

Brookings City Council
July 26, 2022 (unapproved)

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

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

A. Action to approve the July 12 and July 19, 2022 City Council Minutes.

B. Action on Resolution 22-056, a Resolution authorizing the City Manager to Sign Easement Documents for City Property Located in the East One-Half of Section Eight, Township 110 North, Range 49 West of the 5th P.M.

Resolution 22-056 - A Resolution Authorizing the City Manager to Sign Easement Documents for City Property Located in the East One-Half of Section 8, Township 110 North, Range 49 West of the 5th P.M.

Whereas, the City of Brookings and the East River Electric Power Cooperative, Inc. desire to relocate electrical transmission lines currently within the landfill property to the northern side of the landfill property; and

Whereas, the City of Brookings is the owner of property in the East One-Half of Section 8, Township 110 North, Range 49 West of the 5th P.M., County of Brookings, South Dakota; and

Whereas, a permanent easement is necessary to relocate the electrical transmission lines.

Now, Therefore, Be It Resolved that the City Manager of the City of Brookings is authorized to sign easement documents for the relocation of electrical transmission lines to the northern side of City landfill property located in the East One-Half of Section 8, Township 110 North, Range 49 West of the 5th P.M., County of Brookings, South Dakota.

C. Action on Resolution 22-057, a Resolution Authorizing the City Manager to Sign and Submit an Application for a Bridge Improvement Grant for the Preliminary Engineering for the Replacement of a Bridge on Western Avenue.

Resolution 22-057 - A Resolution Authorizing the City Manager to Sign and Submit
an Application for a Bridge Improvement Grant for the Preliminary Engineering
for the Replacement of a Bridge on Western Avenue

Whereas, the City of Brookings has a bridge located on Western Avenue which was recently evaluated and will need to be replaced in the near future; and

Whereas, preliminary engineering for this bridge replacement is necessary for the City to be eligible for future grants needed for the replacement of the bridge; and

Whereas, this resolution authorizes the City Manager to sign and submit the Grant Application for a Bridge Improvement Grant for the preliminary engineering needed for the future replacement of a bridge on Western Avenue. Total estimate for the preliminary engineering for this project is \$35,663.51. The grant would cover 80% of the total cost and the City would be obligated to pay 20% of the total cost; and

Whereas, the City Manager would 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 Application for a project totaling \$35,663.51, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this project.

Proclamation. Mayor Niemeyer presented a Proclamation recognizing the 32nd Anniversary of the Americans with Disabilities Act to members of the Brookings Disability Awareness Committee.

Mayoral Proclamation

Whereas, the Americans with Disabilities Act (ADA) was passed on July 26, 1990, as the first comprehensive declaration of equality for disabled people and protects rights in all aspects of employment, in accessing public services, and guaranteeing access to private establishments; and

Whereas, the goals of the community align with providing disabled people with the opportunities and support to achieve full integration and inclusion in society, in an individualized manner; and

Whereas, disability is a natural part of the human experience that does not diminish the right to enjoy the opportunity to live independently, enjoy self-determination, make choices, contribute to society, and experience full integration and inclusion with necessary services and supports.

Now, Therefore, Be It Resolved that I, Oepke G. Niemeyer, Mayor of the City

of Brookings, do hereby proclaim July 26, 2022 as Americans with Disabilities Act 32nd Anniversary Day and call upon the people of Brookings to:

1. Recognize and celebrate the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance for disabled people in the City of Brookings.
2. Continue advocating for full inclusion and equity of individuals with disabilities in all aspects of society.

2021 Annual Comprehensive Financial Report and Audit Summary. Jamie Fay, partner, Eide Bailly LLP, presented the 2021 Annual Comprehensive Financial Report and Audit Summary to the City Council and members of the public.

(Council Member Wendell arrived at 6:30 p.m.)

FIRST READING – Ordinance 22-027. Introduction and First Reading was held on Ordinance 22-027, an Ordinance amending the Zoning Ordinance of the City of Brookings and pertaining to Residence R-3 Apartment District for the purpose of administration of the Zoning Ordinance. Public Hearing and Action: August 9, 2022

FIRST READING – Ordinance 22-028. Introduction and First Reading was held on Ordinance 22-028, an Ordinance amending the Zoning Ordinance of the City of Brookings and pertaining to Residence R-3A Apartment / Mobile Homes / Manufactured Housing District for the purpose of administration of the Zoning Ordinance. Public Hearing and Action: August 9, 2022.

Initial Development Plan. A public hearing was held on an Initial Development Plan for Lot 2, Block 13, Morningside Addition. A motion was made by Council Member Wendell, seconded by Council Member Specker, that the Initial Development Plan for Lot 2, Block 13, Morningside Addition, be approved. Public Comment: Matt Wiese. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Commercial Corridor Design Review. A public hearing was held on a Commercial Corridor Design Review for Block 1 of Northern Plains Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Commercial Corridor Design for Block 1, Northern Plains Addition, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Ordinance 22-026. A public hearing was held on Ordinance 22-026, an Ordinance Amending Section 16(F) of Ordinance 21-028, and Pertaining to Prohibited Locations for Licensing as Medical Cannabis Establishments in the City of Brookings. A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that Ordinance 22-026 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

On-Off Malt License Transfer. A public hearing was held on a request to transfer an On-Off Sale Malt License for Old Sanctuary, to Rabbit Rentals, LLC, Daniel Bielfeldt, owner, from Old Sanctuary Associates, Dennis Bielfeldt, owner, 928 4th Street. Legal description: Lot 1, and East 23 feet of Lot 2, Block 5, Skinners Second Addition. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that the On-Off Sale Malt License transfer be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-055. A public hearing was held on Resolution 22-055, a Resolution authorizing the City Manager to enter into an Operating Agreement for an On-Off Sale Wine License with Rabbit Rentals, LLC, dba Old Sanctuary, Daniel Bielfeldt, owner. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that Resolution 22-055 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-055 - On-Off Sale Wine Operating Agreement - New
Rabbit Rentals, LLC, dba Old Sanctuary

Now, Therefore, Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement for the Operating Management Agreement for Wine between the City of Brookings and Rabbit Rentals, LLC, dba Old Sanctuary, Daniel Bielfeldt, owner, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 928 4th Street Legal description: Lot 1, and East 23 feet of Lot 2, Block 5, Skinners Second 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 ten (10) years, with a renewal at the five (5) year mid-term.

Alcohol Agreement – Old Sanctuary. A motion was made by Council Member Specker, seconded by Council Member Collins, that an Agreement between Rabbit Rentals, LLC, dba Old Sanctuary, Daniel Bielfeldt, owner, and the City of Brookings pertaining to the sale of alcoholic beverages, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-058. A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that Resolution 22-058, a Resolution Authorizing the Transfer of Real Property for Economic Development Purposes, be approved. Public Comment: Tim Reed. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-058 - Resolution Authorizing the
Transfer of Real Property for Economic Development Purposes

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

Whereas, in response to a Request for Proposals for Workforce Housing projects, the City of Brookings received an exceptional proposal from CD Properties, LLC, for the purchase of the following described property: Block Four (4) of D and D Addition in the Southeast Quarter (SE¼) of Section Thirty-five (35), Township One Hundred Ten (110) North, Range Fifty (50) West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota, and

Whereas, for the express purpose of furthering economic growth and development of the City of Brookings, South Dakota, the City of Brookings has accepted the proposal from CD Properties, LLC, in response to the City's Request for Proposals for a Workforce Housing Opportunity, and the City agrees to convey the above-described property for no cash consideration, but with restrictive covenants to promote workforce housing, to CD Properties, LLC, in accordance with applicable law; and

Whereas, the City of Brookings has determined that the proposal submitted by CD Properties, LLC, will provide economic growth by providing approximately 2.3 acres of land, as described herein, to facilitate the creation of owner-occupied workforce housing units which will be sold at prices consistent with the needs of the Brookings workforce and the requirements of the South Dakota Housing Development Authority Housing Opportunity Fund program requirements, thereby furthering economic development in the City of Brookings; and

Whereas, the City is authorized to enter into this transaction as an economic development activity under the laws of the State of South Dakota;

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

- A. That the City convey title to the above-described property to the Brookings Economic Development Corporation, Inc. for the transfer of the above-described property to CD Properties, LLC, for the purposes set forth herein; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the required documents in accordance with this Resolution.

Progress Report. Jacob Meshke, Assistant City Manager, provided a progress report highlighting the City's activities and projects to the City Council and public.

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, to enter into Executive Session at 7:02 p.m., pursuant to SDCL 1-25-2.3, for purposes 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 purposes of discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivision, when public discussion may be harmful to the competitive position of the business. Present: City Council, City Attorney, City Manager, City Clerk, Assistant City

Manager Jacob Meshke, and Tim Reed, Executive Director of the Brookings Economic Development Corporation. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, to exit Executive Session at 8:00 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Wendell, seconded by Council Member Collins, that this meeting be adjourned at 8:01 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk