

Brookings City Council
July 25, 2023

The Brookings City Council held a meeting on Tuesday, July 25, 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 Wayne Avery, Brianna Doran, Andrew Rasmussen, Bonny Specker, and Holly Tilton Byrne. Absent: City Council Member Nick Wendell. 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, Avery, Tilton Byrne, Specker, Doran, and Rasmussen; Absent: 1 - Wendell.

Open Forum. Jeanette Gibbons, Brookings, SD encouraged the City Council and members of the public to see the movie "Sound of Freedom," raising awareness on the issue of sex trafficking of children.

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, Avery, Tilton Byrne, Specker, Doran, and Rasmussen; Absent: 1 - Wendell.

A. Action to approve the July 11, 2023 City Council Minutes.

B. Action on appointment to the Business Improvement District #1 Board: appoint Melisa Yager (term expires 1/1/2024).

C. Action on Resolution 23-061, a Resolution declaring surplus property for the City of Brookings.

Resolution 23-061 - Declaring Surplus Property

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

Parks, Recreation & Forestry Dept.: bus stop shelter

Public Library: 3 - card tables, 1 - 3 tiered beige cart with removable wheels, 1 book cart with 2 flat shelves and removable wheels

Brookings Police Dept.: 2019 Ford Explorer, VIN#1FM5K8AC2LGA83140; 55 Tasers (Serial #s: X13006MIK, X13005C00, X13006M3V, X13003Y85, X13005AFH, X130093RD, X13002RKE, X13007DD4, X13006M1M, X13005C0C, X13006M3E, X13006M12, X130002YY, X13002TV7, X13000M84, X13002TR8, X13002TM2, X13000M9X, X13006M37, X13002TK8, X130051YE, X13006M1T, X13005XH8, X13002RKF, X13006M1E, X130038V9, X13006M1F, X13002TME, X13002TMO, X13006M1A, X13006M10, X130022TN, X13005ACN, X130038XP, X13006MOP, X13006M1R, X13005AN3, X00-558058, X00-465435, X00-558032, X00-465478,

X00-465462, X00-647179, X00-465445, X00-647225, X1200614A, X00-465481, X130038X9, X13006M38, X13002TVM, X00-557374, X00-557446, X13002K00, X13006M1N, X13006M14); 1 – 6 cubby wall locker; 8 gray/black wall partitions with 4 credenzas; 6 – glass mirrors; 6 – 4-drawer file cabinets; 1 – metal file cabinet; 1 – 5-drawer metal file cabinet; 1 – cabinet with white board; 2 – bookshelves (5 shelves and 3 shelves); 4-drawer wooden file cabinet; 2 – office chairs; 10 – blue chairs; 10 – 8-foot tables; 1 – 6-foot table; 1 – desk with credenza; 3 – under desk file cabinets; 1 – gray desk; 1 – blue table; 39 – plastic chairs; 1 – TV stand; 69 – fiberglass chairs; 44 – metal folding chairs; 3 – 4 ½ foot shelves; 2 – small 5-drawer file; 1 – 2-drawer CD holder; shotgun cleaning kit; padded suitcase; paper shredder; 5 – Varda Silent Alarm; record system; 2 – wood tables; 1 – antique typewriter; 1 – roll top desk; 1 – Sony Handycam Video Hi8; 1 – canon digital camera; RCA VHS Camcorder; 1 – Lortone Compact Lapidary Tumbler; 2 - desks (damaged); 5 – office chairs (broke); 4 – metal credenzas (damaged); metal wall shelf (damaged); wood wall cabinet (damaged); 2 – Galls spotlights (don't work); Gen Rad Groud n Level Meter (doesn't work); Neihoff Hi-Tension Tachometer (doesn't work); Vari-Price 50 by Vendo (doesn't work); 3 – under cabinet lights (don't work); 15 – desk office phones (old); Zetron M3240D PSAP Telephone (doesn't work); 10 Mobile Radios (EF Johnsons: #53176F511A 15528, #53176F341A 12693, #53176F501A 14928, #53176F511A 15496, #53176F511A 15103, #53176F521A 15572, #53176F501A 14972, #53176F511A 15095; Ericsson #441185; Uniden #95019943); 10 – Portable Radios (Motorola: #018TFS7922, #018TFS7917, #018TFS7876, #018TFAL778, #018TFS7928; Mag One: # 278MU1462, #0278LA3733, #0278MU1477, #0278MU1479, #0278MU1456).

Public Works – Engineering Dept.: Trimble R10 Serial #: 5251420747

Public Works – Solid Waste Dept.: 2006 Chevy Silverado 2500, Bobcat Angle Broom, Colman 5000 Watt Generator, Loader Tires, Mac Vac

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.

D. Action on Resolution 23-065, a Resolution authorizing the City Manager to execute an amendment to an agreement, extending the Fixed Base Operator Agreement at the Brookings Regional Airport.

Resolution 23-065 - Resolution Authorizing the City Manager to Execute an Amendment to Agreement which will Extend the 2018 Agreement with Pheasants Fury Aviation, LLC

Whereas, the City of Brookings signed the original Fixed Base Operator (FBO) agreement with Pheasants Fury Aviation, LLC on July 24, 2018; and

Whereas, the City of Brookings desires to extend the FBO agreement for a period of five (5) years.

Now, Therefore, It is Hereby Resolved by the City Council of Brookings, South Dakota that the City Manager is authorized to sign an amendment to agreement that will extend the existing FBO agreement with Pheasants Fury Aviation, LLC for a period of five (5) years.

Proclamation. Mayor Niemeyer present a Proclamation to representatives from the Brookings Disability Awareness Committee to celebrate the Americans with Disabilities Act 33rd Anniversary Day.

MAYORAL PROCLAMATION

Whereas, the Americans with Disabilities Act (ADA) was passed on July 26, 1990, as the first comprehensive declaration of equality for people with disabilities and protects rights in all aspects of employment, in accessing public services, and guaranteeing access to private establishments; and

Whereas, the goals of the community aligns with providing people with disabilities with the opportunities and support to achieve full integration and inclusion in society, in an individualized manner; and

Whereas, disability is a natural part of the human experience that does not diminish the right to enjoy the opportunity to live independently, enjoy self-determination, make choices, contribute to society, and experience full integration and inclusion with necessary services and supports.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim July 26, 2023 as Americans with Disabilities Act 33rd Anniversary Day

And call upon the people of Brookings to recognize and celebrate the progress that has been made by reaffirming the principals of equality and inclusion and recommitting our efforts to reach full ADA compliance for people with disabilities in the City of Brookings; and to continue advocating for full inclusion and equity of individuals with disabilities in all aspects of society.

Resolution 23-057. A motion was made by Council Member Specker, seconded by Council Member Doran, that Resolution 23-057, a Resolution Approving the Installation of a New Roofing System for the Dacotah Bank Center Roof, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Avery, Tilton Byrne, Specker, Doran, and Rasmussen; Absent: 1 - Wendell.

Resolution 23-057 - A Resolution Approving the Purchase and Installation of a 24 Gauge Standing Seam Roofing Project for the Dacotah Bank Center lower roof.

Whereas, the lower roof of the Dacotah Bank Center was damaged in the 2022 derecho; and

Whereas, a new roofing system was recommended by the City's insurance provider;
and

Whereas, City staff reviewed alternative roofing systems, and are recommending
replacement of the existing steel roof with a new standing seam steel roof; and

Whereas, City staff has identified a steel roofing contract with Duro-Last, Inc., which will
satisfy the City's needs and provide the best value over the long-term; and

Whereas, the proposed contract falls within the replacement cost value determined by
the City's insurance provider; and

Whereas, Duro-Last, Inc., is a member of The Interlocal Purchasing System (TIPS),
which is cooperative purchasing agency, and can provide the roofing material required
for this project pursuant to a cooperative purchasing contract; and

Whereas, Woodall Companies, the roofing company performing the project, has elite
contractor status with Duro-Last, Inc.

Now, Therefore, Be It Resolved that a contract with Duro-Last, Inc., through The
Interlocal Purchasing System (TIPS) Contract #210205 in the amount of \$540,110.43, is
hereby approved for the re-roofing of the lower roof of the Dacotah Bank Center, and
the City Manager and City Clerk are authorized to sign the documents required to
complete this project.

FIRST READING – Ordinance 23-025. Introduction and first reading was held on
Ordinance 23-025, an Ordinance Authorizing Amendment No. 6 to the 2023 Budget.
Second Reading and Action: August 8, 2023.

Ordinance 23-020. A motion was made by Council Member Tilton Byrne, seconded by
Council Member Doran, that Ordinance 23-020, an Ordinance Establishing the Number
of Video Lottery Machine Placements in the City of Brookings, SD, be approved. The
motion carried by the following vote: Yes: 6 - Niemeyer, Avery, Tilton Byrne, Specker,
Doran, and Rasmussen; Absent: 1 - Wendell.

Resolution 23-062. A motion was made by Council Member Specker, seconded by
Council Member Avery, that Resolution 23-062, a Resolution to Vacate a Portion of
Street Right-of-Way North of 8th Street, be approved. The motion carried by the
following vote: Yes: 6 - Niemeyer, Avery, Tilton Byrne, Specker, Doran, and
Rasmussen; Absent: 1 - Wendell.

Resolution 23-062 - Resolution Vacation a Portion
of Street Right-of-Way North of 8th Street

Whereas, a petition to vacate has been filed with the City Clerk of the City of Brookings;
and

Whereas, the petition was filed in proper form and signed by one hundred percent (100%) of the adjacent property owners.

Now, Therefore, Be It Resolved, by the City Council of the City of Brookings that the north three hundred and six feet by eighty feet (306' x 80') of street right-of-way north of 8th Street abutting Lots 1 and 2, Block 1, University First Addition and the SE ¼ of SE ¼, excluding South 160 feet of West 283.7 feet, and excluding Lots 1 and 2, Block 2, University First Addition, and except Lot H3 in SE ¼ of SE ¼ in Section 24, Township 110 North, Range 50 West, in the City of Brookings, Brookings County, State of South Dakota.

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

City Council Member introduction of topics for future discussion. A motion was made by Council Member Avery, seconded by Council Member Doran, to remove from the table the Commonwealth Gaming, dba Deuces Casino, applications for an On-Off Sale Malt License with Video Lottery, and an On-Off Sale Wine License, and place on the August 8, 2023 Agenda. The motion carried by the following vote: Yes: 6 - Niemeyer, Avery, Tilton Byrne, Specker, Doran, and Rasmussen; Absent: 1 - Wendell.

Executive Session. A motion was made by Council Member Doran, seconded by Council Member Tilton Byrne, to enter into Executive Session at 6:22 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. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, to exit Executive Session at 6:39 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Rasmussen, that this meeting be adjourned at 6:40 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk