

BRING YOUR DREAMS.



**City of Brookings**  
**Meeting Agenda - Final**  
**City Council**

Brookings City Council  
Brookings City & County  
Government Center  
520 3rd St., Suite 230  
Brookings, SD 57006  
Phone: (605) 692-6281

*"We are an inclusive, diverse, connected community that fuels the creative class, embraces sustainability and pursues a complete lifestyle. We are committed to building a bright future through dedication, generosity and authenticity. Bring your dreams!"*

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Tuesday, August 8, 2023

6:00 PM

Council Chambers

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*The City of Brookings is committed to providing a high quality of life for its citizens and fostering a diverse economic base through innovative thinking, strategic planning, and proactive, fiscally responsible municipal management.*

**6:00 PM REGULAR MEETING**

1. Call to Order / Pledge of Allegiance.
2. Record of Council Attendance.
3. Action to approve the agenda.
4. Open Forum.

*At this time, any member of the public may make a brief announcement or invitation, or request time on the agenda for an item not listed. Items to be added to the agenda will be scheduled at the end of the meeting. Individuals will state their name and city of residence for the record. Public Comment is limited to a maximum of three minutes per person. The comments and views expressed by the public are those of the speakers and do not necessarily reflect the views or positions of the City of Brookings or City Council.*

**5. Consent Agenda:**

*Action: Motion to Approve, Request Public Comment, Roll Call*

*Matters appearing on the Consent Agenda are expected to be non-controversial and will be acted upon by the Council at one time, without discussion. At the request of any one Council Member or the City Manager, an item may be removed from the Consent Agenda and placed on the regular agenda whenever additional discussion on an item is necessary. Items removed from the Consent Agenda will be discussed at the beginning of the formal items.*

- 5.A.** [ID 23-0338](#) Action to approve City Council meeting minutes.

**Attachments:** [7/25/2023 Minutes](#)

- 5.B. [RES 23-067](#) Action on Resolution 23-067, a Resolution authorizing the City Manager to sign an On-Sale Wine Operating Agreement renewal for Guadalajara II, Inc., dba Guadalajara Mexican Restaurant, Juan Carlos Vega, owner, 1715 6th Street, Suite F, Village Square Mall #1, Brookings, South Dakota. Legal description: Lot 6, Suite 'F', Village Square Mall Addition.

**Attachments:** [Resolution](#)  
[Operating Agreement](#)  
[Location Map](#)

- 5.C. [RES 23-068](#) Action on Resolution 23-068, a Resolution authorizing the City Manager to sign an On-Sale Wine Operating Agreement renewal for Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University, Dennis Bielfeldt, owner, 931 25th Avenue, Brookings, South Dakota. Legal description: Lot 3, Block 2, Telkamp Addition.

**Attachments:** [Resolution](#)  
[Operating Agreement](#)  
[Location Map](#)

- 5.D. [RES 23-069](#) Action on Resolution 23-069, a Resolution authorizing the City Manager to sign an On-Sale Convention Liquor Operating Agreement renewal for Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University, Dennis Bielfeldt, owner, 931 25th Avenue, Brookings, South Dakota. Legal description: Lot 3, Block 2, Telkamp Addition.

**Attachments:** [Resolution](#)  
[Operating Agreement](#)  
[Location Map](#)

- 5.E. [RES 23-072](#) Action on Resolution 23-072, a Resolution Accepting a Donation for the Construction of 8 Pickleball Courts.

**Attachments:** [Memo](#)  
[Resolution](#)  
[Tentative Site Plan](#)

- 5.F. [ID 23-0347](#) Action to adjust the 2023 City Council Meeting Calendar

## 6. Presentations/Reports:

- 6.A. [ID 23-0342](#) Introduction of new and/or promoted City of Brookings employees.

- 6.B. [ID 23-0315](#) Proclamation: A Day to Celebrate the Cultures of Our Community

**Attachments:** [Proclamation](#)

- 6.C. [ID 23-0343](#) Report: 2023 2nd Quarter Finance Report

**Attachments:**      [Presentation](#)

6.D.    [ID 23-0339](#)      Reports: City Council Ex-Officio Reports

## 7. Contracts/Change Orders:    NONE

## 8. Ordinance First Readings:

*No vote is required on the first reading of an Ordinance. The title of the Ordinance is read. Public Comment and Council discussion is permitted. The date for the second reading or public hearing is announced.*

8.A.    [ORD 23-021](#)      Introduction and First Reading on Ordinance 23-021, an Ordinance Amending Article II of Chapter 38 - Flood Damage Prevention in City, of the Code of Ordinances of the City of Brookings, South Dakota. Public Hearing and Action: August 22, 2023.

**Attachments:**      [Memo](#)  
[Ordinance - clean](#)  
[Ordinance - marked](#)

8.B.    [ORD 23-026](#)      Introduction and First Reading on Ordinance 23-026, an Ordinance Authorizing Amendment No. 7 to the 2023 Budget. Second Reading and Action: August 22, 2023.

**Attachments:**      [Memo](#)  
[Ordinance](#)

## 9. Public Hearings and Second Readings:

9.A.    [ORD 23-025](#)      Second Reading and Action on Ordinance 23-025, an Ordinance Authorizing Amendment No. 6 to the 2023 Budget.

**Attachments:**      [Memo](#)  
[Ordinance](#)

*Motion: Action to Approve, Request Public Comment, Roll Call*

**Legislative History**

7/25/23              City Council                              read into the record

9.B.    [ID 23-0334](#)      Public Hearing and Action on a request for an On-Off Sale Malt License for The Crown, dba Danger Von Dempsey's, Jayme Erickson, owner. Location: 770 22nd Avenue South. Legal Description: Lot 2, Brookings Mall Addition, Suite 770.

**Attachments:**      [Memo](#)  
[Legal Notice](#)  
[Location Map](#)

*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call*

9.C.    [ID 23-0036](#)      Public Hearing and Action on a request for an On-Off Sale Malt License,

with Video Lottery, for Commonwealth Gaming & Holding Corp, dba Deuces Casino, Suite 105E, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105E, legal description: S114' of W 69.3' of Lot 20 and S114' of Lot 21, Block 3, Henry Addition, Suite 105E. Pending occupancy permit issuance and final inspection per the Community Development Dept.

**Attachments:**[Memo](#)[Proposed Building Plan](#)[Legal Notice - July 2023](#)[Legal Notice - January 2023](#)[City Attorney Opinion on AR 48.02.11.02](#)[City Attorney Memo on Video Lottery - 2018.05.02](#)[Video Lottery - State Statues and Admin Rule](#)[City Council Minutes excerpts](#)[Location Map](#)*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call***Legislative History**

1/24/23      City Council      tabled

**9.D. [ID 23-0035](#)**

Public Hearing and Action on a request for Video Lottery for Commonwealth Gaming & Holding Corp, dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105E, legal description: S114' of W 69.3' of Lot 20 and S114' of Lot 21, Block 3, Henry Addition, Suite 105E.

**Attachments:**[Memo](#)[Current Video Lottery List](#)[CC Minutes excerpt - Deuces Casino items](#)[City Attorney Memo on Video Lottery - 2018.05.02](#)[City Attorney Opinion on AR 48.02.11.02](#)[Video Lottery - State Statues and Admin Rule](#)[Legal Notice - January 2023](#)[Legal Notice - July 2023](#)[Proposed Building Plan](#)[Location Map](#)*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call***Legislative History**

1/24/23      City Council      tabled

**9.E. [RES 23-005](#)**

Public Hearing and Action on Resolution 23-005, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for Commonwealth Gaming & Holdings, Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th



**Attachments:** [Memo](#)  
[Resolution](#)  
[Operating Agreement](#)  
[Notice of Public Hearing](#)  
[Code and SDCL References](#)  
[Location Map](#)

*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call*

- 9.I. [ID 23-0340](#) Public Hearing and Action on a request to transfer an On-Off Sale Malt License, with video lottery authorization, for 2515 6th Street, from 25th Avenue LLC, dba The Lodge, Dennis Beilfeldt, owner, to On In 2 LLC, dba Boss' Pizzeria & Sports Bar, Dallas Wilkinson and Darren Newborg, owners. Legal description: Block 12, Telkamp Addition.

**Attachments:** [Memo](#)  
[Legal Notice](#)  
[City Code and SDCL References](#)  
[Location Map](#)

*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call*

- 9.J. [RES 23-071](#) Public Hearing and Action on Resolution 23-071, a Resolution authorizing the City Manager to enter into an Full Service On-Sale Restaurant Liquor Operating Agreement for 2515 6th Street, On In 2 LLC, dba Boss' Pizzeria & Sports Bar, Dallas Wilkinson and Darren Newborg, owners. Legal description: Block 12, Telkamp Addition.

**Attachments:** [Memo](#)  
[Resolution](#)  
[Operating Agreement](#)  
[Acceptance Agreement](#)  
[Legal Notice](#)  
[Location Map](#)

*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call*

- 9.K. [ID 23-0346](#) Public Hearing and Action on a request to transfer an On-Off Sale Malt License for George's Pizza, 311 Main Avenue, from George's Pizza, Inc., Panagiota Theodosopoulos, owner, to MzP3 Enterprises LLC, Justin Price and Janice Minder, owner. Legal description: Lot 6, Block 3, Original Plat Addition.

**Attachments:** [Memo](#)  
[Legal Notice](#)  
[City Code and SDCL References](#)  
[Location Map](#)

*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call*

- 9.L. [RES 23-070](#) Public Hearing and Action on Resolution 23-070, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for MzP3 Enterprise LLC, dba George's Pizza, Justin Price and Janice Minder, owners, 311 Main Avenue, Brookings, South Dakota, legal description: Lot 6, Block 3, Original Plat Addition.

Attachments: [Memo](#)  
[Resolution](#)  
[Operating Agreement](#)  
[Legal Notice](#)  
[Map](#)

*Motion: Motion to Approve, Open & Close Public Hearing, Roll Call*

## 10. Other Business: NONE

## 11. City Council member introduction of topics for future discussion.

*Any Council Member may request discussion of any topic at a future meeting. Items cannot be added for action at this meeting. A motion and second is required which states the topic, requested outcome, and time frame. A majority vote is required.*

## 12. Executive Session

- 12.A. [ID 23-0348](#) Executive Session, 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.

## 13. Adjourn.

*Brookings City Council: Oepke G.Niemeyer, Mayor; Nick Wendell, Deputy Mayor  
Council Members Wayne Avery, Holly Tilton Byrne, Bonny Specker, Brianna Doran, Andrew Rasmussen*

*Brookings City Council Staff:  
Paul M. Briseno, City Manager    Steven Britzman, City Attorney    Bonnie Foster, City Clerk*

*Public Comment is limited to a maximum of three minutes per person. Individuals will give their name and city of residence for the record. Public Comment may be submitted prior to the meeting by the following means: 1) Email comments to the City Clerk (cityclerk@cityofbrookings-sd.gov), 2) participate remotely, or 3) via eComment (<https://cityofbrookings.legistar.com/Calendar.aspx>). Comments provided will become part of the official record and subject to review by all parties and the public. The comments and views expressed by the public are those of the speakers and do not necessarily reflect the views or positions of the City of Brookings or City Council.*

*Meetings are broadcast live and recorded. Go to [www.cityofbrookings-sd.gov](http://www.cityofbrookings-sd.gov) for more information. Government Channel 9 Rebroadcast Schedule: Wednesday 1:00 pm / Thursday 7:00 pm / Friday 9:00 pm / Saturday 1:00 pm*

*Upon request, accommodations for meetings will be provided for persons with disabilities. Please contact the City ADA Coordinator at (605) 692-6281 at least three (3) business days in advance of the meeting.*