

**Brookings City Council**  
**August 22, 2023**

The Brookings City Council held a meeting on Tuesday, August 22, 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 Specker, seconded by Council Member Doran, that the agenda be approved. The motion carried by the following vote: Yes: 6 - Avery, Doran, Niemeyer, Rasmussen, Specker, and Tilton Byrne; Absent: 1 - Wendell.

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

**A. Action to approve the August 8, 2023 City Council Minutes.**

**B. Action on the High School Student Representative appointment to the Park & Recreation Board:** Cade Christianson (term expires 5/1/2024).

**C. Action on Resolution 23-075, a Resolution declaring surplus property for the City of Brookings.**

Resolution 23-075 - Declaring Surplus Property

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

Public Works Division – Street Dept.: 2014 Bobcat Planer, Model: 24 PLA, Serial #: JN703001; 1997 Swenson Sander, Model: EV-200-13-50, Serial #: 79604

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.

**Report: SDSU Students Association.** SDSU SA Government Affairs Chair, Michael Garofalo, provided an update on SDSU happenings to the City Council and members of the public.

**FIRST READING – Ordinance 23-027.** Introduction and First Reading was held on Ordinance 23-027, an Ordinance certifying the 2024 City of Brookings Property Tax Levy to the Brookings County Finance Officer. Second Reading and Action: September 12, 2023.

**FIRST READING – Ordinance 23-029.** Introduction and First Reading was held on Ordinance 23-029, an Ordinance to permit by Conditional Use a Major Home Occupation (hair salon) on Lot 15, Block 10 of East Acres Second Addition, also known as 2031 Derald Drive. Public Hearing and Action: September 12, 2023.

**FIRST READING – Ordinance 23-030.** Introduction and First Reading on Ordinance 23-030, an Ordinance to Amend Chapter 94, Article I, Section 94-1 and Chapter 94, Article IV, Section 94-131, Section 94-132, Section 94-134 and Section 94-135 related to the establishment of indoor pet services as an allowable use. Public Hearing and Action: September 12, 2023.

**Ordinance 23-026.** A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Ordinance 23-026, an Ordinance Authorizing Amendment No. 7 to the 2023 Budget, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

**Ordinance 23-021.** A public hearing was held 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. A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Ordinance 23-021 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

**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 authorization, for South Main Casino, Suite B, SVK Properties, Todd Voss, owner, 615 Main Avenue. Legal description: North 50 feet of Lot 1, Block 2, Shelden’s Subdivision of Outlot P, and the West 155 feet, the South 80 Feet, and the North 275 feet, Outlot P, Suite B. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the On-Off Malt License be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

**Video Lottery Authorization – new license.** A public hearing was held on a request for a Video Lottery Authorization for South Main Casino & Pub, Suite B, SVK Properties, Todd Voss, owner, 615 Main Avenue, Suite B. Legal description: North 50 feet of Lot 1, Block 2, Sheldens Subdivision of Outlot P, and the West 155 feet, the South 80 feet, and the North 275 feet, Outlot P, Suite B. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the video lottery authorization be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

**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 authorization, for 4 Aces Casino, Suite D, Todd Voss, owner, 141 Main Avenue South. Legal description: North ½ of Lot 12, South ½ of Lot 13, Block 3, Folsom Addition, Suite D. 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 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

**Video Lottery Authorization – new license.** A public hearing was held on a request for a Video Lottery authorization for 4 Aces Casino, Todd Voss, owner, 141 Main Avenue South, Suite D. Legal description: North ½ of Lot 12, South ½ of Lot 13, Block 3, Folsom Addition, Suite D. A motion was made by Council Member Wendell, seconded by Council Member Doran, that the Video Lottery Authorization be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

**Resolution 23-073.** A public hearing was held on Resolution 23-073, a Resolution Creating Boundaries of Tax Increment District Number Fourteen. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 23-073 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-073 - Resolution Providing for the Creation of Tax Increment Financing District Number Fourteen, City of Brookings

Whereas, the Planning Commission has recommended the District Boundaries for Tax Increment Financing District Number Fourteen, City of Brookings, and has recommended its creation; and

Whereas, the City of Brookings has the powers, pursuant to SDCL 11-9-2, to create Tax Increment Financing District Number Fourteen, City of Brookings, and to define its boundaries.

Now, Therefore, It Is Hereby Resolved:

1. Authority and Declaration of Necessity. The City of Brookings declares the necessity for the creation of Tax Increment Financing District Number Fourteen, City of Brookings (hereinafter sometimes referred to as the “District”), pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area within the District is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the city.
2. Findings. The City Council makes the following findings with regard to affordable housing:
  - a. The proposed improvements will create new jobs and diversify the overall

economic base of the City of Brookings through affordable housing opportunities.

- b. The South Dakota Department of Revenue has reviewed the TIF Plan and classified the Tax Increment District Fourteen of City of Brookings to be Affordable Housing.
  - c. Not less than 25 percent, by area, of the real property within the district is a blighted area as defined under SDCL 11-9-11.
  - d. At least 50 percent of the real property within the district will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of housing opportunities.
  - e. The improvement of the area is likely to significantly enhance the value of substantially all other real property in the district.
  - f. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the city does not exceed 10 percent of the total assessed valuation in the City.
3. Boundaries of District. The Boundaries of the district are determined to be as follows:
- North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$ , excepting the East 650 feet, and excepting the West 1,600 feet, and excepting Substation Addition, and excepting the West 150 feet, and excepting the North 40 feet in Section 1-T109N-R50W
  - West 390 feet of the East 1,040 feet in the Southeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  in Section 1-T109N-R50W
  - Lots 12A and 12B, Block 9, Bluegill Addition
  - West 1,600 feet of the South  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$ , excepting Trail Addition Block 2 in Section 1-T109N-R50W
  - Trail Addition, Block 2, excepting the North 490 feet

All located in the City of Brookings, Brookings County, South Dakota including within and adjacent rights-of-ways.

4. Findings of Annual Appropriation TID. Tax Increment District #14 will be designated as an Annual Appropriations TIF to ensure that it does NOT count against constitutional debt.
5. Creation of Tax Incremental Fund. There is hereby created, pursuant to SDCL 11-9-31, a City of Brookings Tax Increment Financing District Number Fourteen Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Fourteen shall be deposited into the Tax Increment Financing District Number Fourteen Fund. All funds in the Tax Increment Financing District Number Fourteen Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

**Resolution 23-074.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 23-074, a Resolution on Adoption of Tax

Increment District #14 Project Plan, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-074 - Resolution Approving Tax Increment Financing  
District Number Fourteen

Whereas, the Brookings Planning Commission has recommended the approval of the Tax Increment Financing District Number Fourteen Project Plan, City of Brookings; and

Whereas, the City Council finds that all requirements have been met in order to approve said Tax Increment Plan.

Now, Therefore, Be It Resolved by the City Council

1. Approval of Project Plan. The project plan, a copy of which is on file with the City Finance Officer hereby approved.
2. Findings. The City Council finds that the project plan is feasible and that it conforms to the City's master plan. All findings made in the tax increment financing project plan are included herein by reference.
3. Effective 20 days after publication. This resolution shall become effective 20 days after publication and absent any challenge at law all findings and conclusions in the Tax Increment Financing Project Plan for Tax Increment Financing District Number Fourteen, City of Brookings shall be final.

**Progress Report.** Samantha Beckman, Assistant to the City Manager, provided a progress report highlighting the City's activities/projects.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that this meeting be adjourned at 6:51 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