

**Brookings City Council**  
**August 9, 2022** (unapproved)

The Brookings City Council held a meeting on Tuesday, August 9, 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: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Consent Agenda:** A motion was made by Council Member Wendell, seconded by Council Member Specker, 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 July 26, 2022 City Council Minutes.**

**B. Action on Resolution 22-059, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Cubby's Sports Bar & Grill, GDT Inc., Gus Theodosopoulos, owner, 307 Main Avenue South, Brookings, South Dakota. Legal description: Lots 3-4, Block 3, Original Plat Addition.**

Resolution 22-059 - On-Sale Liquor Operating Agreement – 10-year renewal  
GDT, Inc., dba Cubby's Sports Bar & Grill

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 GDT, Inc., dba Cubby's Sports Bar & Grill, Gus Theodosopoulos, 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 307 Main Avenue. Legal description: Lots 3-4, Block 3, Original Plat 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.

**C. Action on Resolution 22-060, a Resolution authorizing the City Manager to sign a Wine Operating Agreement renewal for New Sake, Inc., En Qin Lin, owner, 724 22<sup>nd</sup> Avenue South. Legal description: Restaurant: N 14.5' of S 542.8' and E 54.5' of W 309' incl. N 20' of S 528.3' and E 59' of W 313.5; Patio: N 14.5' of S 542.8' and E 24' of W 333' incl. N 20' of S 528.3' and E 19.5' of W 333', Lot 2, Brookings Mall Addition.**

Resolution 22-060 - Wine Operating Agreement – 10-year renewal  
New Sake, Inc.

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal for the Wine Operating Management Agreement between the City of Brookings and New Sake, Inc., En Qin Lin, 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 724 22nd Avenue South. Legal Description: Restaurant: N 14.5' of S 542.8' and E 54.5' of W 309' incl. N 20' of S 528.3' and E 59' of W 313.5; Patio: N 14.5' of S 542.8' and E 24' of W 333' incl. N 20' of S 528.3' and E 19.5' of W 333', Lot 2, Brookings Mall 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.

**D. Action on Resolution 22-061, a Resolution authorizing the City Manager to sign a Wine Operating Agreement renewal for Pheasant Café & Lounge, Ron and Georgiana Olson, owners, 726 Main Avenue South. Legal description: Lot 2, Block 2, Grossman Heights Addition.**

Resolution 22-061 - Wine Operating Agreement – 10-year renewal  
RGO, Inc., dba Pheasant Café & Lounge

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Renewal for the Wine Operating Management Agreement between the City of Brookings and RGO, Inc., dba Pheasant Café & Lounge, Ron and Georgiana Olson, owners, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 726 Main Avenue South. Legal Description: Lot 2, Block 2, Grossman Heights 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.

**Proclamation.** Mayor Niemeyer presented a Proclamation to representatives from the Brookings Economic Development Corporation, South Dakota State University, and Brookings Multicultural Center to celebrate the Cultures of our Community.

#### Mayoral Proclamation

Whereas, Brookings' thriving international community contributes to our community's high quality of life and provides a vital economic impact to the Brookings area; and

Whereas, Brookings has greatly benefited from having hundreds of international students from over 80 countries enrolled at South Dakota State University; and

Whereas, the Brookings Multicultural Center, the Brookings Economic Development Corporation, and the South Dakota State University Office of International Affairs will

hold its 1<sup>st</sup> Annual International Ice Cream Social and Community Fair to welcome International Faculty and Graduate Students and their families to our community.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Wednesday, August 17, 2022 as: A Day to Celebrate the Cultures of Our Community.

**Presentation:** Special Achievement in Geographical Information System (GIS) Award. Special Achievement in Geographical Information System (GIS) Award was presented at the Environmental Systems Research Institute (ESRI) Conference in July to Aaron Karl, City of Brookings, and Evan Henningsen and Marshall Beynon, Brookings Municipal Utilities.

In 2020, the City of Brookings implemented a Geographical Information System (GIS) and partnered with Brookings Municipal Utilities and Brookings County on a small governmental agency agreement with ESRI for the geospatial software. The City's goal was to give internal and external users a better and more complete experience with geospatial data. By fully utilizing the ArcGIS Hub and Web App Builder, a more user friendly geospatial product is available to the public via the City of Brookings GIS Portal webpage.

Internally, communication across departments and sharing of geospatial data has increased efficiencies, led to more detailed analysis and better decisions based upon the data. The City of Brookings and Brookings Municipal Utilities has migrated data from CAD to GIS as well as incorporated data from water, sanitary sewer, streets, rental properties, zoning, recreation, storm sewer and much more. In particular, the use of GIS for density analysis and site suitability studies have helped create a more sustainable and resilient community.

**2<sup>nd</sup> Quarter CFO Report.** Chief Financial Officer, Erick Rangel, presented the 2<sup>nd</sup> Quarter Financial Report to the City Council and members of the public.

**FIRST READING – Ordinance 22-029.** Introduction and First Reading was held on Ordinance 22-029, an Ordinance Authorizing Budget Amendment No. 7 to the 2022 Budget. Second Reading: August 23, 2022.

**Ordinance 22-027.** A public hearing 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. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Ordinance 22-027 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Ordinance 22-028.** A public hearing 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. A motion was made by Council Member Specker, seconded by Council Member Doran, that Ordinance 22-028 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Resolution 22-062.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 22-062, a Resolution adopting the Special Assessment Policy, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-062 - A Resolution Adopting the City of Brookings  
Street Assessment Policy

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

Whereas, the City of Brookings recognizes the need to have a consistent policy for establishing the financing terms in the resolution of necessity and in the collection of special assessments.

Now, Therefore, Be It Resolved that the City Council of the City of Brookings adopts the following Special Assessment Policy

- A. The City shall follow SDCL 9-43-75 through 9-43-101, and SDCL 9-46-1 through 9-46-11 when determining a project for special assessment.
- B. The proposed Resolution of Necessity shall also include whether the special assessments are payable under Plan One (Collection by the County Finance Office) or under Plan Two (Collection by the City's Finance Office). In addition, the proposed Resolution of Necessity shall also include the number of annual installments and interest rate payable on the unpaid balance of special assessments.
- C. Once a project has been completed after a Resolution of Necessity has been approved by the City Council, the project shall be assessed in accordance to SDCL 9-43-102 through 9-43-139.
- D. If the City chooses to assess under Plan One-Collection by County Treasurer specified in SDCL 9-43-102, the following financing terms shall apply if the assessment is not paid in full within 30 days of the assessment roll adopted by City Council:
  - a. Term of the financing shall depend on the type of project being assessed:
    - i. Sidewalks and Alleys: 5 Years
    - ii. Roadways and Utility Work: 10 years
  - b. Annual interest rate charged shall be calculated by the following formula:  
= FHLBank Chicago 10-year Fixed Rate (%) + 3.5%
  - c. Any assessment under \$300 would be assessed in one payment.

**Resolution 22-063.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that Resolution 22-063, a Resolution authorizing the distribution of American Rescue Plan Act funds for the City of Brookings, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-063 - A Resolution Authorizing the Distribution  
of American Rescue Plan Act Funds

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

Whereas, in response to the impacts of COVID the federal government passed the American Rescue Plan Act that allocated funds to local governments to address community needs; and

Whereas, the City of Brookings conducted two surveys of the public, businesses, and community partners to identify the impact and needs of COVID within the Brookings Community; and

Whereas, the City of Brookings held multiple public discussions of survey outcomes and funding requests; and

Whereas, Agencies who receive City of Brookings ARPA dollars will adhere to requirements including the utilization of funds for capital or one-time purchases, projects will not create an ongoing unfunded obligation/liability of the city, projects or programs will be financially sustainable after city funds expire, an annual report identifying the impact of stated outcomes to will reported for two years commencing August 2023 and all funded projects must adhere to the City's vision and policies; and

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 will distribute \$2.2 million in APRA funds to the following for purposes set forth within project outlines; and

Ivy Center for an Expansion Project	\$1,200,000
Brookings Economic Development Corporation for a Child Care Facility	\$500,000
Brookings Economic Development Corporation for a Child Care Coordinator	\$80,000
Habitat for Humanity for Affordable Housing Development in Brookings	\$110,000
ICAP for Affordable Housing Projects in Brookings	\$110,000
City of Brookings Workforce Housing Project	\$200,000

B. That the City Manager is authorized to execute the required agreements and details to satisfy the direction of this Resolution.

**Executive Session.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to enter into Executive Session at 6:43 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. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, to exit Executive Session at 7:07 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that this meeting be adjourned at 7:08 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

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Oepke G. Niemeyer, Mayor

ATTEST:

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Bonnie Foster, City Clerk

**ADDENDUM: Volunteer Listing for Work Comp Coverage** (as per Resolution 16-025).

Brookings City Library Volunteers: Cheryl Riley. Brookings City Fire Department Volunteers: Major Anderson, John Austin, Kevin Banken, Alex Berkness, Pete Bolzer, Cory Braun, Derek Brown, Dan Bruna, Nick Casstevens, Bret Christianson, Tom Coughlin, Mandi Cramer, Roger DeBates, Scott Hallan, Jacob Hanson, Bill Hardin, Troy Herrig, Kevin Hilmoie, Dalton Holm, Ryan Keenan, Dave Koch, Dan Kriese, Jim Kriese, Brett Lawrence, Brandon Long, Jaque Mann, Joshua Mann, Lori Mergen, Nick Oines, Steven Rensink, Connor Ringling, Jared Runge, Tim Rynearson, Rob Schuneman, Jeremy Scott, Jesse Seas, Joseph Sheeley, Lucas Speakman, Charles Stephenson, Shannon Stuefen, Curt Teal, Anthony Teesdale, Nathan Vandersnick, Joshua Van Diepen (new – effective 08/18/2022), Adam Vaux. Brookings City Police Department Reserve Unit: Mark Anawski, Justin Borns, Andrew Erickson, Zach Erickson, Josh Henslin, Matthew Luebbert, Jaque Mann, Joshua Mann, Cora Olson, Gerrit Williams-Ponto, Ben Quam, Lisa Waltermann. Brookings City Park & Recreation Volunteers: Jason Bain, Andrew Carlson, Staci Carlson, Julio Castillon, Kaily DeFino, Earl Early, Daniel Forester, Nathan Hilbrands, Tayler Kneip, Tyler Koch, Mark Kreie, Shane Kuehl, Brian Kvamme, Robb McClemans, Taylor Nickerson (new – effective 07/28/2022), Justin Palmer, Natasha Raguse, Eric Rasmussen, Joseph Schumacher, Carly Shutt, Lowell Shutt, Kristen Uilk.