budget Work Session #1 was held, covering the following topics: Budget Highlights, Primary Revenue Sources, the Budget Overview included the General Fund, Special Revenue Funds, and Enterprise Funds, as well as the 10-year General Fund Projection, and Outside Agency Discussion.

Open Forum. Jeanette Gibbons, Brookings, SD, shared concerns with the recent book ban discussions in the community, and ongoing concerns with the recent COVID vaccines approved by the FDA.

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

A. Action to approve the August 22, 2023 City Council Minutes.

B. Action on Resolution 23-081, a Resolution authorizing the City Manager to sign an On-Sale Wine Operating Agreement renewal for Hy-Vee, Inc., dba Hy-Vee Food Store, Tom Daschel, Store Manager, 790 22nd Avenue, Brookings, South Dakota. Legal description: Lot 2, Brookings Mall Addition, Suite 790.

Resolution 23-081 - On-Sale Wine Operating Agreement – 5-year mid-term renewal
Hy-Vee, Inc., dba Hy-Vee Food Store

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 Wine between the City of Brookings and Hy-Vee, Inc., dba Hy-Vee Food Store, Tom Daschel, Store Manager, 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 790 22nd Avenue. Legal description: Lot 2, Brookings Mall Addition, Suite 790.

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.

C. Action on appointment to the Brookings Disability Awareness Committee: appoint Katie Knudson (filling vacancy, term expires 1/1/2025).

Report: Annual Report on Downtown at Sundown Event. Kelsey Doom, President and CEO of the Brookings Area Chamber, and Elizabeth Ross, Downtown at Sundown Lead Intern, presented a 2023 Year-End Report on the Downtown at Sundown Brookings Summer Music Series to the City Council.

Report: SDSU Students Association. SDSU SA Government Affairs Chair, Michael Garofalo, provided an update on SDSU happenings to the City Council and members of the public.

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

Resolution 23-077. A motion was made by Council Member Rasmussen, seconded by Council Member Tilton Byrne, that Resolution 23-077, a Resolution Amending the Joint Cooperative Agreement for the Management of the Brookings City & County Government Center, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Resolution 23-077 - A Resolution Amending the Joint Cooperative Agreement for the Management of the Brookings City & County Government Center

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

Whereas, the City of Brookings and the County of Brookings are parties to a Joint Cooperative Agreement, dated as of February 2019; and

Whereas, the City of Brookings and the County of Brookings desire to amend the above-mentioned Joint Cooperative Agreement to revise the procedure for budgeted operation and maintenance expenditures.

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. That Section Eight of the Joint Cooperative Agreement for the Management of the Brookings City & County Government Center is revised as follows:

Section Eight

Portion and Method of Allocating Expenses of Operation and Maintenance

Each party shall pay for all costs of maintenance, repairs, utilities and capital replacement for its separate areas. The costs of maintenance, repairs, utilities and capital replacement of the building exterior, roof, heating and air conditioning systems, grounds, parking lot, audio and video equipment in joint-use spaces

and common areas shall be allocated between the Parties based upon the allocation of the County's share at Fifty-two percent (52%) and the City's share at Forty-eight percent (48%). The City Manager and Commission Department Director shall have the administrative authority to approve operation and maintenance expenditures as described in this section which have been budgeted and which are within their respective budget authority.

- B. That the Mayor and City Clerk are authorized to execute the Amended and Restated Joint Cooperative Agreement for the Management of the Brookings City & County Government Center to incorporate the revision of Section Eight.

Resolution 23-076. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 23-076, a Resolution authorizing Change Order No. 1 for 2023-08STI Street Maintenance and Overlay Project; Bowes Construction Inc., be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Resolution 23-076 - Resolution Authorizing Change Order No. 1, for 2023-08STI Street Maintenance and Overlay Project; Bowes Construction Inc.

Be It Resolved by the City Council that the following change order be allowed for 2023-08STI Street Maintenance and Overlay Project:

Construction Change Order Number 1: Additional work on Harvey Dunn for solid waste collection and a temporary parking pad, and the addition of a reinforced concrete sidewalk canal on Park Avenue as part of the valley gutter at this location. The total authorized increase in the contract for these changes is \$15,500.

Resolution 23-083. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 23-083, a Resolution authorizing Change Order No. 2 for 2023-04STI 22nd Avenue Phase 2 Reconstruction Project; Timmons Construction Company, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Resolution 23-083 - Resolution Authorizing Change Order No. 2, for 2023-04STI 22nd Avenue Phase 2 Reconstruction Project; Timmons Construction Company

Be It Resolved by the City Council that the following change order be allowed for 2023-04STI 22nd Avenue Phase 2 Reconstruction Project:

Construction Change Order Number 2: the mill and overlay of a portion of 8th Street South and 22nd Avenue to tie the concrete portion of the project into the existing roadway, and the substitution of traffic light brackets to an alternate manufacturer. The total authorized increase in the contract for these changes is \$36,125.00.

FIRST READING – Ordinance 23-028. Introduction and First Reading was held on Ordinance 23-028, an Ordinance Amending and Restating the Swiftel Center Advisory Committee Ordinance. Second Reading and Action: September 26, 2023.

Ordinance 23-027. A motion was made by Council Member Specker, seconded by Council Member Doran, that Ordinance 23-027, an Ordinance certifying the 2024 City of Brookings Property Tax Levy to the Brookings County Finance Officer, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Ordinance 23-029. A public hearing was held on Ordinance 23-029, an Ordinance to permit by Conditional Use a Major Home Occupation (hair salon) on Lot 15, Block 10, East Acres Second Addition, also known as 2031 Derdall Drive. Public Comment: Nicole Ribstein and Alan Hess. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Ordinance 23-029 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Ordinance 23-030. A public hearing was held on Ordinance 23-030, an Ordinance to Amend Chapter 94, Article I, Section 94-1 and Chapter 94, Article IV, Section 94-131, Section 94-132, Section 94-134 and Section 94-135 related to the establishment of indoor pet services as an allowable use. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 23-030 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Temporary Alcohol Application. A public hearing was held on a Temporary Alcohol Application from Mosaic Wine Bar, to operate within the City of Brookings, South Dakota for a “Sweat, Sip, and Shop” event to be held on September 23, 2023 at The Socialight, 420 Main Avenue. Public Comment: Katelyn Condelli. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Temporary Alcohol Application be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

On-Off Sale Malt License – updated legal description. A public hearing was held on a request to update the legal description for the On-Off Sale Malt License for The Crown, dba Danger Von Dempsey’s, located at 770 22nd Avenue South. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the updated legal description be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Resolution 23-078 – new license. A public hearing was held on Resolution 23-078, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for The Crown, dba Danger von Dempsey’s, Jayme Erickson, owner, 770 22nd Avenue South, Brookings, South Dakota. A motion was made by Council Member Specker, seconded by Council Member Doran, that Resolution 23-078 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Resolution 23-078 - Wine Operating Agreement – new 10-year Agreement
The Crown, dba Danger von Dempsey's

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves an Operating Alcohol Management Agreement for Wine between the City of Brookings and Jayme Erickson, owner, The Crown, dba Danger von Dempsey's, 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 770 22nd Avenue South.

Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of 10 years, with a 5-year mid-term renewal.

On-Off Sale Malt License – new license. A public hearing was held on a request for an On-Off Sale Malt License, with Video Lottery authorization, for Holiday Stationstores LLC, dba Circle K, located at the intersection of I-29 and Highway 14 By-Pass. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Video Lottery Authorization – new license. A public hearing was held on a request for a Video Lottery authorization for Holiday Stationstores LLC, dba Circle K, to be located at I-29 and Highway 14 Bypass. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Video Lottery authorization be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Resolution 23-082 – new license. A public hearing was held on Resolution 23-082, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for Holiday Stationstores LLC, dba Circle K, located at I-29 and Highway 14 By-Pass, Brookings, South Dakota. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 23-082 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne, and Wendell.

Resolution 23-082 - Wine Operating Agreement – new 10-year Agreement
Holiday Stationstores LLC, dba Circle K

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves an Operating Alcohol Management Agreement for Wine between the City of Brookings and Gary Brant, VP of Operations, Holiday Stationstores, LLC, dba Circle K, 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 the location at I-29 and Highway 14 Bypass. Legal Description: Block 1 and 2 of Equestrian Addition in the Southwest

Quarter of Section 18, Township 110 North, Range 29 West of the 5th P.M., to the City of Brookings, Brookings County, South Dakota

Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of 10 years, with a 5-year mid-term renewal.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 8:04 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk