Brookings City Council
September 14, 2021 (unapproved)

The Brookings City Council held a meeting on Tuesday, September 14, 2021 at 5:00 PM, at the Brookings City & County Government Center, Chambers, 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.

5:00 PM 2022 BUDGET STUDY SESSION #1
Paul Briseno, City Manager, Jake Meshke, Assistant City Manager, and Erick Rangel, Chief Financial Officer, provided an overview of the proposed 2022 Budget for the City Council and public.

6:00 PM REGULAR MEETING
Consent Agenda. A motion was made by Council Member Wendell, seconded by Council Member Brink, to approve the Consent Agenda. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

3.A. Action to approve the agenda.
3.B. Action to approve the August 24, 2021 City Council Minutes.
3.C. Action on Resolution 21-070, a Resolution declaring surplus property for the City of Brookings.

Resolution 21-070 - Declaring Surplus Property

Whereas, the City of Brookings is the owner of the following described equipment formerly used at the City of Brookings:

Police Dept.
2011 Tahoe, VIN # 1GNSK2E04BR318264

Brookings Public Library
Four (4) red and orange foam children's seating blocks; wooden work bench; wire paper tray; desk organizer; white stand fan; work table with desk organizer; black 2-drawer file cabinet; wooden stool with orange seat, puppet theatre

Information Technology
Technology Server Rack

General Government
TV Cart on wheels, 4 desk chairs on wheels, 3 wood frame / cloth seat chairs, misc. office cubicle pieces, KIP 3000 Multi-Function Printer, IBM Wheelwriter 3500 Typewriter, conference room table, wood cabinet white board, 2-monitor stand, 2-drawer file cabinet on wheels, 2-door office cabinet, file credenza, 7 wood frame / cloth seat chairs, hutch, desk credenza

Parks, Recreation & Forestry Dept.
2 Ramsey 8000 power cable winches, set of 4 aluminum ¾ ton wheels, set of 4 steel gravel-truck rims with 1 tire

Whereas, in the best financial interest, it is the desire of the City of Brookings to dispose of as surplus property; and

Whereas, the City Manager is hereby authorized to sell or dispose of said surplus property.

Now, Therefore, Be It Resolved by the governing body of the City of Brookings, SD, that this property be declared surplus property according to SDCL Chapter 6-13.

3.D. Action to cancel the September 21, 2021 City Council Study Session.

Introduction of new City employee. Charlie Richter, new City Engineer, was introduced to the City Council and public.

Vaccine Incentive Program. Erick Rangel, Chief Financial Officer, and Michael Logan, Swiftel Center Manager, provided an overview of the Vaccine Incentive Program.

SDSU Student Association Report. Anna Shane, Government Affairs Chair for the SDSU Students Association, provided an update on SDSU happenings to the City Council and public.

Open Forum. Bradley Walker expressed concerns surrounding mask wearing and concerns around the Vaccine Incentive Program. Jeannette Gibbons expressed concerns regarding the direction of the Brookings School Board regarding masks, and requested information from City staff on the benefits and risks of wearing masks.

Ordinance 21-031. A motion was made by Council Member Brink, seconded by Council Member Wendell, that Ordinance 21-031, an Ordinance certifying the 2022 City of Brookings Property Tax Levy to the Brookings County Finance Officer, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

Ordinance 21-029. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Ordinance 21-029, an Ordinance Authorizing Supplemental Appropriation No. 4 to the 2021 Budget be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

Ordinance 21-030. A public hearing was held on Ordinance 21-030, an Ordinance pertaining to an Application for Conditional Use Permit to establish a Mixed Business/Residential Use in a Business B-3 Heavy District on Lot 1, Block 2 in Folsom Addition, also known as 530 1st Street South and Lots 2 & 3, Block 2 in Folsom Addition,

also known as 110 6th Avenue South. Grant Leffelbein and Ted Elverson with Granted Properties, LLC. This Ordinance failed due to lack of a second.

Ordinance 21-025. A public hearing was held on Ordinance 21-025, an Ordinance Establishing Zoning Regulations for Cannabis Establishments. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that Ordinance 21-025 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

Temporary Alcohol Application. A public hearing was held on a Temporary Alcohol Application from Eponymous Brewing Company and Schade Winery to operate within the City of Brookings, SD, for the Disrupt HR Event to be held September 30, 2021 at Pioneer Park, 104 6th Street West (rain date from September 2nd). A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that the Temporary Alcohol Application be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

On-Off Malt License Transfer – Agua Fresh. A public hearing was held on a request to transfer an On-Off Sale Malt License from KAMUSI, LLC, dba Agua Fresh, Sinan Taskin and Bilal Akalin, owners, to DALAK, LLC, dba Agua Fresh, Bilal Akalin, owner, 420 Main Avenue. Legal description: the South 2,000 square feet of Lot 11A, Block 7, Original Plat Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that the On-Off Malt License transfer be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

Resolution 21-071. A public hearing was held on Resolution 21-071, a Resolution authorizing the City Manager to sign a Wine Operating Agreement for DALAK, LLC, dba Agua Fresh, 420 Main Avenue. Legal description: the South 2,000 square feet of Lot 11A, Block 7, Original Plat Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Resolution 21-071 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

Resolution 21-071 - Wine Operating Agreement - DALAK, LLC, dba Agua Fresh

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 DALAK, LLC, dba Agua Fresh, Bilal Akalin, 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 420 Main Avenue, legal description: the South 2,000 square feet of Lot 11A, Block 7, 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 ten (10) years, with a renewal in five (5) years.

On-Off Sale Malt License – Deuces Casino, Suite 105D. A public hearing was held on a request for an On-Off Sale Malt License, with Video Lottery, for Commonwealth Gaming & Holdings Corp, dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105D, legal description: S114' of W69.3' of Lot 20 and S114' of Lot 21, Block 3, Henry Addition, Suite 105D. Pending occupancy 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 Malt License be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

Video Lottery Request – Deuces Casino, Suite 105D. A public hearing was held on a request for Video Lottery for Commonwealth Gaming & Holding Corp, dba Deuces Casino, Suite 105D, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105D, legal description: S114' of W 69.3' of Lot 20 and S114' of Lot 21, Block 3, Henry Addition, Suite 105D. Pending occupancy 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 Avery; Absent: 1 - Collins.

Resolution 21-073. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Resolution 21-073, a Resolution Approving the Purchase of a 2022 Caterpillar Compactor through Sourcewell Contract #032119-CAT, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, and Avery; Absent: 1 - Collins.

Resolution 21-073 - Resolution Approving the Purchase
of a 2022 Caterpillar Compactor

Whereas, the Solid Waste Division requests action to purchase a 2022 Caterpillar Compactor for the landfill through Sourcewell, a purchasing cooperative, pursuant to Sourcewell Contract #032119-CAT through vendor Butler Machinery Company; and

Whereas, the new compactor will replace a 2010 compactor that is experiencing failure and increasingly costly repairs; and

Whereas, the City Council approved a budget amendment authorizing a budget of $975,000 for the purchase of the new compactor.

Now, Therefore, Be It Resolved that a contract with Butler Machinery Company from Sioux Falls, South Dakota through Sourcewell Contract #032119-CAT in the amount of $921,066.86 be accepted.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the meeting be adjourned at 7:18 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

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ATTEST: Oepke G. Niemeyer, Mayor

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Bonnie Foster, City Clerk