

**Brookings City Council  
February 8, 2022**

The Brookings City Council held a meeting on Tuesday, February 8, 2022 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Leah Brink, Patty Bacon, Nick Wendell, Holly Tilton Byrne, Joey Collins, and Wayne Avery. 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 Brink, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Open Forum.** Cole Sartell asked for clarification on public comments made for items listed on the agenda.

**Consent Agenda.** A motion was made by Council Member Wendell, seconded by Council Member Brink, that the consent agenda be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

A. Action to approve the January 25, 2022 City Council Minutes.

B. Action to abate property taxes in the amount of \$2,087.48 for Parcel #40365-00600-002-05, Edward R. Brockhoft, owner. Legal description: North 135 feet of Lot 2, Block 6, and a portion of Vacated Alley, Morehouse Addition.

C. Action to abate property taxes in the amount of \$2,191.15 for Parcel #40458-00700-010-00, Thomas Lombard, owner. Legal description: Lot 10, Block 7, Pheasants Nest Addition.

D. Action to abate property taxes in the amount of \$358.32 for Parcel #40490-00700-003-00, Shawn Storhaug, E. Et. Ux, owner. Legal description: Lots 3 and 3A, 7th Railroad Addition.

E. Action to abate property taxes in the amount of \$592.64 for Parcel #40504-00300-010-00, Kathryn Clark, owner. Legal description: Lot 10, Block 3, Reserve Second Addition.

F. Action to abate property taxes in the amount of \$2,191.15 for Parcel #40256-00300-006-00 Martin and Jennifer Wagner, owners. Legal description: Lot 6, Block 3, Hunters Ridge Second Addition.

G. Action to abate property taxes in the amount of \$1,048.97 for Parcel #40991-40005-000-20 Madison Air Craft, LLC, owner. Legal description: Airport Hangar on Leased Site Lot U-1.

H. Action to abate property taxes in the amount of \$90.48 for Parcel #40999-00009-065-00 Ryan Evans, owner. Legal description: Medary Village #65 (mobile home on leased site).

I. Action to abate property taxes in the amount of \$799.17 for Parcel #40517-00400-003-00 George Faehnrich, Jr., owner. Legal description: Lot 3A of Replat of Block 4, Sale Barn Addition.

J. Action to abate property taxes in the amount of \$38.86 for Parcel #40970-11050-354-05 Prairie Meadow Inc., owner. Legal description: Farmland in the Southeast Quarter, excluding the West 113 feet, excluding Outlot A, excluding McClemans Addition, and excluding the West 1,176 feet of the East 1,301 feet of the South 340 feet of Section 35-T110N-R50W.

K. Action to abate property taxes in the amount of \$167.87 for Parcel #40970-11050-354-00 Prairie Meadow Inc., owner. Legal description: Farmland in the Northeast Quarter of the Southeast Quarter, excluding the South 300 feet thereof, and excluding McClemans Addition.

L. Action to abate property taxes in the amount of \$126.69 for Parcel #40338-00100-000-00 Prairie Meadow Inc., owner. Legal description: Block 1, Block 5A, Block 12, and Lot 4B of McClemans Addition.

M. Action to abate property taxes in the amount of \$308.87 for Parcel #40487-00000-000-00, John Mills, owner. Legal description: Lot H-1 and H-2, R-Surene Morgan Farm Addition (2015 and 2019 22<sup>nd</sup> Avenue South).

**N. Action on Resolution 22-014, a Resolution Designating Vote Center locations, and the Appointment of Election Superintendents and Judges for the April 12, 2022 Combined Municipal / School Board Election.**

Resolution 22-014 - Resolution Designating Vote Center Locations, and the Appointment of Election Superintendents and Judges for the April 12, 2022 Combined Municipal / School Board Election

Whereas, a City of Brookings Municipal Election will be held on April 12, 2022 for one City Council Member seat (1-year term), one City Council Member seat (2-year term), and two City Council Member seats (3-year terms); and

Whereas, as required by SDCL 9-13-16.1, the City Council must appoint Election Superintendents and Judges and set their rate of compensation; and

Whereas, as required by SDCL 12-14-1, the City Council must designate the Vote Center locations; and

Whereas, the following election workers are hereby appointed at the following rates of compensation: Superintendents \$14.50 per hour; Judges \$14.00 per hour; Election Training \$25.00 flat fee; Resolution Board \$20.00 per hour; On-Call and Alternates \$50.00 flat fee; and Election Night Worker \$50.00 flat fee.

VOTE CENTER 1 – Brookings Activity Center, 320 5th Ave.: Superintendent Norma Linn, and Judges Diane Spencer, Mardell Colbeck, Gloria Miller, and Nancy Thompson. VOTE CENTER 2 – Bethel Baptist Church, 714 17th Ave. So.: Superintendent Sue Knutzen, and Judges Kathy Waddell, Deb Waltman, Julie Erickson, and Linda Thaden. VOTE CENTER 3 – Holy Life Tabernacle Church, 241 Mustang Pass: Superintendent Bobbe Bartley, and Judges Ellen Herrboldt, and Mary Kees. VOTE CENTER 4 – Aurora Little Hall, 101 Nicolett St.: Superintendent Ron Thaden, and Judges Linda Schamp and Kari Stevens. EARLY/ABSENTEE VOTE CENTER – City & County Government Center, 520 3rd St. – Superintendents Peggy Whalen and Diane Spencer. ABSENTEE VOTE CENTER PROCESSING – City & County Government Center, 520 3rd St., Room 300: Superintendent Larry Hult, and Judges Ken Ahartz and Sue Sackman. Alternate: Barb Meyer. RESOLUTION BOARD – Superintendents David Peterson and Larry Hult. Alternate: Ken Ahartz. ON-CALL WORKERS and ALTERNATES: Peggy Whalen, Barb Meyer, Cathy Enlow, and Dolores Canaday. ELECTION NIGHT WORKER – Terry Heidemann (\$50.00 flat fee).

**O. Action on Resolution 22-012, a Resolution Adopting the Brookings Regional Airport Bid Protest Procedures.**

Resolution 22-012 - Resolution Adopting the Brookings Regional Airport Bid Protest Procedures

Whereas, the Federal Aviation Administration (FAA) is requiring South Dakota Airports to adopt procedures to address protests filed by bidders for projects funded by the FAA; and

Whereas, the City of Brookings has developed a Bid Protest Procedure to comply with the FAA Project Document requirements; and

Whereas, this policy will help inform all parties involved in bidding airport projects involving competitive bidding, and establishes fair procedures to resolve differences among participants in the airport bidding process, further advancing transparency and good government.

Now, Therefore, Be It Resolved that the Brookings Regional Airport Bid Protest Procedures are hereby adopted.

**Proclamation.** Mayor Niemeyer presented a Proclamation recognizing February 11, 2022 as 211 Helpline Center Day. Heidi Gullickson, United Way Executive Director, and Brianna Doran accepted the Proclamation.

Mayoral Proclamation

Whereas, the 211 Helpline Center is making lives better by giving support, offering hope and creating connections statewide 24/7; and

Whereas, the 211 Helpline Center serves thousands of people every year by connecting individuals to resources and support, providing child care referrals, managing a volunteer database, offering hope to individuals with thoughts of suicide and connecting families in need of critical resources; and

Whereas, the helpline makes the social services ecosystem more efficient, by ensuring people in need are connected to crucial agencies; and

Whereas, the process of getting 211 designated as a human and social services referral line was spearheaded by United Way many years ago; and

Whereas, Brookings is encouraged to use the human and social services referral hotline by dialing 2-1-1 or visiting [www.helplinecenter.org](http://www.helplinecenter.org) .

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Friday, February 11, 2022 as 211 Helpline Center Day.

**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.

**2022 Outside Agency Funding.** A motion was made by Council Member Brink, seconded by Council Member Bacon, that the 2022 Outside Agency Funding recommendations, be approved. An amendment was made by Council Member Collins, seconded by Council Member Tilton Byrne, to fund the following 3 mental health programs at 50% of requested funding and to use City Council Financial Policy Project Reserve Funds for the funding source: Brookings Empowerment Project, Avera Behavioral Health, and Brookings Behavioral Health and Wellness. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery. On the original motion, as amended, the motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

<b><u>Agency Name / Program</u></b>	<b><u>2020 Funding</u></b>	<b><u>2021 Funding</u></b>	<b><u>2022 Request</u></b>	<b><u>2/8/2022 Approved</u></b>
Brookings Area Transit Authority (BATA)	\$95,000	\$115,000	\$115,000	\$105,000
Boys & Girls Club	\$75,000	\$75,000	\$75,000	\$65,000
Crime Stoppers	\$2,000	\$2,000	\$2,000	\$1,000
Brookings Behavioral Health & Wellness (BBHW)	\$20,000	\$15,000	\$50,000	\$25,000
Habitat for Humanity	\$0	\$21,000	\$35,000	\$19,000
Great After-School Place (GAP)	\$0	\$0	\$20,000	\$4,000
Brookings County Youth Mentoring (BCYM)	\$6,000	\$7,000	\$8,000	\$6,000
Domestic Abuse Shelter	\$0	\$0	\$25,000	\$15,000
East Central Court Appointed Special Advocate Program (CASA)	\$0	\$3,000	\$5,000	\$2,000
Helpline Center	\$0	\$1,000	\$1,000	\$1,000
Brookings Empowerment Project (BEP)	\$2,500	\$2,500	\$4,000	\$2,000
Avera Behavioral Health	\$0	\$0	\$30,000	\$15,000
<b>TOTALS</b>	<b>\$200,500</b>	<b>\$241,500</b>	<b>\$370,000</b>	<b>\$ 260,000</b>

**Ordinance 22-002.** A public hearing 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. A motion was made by Council Member Tilton Byrne, seconded by Council Member Bacon, that Ordinance 22-002 be approved. Public Comment: Dan McColley. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Ordinance 22-003.** A public hearing 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, Township 109 North, Range 50 West, from Joint Jurisdiction Residence R-3A Multiple-Family and Mobile Home District to Joint Jurisdiction Business B-3 Heavy District. A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that Ordinance 22-003 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Ordinance 22-004.** A public hearing was held on Ordinance 22-004, an Ordinance to Permit by Conditional Use an apartment building on Outlot E (130 9<sup>th</sup> 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 9<sup>th</sup> Street). A motion was made by Council Member Brink, seconded by Council Member Collins, that Ordinance 22-004 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Ordinance 22-005.** A public hearing was held on Ordinance 22-005, an Ordinance to Permit by Conditional Use an office building on Outlots B and S of Section 23, Township 110 North, Range 50 West. A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Ordinance 22-005 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Ordinance 22-006.** A public hearing 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. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 22-006 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Resolution 22-013.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 22-013, a Resolution Authorizing the Licensing of Shangri-La SD, LLC, dba Shangri-La Dispensary, as a Medical Cannabis Dispensary in the City of Brookings, be approved. Public Comment: Patty Dexter, TJ Cameron, and Kristopher Osterloh. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 22-013 - A Resolution Authorizing the Licensing of Shangri-La SD, LLC, dba Shangri-La Dispensary, as a Medical Cannabis Dispensary in the City of Brookings

Whereas, Shangri-La SD, LLC, dba Shangri-La Dispensary, 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 the Shangri-La SD, LLC, dba Shangri-La Dispensary, Medical Cannabis Dispensary License Application, and has determined that 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:

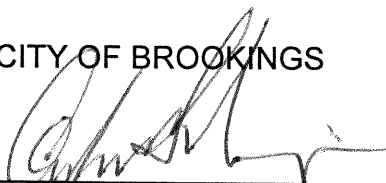
- 1) That a City of Brookings Medical Cannabis Dispensary License be issued to Shangri-La SD, LLC, dba Shangri-La Dispensary, subject to an inspection by the City of Brookings prior to Shangri-La SD, LLC, dba Shangri-La Dispensary, commencing operations; and
- 2) That an inspection of Shangri-La SD, LLC, dba Shangri-La Dispensary, 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 the Shangri-La SD, LLC, dba Shangri-La Dispensary, Application and City of Brookings Medical Cannabis Dispensary License.

**Executive Session.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, to enter into Executive Session at 6:51 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, and City Clerk. The motion carried by a unanimous vote. A motion was made by Council Member Bacon, seconded by Council Member Collins, to exit Executive Session at 7:04 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that the meeting be adjourned at 7:05 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

  
 Oepke G. Niemeyer, Mayor

ATTEST:

   
 Bonnie Foster, City Clerk