

BROOKINGS CITY COUNCIL
JUNE 11, 2024 (unapproved)

The Brookings City Council held a meeting on Tuesday, June 11, 2024 at 5:30 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 Wendell, seconded by Council Member Doran, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Study Session: Brookings Child Care Collaborative. Tim Reed, Brookings Economic Development Corporation Executive Director / Chief Executive Officer, Dr. Summer Schultz, Brookings School District Superintendent, and Amber Kollers, Executive Director of the Brookings Boys & Girls Club presented information on the Brookings Child Care Collaborative to the City Council.

Regular Meeting

Open Forum. Dean Bartels expressed concerns over pine trees on their property they were informed would have to be removed to increase visibility for pedestrians and bicyclists. City Manager Briseno encouraged them to continue to work with City staff to find a solution.

Consent Agenda. A motion was made by Council Member Doran, seconded by Council Member Tilton Byrne, to remove Item #6.E. Deputy Mayor Appointment from the Consent Agenda. The motion carried by the following vote: The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

A motion was made by Mayor Niemeyer, seconded by Council Member Rasmussen, that Item #6.F. Action on Temporary Alcohol / Special Event Licenses for existing alcohol license holders with events held on publicly owned property, be amended to include dates for the SD Art Museum Performance Series. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

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

A. Action to approve the May 28 and May 31, 2024 City Council Minutes.

B. Action on Resolution 24-057, a Resolution authorizing the City Manager to

sign an On-Sale Wine Operating Agreement renewal for Commonwealth Gaming, Deuces Casino, Suite C, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Brookings, South Dakota.

RESOLUTION 24-057 - ON-SALE WINE OPERATING AGREEMENT – 5-YEAR MID-TERM RENEWAL: COMMONWEALTH GAMING, DBA DEUCES CASINO, STE 105C

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 Commonwealth Gaming, dba Deuces Casino, Suite 105C, Bryant Soberg and Kirby Muilenburg, 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 223 6th Street, Suite 105C. Legal description: South 114' of West 69.3' of Lot 20, and south 114' of Lot 21, Block 3, Henry Addition, Suite 105C.

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 Resolution 24-032, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Pints & Quarts, Kevin Raab, owner, 313 Main Avenue, Brookings, South Dakota.

RESOLUTION 24-032 - ON-SALE LIQUOR OPERATING AGREEMENT – 5-YEAR MID-TERM RENEWAL: PINTS & QUARTS

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 On-Sale Liquor between the City of Brookings and Kevin Raab, owner, Pints & Quarts, 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 313 Main Avenue. Legal description: Lot 7, Block 3, Original Plat 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.

D. Action on Resolution 24-018, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Jacks Hospitality, dba Bank Saloon and Vault, Todd Voss and Bob Winter, owners, 327 Main Avenue, Brookings, South Dakota.

RESOLUTION 24-018 - ON-SALE LIQUOR OPERATING AGREEMENT – 5-YEAR MID-TERM RENEWAL: JACK'S HOSPITALITY, DBA THE BANK SALOON AND VAULT

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 Todd Voss and Bob Winter, owners, Jack's Hospitality, dba The Bank Saloon and Vault, 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 327 Main Avenue. Legal description: East 121' of Lot 14, Block 3, Original Plat 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.

Action on Temporary Alcohol / Special Event Licenses for existing alcohol license holders with events held on publicly owned property: Sodexo Catering (License Holder RB-28249 and RW-28251): Dana J Dykhouse Stadium: SDSU 24-TL038: SD Art Museum: SDSU 24-TL039, SDSU TL24-041, SDSU TL24-042, SDSU TL24-043.

G. Action on Resolution 24-055, a Resolution Authorizing the City Manager of the City of Brookings, South Dakota, to sign the South Dakota Department of Public Safety Wildland Cooperative Fire Agreement.

RESOLUTION 24-055 - RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF BROOKINGS, SOUTH DAKOTA, TO SIGN THE SOUTH DAKOTA DEPARTMENT OF PUBLIC SAFETY WILDLAND COOPERATIVE FIRE AGREEMENT

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

The City Manager of the City of Brookings is hereby authorized to sign the Wildland Cooperative Fire Agreement between the State of South Dakota, by and through the South Dakota Department of Public Safety and the City of Brookings, South Dakota, and

This Resolution shall constitute Proof of Authority of the City Manager of the City Brookings to sign the above-described Agreement on behalf of the City of Brookings, South Dakota.

Proclamation. Mayor Niemeyer presented a Proclamation recognizing June 2024 as Lesbian, Gay, Bisexual, Transgender, Queer, and Two Spirit Pride Month. Cole Sartell and Lawrence Novotny received the Proclamation on behalf of Brookings Pride.

MAYORAL PROCLAMATION

WHEREAS, June is celebrated as Lesbian, Gay, Bisexual, Transgender, Queer, and Two Spirit (LGBTQ2S+) Pride Month across the USA; and

WHEREAS, Pride Month celebrates everyone's right to live without fear of prejudice based on sexual orientation or gender identity; and

WHEREAS, the LGBTQ2S+ community includes our neighbors, friends, and family

members; and

WHEREAS, the City of Brookings vision is to be a welcoming and inclusive community where all can bring your dreams; and

WHEREAS, the City of Brookings has received a perfect score of 100 on the Human Rights Campaign Municipal Equality Index, the largest LGBTQ2S+ civil rights organization in the U.S. for six years in a row; and

WHEREAS, these entities in Brookings have been working tirelessly for LGBTQ2S+ awareness and equality: Human Rights Commission, Brookings PFLAG, Brookings Public Library, Brookings Arts Council, and Brookings Pride; and

WHEREAS, the Brookings community will be celebrating Pride on June 22 at Pioneer Park.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim June 2024 as LGBTQ2S+ PRIDE Month.

Report: Ex-Officio Reports. A Brookings Health Systems Board of Trustees report was not given. A Brookings Municipal Utility Board was given by Council Member Avery.

Consent Agenda Item E – Action to appoint the Deputy Mayor. A motion was made by Mayor Niemeyer, seconded by Council Member Tilton Byrne, to approve Council Member Nick Wendell as Deputy Mayor (term expires June 1, 2025). The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne; Abstain: 1 - Wendell.

Resolution 24-059. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-059, a Resolution Approving Transfer of Real Property to the Brookings Economic Development Corporation for Economic Development Purposes, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-059 - RESOLUTION APPROVING TRANSFER OF REAL
PROPERTY TO THE BROOKINGS ECONOMIC DEVELOPMENT CORPORATION
FOR ECONOMIC DEVELOPMENT PURPOSES**

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

WHEREAS, the Brookings Economic Development Corporation previously executed a Real Estate Purchase Agreement with Ryan Companies US, Inc., for the sale and purchase of approximately 18.53 acres of real property within the real property described as follows:

Block Nine (9) of Wiese Addition in the Southwest Quarter of the Southeast Quarter (SW¼SE¼) of Section Nineteen (19), Township One Hundred Ten (110) North, Range Forty-nine (49) West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota, and

WHEREAS, the City of Brookings has been informed by Ryan Companies US, Inc., that in addition to the 10 acres it had earlier agreed to purchase, that it would exercise its Option to acquire the remaining 8.53 acres, more or less, pursuant to its Real Property Purchase Agreement with the City; and

WHEREAS, the proposed purchase price for the additional property to be conveyed remains at \$1.40 per square foot. The purpose of the acquisition remains the same: for commercial development of the above-described property by Ryan Companies US, Inc., a Minnesota Corporation experienced in commercial development of property and by its Transferees; and

WHEREAS, the City of Brookings reaffirms that the proposed commercial development by Ryan Companies US, Inc., and its Transferees will provide economic growth and economic development as a result of retail and other commercial businesses locating within the above-described property as tenants and transferees of Ryan Companies US, Inc.; and

WHEREAS, pursuant to the Option and other terms set forth in its Real Estate Purchase Agreement with Ryan Companies US, Inc., the City agrees to convey the above-described additional property to the Brookings Economic Development Corporation pursuant to a Real Estate Purchase Agreement between the Brookings Economic Development Corporation and Ryan Companies US, Inc. for the sum of \$1.40 for each square foot of property purchased by Ryan Companies US, Inc., and located within the above-described property, in accordance with applicable law; and

WHEREAS, the City is authorized to enter into this transaction to further the economic growth of the City of Brookings;

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

- A. That the City convey title to the above-described property to the Brookings Economic Development Corporation, Inc. for the transfer of approximately Eighteen and 53/100 (18.53) acres, more or less of the above-described property to Ryan Companies US, Inc. for the purposes set forth herein; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the required documents in accordance with this Resolution.

Tax Increment District #8 Developer Agreement Amendment. A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that an

Amendment to Tax Increment District #8 Developer Agreement, be approved. Public Comment: Keith Rounds. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Temporary Special Event Alcoholic Beverage Application. A public hearing was held on a Temporary Alcoholic Beverage Special Event Application from Wooden Legs Brewing Co. to operate within the City of Brookings, South Dakota for a Comedy at the Park on July 25th at Pioneer Park, 104 6th Street West. A motion was made by Council Member Wendell, seconded by Council Member Rasmussen, that the Temporary Alcoholic Beverage Application be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 24-018. A public hearing was held on Ordinance 24-018, an Ordinance to permit by Conditional Use an apartment on the East 100-feet of Outlot F, the North 100-feet of Lots 6 & 7, and all of Outlot E in Block 5 of Parkdale Home Addition, City of Brookings, Brookings County, State of South Dakota, also known as 124 and 130 9th Street. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 24-018 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 24-019. A public hearing was held on Ordinance 24-019, an Ordinance to permit by Conditional Use a Telecommunications Tower on Lots 11 and 12 in Block 1 of Hillcrest Addition, also known as 1461 6th Street. A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Ordinance 24-019 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Commercial Corridor Design Review Overlay District Site Plan. A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan for Lots 1-8, Block 4, Hill Park Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the Commercial Corridor Design Review Overlay District Site Plan be approved. Public Comment: Jay Larsen, Michael McClemans, and Hermola Aboye with DesignArc. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 24-017. A public hearing was held on Ordinance 24-017, an Ordinance to Rezone 615, 618, 622, 626 and 628 Campanile Avenue and 1310 7th Street from Residence R-2 Two-Family District to Planned Development District with Residence R-3 Apartment underlying district. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 24-017 be approved. Public Comment: Michael McClemans, Jay Larsen, and Robert Fury. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Initial Development Plan. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that an Initial Development Plan for Campanile Flats, be approved. Public Comment: Shawn Storhaug, Jay Larsen, and Robert Fury. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell

Resolution 24-056. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 24-056, a Resolution Authorizing the Licensing of Genesis Farms, LLC, as a Medical Cannabis Dispensary in the City of Brookings, be approved. Public Comment: Emmett Reistroffer with Genesis Farms. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-056 - A RESOLUTION AUTHORIZING THE LICENSING OF
GENESIS FARMS LLC AS A MEDICAL CANNABIS DISPENSARY IN THE CITY OF
BROOKINGS**

WHEREAS, The Genesis Farms LLC, submitted an Application and Application Fee for a Medical Cannabis Dispensary License to the City of Brookings; and

WHEREAS, the City of Brookings has reviewed Genesis Farms LLC Medical Cannabis Dispensary License Application, and has determined the Application satisfies the requirements of Ordinance 21-028, an Ordinance establishing procedures for the Licensing of Medical Cannabis Establishments in the City.

NOW, THEREFORE, BE IT RESOLVED as follows:

- (1) That a City of Brookings Medical Cannabis Dispensary License be issued to Genesis Farms LLC, subject to an inspection by the City of Brookings prior to Genesis Farms LLC, commencing operations; and
- (2) That an inspection of Genesis Farms LLC facilities and review of their operational plans be completed by the City Manager or his authorized representative(s) following completion of their facility and prior to operation, with operation contingent upon satisfactory inspection results; and
- (3) That a City of Brookings Medical Cannabis Program Licensing Certification and a South Dakota Medical Cannabis Program Local Government Compliance Certification be issued by the City Clerk; and
- (4) That the South Dakota Department of Health be furnished all documents pertaining to Genesis Farms LLC Application and City of Brookings Medical Cannabis Dispensary License.

Resolution 24-054. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 24-054, a Resolution Authorizing the City Manager of the City of Brookings, South Dakota to sign the Agreement to Dissolve the

Brookings Regional Railroad Safety Authority, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-054 - RESOLUTION AUTHORIZING THE CITY MANAGER OF THE CITY OF BROOKINGS, SOUTH DAKOTA TO SIGN THE AGREEMENT TO DISSOLVE THE BROOKINGS REGIONAL RAILROAD SAFETY AUTHORITY

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

The City Manager of the City of Brookings is hereby authorized to sign the Agreement to Dissolve the Brookings Regional Railroad Safety Authority, and

This Resolution shall constitute Proof of Authority of the City Manager of the City Brookings to sign the above-described Agreement on behalf of the City of Brookings, South Dakota. Furthermore, this Resolution does not affect the Brookings County Regional Railroad Authority, a separate entity, which will continue.

Resolution 24-058. A motion was made by Council Member Specker, seconded by Council Member Doran, that Resolution 24-058, a Resolution Authorizing the City of Brookings to join the Brookings County Regional Railroad Authority, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-058 - A RESOLUTION AUTHORIZING THE CITY OF BROOKINGS TO JOIN THE BROOKINGS COUNTY REGIONAL RAILROAD AUTHORITY

BE IT RESOLVED, that the City of Brookings, South Dakota, hereby joins the Brookings County Regional Railroad Authority pursuant to an Agreement establishing the Brookings County Regional Railroad Authority, all as authorized by the provisions of SDCL Chapter 49-17A, as amended; and

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute the Agreement referred to above and any and all other necessary documents to join the Brookings County Regional Railroad Authority;

BE IT FURTHER RESOLVED, that the City Manager or their designee is hereby designated as the official representative of the City of Brookings to the Brookings County Regional Railroad Authority.

City Council Member Introduction of Topics for Future Discussion. Council Member Avery requested the Sustainability Council re-evaluate the validity of "No Mow May" and bring alternative suggestions, such as increasing native planting efforts, for future City Council consideration. Council Member Specker added the consideration of pollinator plants.

A motion was made by Council Member Doran, seconded by Council Member Wendell, to request a sustainable financial / business plan for the Brookings Child Care Collaborative be presented before the City Council votes on allocation of funds. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 7:41 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk