

**Brookings City Council**  
**April 11, 2023**

The Brookings City Council held a meeting on Tuesday, April 11, 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 Nick Wendell, Joey Collins, Holly Tilton Byrne, Wayne Avery, Brianna Doran, and Bonny Specker. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

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

**Open Forum.** Dianne Nagy and Behnoosh Amandi, Human Rights Commission members, invited the City Council and members of the public to the Spring Diversity Potluck to be held on April 22<sup>nd</sup> from 5:00-7:00 p.m. at the McCrory Gardens Visitor Center.

Jeanette Gibbons – Brookings, SD – shared “The Code, 10 intentions for a better planet,” with members of the City Council and public.

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

**A. Action to approve the March 28, 2023 City Council Minutes.**

**B. Action on volunteer board appointments:** Utility Board: reappoint Keith Bartels (term expires 5/1/2028); Sustainability Council: reappoint Gabrielle Bolwerk as a College Student Representative (term expires 5/1/2024); Park & Recreation Board: reappoint Steve Berseth, and appoint Nathaniel Condelli (terms expire 5/1/2026).

**C. Action on Resolution 23-022, a Resolution Approving the Purchase of two (2) Ranger Utility Vehicles with track systems.**

Resolution 23-022 - Resolution Approving the Purchase of  
Two Ranger Utility Vehicles with Tracks

Whereas, the Public Works Solid Waste and Street Divisions have the need to replace two (2) older vehicles which are beyond their useful life; and

Whereas, the City is a member of the Sourcewell Purchasing Cooperative; and

Whereas, Brookings Powersports of Brookings, SD is a participating bidder in the Sourcewell Contract #122220-PSI; and

Whereas, the 2023 Amended Budget identifies \$35,000 in the Solid Waste Disposal Fund #612 and \$35,000 in Capital Improvements Fund #213 for a total of \$70,000 for the purchase of two Ranger Utility Vehicles with tracks; and

Whereas, the Department of Public Works will be surplusing a 2017 Polaris Ranger and 1999 pickup, which is estimated to raise \$8,000 of additional revenue to cover the \$5,052.25 in expense.

Now, Therefore, Be It Resolved that a contract with Brookings Powersports through Sourcewell Contracts #122220-PSI in the amount of \$75,052.25 is hereby approved, and the City Manager and City Clerk are authorized to sign the documents required to complete this purchase.

**D. Action on Resolution 23-028, a Resolution Approving the Purchase of two (2) Automated Collection Trucks.**

Resolution 23-028 - Resolution Approving the Purchase  
of two New Automated Collection Trucks

Whereas, the Solid Waste Division of Public Works has the need to replace two (2) older automated collection trucks that are beyond their useful life; and

Whereas, the City is a member of the Sourcewell purchasing cooperative; and

Whereas, Sanitation Products, Inc. of Sioux Falls, SD is a participating bidder in the Sourcewell Contracts #091219-LEG and #060920-NAF; and

Whereas, the 2023 Amended Budget appropriates \$602,357 in Org. 612 – Solid Waste Collection, for the purchase of two new automated collection trucks.

Now, Therefore, Be It Resolved that a contract with Sanitation Products through Sourcewell Contracts #091219-LEG and #060920-NAF in the amount of \$584,714 is hereby approved, and the City Manager and City Clerk are authorized to sign the documents required to complete this purchase.

**Proclamation.** Mayor Niemeyer presented a proclamation to coaches and members of the boys and girls Rangers Hockey Teams, recognizing April 14<sup>th</sup> at Rangers Hockey Day.

MAYORAL PROCLAMATION

Whereas, in addition to physical fitness, hockey promotes fun, teamwork, discipline, confidence, selflessness, communication and lifelong growth; and

Whereas, the Brookings Rangers Girls Varsity team was crowned the 2023 State Hockey Champion on March 5, 2023; and

Whereas, for the 3<sup>rd</sup> consecutive year, the Brookings Rangers Boys Varsity team was crowned the State Hockey Champion on March 12, 2023; and

Whereas, the Rangers Boys Varsity team made South Dakota history, as the first

Varsity team to represent South Dakota at the Division I High School National Championship game; and

Whereas, the Rangers Boys Varsity team proudly represented our State and took 2<sup>nd</sup> place at the USA National Hockey Championships; and

Whereas, the Rangers have brought honor to our community through their commitment, persistence, unity, and endless hours of dedicated coaching; and

Whereas, the coaches, families, student section, and fans were integral in helping the players to victory through their unwavering support all season.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Friday, April 14, 2023 as Brookings Rangers Hockey Day, and ask all to share in Ranger pride by wearing blue and red on April 14, 2023.

**Proclamation.** Mayor Niemeyer presented a Proclamation to the United Way and City of Brookings in recognition of National Volunteer Week, April 16-22, 2023.

#### MAYORAL PROCLAMATION

Whereas, the City Council, the City of Brookings staff, and the United Way want to recognize the dedicated volunteers serving the City of Brookings; and

Whereas, the dedicated volunteers serve in various capacities throughout the City of Brookings from serving on volunteer boards, serving as Volunteer Fire Department members, signing on as a member of the Police Reserves, and volunteering through the United Way; and

Whereas, the passion of the City's volunteers contributes to the current and future success of our community, making Brookings a great place to live, work, and visit; and

Whereas, the City of Brookings is able to accomplish goals that might have been unattainable without the effort of volunteers; and

Whereas, the giving of one's self and service to another empowers the giver and the recipient.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim April 16-22, 2023 as National Volunteer Week, and sincerely thank the City's faithful volunteers.

**Proclamation.** Mayor Niemeyer presented a proclamation to Kristina Gindo, a registered Music Therapist, in recognition of Music Therapy Week, April 10-15, 2023.

#### MAYORAL PROCLAMATION

Whereas, music therapy is a recognized health care profession that is changing lives

around South Dakota; and

Whereas, music therapy is the clinical and evidence-based use of music interventions to accomplish individualized goals within a therapeutic relationship; and

Whereas, music therapists are credentialed professionals who have completed an approved music therapy program; and

Whereas, music therapists serve populations of special education, hospice, mental health, older adults, early childhood, as well as prenatal, postpartum, and birthing mothers; and

Whereas, music therapy has the power of change through the power of music in mental health, learning, and music goals.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim April 10-15, 2023 as Music Therapy Week.

**Brookings Police Dept. Pinning Ceremony.** New Patrol Officer Katherine Taylor took her Oath of Office, and was pinned as a member of the Brookings Police Department. Officer Taylor joined the City of Brookings Police Department on March 7, 2023. Prior to her hiring, she was an Animal Control Officer for the City of Brookings. Katie is a graduate from South Dakota State University with a Bachelor's degree in Natural Resources - Law Enforcement. Katie is looking forward to engraining herself within this great community while providing excellent police service.

**Recognition of Council Member Joey Collins.** Outgoing Council Member Joey Collins was recognized for his leadership to the City of Brookings in the following roles: Brookings Health Systems Board of Trustees: May 2022 - May 2023; Brookings Municipal Utilities Board: May 2020 - May 2022; and East Central Communications Council (E-911): May 2020 - May 2022. Mayor Niemeyer presented Council Member Collins with an American Flag in recognition of his years as a City Council Member.

**Report: SDSU Students Association.** Erika Van Nieuwenhuyse, Government Affairs Chair for the SDSU Students Association, provided an update on SDSU happenings and Legislative updates which effect SDSU. Michael Garofalo was introduced as the new Government Affairs Chair for 2023-2024.

**City Council Ex-Officio Reports.** Ex-Officio Reports were presented for the following: Brookings Municipal Utility Board report by Council Members Avery and Specker. Brookings Health Systems Board of Trustees report by Council Members Collins and Doran.

**Update from 3M.** Jim Burkhardt, 3M Site Manager, provided an update on a leak detection in the fire suppression loop surrounding the Brookings plant. They have worked with Brookings Municipal Utilities and the South Dakota Department of Natural

Resources and will conduct an environmental assessment. 3M strives to be good stewards of their site and the community.

**Resolution 23-035.** A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that Resolution 23-035, a Resolution Awarding Bids on Project 2023-08STI Street Maintenance and Overlay Project, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-035 - Resolution Awarding Bids on 2023-08STI Street Maintenance and Overlay Project; Bowes Construction, Inc.

Whereas, the City of Brookings opened bids for 2023-08STI Street Maintenance and Overlay Project on Tuesday, April 4, 2023 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bid for the 2023-08STI Street Maintenance and Overlay Project:

Schedule A (Street Maintenance):

Bowes Construction - \$1,942,494.90,

Schedule B (BMU: Harvey Dunn Water Main and Sanitary Sewer):

Bowes Construction - \$229,726.50,

Schedule C (Swiftel Parking Lot A):

Bowes Construction - \$239,130.00,

Total of All Schedules:

Bowes Construction – \$2,411,351.40

Now, Therefore, Be It Resolved that the total low bid with both alternates being awarded of \$2,411,351.40 for Bowes Construction Inc., be accepted.

**Ordinance 23-009.** A public hearing was held on Ordinance 23-009, an Ordinance to Rezone Block 9 of Wiese Addition from Planned Development District with Business B-4 Heavy District underlying to Planned Development District with Business B-2 District underlying. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Ordinance 23-009 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Ordinance 23-010.** A motion was made by Council Member Specker, seconded by Council Member Wendell, that Ordinance 23-010, an Ordinance Authorizing Budget Amendment No. 3 to the 2023 Budget, be approved. Public Comment: Kristen Gjesdal. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Ordinance 23-011.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 23-011, an Ordinance Amending Section 14-85 of the Code of Ordinances of the City of Brookings, South Dakota, and Pertaining to Bee Keeping in the City of Brookings, South Dakota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Initial Development Plan.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that the Initial Development Plan for the Planned Development District of Block 9 in Wiese Addition, also known as the Brookings Marketplace, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Resolution 23-034.** A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 23-034, a Resolution Concerning the Exchange of Real Property, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-034 - A Resolution Concerning the Exchange of Real Property

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

Whereas, in accordance with SDCL 6-5-1, which permits municipalities and school districts to exchange land, and for the purpose of acquisition of necessary right-of-way for street and other public uses, the City desires to acquire from Brookings School District 5-1, additional right-of-way located upon the following described property: The East 30 Feet of Christie Third Addition, Except Blocks Two and Three thereof, in the South One-half of the Northwest Quarter of Section Two, Township 109 North, Range 50 West of the 5<sup>th</sup> P.M., City of Brookings, County of Brookings, State of South Dakota; and

Whereas, Brookings School District 5-1 desires to acquire the following property for the relocation and reconstruction of Hillcrest School; and

Whereas, the City of Brookings, in order to assist Brookings School District 5-1 in the relocation and reconstruction of Hillcrest School, hereby conveys the following described property to Brookings School District 5-1: Lot "N" of the North one-half of Section 25, Township 110 North, Range 50 West of the 5<sup>th</sup> P.M., City of Brookings, County of Brookings, State of South Dakota, and the North 23 Feet of the West 286.8 feet, which is adjacent to, abutting and North of Lot "N", together with a Temporary Construction Easement for the construction staging area north of and adjacent to Lot "N"; and

Whereas, the City of Brookings and Brookings School District 5-1 agree that in addition

to the exchange of the above-described properties, the following “additional requirements” shall be performed:

- A. The Brookings School District 5-1 will promptly compensate the City for the cost of the appraisal of the exchange lands described herein, and will reimburse or convey to the City either monetarily or with land which is equal to or greater in value or size to the land exchanged under this Resolution to meet the grant requirements of the National Park Service (as administered by the State of South Dakota) within five years; and
- B. The pavilion (gazebo picnic) structures will be moved or replaced with similar structures, as approved by the City, at the cost of the Brookings School District 5-1; and
- C. The playground in the northeast area of the School District property shall remain open to the public.

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

- A. That the City of Brookings acquire the above-described right-of-way from Brookings School District 5-1 for street and other public uses; and
- B. That the City of Brookings conveys the real property described immediately above to Brookings School District 5-1 for relocation and reconstruction of Hillcrest School purposes, together with a Temporary Construction Easement; and
- C. The “additional requirements” set forth above shall be performed by Brookings School District 5-1; and
- D. That the Mayor, City Manager, City Clerk, and City Attorney are authorized to execute a Real Estate Exchange Agreement and other required documents in accordance with this Resolution.

**Adjourn.** A motion was made by Council Member Wendell, seconded by Council Member Collins, that this meeting be adjourned at 7:03 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