

Brookings City Council
August 8, 2023

The Brookings City Council held a meeting on Tuesday, August 8, 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, Holly Tilton Byrne, and 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 Wendell, seconded by Council Member Specker, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

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

A. Action to approve the July 25, 2023 City Council Minutes.

B. Action on Resolution 23-067, a Resolution authorizing the City Manager to sign an On-Sale Wine Operating Agreement renewal for Guadalajara II, Inc., dba Guadalajara Mexican Restaurant, Juan Carlos Vega, owner, 1715 6th Street, Suite F, Village Square Mall #1, Brookings, South Dakota. Legal description: Lot 6, Suite 'F', Village Square Mall Addition.

Resolution 23-067 - On-Sale Wine Operating Agreement – 5-year mid-term renewal
Guadalajara II, Inc., dba Guadalajara Mexican Restaurant

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves the renewal of an On-Sale Operating Alcohol Management Agreement for Wine between the City of Brookings and Guadalajara II, Inc., dba Guadalajara Mexican Restaurant, Juan Carlos Vega, owner, for the purpose of an alcohol manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 1715 6th Street, Suite F. Legal description: Lot 6, Suite 'F', Village Square Mall 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.

C. Action on Resolution 23-068, a Resolution authorizing the City Manager to sign an On-Sale Wine Operating Agreement renewal for Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University, Dennis Bielfeldt, owner, 931 25th Avenue, Brookings, South Dakota. Legal description: Lot 3, Block 2, Telkamp Addition.

Resolution 23-068 - On-Sale Wine Operating Agreement – 5-year mid-term renewal
Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves the renewal for an On-Sale Operating Alcohol Management Agreement for Wine between the City of Brookings and Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University, Dennis Bielfeldt, owner, for the purpose of an alcohol manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 931 25th Avenue. Legal description: Lot 3, Block 2, Telkamp 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 23-069, a Resolution authorizing the City Manager to sign an On-Sale Convention Liquor Operating Agreement renewal for Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University, Dennis Bielfeldt, owner, 931 25th Avenue, Brookings, South Dakota. Legal description: Lot 3, Block 2, Telkamp Addition.

Resolution 23-069 - On-Sale Convention Liquor Operating Agreement
- 5-year mid-term renewal

Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves the renewal of an On-Sale Operating Alcohol Management Agreement for Convention Liquor between the City of Brookings and Den Wil Hospitality Group, Inc., dba Wilbert's / Comfort Suites University, Dennis Bielfeldt, owner, for the purpose of an alcohol manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 931 25th Avenue. Legal description: Lot 3, Block 2, Telkamp 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.

5.E. Action on Resolution 23-072, a Resolution Accepting a Donation for the Construction of 8 Pickleball Courts.

Resolution 23-072 - Resolution Accepting a Donation
for the Construction of a Pickleball Court

Whereas, there has been increasing interest in the City of Brookings construction of a Pickleball Court; and

Whereas, an anonymous donor has committed to donate up to \$450,000 for the 8-lit post tension concrete pickleball courts to be located at Hillcrest Park.

Now, Therefore, Be It Resolved, the City of Brookings graciously accepts the monetary donation as described above and agrees to use the funds to build 8 lighted post-tension concrete pickleball courts at Hillcrest Park.

5.F. Action to adjust the 2023 City Council Meeting Calendar: add 2024 Budget Study Sessions to begin at 6:00 p.m. on the following Tuesdays: September 12, September 26, and October 10, 2023.

Introduction of new and / or promoted City of Brookings employees. Introductions of promoted City of Brookings employees: Ashley Rentsch, Finance Director, Corporal Dustyn Engstom, Corporal Austin Kreutner, and Corporal Jacob Vukovich.

Proclamation. Mayor Niemeyer present a Proclamation to representatives from the Brookings Multicultural Center, the Brookings Economic Development Corporation, and the SDSU Office of International Affairs to celebrate A Day to Celebrate the Cultures of our Community.

MAYORAL PROCLAMATION

Whereas, Brookings' thriving international community contributes to our community's high quality of life and provides a vital economic impact to the Brookings area; and

Whereas, Brookings has greatly benefited from having hundreds of international students from over 80 countries enrolled at South Dakota State University; and

Whereas, the Brookings Multicultural Center, the Brookings Economic Development Corporation, and the South Dakota State University Office of International Affairs will hold the 2nd Annual International Ice Cream Social and Community Fair to welcome International Faculty and Graduate Students and their families to our community.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Wednesday, August 16, 2023 as "A Day to Celebrate the Cultures of our Community."

Report: 2nd Quarter Finance Report. Ashley Rentsch, Finance Director provided the 2023 2nd Quarter Financial Report to the City Council.

Report: City Council Ex-Officio Reports. 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 Member Doran.

FIRST READING – Ordinance 23-021. Introduction and First Reading on Ordinance 23-021, an Ordinance Amending Article II of Chapter 38 - Flood Damage Prevention in City, of the Code of Ordinances of the City of Brookings, South Dakota. Public Hearing and Action: August 22, 2023.

FIRST READING – Ordinance 23-026. Introduction and First Reading on Ordinance 23-026, an Ordinance Authorizing Amendment No. 7 to the 2023 Budget. Second Reading and Action: August 22, 2023.

Ordinance 23-025. A motion was made by Council Member Wendell, seconded by Council Member Specker, that Ordinance 23-025, an Ordinance Authorizing Amendment No. 6 to the 2023 Budget, be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

On-Off Sale Malt License – new license. A public hearing was held on a request for an On-Off Sale Malt License for The Crown, dba Danger Von Dempsey's, Jayme Erickson, owner. Location: 770 22nd Avenue South. Legal Description: Lot 2, Brookings Mall Addition, Suite 770. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

On-Off Sale Malt License – new license. A public hearing was held on a request for an On-Off Sale Malt License, with Video Lottery, for Commonwealth Gaming & Holding Corp, dba Deuces Casino, Suite 105E, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105E. Legal description: South 114 feet of West 69.3 feet of Lot 20, and South 114 feet of Lot 21, Block 3, Henry Addition, Suite 105E. A motion was made by Council Member Rasmussen, seconded by Council Member Wendell, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Video Lottery Authorization – new license. A public hearing was held on a request for Video Lottery for Commonwealth Gaming & Holding Corp, dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105E, legal description: South 114 feet of West 69.3 feet of Lot 20, and South 114 feet of Lot 21, Block 3, Henry Addition, Suite 105E. A motion was made by Council Member Wendell, seconded by Council Member Rasmussen, that the Video Lottery authorization be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-005: On-Off Sale Wine Operating Agreement – new license. A public hearing was held on Resolution 23-005, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for Commonwealth Gaming & Holdings, Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105E, Brookings, South Dakota, legal description: South 114 feet of the West 69.3 feet of Lot 20, and the South 114 feet of Lot 21, Block 21, Block 3, Henry's Addition, Suite 105E. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Wine Operating Agreement be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-005 - Wine Operating Agreement – new 10-year Agreement
Commonwealth Gaming & Holding, Co., dba Deuces Casino (Suite 105E)

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves an Operating Alcohol Management Agreement for Wine between the City of Brookings and Bryant Solberg and Kirby Muilenburg, owners, Commonwealth Gaming & Holdings Co., dba Deuces Casino, for the purpose of a alcohol manager to operate the On-Sale establishment or business for and on behalf of the City of Brookings at 223 6th Street, Suite 105E.

Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of 10 years, with a 5-year mid-term renewal.

On-Off Sale Malt License - transfer. A public hearing was held on a request to transfer an On-Off Sale Malt License for Ray's Corner, 401 Main Avenue, from Fergen Enterprise, Inc., Mike Fergen, owner, to Icon Investments, Todd Voss, owner. Legal description: Lot 1, Ray's Corner Addition. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Malt License be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

On-Off Sale Malt License, with Video Lottery Authorization – transfer. A public hearing was held on a request to transfer an On-Off Sale Malt License, with video lottery authorization, for Ray's Corner, 401 Main Avenue, Suite B, from Fergen Enterprise, Inc., Mike Fergen, owner, to Icon Investments, Todd Voss, owner. Legal description: Lot 1, Suite B, Ray's Corner Addition. A motion was made by Council Member Avery, seconded by Council Member Wendell, that the Malt License transfer be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-066: On-Sale Liquor Operating Agreement – transfer. A public hearing was held on Resolution 23-066, a Resolution authorizing the City Manager to enter into an On-Sale Liquor Operating Agreement with Icon Investments, Todd Voss, owner, for Ray's Corner, 401 Main Avenue. Legal description: Lot 1, Ray's Corner Addition. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Liquor Operating Agreement be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-066 - On-Sale Liquor Operating Agreement – 10-year Agreement
Icon Investments, dba Ray's Corner

Now, Therefore, Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves an On-Sale Operating Alcohol Management Agreement for Liquor between the City of Brookings and Todd Voss, owner, Icon Investments, dba

Ray's Corner, for the purpose of an alcohol manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 401 Main Avenue. Legal description: Lot 1, Ray's Corner Addition.

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

On-Off Sale Malt License, with Video Lottery Authorization – transfer. A public hearing was held on a request to transfer an On-Off Sale Malt License, with video lottery authorization, for 2515 6th Street, from 25th Avenue LLC, dba The Lodge, Dennis Beilfeldt, owner, to On In 2 LLC, dba Boss' Pizzeria & Sports Bar, Dallas Wilkinson and Darren Newborg, owners. Legal description: Block 12, Telkamp Addition. A motion was made by Council Member Doran, seconded by Council Member Wendell, that the Malt License transfer be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-071: Full Service On-Sale Restaurant Liquor Operating Agreement – transfer. A public hearing was held on Resolution 23-071, a Resolution authorizing the City Manager to enter into an Full Service On-Sale Restaurant Liquor Operating Agreement for 2515 6th Street, On In 2 LLC, dba Boss' Pizzeria & Sports Bar, Dallas Wilkinson and Darren Newborg, owners. Legal description: Block 12, Telkamp Addition. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Full Service On-Sale Restaurant Liquor Operating Agreement be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-071 - Full Service On-Sale Restaurant Liquor Operating Agreement
– 10-year Agreement
On In 2 LLC, dba Boss' Pizzeria & Sports Bar

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves an Operating Alcohol Management Agreement for Full-Service On-Sale Restaurant Liquor between the City of Brookings and Dallas Wilkinson and Darren Newborg, owners, On In 2 LLC, dba Boss' Pizzeria & Sports Bar, for the purpose of a alcohol manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 2515 6th Street.

Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of 10 years, with a 5-year mid-term renewal.

On-Off Sale Malt License – transfer. A public hearing was held on a request to transfer an On-Off Sale Malt License for George's Pizza, 311 Main Avenue, from George's Pizza, Inc., Panagiota Theodosopoulos, owner, to MzP3 Enterprises LLC, Justin Price and Janice Minder, owner. Legal description: Lot 6, Block 3, Original Plat

Addition. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Malt License transfer be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-070: On-Off Sale Wine Operating Agreement – new license. A public hearing was held on Resolution 23-070, a Resolution authorizing the City Manager to enter into an On-Off Sale Wine Operating Agreement for MzP3 Enterprise LLC, dba George’s Pizza, Justin Price and Janice Minder, owners, 311 Main Avenue, Brookings, South Dakota. Legal description: Lot 6, Block 3, Original Plat Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the Wine Operating Agreement be approved. The motion carried by the following vote: Yes: 7 - Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-070 - On-Sale Wine Operating Agreement – new 10-year Agreement
MzP3 Enterprise LLC, dba George’s Pizza

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves an Operating Alcohol Management Agreement for Wine between the City of Brookings and Justin Price and Janice Minder, owners, MzP3 Enterprise LLC, dba George’s Pizza, for the purpose of a alcohol manager to operate the On-Sale establishment or business for and on behalf of the City of Brookings at 311 Main Avenue.

Be It Further Resolved that the City Manager be authorized to execute the Agreement on behalf of the City, which shall be for a period of 10 years, with a 5-year mid-term renewal.

Executive Session. A motion was made by Council Member Specker, seconded by Council Member Avery, to enter into Executive Session at 6:57 p.m., pursuant to SDCL 1-25-2.3, for 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 Specker, to exit Executive Session at 7:26 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that this meeting be adjourned at 7:27 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk