

Brookings City Council
October 24, 2023

The Brookings City Council held a meeting on Tuesday, October 24, 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 Tilton Byrne, seconded by Council Member Wendell, 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 Tilton Byrne, 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 October 10, and October 17, 2023 City Council Minutes.

B. Action on Resolution 23-080, a Resolution authorizing the City Manager to sign an On-Sale Wine Operating Agreement renewal for The Children’s Museum of South Dakota.

Resolution 23-080 - On-Sale Wine Operating Agreement – 10-year renewal
The Children’s Museum of South Dakota

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement renewal for the On-Sale Operating Alcohol Management Agreement for Wine between the City of Brookings and The Children’s Museum of South Dakota, Kate Treiber, Executive Director, 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 521 4th Street. Legal description: Lot 101, Block 1 to include adjacent North ½ vacated 4th Street, First Addition.

Now, Therefore, Be It Further Resolved that the City Manager be authorized to execute the Operating Agreement renewal on behalf of the City, which shall be for a new 10-year timeframe, through 2033.

C. Action on Resolution 23-099, a Resolution Awarding the Bid on the purchase of One (1) 2023 Model Year Pursuit Rated AWD Vehicle.

Resolution 23-099 - Resolution Awarding Bids for
One (1) 2023 Model Year Pursuit Rated AWD Vehicle

Whereas, the City of Brookings opened bids for One (1) 2023 Model Year Pursuit Rated AWD Vehicle Tuesday, October 17, 2023 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings has received the following bids: Guardian Fleet Safety, LLC \$44,296.00

Now, Therefore, Be It Resolved that the total low bid of \$44,296.00 for Guardian Fleet Safety, LLC, Clear Lake, Minnesota be accepted.

Proclamation: National Disability Employment Awareness Month, October

2023. Mayor Niemeyer presented a proclamation on National Disability Employment Awareness Month to Mark Sternhagen, member of the Brookings Disability Awareness Committee member.

MAYORAL PROCLAMATION

Whereas, National Disability Employment Awareness Month (NDEAM) is commemorating its 78th anniversary of educating about disability employment issues and celebrating the many and varied contributions of America's disabled workers; and

Whereas, NDEAM is led by the U.S. Department of Labor's Office of Disability Employment Policy, but its true spirit lies in the many observances held at the grassroots level across the nation every year; and

Whereas, Employers of all sizes and in all industries are encouraged to participate in NDEAM; and

Whereas, Workplaces welcoming of the talents of all people, including disabled people, are a critical part of our efforts to build an inclusive community and strong economy.

Now, Therefore, I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim October 2023 as National Disability Employment Awareness Month, and I call upon employers, schools and other community organizations in Brookings to observe this month with appropriate programs and activities, and to advance its important message that disabled people are equal to the task throughout the year.

Proclamation: Veterans Small Business Week. Mayor Niemeyer read a proclamation recognizing Veterans Small Business Week, October 30-November 3, 2023.

MAYORAL PROCLAMATION

Whereas, nearly one out of ten small businesses across the United States is veteran owned -- from Main Street stores to virtual high-tech startups that advance America, veteran owned small businesses are a pillar of our economy and contribute to our nation's foundation; and

Whereas, veteran and military spouse small business owners are resilient, disciplined, and mission-oriented, thanks to their commitment to serving our country and communities; and

Whereas, when we resolve ourselves to strengthen our communities, we must empower and support the giants that veteran entrepreneurs are in our economy; and

Whereas, National Veterans Small Business Week highlights the programs and services available to veteran entrepreneurs through the U.S. Small Business Administration and resource partners; and

Whereas, Brookings supports and joins in this national effort to help America's veteran owned small businesses start, grow, and recover their businesses after a disaster and help our communities thrive.

Now, Therefore, I, Oepke G. Niemeyer, Mayor of the City of Brookings, State of South Dakota, do hereby proclaim October 30 through November 3, 2023 as Veterans Small Business Week.

Proclamation: First-Generation College Celebration Day. Mayor Niemeyer presented a proclamation on First-Generation College Celebration Day to Jody Owen, SDSU Senior Director of Student Success and Opportunity Center.

MAYORAL PROCLAMATION

Whereas, the Council for Opportunity in Education has declared an annual First-Generation College Celebration each year in November to celebrate the passing of the Higher Education Act of 1965, which expanded opportunities for low-income and first-generation populations; and

Whereas, education is a priority in Brookings, South Dakota; and

Whereas, first-generation students and alumni exhibit resilience on their paths to earning a degree; and

Whereas, first-generation students and alumni make important contributions to the Brookings community.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Wednesday, November 8, 2023 as First-Generation College Celebration Day.

Report: SDSU Students Association. SDSU SA Government Affairs Chair, Michael Garofalo, provided an update on SDSU happenings.

Presentation: Solar Project Update by Missouri River Energy Services. Missouri River Energy Services provided an update on a solar farm project, which includes 80 acres of land southwest of the Brookings Regional Landfill for the development and operation of a 5-megawatt solar farm. Missouri River Energy Services has been

working with the City of Brookings, Brookings County, and Brookings Municipal Utilities in order to prepare for this project. Missouri River Energy Services staff present were: Terry Wolf, VP of Power Supply and Operations; Nick Fanning, Senior Resource Engineer; and Tim Blodgett, VP of Member Services and Communications.

Resolution 23-098. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 23-098, a Resolution Awarding the Bid for Project 2023-04 SSI, Brookings 32nd Avenue Regional Detention, be approved. The motion carried by the following vote: Yes: 7 – Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Resolution 23-098 - Resolution Awarding Bids on
Project 2023-04SSI, Brookings 32nd Avenue Regional Detention

Whereas, the City of Brookings opened bids for Project 2023-04SSI, “Brookings 32nd Avenue Regional Detention” on Tuesday, October 17, 2023 at 1:30 pm at the Brookings City and County Government Center; and

Whereas, the City of Brookings received the following bids: First Rate Excavating Inc., Sioux Falls, SD: \$366,978.00; Midland Contracting Inc., Volga, SD: \$339,461.97; Claflin Excavating, LLC, Flandreau, SD: \$335,673.82; Austreim Excavating, LLC, Brookings, SD: \$269,681.66; 605 Companies, Inc., Sioux Falls, SD: \$257,841.00; Rounds Construction Inc., Brookings, SD: \$246,841.63; and Bowes Construction Inc., Brookings, SD: \$241,834.20; and

Whereas, Bowes Construction Inc. of Brookings, SD, submitted the lowest responsive bid.

Now, Therefore, Be it Resolved as follows:

1. The total low bid of \$241,834.20 from Bowes Construction Inc., Brookings, South Dakota is hereby accepted; and
2. The City Manager is authorized to sign the contract documents for this Project and any further contract documents and change orders which may be required.

FIRST READING – Ordinance 23-037. Introduction and First Reading was held on Ordinance 23-037, the 2024 Appropriation Ordinance. Second Reading and Action: November 14, 2023.

FIRST READING – Ordinance 23-035. Introduction and First Reading was held on Ordinance 23-035, an Ordinance Amending Chapter 22 of the Code of Ordinance Pertaining to Moving a Building. Public Hearing and Action: November 14, 2023.

FIRST READING – Ordinance 23-036. Introduction and First Reading was held on Ordinance 23-036, an Ordinance amending Chapter 94, Article IV, Section 94-131, Section 94-132, Section 94-136, Section 94-137, and Section 94-161 related to public

transportation facility as an allowable use. Public Hearing and Action: November 14, 2023.

Ordinance 23-034. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell that Ordinance 23-034, an Ordinance Authorizing Amendment No. 8 to the 2023 Budget, be approved. The motion carried by the following vote: Yes: 7 – Avery, Doran, Niemeyer, Rasmussen, Specker, Tilton Byrne, and Wendell.

Ordinance 23-034 - An Ordinance Authorizing Amendment No. 8 to the 2023 Budget

Be It Ordained by the City of Brookings, South Dakota:

Whereas State Law (SDCL 9-21-7) and the City Charter (4.06 (a)) permit supplemental appropriations provided there are sufficient funds and revenues available to pay the appropriation when it becomes due.

Now, Therefore, Be It Resolved by the City Council that the City Manager be authorized to make the following budget adjustments to the 2023 budget:

| <u>Dept. / Fund</u> | <u>Budgetary Account</u> | <u>Increase / (Decrease)</u> | <u>Amount Description</u> |
|---------------------|--------------------------|------------------------------|---------------------------|
| 3B Tax Fund | 284-000-5-856-78 | \$115,000 | Downtown Master Plan |

All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Commercial Corridor Design Review Overlay District Site Plan: 2008 22nd Avenue South. A public hearing was held on a Commercial Corridor Design Review Overlay District Site Plan for 2008 22nd Avenue South. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the Commercial Corridor Design Review Overlay District Site Plan be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-094. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 23-094, a Resolution Authorizing Special Assessments for Snow Removal and Lawn Care, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

Resolution 23-094 - Resolution Authorizing Special Assessments
for Snow Removal and Lawn Care

Whereas, the City Manager has submitted to the City Council Special Assessments against the owner and legal description listed below as herein after set out for weed removal and snow removal fees.

Be It Resolved by the City Council of the City of Brookings, South Dakota, these fees be assessed, in accordance with South Dakota Codified Law 9-32-12 as follows:

| <u>Name</u> | <u>Property Address</u> | <u>Description</u> | <u>Amount</u> |
|--------------------|---|--------------------|---------------|
| Alickson, Judy | 1409 3 rd Street | snow/lawncare | \$650.00 |
| Crawford, Matthew | 2220 Primrose Drive | lawn care | \$395.00 |
| Currier, Jessica | 206 Half Moon Road | lawn care | \$285.00 |
| Engelke, John | 521 12 th Street South, #103 | lawn care | \$200.00 |
| Knudsen, David | 914 2 nd Street | lawn care | \$520.00 |
| Stewart, Dexter | 409 7 th Avenue South | snow/lawncare | \$265.00 |
| VanSurksum, Tim | 720 2 nd Street South, #1 | lawn care | \$195.00 |
| Shyne, Courtney | 2110 22 nd Avenue South, #30 | lawn care | \$1,781.24 |
| Koeniguer, Matthew | 2206 Primrose Drive | lawn care | \$330.00 |

2022-2024 Teamster Local Union No. 120 City General Union Agreement. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the 2022-2024 Teamster Local Union No. 120 City General Union Agreement be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

2022-2024 Teamster Local Union No. 120 Police Union Agreement. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that the 2022-2024 Teamster Local Union No. 120 Police Union Agreement be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Avery, Tilton Byrne, Specker, Doran, and Rasmussen.

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

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that this meeting be adjourned at 7:19 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

Oepke G. Niemeyer, Mayor

ATTEST:

Bonnie Foster, City Clerk

City of Brookings Volunteer List – as per Resolution 16-025

(Addendum to the June 13, 2023 City Council Minutes.)

Brookings City Library Volunteers: Cheryl Riley, Sarah Schultz; **Brookings City Fire**

Department Volunteers: Major Anderson, Preston Anderson, John Austin, Kevin Banken, Alex Berkness, Pete Bolzer, Cory Braun, Derek Brown, Dan Bruna, Nick Casstevens, Tom Coughlin,

Mandi Cramer, Roger DeBates, Scott Hallan, Jacob Hanson, Bill Hardin, Troy Herrig, Kevin Hilmoe, Dalton Holm, Ryan Keenan, Dave Koch, Jim Kriese, Brett Lawrence, Brandon Long, Jaque Mann, Joshua Mann, Aiden Metcalfe – new – effective 10/18/2023, Gatlin Miller – new – effective 10/31/2023, Timothy Morgan, Nick Oines, Steven Rensink, Connor Ringling, Jared Runge, Tim Rynearson, Rob Schuneman, Jeremy Scott, Jesse Seas, Joseph Sheeley, Lucas Speakman, Shannon Stuefen, Curt Teal, Anthony Teesdale, Nathan Vandersnick, Joshua Van Diepen, Adam Vaux; **Brookings City Police Department Reserve Unit (Police Reserve Unit inactivated)**. The following are no longer covered as Reserve Officers: Mark Anawski, Justin Borns, Andrew Erickson, Zach Erickson, Josh Henslin, Matthew Luebbert, Jaque Mann, Joshua Mann, Cora Olson, Gerrit Williams-Ponto, Ben Quam, Lisa Waltermann; **Brookings City Park & Recreation Volunteers**: Jason Bain, Andrew Carlson, Staci Carlson, Eric Creswell, Vicki Creswell, Brandi Dorn, Terri Deming, Travis Erickson, Darrell Hallan, Nathan Hilbrands, Brandon Karels, Amy Klinkhammer, Tayler Kneip, Jeff Krueel, Taylor Nickerson, Natasha Raguse, Aaron Richardson, Samuel Schaapveld, Christopher Scholl, Joseph Schumacher, Carly Shutt, Lowell Shutt, Christina Silva, Kristen Ulk, Timothy Veldkamp, Nicole Yseth, Terri Deming, Taylor Kneip.