

**Brookings City Council**  
**July 27, 2021 (unapproved)**

The Brookings City Council held a meeting on Tuesday, July 27, 2021 at 6:00 PM, at the Brookings School Board Meeting Room at Dakota Prairie Elementary, 111 26<sup>th</sup> Street South, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Leah Brink, Patty Bacon, Holly Tilton Byrne, Nick Wendell, Joey Collins, and Wayne Avery. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

**6:00 PM REGULAR MEETING**

Mayor Niemeyer removed item 5.A. Recognition of Council Member Nick Wendell, and item 9.B. Discussion on City Council Vacancy Process from the agenda. No objection was made by City Council.

Council Member Nick Wendell provided a public statement rescinding his City Council resignation.

**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, Tilton Byrne, Collins, and Avery; Absent: 1 – Wendell.

**3.A. Action to approve the agenda.**

**3.B. Action to approve the July 13, 2021 City Council Minutes.**

**3.C. Action on appointments to City Boards, Committees and Commissions:**

Business Improvement District #1 Board: appoint Aaron Carsrud (term expires 1/1/2024); Historic Preservation Commission: appoint Kyle Nelson (term expires 1/1/2022); Human Rights Commission: appoint Diane Nagy, Erica Moore, and Joel Gindo (terms expire 1/1/2023); Planning Commission: appoint Justin Borns (term expires 12/31/2025); and appoint Roger Solum (term expires 12/31/2022).

**3.D. Action on Resolution 21-063, a Resolution authorizing the City Manager to sign and submit a Solid Waste Management Program Grant Application for a Brookings Solid Waste Master Plan.**

Resolution 21-063 - A Resolution Authorizing the City Manager to Sign and Submit a Solid Waste Management Program Grant Application for a Brookings Solid Waste Master Plan.

Whereas, the City of Brookings has operated and maintained the Brookings Regional Sanitary Landfill since 1993, which provides essential solid waste management to approximately 45,000 people between Brookings, Deuel, Hamlin, Kingsbury, Lake, and Moody counties. The City also provides garbage collection services to residents within the city limits of Brookings; and

Whereas, the purpose of a Solid Waste Master Plan is to evaluate and analyze the Solid Waste Division's operations and financial health, identify and address critical

short-term and long-term needs, and provide a road map for successful long-term solid waste and recycling management; and

Whereas, the City contributes \$1 per ton of tipping fees to the South Dakota Department of Agriculture & Natural Resources Solid Waste Management Program. Statewide contributions to this fund are used to award grants and low-interest loans for projects at landfills throughout the state. In an effort to maximize available resources, the City of Brookings has identified potential Solid Waste Management Program grant funding to conduct master planning; and

Whereas, this resolution authorizes the City Manager to sign and submit the Solid Waste Management Program Grant Application for a grant of up to \$198,400 for a Brookings Solid Waste Master Plan. The City Manager would also 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 grant of up to \$198,400 for a Brookings Solid Waste Master Plan, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this project.

**Proclamation.** Mayor Niemeyer presented a Proclamation celebrating the 31<sup>st</sup> Anniversary of the Americans with Disabilities Act to Mark Sternhagen, Brianna Doran, and Aysia Platt, members of the Brookings Disabilities 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 people with disabilities 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 aligns with providing people with disabilities 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 27, 2021 as Americans with Disabilities Act 31<sup>st</sup> Anniversary 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 people with disabilities in the City of Brookings.
2. Continue advocating for full inclusion and equity of individuals with disabilities in all aspects of society.

**FIRST READING – Ordinance 21-026.** Introduction and First Reading was held on Ordinance 21-026, an Ordinance Establishing Procedures for False Security Alarms in the City of Brookings, SD. Second Reading: August 10, 2021.

**FIRST READING – Ordinance 21-027.** Introduction and First Reading was held on Ordinance 21-027, an Ordinance Establishing the Number of Medical Cannabis Establishments in the City of Brookings, South Dakota. Public Comment: Emmett Restroffer. Second Reading: August 10, 2021.

**FIRST READING – Ordinance 21-028.** Introduction and First Reading was held on Ordinance 21-028, an Ordinance Establishing Procedures for the Licensing of Medical Cannabis Dispensaries in the City of Brookings. Second Reading: August 10, 2021.

**Ordinance 21-021.** A motion was made by Council Member Bacon, seconded by Council Member Collins, that Ordinance 21-021, an Ordinance repealing Article II of Chapter 42 of the Code of Ordinances of the City of Brookings, SD, and pertaining to the Board of Health, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Ordinance 21-024.** A public hearing was held on Ordinance 21-024, an Ordinance to permit by Conditional Use a Hair Salon in a Residence R-1B Single-Family District on Lot 5, Block 4, East Acres Second Addition, also known as 2029 Elmwood Drive. A motion was made by Council Member Avery, seconded by Council Member Tilton Byrne, that Ordinance 21-024 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Ordinance 21-025.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, to approve Ordinance 21-025, an Ordinance establishing zoning regulations for cannabis establishments.

A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to amend Section 194-505B by striking the words "or another cannabis dispensary." The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Ordinance 21-025, an Ordinance establishing zoning regulations for cannabis establishments, be tabled. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Temporary Alcohol Application.** A public hearing was held on a Temporary Alcohol Application from Aramark Educational Services, LLC, to operate within the City of

Brookings, South Dakota for the SDSU College of Engineering Fall Kickoff Reception to be held on August 19, 2021 at the SDSU Alumni Center Woster Celebration Hall, 815 Medary Avenue. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that the Temporary Alcohol License be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

**Resolution 21-062.** A motion was made by Council Member Collins, seconded by Council Member Brink, that Resolution 21-062, a Resolution amending the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

#### Resolution 21-062 - Resolution Amending the Consolidated Fee Schedule

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 following Consolidated Fee Schedule as defined in the attached schedule.

<b><u>Fee Description</u></b>	<b><u>City Code</u></b>		<b><u>2020 Fee</u></b>	<b><u>2021 Fee</u></b>
Ball Field Rental Rates				
Type I - No Setup (e.g. Chalking, Lining, etc.)	Sec. 62-45		\$25.00	\$25.00
Type II - With One (1) Setup (e.g. Chalking, Lining, etc.)	Sec. 62-45		\$75.00	\$75.00
Type II - Per Additional Day Time Setup (e.g. Chalking, Lining, etc.)	Sec. 62-45		\$35.00	\$35.00
Type II - Per Additional Night Time Setup (e.g. Chalking, Lining, etc.)	Sec. 62-45		\$65.00	\$65.00
Bob Shelden Field Rental - per game - College baseball - outside teams				\$325.00
Bob Shelden Field Rental - per game - SDSU College baseball				\$250.00
Bob Shelden Field Rental - per game - Adult baseball				\$100.00
Bob Shelden Field Rental - per game – practice / special events				\$25.00
Bob Shelden Field Rental - per game – Penalty / Deposit - seeds, tobacco, gum				\$250.00
Contract Police Officer Security				
Per Reserve Officer, Per Hour				\$35.00
Per Officer, Per Hour			\$45.00	\$50.00
False Security Alarm				
First Call				\$0.00
Second Call				\$50.00
Third Call				\$100.00

**Progress Report.** Jacob Meshke, Assistant City Manager, provided a progress report highlighting the City's activities/projects.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the meeting be adjourned at 7:29 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

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Oepke G. Niemeyer, Mayor

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Bonnie Foster, City Clerk