

BROOKINGS CITY COUNCIL
NOVEMBER 26, 2024 (unapproved)

The Brookings City Council held a meeting on Tuesday, November 26, 2024 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 Tilton Byrne, seconded by Council Member Wendell, that the agenda be approved. The motion carried by the following vote: Yes: 6 - Avery, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell; Absent: 1 - Doran.

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: 6 - Avery, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell; Absent: 1 - Doran.

A. Action to approve the November 12 and November 19, 2024 City Council Minutes.

B. Action on annual renewals for Medical Cannabis Establishment Licenses for 2025: Silver Creek Trading Co., dba Cannabis Connection, 1304 6th Street; The Flower Shop, 1004 6th Street; and Genesis Farms, 2035 Orchard Drive, #5.

C. Action on annual Liquor and Wine Alcohol License Renewals for 2025: Liquor (On-Sale): Main Street Pub, 408 Main Avenue. Wine (On-Off Sale): Cenex Zip Trip #63 / CHS, Inc., 1005 6th Street; Cenex Zip Trip #64 / CHS, Inc., 3045 LeFevre Drive; Circle K / Holiday Station Stores, LLC, I-29 & Highway 14 By-pass (INACTIVE); Guadalajara, 1715 6th Street, Suite F; and Wooden Legs Brewing Co., 309 5th Street, Suite 100.

D. Action on Temporary Alcohol / Special Event Alcoholic Beverage Licenses from existing alcohol license holders. Sodexo Catering (License Holder RB-28249 and RW-28251): SDSU TL24-083, and SDSU TL25-011.

Pinning Ceremony: Brookings Police Department. Brookings Police Department Pinning Ceremony. New Brookings Police Department Officers Remi Master and Lisa Waltermann took their Oath of Office, and were pinned as members of the Brookings Police Department by Police Chief Michael Drake.

Proclamation. Mayor Niemeyer presented a Proclamation designating Saturday, November 30th as Small Business Saturday. Kelsey Doom, Chamber Director, and Kirsten Gjesdal, Downtown Brookings Director, received the proclamation.

MAYORAL PROCLAMATION

WHEREAS, the City of Brookings celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, 68 cents of every dollar spent at a small business stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, small businesses represent 99.7% of firms with paid employees, are responsible for 61.1% of net new jobs created since 1995, and employ 45.9% of the employees in the private sector in the United States; and

WHEREAS, the Saturday after Thanksgiving is Small Business Saturday in communities across the country; and

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Saturday, November 30, 2024 as SMALL BUSINESS SATURDAY and urge residents shop and dine locally throughout the year.

Report: 2024 Year-to-Date Financial Report. Ashley Rentsch, Finance Director, presented the City's 2024 Year-to-Date Financial Report.

(Council Member Doran arrived 6:13 p.m.)

Police Union Agreement. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the 2025-2027 Teamster Local Union No. 120 Police Union Agreement, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

City General Union Agreement. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the 2025-2027 Teamster Local Union No. 120 City General Union Agreement, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 24-109. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 24-109, a Resolution authorizing Change Order No. 1 for Project 2024-08STI Street Maintenance and Overlay Project: Bowes Construction, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-109 - RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR
STREET MAINTENANCE AND OVERLAY PROJECT

WHEREAS, the City of Brookings opened bids for the 2024-08STI Street Maintenance and Overlay project Tuesday, April 30, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings awarded Bowes Construction the contract for the 2024-08STI Street Maintenance and Overlay project for their low bid of \$1,206,481.35 at the May 7, 2024 City Council Meeting; and

WHEREAS, during the project additional work was needed due to unforeseen subsurface conditions in 7th Street, as well as the addition of 14th Avenue between 3rd and 4th Street due to pavement failure that was deemed imminent; and

WHEREAS, the contract with Bowes Construction needs to be amended to account for the additional work.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. Change Order 1 totaling \$127,664.57 for additional work be approved; and
2. The City Manager or his designee is authorized to sign the change order.

Commercial Corridor Design Review Overlay District. A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan for Lot 1 in Block 1 of Moriarty Edgebrook Second Addition. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Commercial Corridor Design Review Overlay District Site Plan be approved. Public Comment: Jim Gepner, Circle K Development Manager. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

TABLED ITEM: On-Sale Convention Liquor License Renewal for Park Hospitality.

A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that TABLED ITEM: Public Hearing and Action on Annual On-Sale Convention Liquor License Renewal for Park Hospitality (LaCantina Restaurant), which failed an alcoholic beverage compliance check within the past 12 months, be removed from the table. 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 Tilton Byrne, seconded by Council Member Doran, that the Annual On-Sale Convention Liquor License Renewal for Park Hospitality (LaCantina Restaurant), which failed an alcoholic beverage compliance check within the past 12 months, be approved. Public Comment: Ray Aranda, LaCantina Manager. The motion failed by the following vote: Yes: 1 - Niemeyer; No: 6 - Avery, Doran, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 24-108. A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Resolution 24-108, a Resolution transferring funds between City Departments, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-108 - A RESOLUTION TRANSFERRING FUNDS
BETWEEN CITY DEPARTMENTS

WHEREAS, the City of Brookings hereby transfers City Manager's contingency funds to fund unplanned operational obligations of the municipality. This resolution is for the purpose of completing a transfer of contingency funds to the following accounts:

421 Police Department	
101-421-5-101-00 Regular Pay	\$ 37,000
442 Community Service	
101-442-5-101-00 Regular Pay	\$ 45,000
101-442-5-101-01 Temporary Pay	\$ 57,000
452 Parks	
101-452-5-101-00 Regular Pay	\$ 25,000
213 Capital Improvement/2 nd Penny Sales Tax Fund	
213-000-5-940-00 Other Capital	\$ 21,000
Total Transfers	\$185,000

The Financing Source for this transfer is from the following accounts:

101-405-5-121-11 Payout Contingency	\$ 62,000
101-418-5-101-00 Regular Pay (Community Development)	\$ 45,000
101-421-5-101-00 Regular Pay (Police Department)	\$ 57,000
213-000-5-911-00 Buildings Sinking Fund	\$ 21,000
Total Source of Funding	\$185,000

WHEREAS, this resolution is deemed necessary for the immediate preservation of the public peace, health, safety and support of the City, and shall become effective upon publication.

Resolution 24-107. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 24-107, a Resolution Declaring Jurisdictional Change of a portion of 34th Avenue and 30th Street, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-107 - A RESOLUTION DECLARING JURISDICTIONAL CHANGE OF A PORTION OF 34TH AVENUE AND 30TH STREET (THE LANDFILL ROAD)

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

WHEREAS, in 1991 the City of Brookings agreed by Resolution 44-91 to construct a suitable access road within the County of Brookings to the new City Landfill, and to maintain the newly constructed road; and

WHEREAS, in 2019, the Department of Transportation, pursuant to Executive Order

2019-1 removed the aforementioned road from the County of Brookings Primary Highway System; and

WHEREAS, a portion of 34th Avenue and 30th Street is currently under the jurisdictional control of the County of Brookings; and

WHEREAS, the County of Brookings has adopted a resolution requesting the jurisdictional transfer of a portion of 34th Avenue from the intersection of US Highway 14 Bypass north to the intersection of 30th Street, (consisting of approximately one mile), and 30th Street from the intersection of 34th Avenue east to the intersection of 46th Avenue, (consisting of approximately 0.96 miles); and

WHEREAS, the purpose of this resolution is to accept the jurisdictional control by the City of Brookings for the portions of 34th Avenue and 30th Street described above; and

WHEREAS, SDCL §31-17-17 allows for assignment of responsibility for boundary line highways between municipalities and board of county commissioners. In addition, SDCL §9-45-1 authorizes a municipality to construct, maintain and repair roads within its jurisdiction.

NOW, THEREFORE, BE IT RESOLVED, the City of Brookings hereby accepts responsibility for the portion of highway described herein pursuant to applicable law, thereby including the above-described highway within the jurisdiction of the City of Brookings; and

The City of Brookings hereby reconfirms its commitment to maintaining the aforementioned portion of 34th Avenue and 30th Street, inclusive of crack sealing, pothole repair, snow removal, chip sealing, Right-of-Way ditch maintenance, street signage, and street markings; and

The City of Brookings further agrees to assume responsibility for the issuance of driveway approach permits and Right-of-Way drainage permits along the aforementioned portion of 34th Avenue and 30th Street.

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

City Council Member Introduction of Topics for Future Discussion.

Council Member Specker requested an update on the City's Emerald Ash Borer at a future City Council Meeting.

A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to create an investigatory group to explore merging the Brookings Area Chamber of Commerce, Brookings Economic Development Corporation (BEDC), Downtown Brookings, and Visit Brookings. This committee would be made up of 3 City Council members and representatives from the 4 agencies.

The goal of the committee is to develop and implementation plan of the merger which would be presented to the City Council by April 2025. 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 Specker, that this meeting be adjourned at 6:59 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk