

**Brookings City Council**  
**February 28, 2023**

The Brookings City Council held a meeting on Tuesday, February 28, 2023 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Nick Wendell, Joey Collins, Holly Tilton Byrne, Wayne Avery, Brianna Doran, and Bonny Specker. City Manager Paul Briseno, City Attorney Steve Britzman, and Deputy City Clerk DeShawn Scott were also present.

**Agenda.** A motion was made by Council Member Specker, seconded by Council Member Collins, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

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

**A. Action to approve the 02/14/2023 City Council Minutes.**

**B. Action on volunteer board, committee, and commission appointments:**  
**Sustainability Council:** reappoint Louis Hesler (term expires 1/1/2026).

**C. Action on Resolution 23-020, a Bridge Inspection Program Resolution for use with South Dakota Department of Transportation (SDDOT) Retainer Contracts**  
Resolution 23-023 - Bridge Inspection Program Resolution for use with South Dakota Department of Transportation (SDDOT) Retainer Contracts

Whereas, 23 CFR 650, Subpart C, requires initial inspection of all bridges and re-inspection at intervals, not to exceed two years, with the exception of reinforced concrete box culverts that meet specific criteria. These culverts are inspected at intervals not to exceed four years.

Now, Therefore, Be It Resolved, that the City of Brookings is desirous of participating in the Bridge Inspection Program using Bridge Replacement Funds, and requests SDDOT to hire Civil Design Inc. for the inspection work, secure Federal approvals, process the payments to the Civil Design Inc., and invoice the City for 20% of the cost.

**D. Action to move the City Council Meeting from April 18, 2023 to April 11, 2023.**

**Report: SDSU Student Association.** Erika Van Nieuwenhuysse, Government Affairs Chair for the SDSU Students Association, provided an update on SDSU happenings and Legislative updates which effect SDSU.

**Reports: Full Year 2022 Finance Report.** Ashley Rentsch, Senior Finance Manager, presented the 2022 Full Year Tax Revenue, 2023 Economic Outlook, 2022 Full Year Budget versus Actuals for the General Fund and Other Funds, City Council Priority Projects, and City Council Priority Projects – Desired Projects.

**Resolution 23-023.** A motion was made by Council Member Avery, seconded by Council Member Specker, that Resolution 23-023, a Resolution Approving the Emergency Purchase of an Altec Aerial Device, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-023 - Resolution Approving the Emergency Purchase  
of an Altec Aerial Device

Whereas, the Parks, Recreation, and Forestry Department utilizes aerial devices in the forestry operation for clearing, trimming, and maintaining trees; and

Whereas, the City's 2009 aerial device failed a bi-annual safety inspection resulting in nearly a year without the essential equipment in 2022; and

Whereas, the City attempted to obtain similar equipment through alternative means as well as perform more climbing operations resulting in less safe and effective outcomes; and

Whereas, the City had an opportunity to obtain a new aerial device through vendor Altec with estimated delivery in May 2023; and

Whereas, the City would have had to wait an additional two (2) to three (3) years to obtain a new aerial device if this opportunity was not utilized; and

Whereas, Altec has been in business since 1929 and is committed to excellence in providing tree care products; and

Whereas, Altec provides an industry leading product through innovative design and safety features.

Now, Therefore, Be It Resolved that an emergency purchase of aerial equipment in the amount of \$204,756 plus any tax, title, license, or registration fees is hereby approved.

**FIRST READING: Ordinance 23-007.** Introduction and First Reading on Ordinance 23-007, an Ordinance Authorizing Supplemental Appropriation No. 2 to the 2023 Budget - Parts 1 and 2. Second Reading and Action: March 14, 2023.

**Ordinance 23-006.** A motion was made by Council Member Specker, seconded by Council Member Avery, that Ordinance 23-006, an Ordinance Authorizing Budget Amendment No. 11 to the 2022 Budget, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Ordinance 23-004.** A motion was made by Council Member Specker, seconded by Council Member Avery, that Ordinance 23-004, an Ordinance Amending Section 62-86

of the Code of Ordinances of the City of Brookings, South Dakota, and to Provide for Designation of “No-Mow” Vegetation Areas and “No Mow May” in the City of Brookings, South Dakota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Ordinance 23-005.** A motion was made by Council Member Collins, seconded by Council Member Doran, that Ordinance 23-005, an Ordinance granting a nonexclusive Natural Gas Franchise to NorthWestern Corporation, doing business as NorthWestern Energy, a Delaware Corporation, to Furnish and Sell Natural Gas to the City and its Inhabitants, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Ordinance 23-003.** A motion was made by Council Member Collins, seconded by Council Member Doran, that Ordinance 23-003, an Ordinance amending Chapter 94, Article VI, Division 4, Sec. 94-432 for the purposes of amending the minimum required parking spaces, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Preliminary Plat.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that a Revised Preliminary Plat of Block 3B, Block 4, Block 5, Block 6, Block 8, Lot157C and Wetland D in Tract 2, All in Prairie Hills Addition, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Preliminary Plat.** A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that a Preliminary Plat for Lot 53D in Sioux Village Indian Hills Addition, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Resolution 23-003.** A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Resolution 23-003, a Resolution Authorizing the Transfer of Real Property to the Brookings Economic Development Corporation for Economic Development Purposes, be approved. City Attorney Steve Britzman made a friendly amendment to amend the language from 11.35 acres to approximately 13.09 acres. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-003 - A Resolution Authorizing the Transfer of Real Property to Brookings Economic Development Corporation, Inc. for Economic Development Purposes

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

Whereas, the Brookings Economic Development Corporation, Inc. desires to acquire the following described property: Approximately 13.09 acres with the exact acreage to be determined by survey and plat, generally described as: Block Ten (10), Except Lot One (1) and Except the Right-of-Way, of Freeland Addition to the City of Brookings,

County of Brookings, State of South Dakota, Except the West One Hundred Seventy-five Feet (W 175') thereof, and Except the North Sixty Feet (N 60') and the South Sixty Feet (S 60') thereof, and

Whereas, for the express purpose of furthering economic growth and development of the City of Brookings, South Dakota, the Brookings Economic Development Corporation, Inc. agrees to sell, convey or otherwise transfer said property to Millborn Seeds, Inc. and Berry Properties, LLC for the price of \$247,203.00 Dollars and other valuable consideration, and

Whereas, it is in the best interests of the City of Brookings that the City provide its economic development assistance in this matter to aid and assist with the completion of the aforesaid transaction which will further economic development in the City of Brookings, and

Whereas, the City is authorized to enter into this transaction as an economic development activity under the laws of the State of South Dakota;

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

- A. That the City convey title to the above-described property to the Brookings Economic Development Corporation, Inc. for the purpose of completion of the transaction described above to further the economic growth and development of the City of Brookings, South Dakota; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the required documents in accordance with this Resolution.

**Resolution 23-009.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that Resolution 23-009, a Resolution Authorizing the Transfer of Real Property to the Brookings Economic Development Corporation for Economic Development Purposes, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-009 - Resolution Authorizing the Transfer of Real Property to the Brookings Economic Development Corporation for Economic Development Purposes

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

Whereas, the City of Brookings has received a proposal for the purchase of the following described property: Approximately 18.53 acres located within Block Nine (9) of Wiese Addition in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Nineteen (19), Township One Hundred Ten (110) North, Range Forty-nine (49) West of the 5th P.M., City of Brookings, County of Brookings, State of South Dakota, and

Whereas, the proposed purchase price is \$1,130,033.52 (807,166.8 square feet x \$1.40 per square foot). The purpose of the acquisition is for commercial development of the above-described property by Ryan Companies US, Inc., a Minnesota Corporation experienced in commercial development of property; and

Whereas, Ryan Companies US, Inc., has offered to purchase the above-described property for a price which the City has determined is market value and is acceptable; and

Whereas, the City of Brookings has determined the proposed commercial development by Ryan Companies US, Inc., will provide economic growth and economic development as a result of retail and other commercial businesses locating within the above-described property as tenants of Ryan Companies US, Inc.; and

Whereas, for the express purpose of furthering the economic growth and development of the City of Brookings, South Dakota, the City of Brookings and the Brookings Economic Development Corporation accept the proposal to purchase the above-described property for commercial development, including retail and other businesses, by Ryan Companies US, Inc. Furthermore, the City agrees to convey the above-described property to the Brookings Economic Development Corporation pursuant to a Real Estate Purchase Agreement between the Brookings Economic Development Corporation and Ryan Companies US, Inc., for the sum of \$1.40 for each square foot of property purchased by Ryan Companies US, Inc., and located within the above-described property, in accordance with applicable law; and

Whereas, the City is authorized to enter into this transaction as an economic development activity under the laws of the State of South Dakota;

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

- A. That the City convey title to the above-described property to the Brookings Economic Development Corporation, Inc., for the transfer of the above-described property to Ryan Companies US, Inc., for the purposes set forth herein; and
- B. That the Mayor, City Clerk, City Manager, and City Attorney are authorized to execute the required documents in accordance with this Resolution.

**Adjourn.** A motion was made by Council Member Specker, seconded by Council Member Doran, that this meeting be adjourned at 6:50 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

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Oepke G. Niemeyer, Mayor

ATTEST:

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Bonnie Foster, City Clerk