

Brookings City Council
April 25, 2023

The Brookings City Council held a meeting on Tuesday, April 25, 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, Holly Tilton Byrne, Wayne Avery, Brianna Doran, and Bonny Specker. Absent: Council Member Joey Collins. Deputy City Manager Jacob Meshke, 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 Doran, that the agenda be approved. The motion carried by the following vote: Yes: 5 - Niemeyer, Wendell, Avery, Doran, and Specker; Absent: 2 - Collins and Tilton Byrne.

Executive Session. A motion was made by Council Member Wendell, seconded by Council Member Doran, to enter into Executive Session at 5:31 p.m., pursuant to SDCL 1-25-2.3 Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Present: City Council, City Attorney, City Clerk, Deputy City Manager, Steve Meyer, Brookings Municipal Utilities (BMU) Executive Vice-President and General Manager, Eric Witt, BMU Water / Wastewater & Engineering Manager, and Eric Rasmussen, BMU Attorney. The motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Specker, to exit Executive Session at 5:56 p.m. The motion carried by a unanimous vote.

Consent Agenda. A motion was made by Council Member Wendell, 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 April 11, 2023 City Council Minutes.

B. Action on volunteer board appointments: Planning Commission / Board of Adjustment: appoint Richard Smith (term expires 12/31/2025); Human Rights Commission - College Student Representative: appoint Joseph Ulloa (term expires 5/1/2024); Airport Board: appoint Isaac Wilde (term expires 5/1/2028).

C. Action on Resolution 23-038, a Resolution Authorizing the City Manager and City Clerk to Sign an Agreement with Chargepoint for an Electric Vehicle Charging Station Subscription.

Resolution 23-038 - Resolution Authorizing the City Manager and City Clerk to Sign an Agreement with Chargepoint for an Electric Vehicle Charging Station Subscription

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

The City of Brookings has received a quote for a three (3) year Electric Vehicle Software subscription from Chargepoint, at a rate of \$2,811.60 per year, for the City and County's charging station. The cost of this subscription is shared

equally with Brookings County, and staff has determined the quote for the charging station subscription from Chargepoint is acceptable. Therefore, the City Manager and City Clerk of the City of Brookings are hereby authorized to sign the above-described Chargepoint Subscription Agreement.

This Resolution shall constitute proof of authority of the City Manager and City Clerk of the City of Brookings to sign the above-described Agreement on behalf of the City of Brookings, South Dakota.

D. Action on Resolution 23-043, 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 23-043 - 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 23-043 replaces Resolution 23-030 signed on March 28, 2023; 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 \$30,000 environmental 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 to Bonnie Foster, City Clerk, and DeShawn Scott, Deputy City Clerk, recognizing April 30 - May 6, 2023 as City Clerk Week in the City of Brookings.

MAYORAL PROCLAMATION

Whereas, the Office of the City Clerk is the oldest among public servants; and

Whereas, the City Clerk provides the professional link between the citizens and agencies of government, serving as an information center; and

Whereas, the City Clerk has pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

Whereas, the main duties of the City Clerk include preparing the council agendas and minutes, maintaining ordinance and resolutions files, keeping the official records of the city, conducting local elections, and processing licenses.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim April 30 – May 6, 2023 as City Clerk Week, and extend appreciation to City Clerk Bonnie Foster and Deputy City Clerk DeShawn Scott, who act as a cornerstone of the City Council.

Proclamation. Mayor Niemeyer read a proclamation declaring Friday, April 28, 2023 as Arbor Day in the City of Brookings.

MAYORAL PROCLAMATION

Whereas, trees significantly affect the quality of life of the Citizens in our community; and

Whereas, our community forest must be perpetuated so as to provide the benefits of aesthetics, shade, energy conservation, noise reduction, and community livability; and

Whereas, those who settled on the prairie had the foresight and courage to plant trees we now enjoy, let us also have the same foresight and courage to plant and care for trees for the sake of our children and our children's children; and

Whereas, it is desirable that schools, civic organizations, news media, youth and senior citizens groups participate in programs and ceremonies within our community that will emphasize trees, their planting, and their care.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Friday, April 28, 2023 as Arbor Day, and encourage all our citizens to participate in the celebration of this occasion which looks toward the future.

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

Resolution 23-039. A motion was made by Council Member Avery, seconded by Council Member Specker, that Resolution 23-039, a Resolution of Intent to Lease Real

Property to Rural Technologies, Inc., be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Avery, Doran, Specker, Tilton Byrne, and Wendell; Absent: 1 – Collins.

Resolution 23-039 - Resolution of Intent to
Lease Real Property to Rural Technologies, Inc.

Be It Resolved by the governing body of the City of Brookings, South Dakota that the City of Brookings intends to enter into a lease agreement with RTI, LLC, on a month-to-month basis terminating on or before December 31, 2023 with the option to renew for two additional one-year terms, and pertaining to the following described property: Research & Technology Center – 801 32nd Avenue, Suite 100. The Lease will be an amount of \$4.00 per square foot for 1,017 square feet of cold storage space.

Be It Further Noted, that a Public Hearing on this Resolution was held on April 25, 2023 at 6:00 o'clock P.M. at the Brookings City & County Government Center and that all persons were given an opportunity to be heard on the intent to lease real property.

Resolution 23-041. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 23-041, a Resolution Awarding the Bid on Airport Pavement Maintenance / Rehabilitation Project, AIP #3-46-0005-037-2023, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Avery, Doran, Specker, Tilton Byrne, and Wendell; Absent: 1 - Collins.

Resolution 23-041 - Resolution Authorizing the City Manager to Sign Bid Award and
Grant Documents for Brookings Airport Pavement Maintenance / Rehabilitation Project
No. AIP #3-46-0005-037-2023

Whereas, the Brookings City Council desires South Dakota Department of Transportation assistance with the Brookings Regional Airport Project #3-46-0005-037-2023; and

Whereas, the City of Brookings desires the Airport Pavement Maintenance / Rehabilitation Project will include crack sealing, seal coat, and pavement markings for runway 17/35, numerous taxiways and hangar taxilanes; and

Whereas, the City of Brookings opened bids for the project on Tuesday, April 18, 2023 at 1:30 pm at the Brookings City and County Government Center and received the following bids: Fahrner Asphalt Sealers - \$156,757.00; American Road - \$173,253.75; Hi-Lite Airfield Services - \$179,386.60; Asphalt Surface Technologies Corp - \$184,700.00; and Gee Asphalt Systems- \$192,945.00.

Now, Therefore, Be It Resolved that the tentative award for AIP Project #3-46-0005-37-2023, Airport Pavement Maintenance Project, Base Bid is made to Fahrner Asphalt Sealers, LLC in the amount of \$156,757.00, contingent upon receipt of an FAA Grant Offer, and the Brookings City Manager is authorized to sign the FAA Grant Offer, Grant Agreement and all necessary paperwork for the Contract Documents.

Resolution 23-036. A public hearing was held on Resolution 23-036, a Resolution to Amend the 2040 Comprehensive Plan's Future Land Use Map. A motion was made by Council Member Specker, seconded by Council Member Wendell, that Resolution 23-036 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Avery, Doran, Specker, Tilton Byrne, and Wendell; Absent: 1 - Collins.

Resolution 23-036 - 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 South 325 feet of the North 365 feet of the North Half of the Northwest Quarter, excluding the East 650 feet and, excluding the West 1,600 feet, and excluding Substation Addition in Section 1-T109N-R50W wishes to amend the Future Land Use Map for the area described from Medium Density Residential (MDR) to Urban Medium (U-M); 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 23-037. A public hearing was held on Resolution 23-037, a Resolution Levying Assessment for Alley Assessment Project No. 2022-04STA, between 3rd Street to 4th Street connecting 8th Avenue and 9th Avenue. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 23-037 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Avery, Doran, Specker, Tilton Byrne, and Wendell; Absent: 1 - Collins.

Resolution 23-037 - Resolution Levying Alley Assessment Project 2022-04STA

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

1. The City Council adopted Resolution of Necessity 22-032 and has made all investigation which it deems necessary and has found and determined the amount which each lot or tract will be benefited by the construction of the alley improvement heretofore designated as Alley Assessment Project No. 2022-

- 04STA is the amount stated in the proposed assessment roll; and
2. The assessment for Alley Assessment Project No. 2022-04STA is hereby approved and the assessment thereby specified are levied against each and every lot, piece or parcel of land thereby described; and
 3. The assessment shall be divided into five equal annual installments; and
 4. Such assessments, unless paid within 30 days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Sections to 9-43-51, South Dakota Compiled Laws of 1967, as amended; and
 5. Interest of 6.78% percent per annum shall accrue on the unpaid balance of the assessment.

FIRST READING – Ordinance 23-017. Introduction and first reading was held on Ordinance 23-017, an Ordinance Authorizing Budget Amendment No. 4 to the 2023 Budget. Second Reading and Action: May 9, 2023.

FIRST READING – Ordinance 23-012. Introduction and first reading was held on Ordinance 23-012, an Ordinance to Change the Zoning within the City of Brookings (20.28 acres along 20th Street South). Public Comment: Boyd Eisenbraun, Frank Kurtenbach, Jeannie Rossow, and Angela Boersma. Public Hearing and Action: May 9, 2023.

FIRST READING – Ordinance 23-013. Introduction and first reading was held on Ordinance 23-013, an Ordinance to change the Zoning within the City of Brookings (2.85 acres located along 20th Street South). Public Hearing and Action: May 9, 2023.

FIRST READING – Ordinance 23-014. Introduction and first reading was held on Ordinance 23-014, an Ordinance to Change the Zoning Within the City of Brookings (Cree Village Indian Hills Addition). Public Hearing and Action: May 9, 2023.

FIRST READING – Ordinance 23-015. Introduction and first reading was held on Ordinance 23-015, an Ordinance to Change the Zoning Within the City of Brookings (Prairie Hills Addition). Public Hearing and Action: May 9, 2023.

FIRST READING – Ordinance 23-016. Introduction and first reading was held on Ordinance 23-016, an Ordinance to Change the Zoning within the City of Brookings (Prairie Hills Addition). Public Hearing and Action: May 9, 2023.

Progress Report. Jake Meshke, Deputy City Manager, provided a progress report highlighting the City's activities / projects.

Adjourn. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that this meeting be adjourned at 6:56 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk