

Brookings City Council
January 26, 2021 (unapproved)

The Brookings City Council held a meeting on Tuesday, January 26, 2021 at 6:00 PM, at the City & County Government Building Chambers with the following City Council members present: Council Members Patty Bacon, Leah Brink, Joey Collins, Oepke Niemeyer, Holly Tilton Byrne, and Nick Wendell. Absent: Mayor Keith Corbett. Council Member Oepke Niemeyer presided over the meeting. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

6:00 PM REGULAR MEETING

Consent Agenda. A motion was made by Council Member Brink, seconded by Council Member Collins, to approve the Consent Agenda. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

3.A. Action to approve the agenda.

3.B. Action to approve the January 12 and January 19, 2021 City Council Minutes.

3.C. Action to abate property taxes in the amount of \$1,779.39 for Parcel #40120-00100-017-00, also known as 659 Faculty Drive, City of Brookings, owner. Legal description: Lot 17 College Addition.

3.D. Action to abate property taxes in the amount of \$1,455.94 for Parcel #40372-00600-007-00, also known as 1719 Augusta Circle, Patrick J and Patricia Corey, owners. Legal description: Lot 7 Block 6, Moriarty Edgebrook Addition.

3.E. Action to abate a portion of the 2021 Drainage Fee in the amount of \$2,129.28 for Parcel Number 40316-00100-000-00, otherwise known as 241 34th Avenue, Maize Properties, Inc., owner.

Introduction of new City of Brookings employee. Street Department: Jeremy Linstad has been hired as the new Street Department Manager.

Proclamation. Ashley Biggar, Downtown Brookings Director and Brookings Arts Commission President, presented a Proclamation to Ashley Ragsdale, Brookings Arts Council Director, recognizing January 26, 2021 as Brookings Arts Council Day.

Mayoral Proclamation
City of Brookings, South Dakota

Whereas, the Arts unite our community through a shared sense of understanding, culture, and experience; and

Whereas, Brookings made #7 on the SMU DataArts Small Cities Arts Vibrancy Index in 2019; and

Whereas, the Brookings Arts Council has encouraged community connections through the Arts by providing a supportive environment for awareness, appreciation, and participation since 1975; and

Whereas, the Brookings Arts Council enriches our community through exhibitions, conversations with artists, and numerous programs, including Warrior's Rock for Veterans, and Art Factory, a twice-weekly class for the adults of Advance; and

Whereas, the Brookings Arts Council is the 2021 recipient of the Governor's Awards in the Arts for Outstanding Support of the Arts by an Organization or Business; and

Whereas, Ashley Ragsdale, Executive Director of the Brookings Arts Council since July 2019, has gone above and beyond to strengthen, encourage, celebrate and promote the Arts in Brookings.

Now, Therefore, I, Keith W. Corbett, Mayor of the City of Brookings, South Dakota, do hereby proclaim Tuesday, January 26, 2021, as Brookings Arts Council Day.

SDSU Students Association Report. Zebadiah Johnson, SDSU Students Association Government Affairs Chair, provided an update on SDSU happenings to the City Council and public.

Open Forum. Bradley Walker expressed concerns regarding the video threshold reports and hospitalization rates due to COVID-19 on the City's website.

FIRST READING – Ordinance 21-001. An introduction and first reading was held on Ordinance 21-001, an Emergency Ordinance Amending Emergency Ordinance 20-029 to Extend and to Comprehensively Adopt Provisions to Address a Public Health Crisis and to Revise Certain Measures which are Necessary for the Immediate Preservation of the Public Health, Safety, and Welfare of the City and are Necessary to Slow the Community Spread of Coronavirus (COVID-19) in the City of Brookings, South Dakota. Public Comment: Bradley Walker, Bill Alsaker, Jacob Wallace, and Joe Gilpin. Second Reading: February 9, 2021.

A motion was made by Council Member Brink, seconded by Council Member Collins, to allow the provisions of Ordinance 20-029 to expire on February 13th and modify Ordinance 21-001 to leave the mask mandate in place and the language surrounding exceptions for a period of 60 days, remove guidelines for businesses, and eliminate the phrase in paragraph 8 "until immunity is achieved." The motion failed by the following vote: Yes: 2 - Brink, and Collins; No: 4 - Niemeyer, Bacon, Wendell, and Tilton Byrne; Absent: 1 – Corbett.

A motion was made by Council Member Brink, seconded by Council Member Wendell, to amend Ordinance 21-001 and remove the phrase in paragraph 8 "until immunity is achieved." Public Comment: Bradley Walker. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

FIRST READING – Ordinance 21-002. An introduction and first reading was held on Ordinance 21-002, an Ordinance Authorizing Supplemental Appropriation #1 to the 2021 Budget - Parts 1 and 2. Second Reading: February 9, 2021.

Resolution 21-008. A public hearing was held on Resolution 21-008, a Resolution Levying Assessment for Project 2019-01SWR, 2019 Sidewalk Repair Sites. A motion was made by Council Member Brink, seconded by Council Member Wendell, that Resolution 21-008 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Resolution 21-008 - A Resolution Levying Assessment for
Project 2019-01SWR; 2019 Sidewalk Repair Sites

Whereas, the City Council has provided for sidewalk repair work to be completed under Project 2019-01SWR, 2019 Sidewalk Repair Sites.

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

1. The City Council has made all investigation and authorized by Resolution 19-043, which deem the work necessary and have found and determined that the amount which each lot or tract will be benefited by the construction of the sidewalk improvement heretofore designated as Concrete Maintenance Project 2019-01SWR is the amount stated in the proposed assessment roll.
2. The assessment for Sidewalk Assessment Project 2019-01SWR is hereby approved and the assessment thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Sections 9-43, South Dakota Compiled Laws of 1967, as amended with interest of 10% on the unpaid balance.
4. Assessments amounting to less than \$300.00 shall be paid in one payment.

Resolution 21-009. A public hearing was held on Resolution 21-009, a Resolution Levying Assessment for Project 2020-01SWR, 2020 Sidewalk Repair Sites. A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 21-009 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Resolution 21-009 - A Resolution Levying Assessment for
Project 2020-01SWR; 2020 Sidewalk Repair Sites

Whereas, the City Council has provided for sidewalk repair work to be completed under Project 2020-01SWR, 2020 Sidewalk Repair Sites.

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

1. The City Council has made all investigation and authorized by Resolution 20-052, which deem the work necessary and have found and determined that the

amount which each lot or tract will be benefited by the construction of the sidewalk improvement heretofore designated as Concrete Maintenance Project 2020-01SWR is the amount stated in the proposed assessment roll.

2. The assessment for Sidewalk Assessment Project 2020-01SWR is hereby approved and the assessment thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Sections 9-43, South Dakota Compiled Laws of 1967, as amended with interest of 10% on the unpaid balance.
4. Assessments amounting to less than \$300.00 shall be paid in one payment.

On-Off Sale Malt License – SVK Properties, dba 4 Aces Casino, Suite A. A public hearing was held on a request for an On-Off Sale Malt License, with Video Lottery, for SVK Properties, dba 4 Aces Casino, Todd Voss, owner, 141 Main Ave. So., Suite A, legal description: N ½ of Lot 12, S ½ of Lot 13, Block 3, Folsom Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Collins, seconded by Council Member Wendell, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Video Lottery Request – SVK Properties, dba 4 Aces Casino, Suite A. A public hearing was held on a request for Video Lottery for SVK Properties, dba 4 Aces Casino, Suite A, Todd Voss, owner, 141 Main Ave. So., legal description: N ½ of Lot 12, S ½ of Lot 13, Block 3, Folsom Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Brink, seconded by Council Member Wendell, that the Video Lottery request be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

On-Off Sale Malt License – SVK Properties, dba 4 Aces Casino, Suite B. A public hearing was held on a request for an On-Off Sale Malt License, with Video Lottery, for SVK Properties, dba 4 Aces Casino, Todd Voss, owner, 141 Main Ave. So., Suite B, legal description: N ½ of Lot 12, S ½ of Lot 13, Block 3, Folsom Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Collins, seconded by Council Member Wendell, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Video Lottery Request – SVK Properties, dba 4 Aces Casino, Suite B. A public hearing was held on a request for Video Lottery for SVK Properties, dba 4 Aces Casino, Suite B, Todd Voss, owner, 141 Main Ave. So., legal description: N ½ of Lot 12, S ½ of Lot 13, Block 3, Folsom Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Brink,

seconded by Council Member Wendell, that the Video Lottery request be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

On-Off Sale Malt License – SVK Properties, dba 4 Aces Casino, Suite C. A public hearing was held on a request for an On-Off Sale Malt License, with Video Lottery, for SVK Properties, dba 4 Aces Casino, Todd Voss, owner, 141 Main Ave. So., Suite C, legal description: N ½ of Lot 12, S ½ of Lot 13, Block 3, Folsom Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Wendell, seconded by Council Member Collins, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Video Lottery Request – SVK Properties, dba 4 Aces Casino, Suite C. A public hearing was held on a request for Video Lottery for SVK Properties, dba 4 Aces Casino, Suite C, Todd Voss, owner, 141 Main Ave. So., legal description: N ½ of Lot 12, S ½ of Lot 13, Block 3, Folsom Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Wendell, seconded by Council Member Brink, that the Video Lottery request be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

2021 Outside Agency Funding Recommendations. A motion was made by Council Member Brink, seconded by Council Member Collins, that the following 2021 Outside Agency Funding Recommendations be approved: Brookings Area Transit Authority \$115,000; Boys & Girls Club \$75,000; Brookings Crime Stoppers \$2,000; Brookings Empowerment Project \$2,500; East Central CASA \$3,000; Brookings County Youth Mentoring \$7,000; Helpline Center \$1,000; Brookings Behavioral Health & Wellness \$20,000; Brookings Backpack Program \$20,000; and Brookings Area Habitat for Humanity \$21,000. Public Comment: Bradley Walker and Heidi Gullickson. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Preliminary Plat. A motion was made by Council Member Wendell, seconded by Council Member Brink, that the Preliminary Plat for Lots 1-9, Block 3A and Lots 1-3, Block 7, in Prairie Hills Addition be approved. Public Comment: Bradley Walker. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Resolution 21-007. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Resolution 21-007, a Resolution authorizing the Retirement of Brookings Municipal Utility Bonds, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Resolution 21-007 - A Resolution Authorizing the Retirement of
Brookings Municipal Utility Bonds

Whereas, Brookings Municipal Utilities (BMU) has outstanding debt of \$3,220,000 from municipal tax exempt bonds issued in 2006; and

Whereas, the Brookings Municipal Utilities Board has determined that it is beneficial to BMU to retire the above mentioned bonds issued in 2006; and

Whereas, the Brookings Municipal Utilities Board has further determined that there are sufficient resources within the BMU fund balances to retire the debt outstanding from the above mentioned bonds; and

Whereas, on January 11, 2021 the Brookings Municipal Utilities Board authorized the Executive Vice President and General Manager of BMU to execute the documents necessary to retire the outstanding debt from the municipal tax free bonds issued in 2006 by BMU Resolution No. 1-21; and

Whereas, the City Council recognizes the benefit of the retirement of the 2006 bonds; and

Whereas, this authorization by the City Council will facilitate the retirement of the 2006 bonds.

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

- A. That the retirement of Brookings Municipal Utility Bonds issued in 2006 is hereby authorized; and
- B. That the Mayor, City Clerk, and the Executive Vice President and General Manager of BMU are authorized to execute the documents and notices required to retire the 2006 Brookings Municipal Utility Bonds in accordance with this Resolution

Resolution 21-010. A motion was made by Council Member Collins, seconded by Council Member Brink, that Resolution 21-010, a Resolution Amending the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Resolution 21-010 - Resolution Amending the Consolidated Fee Schedule

Whereas, the City has adopted a Consolidated Fee Schedule, which sets various rates, fees, and charges for services provided; and

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 amended Consolidated Fee Schedule as defined in the attached schedule.

Resolution 21-011. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Resolution 21-011, a Resolution Authorizing the Mayor to Execute a Property Transfer Agreement with the State of South Dakota, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins; Absent: 1 – Corbett.

Resolution 21-011 - A Resolution Authorizing the Mayor to Sign
an Agreement with the State of South Dakota for
Property Transfer for the Future Right-of-Way of 24th Street

Whereas, the Brookings City Council desires the construction improvement of 24th Street from 32nd Avenue to 34th Avenue in Brookings, SD; and

Whereas, the City of Brookings desires the State of South Dakota, Department of Transportation dedicate forty feet (40') of right-of-way; and

Whereas, the City of Brookings is obligated and hereby agrees to the provisions outlined in the "Property Transfer Agreement Between State of South Dakota, Department of Transportation and City of Brookings.

Now, Therefore, Be It Resolved that the Mayor of the City of Brookings is authorized to sign the "Property Transfer Agreement Between State of South Dakota, Department of Transportation and City of Brookings."

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

COVID-19 Update. City Manager Paul Briseno provided an update on COVID-19 to the City Council and public.

Executive Session. A motion was made by Council Member Wendell, seconded by Council Member Collins, to enter into Executive Session at 7:33 p.m. pursuant to SDCL 1-25-2.1, 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, with the City Council, City Manager, City Clerk, Mike Struck, Community Development Director, and Jackie Lanning, City Engineer, present. The motion carried by a unanimous vote.

A motion was made by Council Member Brink, seconded by Council Member Wendell, to exit Executive Session at 8:25 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Brink, seconded by Council Member Collins, that this meeting be adjourned at 8:26 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Keith W. Corbett, Mayor

Bonnie Foster, City Clerk