

Brookings City Council
March 28, 2023

The Brookings City Council held a meeting on Tuesday, March 28, 2023 at 5:30 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 City Clerk Bonnie Foster were also present.

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

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, to enter into Executive Session at 5:31 p.m., pursuant to SDCL 1-25-2.3, for the purpose of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters; and SDCL 1-25-2.5, for the purpose of discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business. Present: City Council, City Manager, City Attorney, City Clerk, Mike Struck, Community Development Director, and Jacob Meshke, Deputy City Manager. The motion carried by a unanimous vote.

A motion was made by Council Member Specker, seconded by Council Member Collins, to exit Executive Session at 5:55 p.m. The motion carried by a unanimous vote.

Open Forum. Jeanette Gibbons, Brookings, SD, shared personal views on the Brookings School District Superintendent's resignation. Jeff Struwe, Brookings, SD, thanked the Street Department staff for a job well done with snow removal this winter. Mr. Struwe also asked the Mayor to do a Proclamation recognizing the Brookings Rangers Varsity Team on their accomplishments this season.

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

A. Action to approve the March 14, 2023 City Council Minutes, and the March 20, 2023 Board of Equalization Minutes.

B. Action on appointment to the Human Rights Commission: appoint Emma Nusrat Qurashi (term expires 1/1/2025).

C. Action to abate property taxes in the amount of \$3,204.28 for Parcel #40265-01500-066-00, Marla J. Liebing, owner. Address: 1827 Santee Trail, Brookings. Legal description: Lot 66 Santee Village, Indian Hills Addition.

D. Action on Resolution 23-028, a Resolution Approving the Purchase of two (2) Automated Collection Trucks.

Resolution 23-028 - Resolution Approving the Purchase of two New Automated Collection Trucks

Whereas, the Solid Waste Division of Public Works has the need to replace two (2) older automated collection trucks that are beyond their useful life; and

Whereas, the City is a member of the Sourcewell purchasing cooperative; and

Whereas, Sanitation Products, Inc. of Sioux Falls, SD is a participating bidder in the Sourcewell Contracts #091219-LEG and #060920-NAF; and

Whereas, the 2023 Amended Budget appropriates \$602,357 in Org. 612 – Solid Waste Collection, for the purchase of two new automated collection trucks.

Now, Therefore, Be It Resolved that a contract with Sanitation Products through Sourcewell Contracts #091219-LEG and #060920-NAF in the amount of \$584,714 is hereby approved, and the City Manager and City Clerk are authorized to sign the documents required to complete this purchase.

E. Action on Resolution 23-029, a Resolution Approving the Purchase of a 2023 John Deere 624P Articulating Wheeled Loader with Wing and Plow.

Resolution 23-029 - Resolution Awarding a Contract for the purchase of a 2023 John Deere 624P Articulating Wheeled Loader with Wing and Plow

Whereas, the Streets Division of Public Works has the need to purchase a 2023 John Deere 624P Articulating Wheeled Loader with Wing and Plow from, RDO Equipment of Sioux Falls, SD (RDO); and

Whereas, RDO is a qualified low bidder for Articulated Wheeled Loaders and related accessories under Contract No. 221533 from Admin Minnesota Contract Release: L-331(5), a Minnesota State Bid provider; and

Whereas, the City of Brookings will purchase from RDO, one 2023 John Deere 624P Articulating Wheeled Loader in the amount of \$339,823.25; and

Whereas, the 2023 amended budget appropriates \$360,000.00 in Org. 213 – Capital Improvements, for the purchase of one John Deere 624P Articulating Wheeled Loader with Wing and Plow.

Now, Therefore, Be It Resolved, that a contract with RDO, utilizing Admin Minnesota's cooperative purchasing bid prices under Contract No. 221533 be accepted in the amount of \$339,823.25.

F. Action on Resolution 23-033, a Resolution Approving the Purchase of a Dehumidification System for the Larson Ice Center.

Resolution 23-033 - Resolution Approving the Purchase

of a Dehumidification System for the Larson Ice Center

Whereas, the Larson Ice Center was constructed in 2002 and the dehumidification system is original to the facility; and

Whereas, the useful life for a dehumidification system is generally 15 to 20 years; and

Whereas, an analysis was completed showing that the current dehumidification system is undersized and outdated; and

Whereas, an updated dehumidification system will provide for improved conditions and extend the longevity of the Larson Ice Center; and

Whereas, the 2023 Budget identifies \$500,000 for an updated dehumidification system.

Now, Therefore, Be It Resolved that a contract with Johnson Controls through Sourcewell Contract #070121-JHN in the amount of \$496,800 is hereby approved, and the City Manager and City Clerk are authorized to sign the documents required to complete this purchase.

G. Action on Resolution 23-030, a Resolution authorizing the City Manager to sign and submit an Environmental Grant Application and associated documents for a Household Hazardous Waste Drop-off event in 2023.

Resolution 23-030 - A Resolution Authorizing the City Manager to sign and submit an Environmental Grant Application and to sign agreements, contracts, correspondence, pay requests, and other required documents for the Household Hazardous Waste Drop-Off Event

Whereas, the City of Brookings is eligible to apply for and receive an environmental grant to defray the costs for hosting a Household Hazardous Waste (HHW) drop-off event; and

Whereas, the City of Brookings hosted HHW drop-off events in 2021 and 2022 which successfully collected a significant amount of household hazardous materials from City residents; and

Whereas, the City desires to hold a HHW drop-off event in 2023 and is proposing to apply for an environmental grant to defray the costs of the event; and

Whereas, this resolution authorizes the City Manager to sign and submit the grant application for a grant to defray the costs for hosting a HHW drop-off event. The City Manager will 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 the grant application 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 to defray the costs for

hosting a HHW drop-off event in 2023, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this project.

Proclamation. Mayor Niemeyer presented a Proclamation recognizing March 2023 as Developmental Disabilities Awareness Month to Brookings Disability Awareness Committee member Mark Sternhagen, and staff liaison, Casey Bell.

MAYORAL PROCLAMATION

Whereas, developmental disabilities are often present as early as birth in those impacted, and endure across the lifespan of a person; and

Whereas, disability is a natural part of the human experience that does not diminish the right of individuals to enjoy self-determination and experience full inclusion; and

Whereas, family, friends, and the community can play an important role in enhancing the lives of individuals with disabilities, especially when provided with necessary services and supports; and

Whereas, the goals of our community include providing individuals with disabilities the opportunities and support to achieve full integration in society, in an individualized manner, consistent with unique strengths, resources, priorities, concerns, abilities, and capabilities of each individual; and

Whereas, through increased awareness of programs and activities, the public will better understand the potential and needs of individuals with disabilities.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim March 2023, as Developmental Disabilities Month and call upon the people of Brookings to recognize this special observance.

Introduction of promoted City of Brookings employees. The following individuals were recognized as having been promoted within the City of Brookings: Casey Bell – Human Resources Director, Josh Bauman – Interim Assistant Parks & Recreation Director, Paul Laleman – Parks Supervisor, Ryan Burggraff – Forestry Supervisor, Drew Ekeland – Liquor Store Assistant Manager, Nita Gill – Adult Services Librarian / Operations Supervisor, Nancy Swenson – Technology Services Librarian / Programming Supervisor, Lucas Dahl – Airport Manager.

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

Resolution 23-026. A motion was made by Council Member Specker, seconded by Council member Tilton Byrne, that Resolution 23-026, a Resolution 23-026, a Resolution Authorizing Change Order No. 1, for Multi-Stack Fire Training Facility for the Brookings Fire Department; Fire Training Structures, LLC, be approved. The motion

carried by the following vote: Yes: 6 - Niemeyer, Collins, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 - Wendell.

Resolution 23-026 - Resolution Authorizing Change Order No. 1, for Multi-Stack Fire Training Facility for the Brookings Fire Department; Fire Training Structures, LLC.

Be It Resolved by the City Council of the City of Brookings that the following Change Order be approved for the Multi-Stack Fire Training Facility for the Brookings Fire Department:

Change Order Number 1: Adjust the total cost to \$516,007.27, an increase of \$21,036.27 from the original amount of \$494,971.00. The additional cost accounts for half of the South Dakota State Use Tax on public improvements which was not included in the original bid.

Resolution 23-032. A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, that Resolution 23-032, a Resolution Awarding Bids on the 2023-01STI University Boulevard and 22nd Avenue Gravity Sewer Improvements Project, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Collins, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 - Wendell.

Resolution 23-032 - Resolution Awarding Bid for the 2023-01STI University Boulevard and 22nd Avenue Gravity Sewer Improvements Project

Whereas, the City of Brookings opened bids for the 2023-01STI University Boulevard and 22nd Avenue Gravity Sewer Improvements Project on Tuesday, February 28, 2023 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings received the following low bid for the 2023-01STI University Boulevard and 22nd Avenue Gravity Sewer Improvements Project: Winter Contracting, LLC, in the amount of \$2,436,263.60; and

Whereas, the low bid was approximately 8% lower than the Engineer's Estimate of \$2,640,228.50.

Now, Therefore, Be It Resolved that the total low bid of \$2,436,263.60 from Winter Contracting, LLC, be accepted pending the recording of easements for the project on land owned by the State of South Dakota.

(Council Member Wendell arrived at 6:32 p.m.)

First Reading – Ordinance 23-009. An introduction and first reading was held on Ordinance 23-009, an Ordinance to Rezone Block 9 of Wiese Addition from Planned Development District with Business B-4 Heavy District underlying to Planned Development District with Business B-2 District underlying. Public Comment: Patrick

Daly and Chad Lockwood, with Ryan Companies US, Inc. Public Hearing and Action: April 11, 2023.

FIRST READING – Ordinance 23-010. An introduction and first reading was held on Ordinance 23-010, an Ordinance Authorizing Budget Amendment No. 3 to the 2023 Budget. Second Reading and Action: April 11, 2023.

FIRST READING – Ordinance 23-011. An introduction and first reading was held on Ordinance 23-011, an Ordinance Amending Section 14-85 of the Code of Ordinances of the City of Brookings, South Dakota, and Pertaining to Bee Keeping in the City of Brookings, South Dakota. Public Comment: Sarah Weber, Principal at Dakota Prairie Elementary. Second Reading and Action: April 11, 2023.

Brookings Non-Profit Food Facility. A public hearing was held on the progress of the Brookings Non-Profit Food Facility. No comments were made.

Resolution 23-024. A public hearing was held on Resolution 23-024, a Resolution to Amend the 2040 Comprehensive Plan's Future Land Use Map. A motion was made by Council Member Wendell, seconded by Council Member Specker, to approve Resolution 23-024. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-024 - A Resolution to Amend
the Brookings, South Dakota Comprehensive Plan 2040

Whereas, the Comprehensive Plan provides a Major Street Plan Map, identifies a Future Land Use Map, projects population figures for the planning period, and describes an integrated land use vision for the City; and

Whereas, the City wishes to amend the Future Land Use Map for an area described as the 418 feet west of Main Avenue South and the 418 feet east of Main Avenue South between 8th Street South and 12th Street South; and

Whereas, the City wishes to amend the formerly described area from Urban Low Intensity to Urban Medium Intensity; and

Whereas, the City Council of the City of Brookings, SD held a public hearing in accordance with SDCL 11-6-18 on the proposed amendment to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040; and

Whereas, the City Planning Commission of the City of Brookings, SD has recommended approval of the amendment to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040 in accordance with SDCL 11-6-17;

Now, Therefore, Be It Resolved that said amendment to the Future Land Use Map of the Brookings South Dakota Comprehensive Plan 2040 is hereby adopted by the City of Brookings.

Resolution 23-025. A public hearing was held on Resolution 23-025, a Resolution to Amend the 2040 Comprehensive Plan's Future Land Use Map. A motion was made by Council Member Collins, seconded by Council Member Wendell, to approve Resolution 23-025. The motion carried by the following vote: Yes: 5 - Niemeyer, Wendell, Avery, Doran, and Specker; No: 2 – Collins, Tilton Byrne.

Resolution 23-025 - A Resolution to Amend
the Brookings, South Dakota Comprehensive Plan 2040

Whereas, the Comprehensive Plan provides a Major Street Plan Map, identifies a Future Land Use Map, projects population figures for the planning period, and describes an integrated land use vision for the City; and

Whereas, the owner of property legally described as the Northeast Quarter of the Northwest Quarter (NE ¼ NW ¼), Except Outlot "A" thereof, in Section Three (3), Township One Hundred Nine (109) North, Range Fifty (50) West of the 5th P.M., County of Brookings, State of South Dakota wishes to amend the Future Land Use Map for the area described from and Open Wetland to Medium Density Residential (MDR); and

Whereas, the City Council of the City of Brookings, SD held a public hearing in accordance with SDCL 11-6-18 on the proposed amendment to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040; and

Whereas, the City Planning Commission of the City of Brookings, SD has recommended approval of the amendment to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040 in accordance with SDCL 11-6-17;

Now, Therefore, Be It Resolved that said amendment to the Future Land Use Map of the Brookings South Dakota Comprehensive Plan 2040 is hereby adopted by the City of Brookings.

Ordinance 23-008. A public hearing was held 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. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-027. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 23-027, a Resolution Authorizing the Transfer

of Real Property for Economic Development Purposes, be approved. The motion carried by the following vote: Public Comment: Angela Boersma and Clint Powell with Linchpin Corporation. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 23-027 - Resolution Authorizing the Transfer of Real Property
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 is the owner of real property located within the City of Brookings at 221 Main Avenue, referred to as the Armory Building, and legally described as Lot 1, Front Street Addition, City of Brookings, Brookings County, South Dakota; and

Whereas, the City of Brookings solicited proposals for development of the Armory Building through a competitive process for the Adaptive Reuse/Redevelopment of the historic Armory Building; and

Whereas, the City of Brookings determined that the proposal submitted by Linchpin Corporation will provide economic growth in the City of Brookings through the renovation and redevelopment of the Armory Building, to include business space, such as a restaurant, commercial office space and facilities to attract new business; and

Whereas, Linchpin Corporation was therefore selected to develop the Armory Building, pursuant to a Development Agreement with the City of Brookings, which will include the development of a hotel to be named "Hotel Indigo – Brookings, at The Armory"; and

Whereas, this project will further the economic growth and development of the City and the City of Brookings is therefore authorized to convey the Armory Building property to Linchpin Corporation in accordance with the terms of the Development Agreement and subject to the completion of the pre-closing requirements dated as of March 27, 2023, and further, in accordance with applicable law,

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 Linchpin Corporation upon satisfaction of pre-closing requirements, for the purposes set forth herein, together with the perpetual right to use, in any manner or form, the name "The Armory" in conjunction with its development; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the required documents in accordance with this Resolution.

Progress Report. Sherry Fuller Bordweyk, Public Information Officer, provided a progress report highlighting the City's activities / projects.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that this meeting be adjourned at 7:40 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk