

Brookings City Council
May 11, 2021 (unapproved)

The Brookings City Council held a meeting on Tuesday, May 11, 2021 at 6:00 PM, at the City & County Government Building Chambers with the following City Council members present: Mayor Oepke Niemeyer, Council Members Patty Bacon, Leah Brink, Joey Collins, Holly Tilton Byrne, and Nick Wendell. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

6:00 PM REGULAR MEETING

Oath of Office and Certificates of Election. Outgoing Mayor Keith Corbett presented the Certificate of Election and Oath of Office to incoming Mayor Oepke Niemeyer. Mayor Niemeyer presented the Certificate of Election and Oath of Office to City Council Members Patty Bacon and Nick Wendell.

Consent Agenda. A motion was made by Council Member Brink, seconded by Council Member Wendell, to approve the Consent Agenda. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

4.A. Action to approve the agenda.

4.B. Action to approve the April 27, 2021 City Council Minutes.

Resolution 21-030. A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 21-030, a Resolution Awarding Bids on Project 2021-04STI Swiftel Pavement Reconstruction Project, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-030 - Resolution Awarding Bids on
2021-04STI Swiftel Pavement Reconstruction Project

Whereas, the City of Brookings opened bids for Project 2021-04STI Swiftel Pavement Reconstruction Project on Tuesday, April 27, 2021 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for the 2021-04STI Swiftel Pavement Reconstruction Project: Alternative A (Asphalt Paving): Bowes Construction - \$76,282.25 and Alternative B (Concrete Paving): Timmons Construction - \$109,532.50;

Now Therefore, Be It Resolved that the low bid \$109,532.50 from Timmons Construction for Alternative B (Concrete Paving) be accepted.

Ordinance 21-015. A public hearing was held on Ordinance 21-015, an Ordinance rezoning 21625 471st Avenue, from a Joint Jurisdiction Agriculture (JJ-A) District and Joint Jurisdiction Residence (JJ-R1B) Single-family District to a Joint Jurisdiction Business (JJ-B3) Heavy District. A motion was made by Council Member Brink, seconded by Council Member Wendell, that Ordinance 21-015 be approved. The

motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Ordinance 21-016. A public hearing was held on Ordinance 21-016, an Ordinance amending Chapter 51, Subdivision Regulations, Pertaining to Section 51-42, 51-64, and 51-65. A motion was made by Council Member Brink, seconded by Council Member Wendell, that Ordinance 21-016 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Ordinance 21-017. A public hearing was held on Ordinance 21-017, an Ordinance repealing Section 94-165 - SDSU Campus Edge Neighborhood Design Review Overlay District and replacing it with Commercial Corridor Design Review Overlay District. A motion was made by Council Member Wendell, seconded by Council Member Bacon, that Ordinance 21-017 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

On-Off Sale Malt License – Casino 2000. A public hearing was held on a request for an On-Off Sale Malt License for Behrend Management, Inc., dba Casino 2000, Brooks Behrend, owner, 622 25th Avenue South, Suite B Legal description: Block 12 of Telkamp Addition, Suite B. Pending permit issuance and final inspection per the Community Development Dept. A motion was made by Council Member Brink, 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.

Video Lottery Request – Casino 2000. A public hearing was held on a request for Video Lottery for Behrend Management, Inc., dba Casino 2000, Brooks Behrend, owner, 622 25th Avenue South. Legal description: Block 12 of Telkamp Addition, Suite B. Pending permit issuance and final inspection per the Community Development Dept. 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.

On-Off Sale Malt Transfer. A public hearing was held on a request to transfer an On-Off Sale Malt License, with Video Lottery, from ERL LLC, dba The Depot, Kathy McClemans and Robb McClemans owners, to MG Oil Company, dba The Depot Casino, Marlyn Erickson and Troy Erickson, owners, 921 20th Street South. Legal description: Lot 7B, Block 13, McClemans Addition. A motion was made by Council Member Brink, seconded by Council Member Wendell, that the On-Off Sale Malt License transfer, with Video Lottery, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-029. A public hearing was held on Resolution 21-029, a Resolution authorizing the City Manager to enter into an Operating Agreement for an On-Sale Wine Operating Agreement for MG Oil Company, dba Corner Pantry #19, Marlyn Erickson and Troy Erickson, owners, 921 20th Street South. Legal description: Lot 7B, Block

13, McClemans Addition. A motion was made by Council Member Brink, seconded by Council Member Wendell, that Resolution 21-029 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-029 - MG Oil Company, dba Corner Pantry #19,
On-Sale Wine Operating Agreement

Now, Therefore, Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement for the Operating Alcohol Management Agreement for Wine between the City of Brookings and MG Oil Company, dba Corner Pantry #19, Marlyn Erickson and Troy Erickson, owners, for the purpose of a wine manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 921 20th Street South: legal description: Lot 7B, Block 13, McClemans 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 five (5) years and renewal for another five (5) years.

Resolution 21-034. A motion was made by Council Member Bacon, seconded by Council Member Brink, that Resolution 21-034, Contingency Funds Transfer to 2021's Budget – July 4th Fireworks, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Collins.

Resolution 21-034 - A Resolution Transferring City Manager
Contingency Funds to City Departments

Whereas, the City of Brookings hereby transfers City Manager's contingency funds to fund unplanned operational obligations of the municipality. This resolution is for the purpose of completing a transfer of contingency funds to the following accounts:

| | |
|--|---------------------|
| 284 Fund – 3B | |
| 284-000-5-856-48 4 th of July Fireworks Display | \$ 10,000.00 |
| Total Transfers | <u>\$ 10,000.00</u> |

The Financing Source for this transfer is from the following account:

| | |
|-----------------------------------|---------------------|
| 101-405-5-856-99 Contingency Fund | <u>\$ 10,000.00</u> |
| Total Source of Funding | <u>\$ 10,000.00</u> |

Whereas, this resolution is deemed necessary for the immediate preservation of the public peace, health, safety and support of the City, and shall become effective upon publication.

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

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the meeting be adjourned at 6:33 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk