

Brookings City Council
August 24, 2021

The Brookings City Council held a meeting on Tuesday, August 24, 2021 at 6:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Leah Brink, Patty Bacon, Holly Tilton Byrne, Nick Wendell, Joey Collins, and Wayne Avery. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

6:00 PM REGULAR MEETING

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

3.A. Action to approve the agenda.

3.B. Action to approve the August 10 and August 17, 2021 City Council Minutes.

Introduction of new City employee. Michael Logan, new Swiftel Center General Manager, was introduced to the City Council and public.

SDSU Student Association Report. Anna Shane, Government Affairs Chair for the SDSU Students Association, provided an update on SDSU happenings to the City Council and public.

Open Forum. Bradley Walker expressed concerns regarding the limit of 3 minutes for public comments on agenda items.

Resolution 21-072. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 21-072, an Emergency Resolution Providing Recommendations Deemed Necessary to Slow the Community Spread of Coronavirus (COVID-19), be approved. Public Comment: Matt Olson, Bradley Walker, Dr. Hieb, Jeannette Gibbons, Carissa Vassler. The motion carried by the following vote: Yes: 5 - Niemeyer, Bacon, Wendell, Tilton Byrne, and Avery; No: 2 - Brink, and Collins.

Resolution 21-072 - An Emergency Resolution Providing Recommendations Deemed Necessary to Slow the Community Spread of Coronavirus (Covid-19).

Whereas, the City of Brookings has previously adopted emergency ordinances and recommendations consistent with the advice of the Centers for Disease Control (CDC) to slow the spread of COVID-19; and

Whereas, the City continues to address the COVID-19 pandemic, a public health emergency, and is authorized to enact further public safety requirements and restrictions on public gatherings that it deems necessary to address the current public health emergency; and

Whereas, the purpose of social distancing requirements is to slow the spread of disease so that the State and City's healthcare system are not overwhelmed; and

Whereas, greater than 90% of the cases recently identified in this region were the Delta variant, which is more infectious, even in vaccinated individuals; and

Whereas, Brookings County has realized an increase in COVID-19 cases and is now in high community spread with the lack of vaccinations among certain age groups; and

Whereas, fully vaccinated people with Delta variant breakthrough infections can also spread the virus to others, and unvaccinated persons remain the greatest concern; and

Whereas, the CDC and the American Academy of Pediatrics recommend that eligible individuals should receive the COVID-19 vaccine; and

Whereas, according to the Center for Disease Control and Prevention, there is a need to increase COVID-19 vaccination coverage and to encourage use of masks in public indoor places in areas of substantial or high transmission;

Now, Therefore, Be It Resolved by the City of Brookings, that based on current knowledge of the Delta variant of COVID-19, vaccine effectiveness, and current vaccine coverage, that further prevention strategies are now needed to reduce the transmission of the Delta and other variants, and that the following recommendations, effective upon adoption and publication of this Resolution, should be implemented to control the spread of COVID-19 within the City of Brookings:

1. Indoor masking should be used when social distancing cannot be achieved regardless of vaccination status.
2. All individuals two years and older wear face masks (unless medical or developmental conditions prohibit the use).
3. All eligible individuals should receive the COVID-19 vaccine.
4. Stay six (6) feet away from others when possible.
5. Avoid crowds and poorly ventilated areas.
6. Wash your hands, and clean and disinfect areas often.
7. Cover coughs and sneezes.
8. Monitor your health daily and follow the Center for Disease Control and Prevention guidance if symptoms develop.

In addition to the specific recommendations listed above, businesses should operate in a manner consistent with CDC guidelines and any applicable state regulations and the Governor's Executive Orders to address the recent increases in COVID-19 infections.

This Resolution shall continue until it is amended or repealed.

Be It Further Resolved by the City of Brookings that this resolution is considered necessary for the immediate preservation of the public peace, health and safety of the

City, and is therefore effective upon passage and publication.

FIRST READING – Ordinance 21-030. An introduction and first reading was held on Ordinance 21-030, an Ordinance pertaining to an Application for Conditional Use Permit to establish a Mixed Business/Residential Use in a Business B-3 Heavy District on Lot 1, Block 2 in Folsom Addition, also known as 530 1st Street South and Lots 2 & 3, Block 2 in Folsom Addition, also known as 110 6th Avenue South. Public Hearing: September 14, 2021.

FIRST READING – Ordinance 21-029. An introduction and first reading was held on Ordinance 21-029, an Ordinance Authorizing Supplemental Appropriation No. 4 to the 2021 Budget. Second Reading: September 14, 2021.

FIRST READING – Ordinance 21-031. An introduction and first reading was held on Ordinance 21-031, an Ordinance certifying the 2022 City of Brookings Property Tax Levy to the Brookings County Finance Officer. Second Reading: September 14, 2021.

Temporary Alcohol Application. A public hearing was held on a Temporary Alcohol Application from Eponymous Brewing Company and Schade Winery to operate within the City of Brookings, SD, for the Disrupt HR Event to be held September 2, 2021 at Pioneer Park, 104 6th Street West. A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that the Temporary Alcohol Application be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Video Lottery Request – Corner Pantry #19. A public hearing was held on a request for Video Lottery for MG Oil, dba Corner Pantry #19, 921 20th Street South. Legal description: Lot 7B, Block 13, McCleman’s Addition. Pending permit issuance and final inspection per the Community Development Department. A motion was made by Council Member Brink, seconded by Council Member Wendell, that the Video Lottery Request be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-067. A public hearing was held on Resolution 21-067, a Resolution amending the 2040 Comprehensive Plan’s Future Land Use Map. A motion was made by Council Member Collins, seconded by Council Member Brink, that the amendment be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-067 - A Resolution Amending
the Brookings, SD Comprehensive Plan 2040

Whereas, the City Council of the City of Brookings, SD in accordance with SDCL 11-6-18 adopted the Brookings, South Dakota Comprehensive Plan 2040; and

Whereas, the Comprehensive Plan 2040 identifies a Future Land Use Map; and

Whereas, the City Planning Commission of the City of Brookings, SD has recommended approval of amendments to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040 in accordance with SDCL 11-6-17; and

Whereas, the City Council of the City of Brookings, SD held a public hearing in accordance with SDCL 11-6-18 on proposed amendments to the Future Land Use Map of the Brookings, South Dakota Comprehensive Plan 2040;

Now Therefore, Be It Resolved by the City of Brookings, SD:

That said amendments to the Future Land Use Map of the Brookings South Dakota Comprehensive Plan 2040 are hereby adopted by the City of Brookings.

Ordinance 21-025. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Ordinance 21-025, an Ordinance Establishing Zoning Regulations for Cannabis Establishments, be removed from the table. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

An amendment was made by Mayor Niemeyer, seconded by Council Member Avery, to increase the distance between dispensaries to 1,500 feet throughout the City of Brookings. The motion failed by the following vote: Yes: 3 - Niemeyer, Collins, and Avery; No: 4 - Brink, Bacon, Wendell, and Tilton Byrne.

A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Ordinance 21-025, an Ordinance Establishing Zoning Regulations for Cannabis Establishments, be approved. The motion carried by the following vote: Yes: 4 - Brink, Bacon, Wendell, and Tilton Byrne; No: 3 - Niemeyer, Collins, and Avery.

Council Member Tilton Byrne requested and received clarification from staff that this ordinance will come back to the City Council for an additional reading to consider additional recent revisions which were outlined during the meeting by Mike Struck, Community Development Director, but had not yet been incorporated in the second reading of the ordinance. Accordingly, an additional reading of the ordinance incorporating those proposed additional provisions will be required prior to final passage and publication.

Ordinance 21-027. This Ordinance was not removed from the table, and therefore can be brought back for a second reading at a later date.

Ordinance 21-028. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Ordinance 21-028, an Ordinance Establishing Procedures for the Licensing of Medical Cannabis Dispensaries in the City of Brookings, be removed from the table. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 21-028, an Ordinance Establishing Procedures for the Licensing of Medical Cannabis Dispensaries in the City of Brookings, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-069. A motion was made by Council Member Brink, seconded by Council Member Collins, that Resolution 21-069, a Resolution for a Naming Rights Request for the Larson Ice Center Red Rink, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-069 - A Resolution approving a Naming Rights request to allow the Red Rink at the Larson Ice Center to be named the First Bank and Trust Rink for a period of 10 years

Whereas, the City of Brookings is the owner of the Larson Ice center located at 924 32nd Avenue; and

Whereas, consistent with the goals of the City of Brookings' Strategic Plan to create a connected community through fiscally responsible facility improvements; and

Whereas, the City of Brookings has received a naming rights request from the Brookings Ice Skating Association to allow for the Red Rink at the Larson Ice Center to be named the First Bank and Trust Rink for a period of 10 years; and

Whereas, this action will allow for the fundraising for the Ranger Hockey Performance Center.

Now, Therefore, Be It Resolved by the City Council of the City of Brookings, South Dakota that the proposed naming request from the Brookings Ice Skating Association be approved at the Larson Ice Center.

Revised Preliminary Plat. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that a Revised Preliminary Plat for Lots 25-27D in Block 3; Lots 1-7B in Block 6; and Lots 1A-3C in Block 7; all in Arbor Hill Addition, be approved. Public Comment: Joe Schulte, Jeff Kreul, and Justin Bucher. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Preliminary Plat. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that a Preliminary Plat for Lot 1 in Block 1 and Lots 1, 2, and 3 in Block 2 of Reserve Fourth Addition, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-068. A motion was made by Council Member Collins, seconded by Council Member Brink, that Resolution 21-068, a Resolution Authorizing the acquisition of real property for the I-29 Exit 130 Interchange Project, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-068 - Authorizing the Acquisition of Real Property
for the I-29 Exit 130 Interchange Project

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

Whereas, for the purpose of acquiring real property for the I-29 Exit 130 Interchange Project, the City of Brookings desires to acquire from John H. Mills, the following described property:

Lot H1 and Lot H2 in R'Surene Morgan Farm Addition to the County of Brookings in Government Lot Four (4) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Six (6), Township One Hundred Nine (109) North, Range Forty-nine (49) West of the 5th P.M., County of Brookings, State of South Dakota. Said Lot H1 containing 0.02 acres (916 sq. ft.), more or less. Said Lot H2 containing 0.71 acres (30738 sq. ft.), more or less.

Description of land to be acquired for a temporary easement ("T.E."):

A parcel in R'Surene Morgan Farm Addition to the County of Brookings in Government Lot Four (4) of the Northwest Quarter (NW $\frac{1}{4}$) of Section Six (6), Township One Hundred Nine (109) North, Range Forty-nine (49) West of the 5th P.M., County of Brookings, State of South Dakota, as shown on Attachment "A" of the Plan documents. Said T.E. containing 1.0 acre (43167 sq. ft.), more or less, and

Description of land to be acquired for a permanent easement ("P.E."):

R'Surene Morgan Farm Addition to the County of Brookings in Government Lot 4 of the Northwest Quarter (NW $\frac{1}{4}$) of Section Six (6), Township One Hundred Nine (109) North, Range Forty-nine (49) West of the 5th P.M., Brookings County, South Dakota, as shown on Exhibit "A" of the Plan documents. Said P.E. containing 0.03 acre (1215 sq. ft.), more or less, and

Whereas, the City of Brookings has determined that the above-described property is necessary to facilitate the construction of the I-29 Exit 130 Interchange Project; and

Whereas, the above-described real property has been the subject of negotiations between the City of Brookings and John H. Mills, and an agreement as to the terms of purchase of real property and a purchase and temporary and permanent easement acquisition price of \$68,217.00 has been reached;

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City of Brookings acquire title, temporary and permanent easement(s) to the above-described real property from John H. Mills for the purposes set forth herein; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the documents required to complete the acquisition of real property, temporary and permanent easement(s) in accordance with this Resolution.

City of Brookings Progress Report. Jacob Meshke, Assistant 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 Brink, that the meeting be adjourned at 8:08 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk