

City Council Agenda Memo

From: Paul Briseno, City Manager

Council Meeting: August 18, 2020

Subject: Withdraw of Supreme Court Appeal

Person(s) Responsible: Steve Britzman, City Attorney

Summary:

The City of Brookings filed with the South Dakota Supreme Court an appeal for the Circuit Court ruling on the Brookings County Detention Facility. At question is the City's permitting authority and the 11.1 Historic Review. The litigation proceeding is brought before the City Council for continued determination.

Background:

The City of Brookings received a ruling from the Circuit Court this year on the Brookings County Detention Facility. In July the City sought to proceed with litigation efforts through the South Dakota Supreme Court.

As part of the detention center development a 11.1 review was required. The City pursued clarification that it possessed the governmental function required to perform the final determination based on state law. Additionally, the City holds the authority to allow a building permit.

Discussion:

The City Council is presented with a resolution of litigation withdrawal. The terms of the withdrawal require an agreement with the County. The size and massing of a constructed detention facility will be minimized to the greatest extent possible as detailed in the submitted plans. The County would apply for a City building permit.

A resolution is presented to give staff direction should the City Council desire this direction.

Legal Consideration:

None.

Financial Consideration:

The Circuit Court litigation cost \$38,000 and Supreme Court cost is estimated to be \$35,000.

Supporting Documentation:

1. Resolution