

Brookings City Council
November 8, 2022 (unapproved)

The Brookings City Council held a meeting on Tuesday, November 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 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 Collins, seconded by Council Member Specker, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

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: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

A. Action to approve the 10/25/2022 City Council Minutes.

B. Action on annual Liquor and Wine License Renewals for 2023. Liquor (Off-Sale): Brookings Municipal Liquor Store, 780 22nd Ave. So.; Liquor (On-Sale): Applebee's / Porter Apple Co. B Inc., 3001 LeFevre Dr.; Craft Fusion / Jesse Davis, LLC, 610 Medary Ave.; Cubby's Sports Bar & Grill / GDT Inc., 307 Main Ave.; Danny's / David Olson Inc., 703 Main Ave. So.; Elks Club Lodge #1490, 516 4th St.; Jack's Entertainment LLC / O'Hare's, 327 Main Ave.; Jim's Tap / Urquhart Ent., Inc., 309 Main Ave.; Main Street Pub, 408 Main Ave; 9 Bar Nightclub / Nine Inc., 303 Main Ave.; Pheasant Restaurant & Lounge / RGO, Inc., 726 Main Ave. So.; Pints & Quarts / KR Hospitality, Inc., 313 Main Ave.; Ray's Corner / Fergen Enterprises Inc., 401 Main Ave.; Skinner's Pub, Inc., 300 Main Ave.; Sully's Irish Pub / B&L Sullivan Inc., 421 Main Ave.; VFW GEO Dokken Post 2118, 520 Main Ave.; The Wild Hare / Wonder, Inc., 303 3rd St. Restaurant (On-Sale): Whiskey Creek Wood Fire Grill / Brookings Steak Co., LLC, 621 32nd Ave.; The Lodge/Den Wil Hospitality Group Inc, 2515 6th St. Wine (On-Off Sale): Brookings Municipal Liquor Store, 780 22nd Ave. So.; BYG Backyard Grill, 1805 6th Street; Cenex Zip Trip #63 / CHS, Inc., 1005 6th St.; Cenex Zip Trip #64 / CHS, Inc., 3045 LeFevre Dr.; Children's Museum of South Dakota, 521 4th St.; Cottonwood Coffee, Inc, 1710 6th Street; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6th St., Suite 105A; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6th St., Suite 105B; Deuces Casino, Commonwealth Gaming & Holdings Co., 223 6th St., Suite 105C; Flavor Indian & Asian Flare, 501 Main Avenue; Hy-Vee Food Store / Hy-Vee, Inc., 700 22nd Ave. So.; McCrory Gardens Educational & Visitors Center / Sodexo, 6th St. and 22nd Ave.; New Sake / Sake, Inc., 724 22nd Ave. So.; Old Sanctuary / Old Sanctuary Assoc., LLC, 928 4th St.; Pheasant Restaurant & Lounge / RGO, Inc., 726 Main Ave. So.; Swiftel Center, 824 32nd Ave.; Wal-Mart Supercenter #1538 / Wal-Mart Stores, Inc., 2233 6th St.; Yessica's Restaurant, 1300 Main Ave S.

C. Action on Resolution 22-082, a Resolution declaring surplus property for the City of Brookings.

Resolution 22-082 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings:

Police Dept.; Bicycles: Black and Red Kent Abyss 1800, Serial #GS31826WMA; #3002 Blue and Gray Next PowerClimber; #3102 White and Black Kent FS20 Ambush; #1057 Black and Blue Huffy Cranbrook, Serial #SNHJJ20620458; #3088 Black and Blue Roadmaster Granite Peak, Serial #SNFSD20E13903; #1111 Yellow and Red Trk TR20, Serial #RMHF801429; #1034 Blue and Black Raleigh, Serial #U64K23755; #3111 Gray Roadmaster Granite Peak, Serial #SNFSD16D71261; Black Mongoose, Serial #SNFSD19A64931; Green and Silver Huffy, Serial #SNHTJ15164140; #3109 Black Hyper Spinner, Serial #1G20D004329; #3084 Gray and Black Roadmaster Granite Peak, Serial #SNFSD16DH2790; #3063 Black Hyper Static, Serial #WFD13H10959; #3034 Green Giant Yukon, Serial #GA9M7734; Black and Red Next; #2096 Pink FreeStyle – 2 Cool, Serial #G1602053003; #1078 Black and Blue Mongoose Excursion, Serial #SNFSD19F80869; #2011 Green Roadmaster Limited Edition, Serial #RAA216083; #2008 Black Shimano Next, Serial #LWCND32701; #2088 Red Schwinn Sidewinder, Serial #3NMNG05L20565; Black Huffy Rockt, Serial #AH20G081876; #2016 Red Mongoose, Serial #HNHK65079; #1094 Green and Blue Trek MT220, Serial #310000391J; #1105 Gray and Black Trek Navigator, Serial #1TK4J08554; #1003 Black and Red Next; #1002 Gold Bike, Serial #SNFSD06e88947; #1001 Black Mongoose Hotshot, Serial #SNFSD18ED5019; #2226 Gray and Chrome Genesis Saber 200; #2180 Gray Roadmaster Granite Peak; #2132 Red Huffy Rock Creek, Serial #AL13A039518; #2133 Purple Trek Mountain Track, Serial #BJ-0415; #21226 Black Hyper Havoc, Serial #TY19H012737; #2369 Black and Silver Mongoose Excursion; #2156 Blue and White Roadmaster Grand Peak, Serial #SNFSD14KL7348; #2210 Gray and Black Trek Alpha, Serial #WTU285C2104C; #2172 Purple Next Terra, Serial #LBH2452G; #2250 Orange and Black YBike Extreme; #2343 Green Raleigh Grand Touring, Serial #65W0068; #2346 Blue and Pink Huffy Tundra, Serial #26612G016; #2362 Black and Blue Roadmaster Grand Peak, Serial #SNFSD21AK1563; #2200 Black and Gray Roadmaster Granite Peak, Serial #SNFSDA6FJ1752; #2222Turquoise Roadmaster Granite Peak; #2323 Green Schwinn Transit, Serial #F96115778; #2128 Black and Blue Roadmaster Peak, Serial #SNFSD18DD6413; #2388 Blue and Pink Schwinn Delmar, Serial #SNFSD13CG7199; #2353 Red and White Giordano RS700, Serial #1161201439; #2178 Black and Blue Roadmaster; #2325 Yellow and Red Schwinn Mesa, Serial #M8L126628; #2238 Pink and Blue Big Wheel Powder Puff; #2148 Black Next PX4.0, Serial #LWCN101072; Blue Thruster PRO20FS; #2261 Purple and Silver Roadmaster Sport, Serial #K2GK011202; #2314 White and Purple Huffy Storm; #2136 Gray and Black Roadmaster Ground Assault; #2361 Teal Genesis Next Serial #DJJB106132.

Whereas, in the best financial interest, it is the desire of the City of Brookings to dispose of as surplus property; and

Whereas, the City Manager is hereby authorized to sell or dispose of said surplus property.

Now, Therefore, Be It Resolved by the governing body of the City of Brookings, SD, that this property be declared surplus property according to SDCL Chapter 6-13.

D. Action on Resolution 22-086, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Park Place, Inc., Lance Park, owner, 2500 6th Street, Brookings, South Dakota. Legal description: Lot X-1 and all of Lot 1, excluding west 20-feet thereof; Lot F excluding north 60-feet, and all Lot G of Lot 2, all in Block 1, Holibrook Addition.

Resolution 22-086 - On-Sale Liquor Operating Agreement –
10-year renewal; Park Place, Inc.

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 Park Place, Inc., Lance Park, owner, for the purpose of a liquor manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 2600 6th Street. Legal description: Lot X-1 and all of Lot 1, excluding west 20-feet thereof; Lot F excluding north 60-feet, and all Lot G of Lot 2, all in Block 1, Holibrook Addition.

Now, Therefore, 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 mid-term renewal in five years.

Introduction: new Public Information Officer. City Manager Paul Briseno introduced Sherry Fuller Bordewyk as the City's new Public Information Officer.

Proclamation. Mayor Niemeyer presented a Proclamation recognizing November 26th as Small Business Saturday to Kelsey Doom, Brookings Area Chamber of Commerce President/CEO.

MAYORAL PROCLAMATION

Whereas, Brookings celebrates local businesses that create jobs, boost our local economy, and preserve our community; and

Whereas, 79% of consumers understand the importance of supporting the small businesses in their community on Small Business Saturday; and

Whereas, 70% of consumers report that Small Business Saturday makes them want to encourage others to Shop Small, independently-owned retailers; and

Whereas, 66% of consumers report that Small Business Saturday makes them want to Shop Small all year long; and

Whereas, the Saturday after Thanksgiving is Small Business Saturday in communities

across the country.

Now, Therefore, Be It Resolved that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Saturday, November 26, 2022 as Small Business Saturday, and urge residents to support small businesses and merchants in Brookings on Small Business Saturday and throughout the year.

Proclamation. Mayor Niemeyer presented a Proclamation recognizing November 16th as First-Generation College Celebration Day to Tina Birgen, Coordinator for Student Success and Opportunity at the Wintrode Student Success and Opportunity Center at South Dakota State University.

MAYORAL PROCLAMATION

Whereas, the Higher Education Act of 1965 expanded opportunities for low-income and first-generation populations; and

Whereas, since 2017, the Council for Opportunity in Education has declared an annual First-Generation College Celebration in November to celebrate the success of first-generation college students and the passing of the Higher Education Act of 1965; and

Whereas, first-generation students exhibit resilience on their paths to earning a degree; and

Whereas, first-generation students and alumni are working, living and impacting Brookings through their important contributions.

Now, Therefore, Be It Resolved that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Wednesday, November 16, 2022 as First-Generation College Celebration Day.

CFO Report. Chief Financial Officer, Erick Rangel, presented the 3rd Quarter Financial Report to the City Council and members of the public.

Ordinance 22-038. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 22-038, 2023 Budget Ordinance, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; No: 1 – Collins.

Ordinance 22-035. A public hearing was held on Ordinance 22-035, an Ordinance amending Chapter 94, Article VI, Division 5, Pertaining to Sections 94-467, 94-469, 94-470, and 94-473 for the Purposes of Amending Sign Ordinances. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Ordinance 22-035 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; No: 1 – Collins.

Ordinance 22-036. A public hearing was held on Ordinance 22-036, an Ordinance Pertaining to an Application for a Conditional Use to Establish a Hot Mix Asphalt Plant in an Agriculture District. A motion was made by Council Member Doran, seconded by Mayor Niemeyer, that Ordinance 22-036 be approved. Public Comment: Jason Bowes, and Miranda Peterson. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Liquor & Wine License Renewals. A public hearing was held on Annual Liquor and Wine Alcohol License Renewals for: Liquor (on-sale): Buffalo Wild Wings Bar & Grill, 1801 6th Street; The Lanes / MG Oil Co., 722 Western Avenue; Park Hospitality Inc., / La Cantina, 2500 6th Street; Wilbert's / Comfort Suites / Den Wil Hospitality Group, Inc., 2515 E. 6th Street. Wine (on-off sale): The Depot / MG Oil Co., 921 20th Street South; Guadalajara, Village Square Mall, Suite F, 1715 6th Street; Mosaic Wine Bar, 225 Main Avenue; Schoon's Pump N Pack South / Schoon's Property, Inc., 1205 Main Avenue South; Wooden Legs Brewing Co., 309 5th Street, Suite 100. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the licenses be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-087. A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 22-087, a Resolution Adopting the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-087 - Resolution Adopting the Consolidated Fee Schedule

Whereas, the adopted Municipal Code and City Policies make references to fees charged; and

Whereas, it is prudent that the fees be reviewed for cost effectiveness.

Now, Therefore, Be It Resolved, that the City of Brookings hereby adopts the following Consolidated Fee Schedule as defined in the attached schedule.

10-Year Capital Improvement Plan (CIP). A motion was made by Council Member Specker, seconded by Council Member Wendell, that the 10-Year Capital Improvement Plan (CIP) be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Rubric Prioritization for 2023 Social Service Outside Agencies. A motion was made by Council Member Wendell, seconded by Council Member Specker, that the Rubric Prioritization for 2023 Social Service Outside Agencies be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Executive Session. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to enter into Executive Session at 7:36 p.m., pursuant to SDCL 1-25-2.3, for 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 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. Present: City Council, City Manager, and City Attorney. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to exit Executive Session at 7:36 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that this meeting be adjourned at 8:29 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk