

**BROOKINGS CITY COUNCIL**  
**MAY 7, 2024** (unapproved)

The Brookings City Council held a joint meeting with the County Commission on Tuesday, May 7, 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. County Commission Members present: Mike Bartley, Shawn Hostler, Larry Jensen, Ryan Krogman, and Kelly VanderWal. City Manager Paul Briseno, City Attorney Steve Britzman and City Clerk Bonnie Foster were also present.

**Oath of Office.** Newly Elected Mayor and City Council Members took their Oath of Office and were presented with their Certificates of Election. Re-Elected Mayor Oepke G. Niemeyer (3-year Mayor Term - term expires 5/1/2027); Re-Elected City Council Members are: Wayne Avery (3-year City Council Term - term expires 5/1/2027), Nick Wendell (3-year City Council Term - term expires 5/1/2027).

**Agenda.** A motion was made by Council Member Rasmussen, seconded by Council Member Specker, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Ordinance 24-004.** A public hearing was held on Ordinance 24-004, an Ordinance to Rezone Outlots 6, 7, 8, 9 and 14 in the West ½ of the South ½ of the Northeast ¼ in Section 11, Township 109, Range 50, Medary Township, Brookings County, South Dakota from a Joint Jurisdiction Agriculture (JJ-A) District and a Joint Jurisdiction Residence (R-3A) Apartments/Mobile Homes and Manufactured Housing District to a Joint Jurisdiction Business (JJ-B3) Heavy District. A motion was made by Council Member Wendell, seconded by Council Member Doran, that Ordinance 24-004 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**County Commission Ordinance 2024-02.** A public hearing was held on Brookings County Commission Ordinance 2024-02, an Ordinance authorizing Rezoning of Outlots 6, 7, 8, 9, and 14 in the West ½ of the South ½ of the Northeast ¼ of Section 11-T109N-R50W (Medary Township). A motion was made by County Commission Member VanderWal, seconded by County Commission Member Bartley, that Ordinance 2024-02 be approved. The motion carried by the following vote: Yes: 5 – Bartley, Hostler, Jensen, Krogman, and VanderWal.

**Adjourn the Joint Meeting.** A motion was made by Council Member Specker, seconded by Council Member Doran, that the Joint Meeting of the Brookings City Council and Brookings County Commission Joint Meeting be adjourned at 5:54 p.m. The motion carried by a unanimous vote.

(A brief recess began at 5:54 p.m. to end the joint portion of the meeting, dismissing the County Commission. The City Council reconvened at 6:00 p.m.)

**Consent Agenda.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, to approve 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. Action to approve the April 23, 2024 City Council Minutes.**

**B. Action on Annual Malt Beverage Alcohol License Renewals.** On-Off Sale Malt (retail): BP of Brookings, 2420 6<sup>th</sup> Street, Suite B; Brookings Softball Assoc. (Southbrook Softball Diamonds), 2800 22<sup>nd</sup> Avenue South; BYG Backyard Grill, 1805 6<sup>th</sup> Street; Carpy's Pub, 714 22<sup>nd</sup> Avenue South; Casino 2000, 622 25<sup>th</sup> Avenue, Suite A and B; CHS, Inc., dba Cenex Zip Trip #63, 1005 6<sup>th</sup> Street; CHS, Inc., dba Cenex Zip Trip #64, 3045 LeFevre Dr.; The Children's Museum of South Dakota, 521 4<sup>th</sup> Street; Circle K, Hwy 14 Bypass (Inactive); Classic Convenience, 916 6<sup>th</sup> Street; Corner Pantry #24 / MG Oil, Co., 600 6<sup>th</sup> Street; Corner Pantry #24 / MG Oil, Co., 600 6<sup>th</sup> Street, Suite B; Cubby's Sports Bar & Grill, 307 Main Avenue; Dacotah Bank Center, 824 32<sup>nd</sup> Avenue; Danger von Dempsey's, 770 22<sup>nd</sup> Avenue South; Danny's, 703 Main Avenue South; EdgeBrook Golf Course, 1415 22<sup>nd</sup> Avenue South; El Tapatio, Inc., 1816 6<sup>th</sup> Street; Eponymous Brewing Co., 126 Main Avenue South; 4 Aces Casino / SVK Properties, Inc., 141 Main Avenue South, Suite A; 4 Aces Casino / SVK Properties, Inc., 141 Main Avenue South, Suite B; 4 Aces Casino / SVK Properties, Inc., 141 Main Avenue South, Suite C; 4 Aces Casino / SVK Properties, Inc., 141 Main Avenue South, Suite D; Flavor Indian & Asian Fare, 501 Main Avenue; George's Pizza, 311 Main Avenue; Hy-Vee Fast & Fresh, 716 22<sup>nd</sup> Avenue South; Jim's Tap, 309 Main Avenue; The Lanes / MG Oil, Co., 722 Western Avenue, Suite B; The Lanes / MG Oil, Co., 722 Western Avenue, Suite C; Main Street Pub, 408 Main Avenue; McCrory Gardens Visitors Center/Sodexo, 6<sup>th</sup> Street & 22<sup>nd</sup> Avenue; Mosaic Wine Bar, 225 Main Avenue; Old Sanctuary, 928 4<sup>th</sup> Street; PNP Pub / Schoon's Pub, Inc., 318 2<sup>nd</sup> Street South; Ray's Corner / Icon Investments, 401 Main Avenue; Ray's Corner / Icon Investments, 401 Main Ave, Suite B; Sake One, Inc., 724 22<sup>nd</sup> Avenue South; Schoon's PNP Pub South / Schoon's Properties, Inc., 1203 Main Avenue South; Skinner's Pub, 300 Main Avenue; South Main Casino & Pub/SVK Properties, LLC, 615 Main Avenue South, Suite A and B; Sully's Irish Pub / 3 Guys LLC, 421 Main Avenue; Tee'd Off Golf, 2508 Wilbert Court, Suite B; Wal-Mart Supercenter #1538, 2233 6<sup>th</sup> Street; Wilbert's / Den Wil Hospitality Group, Inc., 931 25<sup>th</sup> Avenue; The Wild Hare, 303 3<sup>rd</sup> Street; Wooden Legs Brewing Co., 309 5<sup>th</sup> Street, Suite 100; Yessica's Restaurant, 1300 Main Avenue South.

**C. Action to abate property taxes in the amount of \$868.88 for Parcel #40245-00400-008-05. Address: 516 12th Avenue, Brookings. Legal description: South 60 feet of Lots 7-8, Block 4, Hill Park Addition.**

**D. Action to abate property taxes in the amount of \$1,373.79 for Parcel #40245-00400-007-00. Address: 1206 6th Street, Brookings. Legal description: North 130 feet of Lot 7, Block 4, Hill Park Addition.**

**E. Action to abate property taxes in the amount of \$748.19 for Parcel #40245-00400-006-00. Address: 1210 6th Street, Brookings. Legal description: Lot 6, Block 4, Hill Park Addition.**

**F. Action to abate property taxes in the amount of \$3,083.35 for Parcel #40245-00400-005-00. Address: 1212 6th Street, Brookings. Legal description: Lot 5, Block 4, Hill Park Addition**

**G. Action to abate property taxes in the amount of \$2,183.73 for Parcel #40245-00400-002-00. Address: 515 13th Avenue, Brookings. Legal description: South 85 feet of Lot 1 and 2, Block 4, Hill Park Addition.**

**H. Action to abate property taxes in the amount of \$1,131.03 for Parcel #40245-00400-008-00. Address: 1202 6th Street, Brookings. Legal description: North 130 feet of Lot 8, Block 4, Hill Park Addition.**

**I. Action to abate property taxes in the amount of \$2,065.25 for Parcel #40245-00400-001-00. Address: 1224 6th Street, Brookings. Legal description: North 105 feet of Lots 1 and 2, Block 4, except Lot H-1 Thereof, Hill Park Addition.**

**J. Action to abate property taxes in the amount of \$3,592.74 for Parcel #40245-00400-003-00. Address: 1218 6th Street, Brookings. Legal description: Lots 3 and 4, Block 4, Hill Park Addition.**

**K. Action on Brookings Municipal Utility Board appointment:** reappoint Seth Hansen (term expires 5/1/2029).

**L. Action on Resolution 24-049, a Resolution in Support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by CD Properties, LLC, and / or its Affiliates, Agents, or Assigns, for the Benefit of Multifamily Development.**

RESOLUTION 24-049 - RESOLUTION IN SUPPORT OF AN APPLICATION FOR FINANCIAL ASSISTANCE TO THE SOUTH DAKOTA HOUSING AND DEVELOPMENT AUTHORITY BY CD PROPERTIES, LLC, AND / OR ITS AFFILIATES, AGENTS, OR ASSIGNS, FOR THE BENEFIT OF MULTIFAMILY DEVELOPMENT

WHEREAS, the 2022 Brookings County Housing Study identified the need for additional multifamily housing in the moderate to market price range; and

WHEREAS, the City of Brookings (the "City") and CD Properties, LLC have determined it is necessary to proceed with improvements to the City's infrastructure, thus enabling additional multifamily housing to be constructed in the city limits of Brookings by CD Properties, LLC and others; and

WHEREAS, the City of Brookings acknowledges there is a significant housing shortage in the City of Brookings and this proposed multifamily development will help, but not resolve the housing shortage.

WHEREAS, the City and Developer have determined financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by CD Properties, LLC (Developer) for the proposed development; and

WHEREAS, the City will work with the Developer's engineer to ensure the preliminary

project infrastructure plans meet the City's requirements for adequate drinking water, water treatment capacity and distribution, storm sewer, and all other necessary improvements as needed; and

WHEREAS, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

WHEREAS, the City is committed to the ownership and long-term maintenance of said infrastructure;

NOW, THEREFORE, BE IT RESOLVED by the City of Brookings as follows:

1. The City of Brookings hereby supports the submission of an Application for financial assistance by CD Properties, LLC, to the South Dakota Housing and Development Authority.
2. City officials of the City of Brookings are hereby authorized to deliver such other documents as necessary, to assist with the Application for the Project described herein.

**M. Action on Resolution 24-050, a Resolution in Support of an Application for Financial Assistance to the South Dakota Housing and Development Authority by JDS Investments, LLC, and / or its Affiliates, Agents, or Assigns, for the Benefit of Multifamily Development.**

RESOLUTION 24-050 - RESOLUTION IN SUPPORT OF AN APPLICATION FOR FINANCIAL ASSISTANCE TO THE SOUTH DAKOTA HOUSING AND DEVELOPMENT AUTHORITY BY JDS INVESTMENTS, LLC, AND / OR ITS AFFILIATES, AGENTS, OR ASSIGNS, FOR THE BENEFIT OF MULTIFAMILY DEVELOPMENT

WHEREAS, the 2022 Brookings County Housing Study identified the need for additional multifamily housing in the moderate to market price range; and

WHEREAS, the City of Brookings (the "City") and JDS Investments, LLC have determined it is necessary to proceed with improvements to the City's infrastructure, thus enabling additional multifamily housing to be constructed in the city limits of Brookings by JDS Investments, LLC and others; and

WHEREAS, the City of Brookings acknowledges that there is a significant housing shortage in the City of Brookings and this proposed multifamily development will help, but not resolve the housing shortage.

WHEREAS, the City and Developer have determined financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Housing and Development Authority shall be prepared by JDS Investments, LLC (Developer) for the proposed development; and

WHEREAS, the City will work with the Developer's engineer to ensure the preliminary project infrastructure plans meet the City's requirements for adequate drinking water,

water treatment capacity and distribution, storm sewer, and all other necessary improvements as needed; and

WHEREAS, the City has adequate treatment facilities and water supply to accommodate the proposed development; and

WHEREAS, the City is committed to the ownership and long-term maintenance of said infrastructure;

NOW, THEREFORE, BE IT RESOLVED by the City of Brookings as follows:

1. The City of Brookings hereby supports the submission of an Application for financial assistance by JDS Investments, LLC, to the South Dakota Housing and Development Authority.
2. City officials of the City of Brookings are hereby authorized to deliver such other documents as necessary, to assist with the Application for the Project described herein.

**Proclamation.** Mayor Niemeyer presented a Proclamation to the Brookings Advance Self-Advocate Group designating May 2024 as Global Accessibility Awareness Month.

#### MAYORAL PROCLAMATION

WHEREAS, Global Accessibility Awareness Day (GAAD) is commemorating its 13<sup>th</sup> Anniversary of educating about digital access and inclusion for the more than one billion people with disabilities; and

WHEREAS, GAAD is led by the GAAD Foundation, which was founded on the 10<sup>th</sup> Anniversary of Global Accessibility Awareness Day and whose mission is to disrupt the culture of technology and digital product development to include accessibility as a core requirement; and

WHEREAS, Workplaces welcoming of the talents of all people, including disabled people, are a critical part of our efforts to build an inclusive community and strong economy, yet more than 98.1% of corporate and organizations home pages have at least one Web Content Accessibility Guidelines 2.0 failure, thus making it difficult with those members of the disabled community from fully accessing information.

NOW, THEREFORE, I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 2024 as GLOBAL ACCESSIBILITY AWARENESS MONTH and I call upon employers, schools and other community organizations in Brookings to observe this month with an appropriate review of their digital content, and to address issues identified in such reviews that prevent disabled people from accessing and using digital content provided by these institutions.

**Proclamation.** Mayor Niemeyer presented a Proclamation to Bonnie Foster, City Clerk, and DeShawn Scott, Deputy City Clerk, recognizing May 5-11 as City Clerk Week.

## MAYORAL PROCLAMATION

WHEREAS, the Office of the City Clerk is the oldest among public servants; and

WHEREAS, the City Clerk provides the professional link between the citizens and agencies of government, serving as an information center; and

WHEREAS, the City Clerk has pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

WHEREAS, the main duties of the City Clerk include preparing the council agendas and minutes, maintaining ordinance and resolutions files, keeping the official records of the city, conducting local elections, and processing licenses.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 5-11, 2024 as CITY CLERK WEEK and extend appreciation to City Clerk Bonnie Foster and Deputy City Clerk DeShawn Scott.

**Proclamation.** Mayor Niemeyer presented a Proclamation to Public Works staff, recognizing May 19-25 as National Public Works Week.

## MAYORAL PROCLAMATION

WHEREAS, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the City of Brookings; and

WHEREAS, these infrastructure, facilities, and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders, and children in the City of Brookings to gain knowledge of and maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and

WHEREAS, 2024 marks the 64th annual National Public Works Week.

NOW, THEREFORE, BE IT RESOLVED, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim May 19 - 25, 2024 as NATIONAL PUBLIC WORKS WEEK and I urge all citizens to join in activities, events, and ceremonies designed to pay tribute to our public works professionals and to recognize the substantial

contributions they make to protecting our national health, safety, and advancing quality of life for all.

**Report: 2024 Spring Bulky Item Pickup.** John Thompson, Public Works Director, presented information on the 2024 Spring Bulky Item Pickup.

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

**Resolution 24-048.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Rasmussen, that Resolution 24-048, a Resolution Authorizing the Brookings Mayor to enter into an Agreement for Financial Assistance between the City of Brookings / Brookings Municipal Utilities and South Dakota Department of Agriculture and Natural Resources, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-048 - A RESOLUTION AUTHORIZING THE BROOKINGS MAYOR OF THE CITY OF BROOKINGS TO ENTER INTO AN AGREEMENT FOR FINANCIAL ASSISTANCE BETWEEN THE CITY OF BROOKINGS / BROOKINGS MUNICIPAL UTILITIES AND THE SOUTH DAKOTA DEPARTMENT OF AGRICULTURE AND NATURAL RESOURCES.

WHEREAS, the City of Brookings/Brookings Municipal Utilities (BMU) (the "City") has determined it is necessary to proceed with improvements to its Water System, including but not limited to constructing a Water Treatment Facility, installing water mains, and constructing 6 new wells (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") was prepared; and

WHEREAS, the City submitted a funding application for the Project to the Board; and

WHEREAS, the American Rescue Plan Act (ARPA) and 2024 Senate Bill 53 have allowed for additional grant allocations; and

WHEREAS, the City qualifies for up to an additional ARPA grant of \$9,000,000; and

WHEREAS, the City received \$21,039,300 ARPA funds.

NOW, THEREFORE, BE IT RESOLVED by the City:

1. That the City of Brookings/BMU hereby authorizes a request for consideration by the Board for up to \$9,000,000 of additional ARPA grant funds to be provided for this project.
2. That the Mayor of the City of Brookings is hereby authorized to execute the grant

application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the City of Brookings' application for financial assistance.

3. That the Brookings Municipal Utilities General Manager/Executive Vice President is hereby designated as the authorized representative of the City of Brookings/BMU to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

**Resolution 24-031.** A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 24-031, a Resolution authorizing Change Order #1 for the Hillcrest Park Pickleball Courts Project, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-031 - RESOLUTION AUTHORIZING CHANGE ORDER #1 FOR THE HILLCREST PARK PICKLEBALL COURTS PROJECT**

WHEREAS, the City of Brookings is requesting changes to the Hillcrest Park Pickleball Courts Project to meet USA Pickleball standards, and allow for tournament play; and

WHEREAS, the City of Brookings is requesting to increase the square footage of the courts to 16,600 square feet; and

WHEREAS, the City of Brookings is requesting to increase the buffer zones around the individual courts; and

WHEREAS, the City of Brookings is requesting to add additional fencing between the courts; and

WHEREAS, the City of Brookings is requesting to install seven additional gates for court access; and

WHEREAS, the City of Brookings is requesting to create improved accessibility of the proposed pickleball courts.

NOW, THEREFORE, BE IT RESOLVED, that the City of Brookings hereby authorizes the approval of Change Order #1 for the Hillcrest Park Pickleball Courts Project.

**Resolution 24-045.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-045, a Resolution Awarding Bids on 2024-07STI, Freight On Board Asphalt Material, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**RESOLUTION 24-045 - RESOLUTION AWARDING BIDS ON PROJECT 2024-07STI**



## FREIGHT ON BOARD ASPHALT MATERIAL

WHEREAS, the City of Brookings opened bids for Project 2024-07STI Freight On Board Asphalt Material on Tuesday, April 30, 2024 at 1:30 pm at the Brookings City and County Government Center; and

WHEREAS, the City of Brookings has received the following bid: Bowes Construction Inc., in the amount of \$89,160.00.

NOW, THEREFORE, BE IT RESOLVED that the total low bid of \$89,160.00 for Bowes Construction Inc., Brookings, SD be accepted.

**Resolution 24-046.** A motion was made by Council Member Wendell, seconded by Council Member Specker, that Resolution 24-046, a Resolution Awarding Bids on Project 2024-08STI Street Maintenance and Overlay Project, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

### RESOLUTION 24-046 - RESOLUTION ACCEPTING BIDS ON PROJECT 2024-08STI STREET MAINTENANCE & OVERLAY PROJECT

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

WHEREAS, the City of Brookings received the following bid for the 2024-08STI Street Maintenance and Overlay Project: Bowes Construction, Inc, in the amount of \$1,206,481.35.

WHEREAS, the low bid was approximately 17% lower than the Engineer's Estimate.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the low bid of \$1,206,481.35 for Bowes Construction Inc., 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.

**Ordinance 24-011.** A motion was made by Council Member Specker, seconded by Council Member Wendell, that Ordinance 24-011, Amendment No. 2 to the 2024 Budget, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Ordinance 24-012.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 24-012, Amendment No. 3 to the 2024 Budget, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Ordinance 24-013.** A motion was made by Council Member Wendell, seconded by Council Member Doran, that Ordinance 24-013, Amendment No. 4 to the 2024 Budget, be approved. The motion carried by the following vote: Yes: 5 - Doran, Niemeyer, Specker, Tilton Byrne, and Wendell; No: 2 - Avery, and Rasmussen.

**Ordinance 24-014.** A motion was made by Council Member Doran, seconded by Council Member Specker, that Ordinance 24-014, Amendment No. 5 to the 2024 Budget, be approved. Public Comment: Adan Schwenk. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Temporary Alcohol Application.** A public hearing was held on a Temporary Alcohol Application for the Brookings Volunteer Fire Association Street Dance to be held in the 300 Block of Main Avenue on July 20, 2024. A motion was made by Council Member Specker, 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, Tilton Byrne, and Wendell.

**On-Off Sale Malt License.** A public hearing was held on a request for an On-Off Sale Malt License, for Jacks Entertainment, dba Bank Vault and Bank Saloon, located at 327 Main Avenue. A motion was made by Council Member Specker, seconded by Council Member Doran, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

**Resolution 24-042.** A public hearing was held on Resolution 24-042, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for Jacks Entertainment, dba Bank Saloon and Bank Vault, Todd Voss and Bob Winter, owners, 327 Main Avenue, Brookings, South Dakota. A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Resolution 24-042 be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-042 - WINE OPERATING AGREEMENT –  
NEW 10-YEAR AGREEMENT  
JACKS ENTERTAINMENT, DBA BANK SALOON AND BANK VAULT

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 Todd Voss and Bob Winter, owners, Jacks Entertainment, dba Bank Saloon and Bank 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 feet of Lot 14, Block 3, Original Plat Addition, 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.

**Resolution 24-047.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-047, a Resolution establishing the fees for the issuance of On-Sale Liquor and Full-Service Restaurant On-Sale Liquor Licenses in the City of Brookings, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-047 - A RESOLUTION ESTABLISHING THE FEES FOR THE  
ISSUANCE OF ON-SALE LIQUOR AND FULL-SERVICE RESTAURANT ON-SALE  
LIQUOR LICENSES IN THE CITY OF BROOKINGS

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

WHEREAS, SDCL 35-4-2(4), 35-4-111, and 35-4-116 provides the minimum fee for the initial issuance of on-sale alcoholic beverage liquor licenses at not less than one dollar for each person in the municipality as measured by the last preceding Federal Census (2020), and the City of Brookings' population is 23,377;

WHEREAS, SDCL 35-4-2(4), does not establish a maximum fee for the license issuance, and accordingly the fee for the initial issuance of on-sale alcoholic beverage liquor licenses for both Operating Agreements and Full-Service Restaurant On-Sale Liquor Licenses may be set by the City Council provided the fee exceeds the minimum fee; and

NOW, THEREFORE, BE IT RESOLVED that the fee for the issuance of On-Sale Liquor Licenses and Full-Service Restaurant On-Sale Liquor Licenses in the City of Brookings shall each be One Hundred Thousand Dollars (\$100,000.00) per License.

**Resolution 24-043.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 24-043, a Resolution Authorizing the City Manager to Sign and Submit an Agreement for Funding from the Transportation Alternatives Grant Program for the Construction of Pedestrian Improvements on Medary Avenue in the City of Brookings, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-043 - A RESOLUTION AUTHORIZING THE CITY MANAGER  
TO SIGN AND SUBMIT AN AGREEMENT FOR FUNDING FROM THE  
TRANSPORTATION ALTERNATIVES GRANT PROGRAM FOR THE  
CONSTRUCTION OF PEDESTRIAN IMPROVEMENTS ON MEDARY AVENUE

WHEREAS, the City of Brookings, SD (the "City") desires financial assistance from the South Dakota Department of Transportation-Transportation Alternatives Grant Program

for the purpose of constructing a shared use path along the east side of Medary Avenue, speed tables, improved lighting, and improved line painting hereinafter described as the "Project"; and

WHEREAS, the City hereby agrees to the maintenance and operation of the Project; and

WHEREAS, the City hereby commits to the local match of not less than 20 percent (20%), \$134,400, of the project; and

WHEREAS, the City acknowledges its responsibility to secure right-of-way or easements for construction of the project as needed; and

WHEREAS, SDSU and the City have agreed to equally split the local match share and allocate sufficient appropriations in their respective Fiscal Year budgets; and

WHEREAS, this resolution authorizes the City Manager to sign and submit the Transportation Alternatives Grant Program agreement for funding for a grant of \$672,000 for the Project; and

WHEREAS, the City Manager will serve as the City's Official for the purpose of signing grant agreements, contracts, correspondence, pay requests, and other required documents in connection with a grant and this project.

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Brookings is authorized to sign and submit the Grant Agreement for a grant of \$672,000 for the Project, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this project.

**Resolution 24-044.** A motion was made by Council Member Specker, seconded by Council Member Wendell, that Resolution 24-044, a Resolution Authorizing the City Manager to Sign and Submit an Agreement for State Department of Transportation Funding for a Brookings Transportation Planning Study, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

RESOLUTION 24-044 - A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AND SUBMIT AN AGREEMENT FOR DEPARTMENT OF TRANSPORTATION FUNDING FOR A TRANSPORTATION PLANNING STUDY IN BROOKINGS

WHEREAS, the City of Brookings, SD (City) desires financial assistance from the South Dakota Department of Transportation (SDDOT) for a Transportation Planning Study hereinafter described as the "Project"; and

WHEREAS, the SDDOT has tentatively approved funding in the amount of \$200,000 for the Project, pending the execution of a grant agreement; and

WHEREAS, the City hereby commits to the local match of not less than 20 percent (20%), \$40,000, for the Project; and

WHEREAS, this Resolution authorizes the City Manager to sign and submit a grant agreement with the SDDOT; and

WHEREAS, the City Manager will serve as the City's Official for the purpose of signing grant agreements, contracts, correspondence, pay requests, and other required documents in connection with a grant and this Project.

NOW, THEREFORE, BE IT RESOLVED that the City Manager of the City of Brookings is authorized to sign and submit a grant agreement for the Project, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this Project.

**City Council Member Introduction of Topics for Future Discussion.** Council Member Wendell asked staff to provide an update on the clean-up of the Shady Acres property at a future City Council Meeting. Council Member Specker requested information on alcohol license renewals and compliance check failures prior to Council Action on Malt Renewals scheduled for May 28<sup>th</sup> Council Meeting.

**Executive Session.** A motion was made by Council Member Wendell, seconded by Council Member Doran, to enter into Executive Session at 7:36 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 8:18 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 8:19 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

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Oepke G. Niemeyer, Mayor

ATTEST:

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Bonnie Foster, City Clerk