

**Brookings City Council**  
**March 14, 2023**

The Brookings City Council held a meeting on Tuesday, March 14, 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, Holly Tilton Byrne, Wayne Avery, Brianna Doran, and Bonny Specker. Absent: Council Member Joey Collins. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

**Agenda.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that the agenda be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 - Collins.

**Open Forum.** William Prigge, Brookings, SD, encouraged the City Council to look into an Ordinance related to feeding deer within the city limits. Mr. Prigge's property has received a lot of damage this winter from deer being fed by his neighbors.

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

**A. Action to approve the February 28, 2023 City Council Minutes.**

**B. Action to cancel the March 21, 2023 City Council Study Session.**

**C. Action on Resolution 23-017, a Resolution authorizing the City Manager to sign an On-Sale Liquor Operating Agreement renewal for Apple BRK, LLC, dba Applebee's Neighborhood Grill & Bar, Jonathan Rolph, David Rolph, Gregory Stroud, owners, 3001 LeFevre Drive, Brookings, South Dakota. Legal description: South 225 feet of Lot 8 LeFevre Addition.**

Resolution 23-017 - On-Sale Liquor Operating Agreement – 5-year mid-term renewal;  
Apple BRK, LLC, dba Applebee's Neighborhood Grill & Bar

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement renewal for the On-Sale Operating Alcohol Management Agreement for Liquor between the City of Brookings and Apple BRK, LLC, dba Applebee's Neighborhood Grill & Bar, Jonathan Rolph, David Rolph, and Gregory Stroud, owners, for the purpose of a liquor manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 3001 LeFevre Drive. Legal description: South 225 feet of Lot 8 LeFevre Addition.

Now, Therefore, Be It Further Resolved that the City Manager be authorized to execute the Agreement renewal on behalf of the City, which shall be for the remaining 5 years of the 10-year Agreement.

**D. Action on Resolution 23-018, a Resolution declaring surplus property for the City of Brookings.**

## Resolution 23-018 - Declaring Surplus Property

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

Community Development Dept.: former Food Pantry Building located at 217 4<sup>th</sup> Street  
Police Dept.: 2019 Ford F150, VIN #1FTEW1P40KKD50349

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.

**City Council Ex-Officio Report.** Ex-Officio Reports were presented for the following: Brookings Municipal Utility Board report by Council Members Avery and Specker. Brookings Health Systems Board of Trustees report by Council Members Collins and Doran.

**Resolution 23-019.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 23-019, a Resolution Awarding Bids on 2023-06STI Chip Seal Project, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 - Collins.

### Resolution 23-019 - Resolution Awarding Bids on the 2023-06STI Chip Seal Project

Whereas, the City of Brookings opened bids for the 2023-06STI Chip Seal Project on Tuesday, March 7, 2023 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bids for the 2023-06STI Chip Seal Project: Topkote, Inc. - \$396,274.95; Bituminous Paving, Inc. - \$409,160.00; and The Road Guy Construction Co., Inc. - \$480,750.00.

Now, Therefore, Be It Resolved that the low bid of \$396,274.95 for Topkote, Inc., be accepted.

**FIRST READING: Ordinance 23-008.** Introduction and First Reading on Ordinance 23-008, an Ordinance Amending Article II of Chapter 22 of the Code of Ordinances of the City of Brookings and pertaining to the Adoption of the 2021 International Building Code, the 2021 International Residential Code, the 2021 International Mechanical Code, the 2021 International Fire Code, 2021 International Existing Building Code, 2021

International Property Maintenance Code with certain Amendments thereto. Second Reading and Action: March 28, 2023.

**Ordinance 23-007.** A motion was made by Council Member Avery, seconded by Council Member Specker, that Ordinance 23-007, an Ordinance Authorizing Supplemental Appropriation No. 2 to the 2023 Budget - Parts 1 and 2, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 - Collins.

**Resolution 23-021.** A motion was made by Mayor Niemeyer, seconded by Council Member Specker, that Resolution 23-021, a Resolution Determining the Necessity of Alley Assessment Project from 2<sup>nd</sup> Street South to 3<sup>rd</sup> Street South connecting 5<sup>th</sup> Avenue and 6<sup>th</sup> Avenue, be withdrawn, because written objections to the project by more than 55% of the property towners to be assessed have been filed. Public Comment: Sherry Karber, Darrick Wika, Kyle Prodoehl, David Hock, Rudy Curtler, and Debra Aalderks. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 - Collins.

**Adjourn.** A motion was made by Council Member Specker, seconded by Council Member Wendell, that this meeting be adjourned at 6:29 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