

Brookings City Council
September 28, 2021

The Brookings City Council held a meeting on Tuesday, September 28, 2021 at 5:00 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Leah Brink, Holly Tilton Byrne, Nick Wendell, Joey Collins, and Wayne Avery. Absent: Council Member Patty Bacon. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

5:00 PM 2022 BUDGET STUDY SESSION #2

Paul Briseno, City Manager, and Jake Meshke, Assistant City Manager, provided an overview of the proposed 2022 Capital Improvement Plan, Outside Agency Funding, and potential Scholarship Program for the City Council and public.

6:00 PM REGULAR MEETING

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

3.A. Action to approve the agenda.

3.B. Action to approve the September 14, 2021 City Council Minutes.

3.C. Action on appointments to the Brookings Health System Board of Trustees: appoint Tracy Greene (term expires 1/1/2025); reappoint Dick Peterson and Dr. Andrew Ellsworth (terms expire 1/1/2025).

3.D. Action on Resolution 21-074, a Resolution Authorizing the City Manager to Sign Documents for an American Rescue Grant (ARG) for the Brookings Regional Airport.

Resolution 21-074 - A Resolution Authorizing the City Manager
to Sign Documents for a ARG Grant for the Brookings Airport

Whereas, the City of Brookings desires financial assistance due to the COVID-19 public health emergency; and

Whereas, the Brookings Airport is eligible for funding under the American Rescue Grant (ARG) to assist the airport in addressing the COVID-19 public health emergency.

Now Therefore, Be It Resolved that the Brookings City Manager is authorized to sign all related documents for the ARG Grant.

3.E. Action on Resolution 21-078, a Resolution Authorizing Change Order No. 1(Final) for 2021-06STI, Chip Seal Project; Topkote, Inc.

Resolution 21-078 - Resolution Authorizing Change Order No. 1 (Final)
for 2021-06STI Chip Seal Project; Topkote, Inc.

Be It Resolved by the City Council that the following change order be allowed for

2021-06STI, Chip Seal Project: Construction Change Order Number 1 (Final): Adjust plan quantities to as-constructed quantities for a total increase of \$4,957.28 to close out the project.

Introduction of new City employee. Dan Kriese, new Deputy Fire Chief, was introduced to the City Council and public.

Proclamation. Mayor Niemeyer presented a Proclamation to Mark Sternhagen recognizing him as an Outstanding Individual with a Disability. Mark is a recipient of the 2021 Governor's Awards for Outstanding Individual with a Disability.

Mayoral Proclamation

Whereas, Mark Sternhagen will be recognized as South Dakota's Outstanding Individual with a Disability at the 2021 Governor's Award Ceremony on October 5, 2021; and

Whereas, Mark taught for 32 years at South Dakota State University, wrote two books sharing his personal experience with the polio epidemic, and is a local business owner; and

Whereas, Mark has been a valued friend and generous mentor to many; and

Whereas, Mark is a passionate vaccination advocate who has used numerous public platforms to encourage others to stop the spread of preventable diseases; and

Whereas, Mark has been an active member on the Governing Board of Directors for LifeScape since 2014 and the Brookings Disability Awareness Committee since 2019.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim October 5, 2021 as: Mark Sternhagen Day.

Proclamation. Mayor Niemeyer presented a Proclamation celebrating the Brookings Lions Club 70 years of service to the Brookings area.

Mayoral Proclamation

Whereas, the Brookings Lions Club is celebrating 70 years of service and is part of the 1.4 million members of Lions Club International; and

Whereas, in the past decade, the Brookings Lions Club fundraising efforts have led to over \$125,000 in support to the Brookings area; and

Whereas, the Brookings Lions Club has provided nearly \$25,000 in the last decade for vision and hearing support for needy area residents; and

Whereas, the Brookings Lions Club initiated the KidSight Program in Brookings, and purchased \$8,000 of equipment used every year to screen approximately 1,000 school age children for vision issues; and

Whereas, the Brookings Lions Club has provided in the last decade over \$40,000 to local charities; and

Whereas, the Brookings Lions Club has contributed toward the development of Lions Park, and donated \$5,000 toward handicap accessible playground equipment, as well as over \$7,000 for picnic shelters and lighting at Hillcrest Park; and

Whereas, after COVID-19 prevented fundraising activities in 2020, local members personally donated over \$7,800 to support our community.

Now, Therefore, Be It Resolved that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim October 4, 2021 as: Brookings Lions Club Day.

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.

Resolution 21-079. A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 21-079, a Resolution Approving an Audit Services Agreement between the City of Brookings, South Dakota and Eide Bailly, LLP, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Wendell, Tilton Byrne, Collins, and Avery; Absent: 1 - Bacon.

Resolution 21-079 - A Resolution Approving an Audit Services Agreement
between the City of Brookings, South Dakota and Eide Bailly LLP

Whereas, the City of Brookings has completed a Request for Proposals process to obtain competitive proposals for annual independent financial audit services for years 2021, 2022 and 2023; and

Whereas, Bergan KDV, BKD CPAs and Advisors, CliftonLarsonAllen, Eide Bailly, and Wholenberg, Ritzman & Co. submitted proposals in response to the Request for Proposals for annual independent financial audit services; and

Whereas, the City of Brookings established a Request for Proposal procedure which included a Selection Committee to evaluate firms offering to provide annual independent financial audit services; and

Whereas, following the consideration of written responses and presentations, the Selection Committee recommends that the City engage Eide Bailly LLP to provide annual independent financial audit services; and

Whereas, Eide Bailly LLP is engaged, among other areas of expertise, in the business of providing local government independent financial audit services, and currently provides annual independent financial audit services for Brookings Municipal Utilities and Brookings Health System; and

Whereas the City desires to engage Eide Bailly LLP and Eide Bailly LLP desires to accept the engagement, to provide annual independent financial audit services for the City of Brookings pursuant to the terms and conditions set forth in the Engagement Letter; and

Whereas, the City and Eide Bailly LLP intend to work in mutual accord in order to ensure accuracy and transparency in the preparation of the City's Annual Comprehensive Financial Reports, thereby enhancing the public's trust in the City's fiscal policies and financial management practices.

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

- a. That an Engagement Letter between the City of Brookings, South Dakota and Eide Bailly LLP is hereby approved; and
- b. The City Manager is authorized to sign the Engagement Letter after it is executed by Eide Bailly LLP.

FIRST READING - Ordinance 21-032. Introduction and First Reading was held on Ordinance 21-032, an Ordinance to Change the Zoning within the City of Brookings, rezoning a portion of Arbor Hill Addition from Residence R-3 Apartment District to Business B-2 District. Public Hearing: October 12, 2021.

FIRST READING – Ordinance 21-033. Introduction and First Reading was held on Ordinance 21-033, an Ordinance to Change the Zoning within the City of Brookings, rezoning a portion of Reserve Addition from Residence R-3 Apartment District to Business B-3 Heavy District. Public Hearing: October 12, 2021.

FIRST READING – Ordinance 21-034. Introduction and First Reading was held on Ordinance 21-034, an Ordinance to Permit by Conditional Use a woodworking shop in a Residence R-2 on the West Sixty-five (W 65') Feet of Lot Six (6) and the West Sixty-five (W 65') of the North Forty (N 40') Feet of Lot Five (5), all in Block Four of the Original Plat to the Town, now City of Brookings, Brookings County, State of South Dakota, also known as 202 4th Street. Public Hearing: October 12, 2021.

Revised Preliminary Plat. A motion was made by Council Member Wendell, seconded by Council Member Avery, that a Revised Preliminary Plat for Lots 1 - 10, Block 5 in Arbor Hill Addition be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Wendell, Tilton Byrne, Collins, and Avery; Absent: 1 - Bacon.

Resolution 21-075. A motion was made by Council Member Tilton Byrne, seconded by Council Member Brink, that Resolution 21-075, a Resolution Adopting Fees for Medical

Cannabis Establishment Licenses in the City of Brookings, SD, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Wendell, Tilton Byrne, Collins, and Avery; Absent: 1 - Bacon.

A motion was made by Council Member Avery to increase the establishment license fee to \$20,000, with other fees remaining as is. Motion failed due to lack of a second.

Resolution 21-075 - A Resolution Adopting Fees for Medical Cannabis Establishment Licenses in the City of Brookings, South Dakota

Whereas, the City of Brookings desires to adopt a Fee Schedule for medical cannabis establishment licenses issued by the City of Brookings, now therefore

Be It Resolved by the City Council of the City of Brookings, South Dakota, that the following medical cannabis establishment license fees are established for the City of Brookings, South Dakota:

	<u>License Fee</u>
Application fee for medical cannabis establishment license	\$5,000.00
Initial medical cannabis establishment license fee	\$5,000.00
Renewal fee for medical cannabis establishment license	\$5,000.00
Late renewal fee for medical cannabis establishment license	\$1,000.00

Resolution 21-080. A motion was made by Council Member Brink, seconded by Council Member Collins, that Resolution 21-080, a Resolution Adopting the Consolidated Fee Schedule, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Wendell, Tilton Byrne, Collins, and Avery; Absent: 1 - Bacon.

Resolution 21-080 - Resolution Adopting the Consolidated Fee Schedule

Whereas, the adopted Municipal Code and City Policies make references to fees charged; and

Whereas, it is prudent that the fees be reviewed for cost effectiveness.

Now, Therefore, Be It Resolved, that the City of Brookings hereby adopts the following Consolidated Fee Schedule as defined in the attached schedule.

<u>Fee</u>	<u>Resolution No.</u>	<u>City Code</u>	<u>Fee</u>	<u>Previous Fee</u>	<u>Percent Change</u>
MEDICAL CANNABIS					
Application Fee for Medical Cannabis Establishment License			\$5,000.00	NEW	N/A
Initial Medical Cannabis Establishment License Fee			\$5,000.00	NEW	N/A
Renewal Fee for Medical Cannabis Establishment License			\$5,000.00	NEW	N/A

Late Renewal Fee for Medical Cannabis Establishment License			\$1,000.00	NEW	N/A
PLANNING & ZONING					
Street Light Flag and Banner Program					
Application Fee			\$20.00	NEW	N/A
Fee if City Staff are required to remove banners (e.g. beyond term expiration, damaged banners, etc.) PER HOUR			\$100.00	NEW	N/A
Fee if City Staff are required to remove flats (e.g. beyond term expiration, damaged flags, etc.) PER HOUR			\$40.00	NEW	N/A
POLICE					
Moving of Structure					
Per Unit (officer and patrol car) – two hour minimum per unit	19-075	Sec. 22-223	\$60.00	\$50.00	20%

Resolution 21-076. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 21-076, a Resolution Creating Boundaries of Tax Increment District Eleven (11), be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Wendell, Tilton Byrne, Collins, and Avery; Absent: 1 - Bacon.

Resolution 21-076 - Resolution Providing for the Creation of Tax Increment Financing District Number Eleven (11), City of Brookings

Whereas, the Planning Commission has recommended the District Boundaries for Tax Increment Financing District Number Eleven, 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 Eleven, 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 Eleven, 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 of Blight. The City Council makes the following findings with regard to blight:
 - a. More than 25% of the property in the District is a blighted area;
 - b. Improvements to the District will significantly and substantially enhance the value of all property within the District;

- c. A majority of the property within the District which is suitable for development is currently unplatted and not serviceable with public infrastructure;
 - d. The aggregate assessed value of the District plus the tax incremental base of all other existing Districts in the city does not exceed Ten (10%) percent of the total assessed valuation in the City.
 - e. The District is predominantly open bare land void of site improvements, that impairs the sound growth of the City.
 - f. There exist inadequate street layouts and storm sewer which retard the provision of economic accommodations.
 - g. The District constitutes a blighted area as defined in SDCL Chapter 11-9.
3. Findings of Maximum Percentage of Tax Increment Financing Districts. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed Ten (10%) percent of the total assessed valuation of the City of Brookings.
4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, Tax Increment Financing District Number Eleven, City of Brookings. The District is hereby created on the day this Resolution becomes effective, which shall be twenty days after publication of this Resolution.
5. Designation of District boundaries. The District shall be located with the boundaries of the following described real property:
 - N 1780' of NE ¼ EXC E 375' & EXC Platted Areas in Section 2-T109N-R50W and abutting roads rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - Block 3A, Prairie Hills Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - Lot 2, Block 1, Prairie Hills Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota \
 - Block 1, Trail Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - N 490' of Block 2, Trail Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - Substation Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - Block 3, McClemons Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - NW ¼ of NW ¼ Exc Platted Areas in Section 1-T109N-R50W and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
 - Block 1, Nelson Fifth Addition and abutting road rights-of-way, City of Brookings, Brookings County, State of South Dakota
6. Creation of Tax Incremental Fund. There is hereby created, pursuant to SDCL 11-9-31, a City of Brookings Tax Increment Financing District Number Eleven Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax Incremental District Number Eleven shall be deposited into the Tax Increment Financing District Number Eleven Fund. All funds in the Tax

Increment Financing District Number Eleven Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

Resolution 21-077. A motion was made by Council Member Brink, seconded by Council Member Collins, that Resolution 21-077, a Resolution to Adopt Tax Increment District Number Eleven Project Plan, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Wendell, Tilton Byrne, Collins, and Avery; Absent: 1 - Bacon.

Resolution 21-077 - Resolution Approving Tax Increment Financing District Number Eleven (11), City of Brookings Project Plan

Whereas, the Brookings Planning Commission has recommended the approval of the Tax Increment Financing District Number Eleven 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 Eleven, City of Brookings shall be final.

City of Brookings Progress Report. Jacob Meshke, Assistant 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 Wendell, seconded by Council Member Collins, to hold a third Budget Study Session. The motion carried by the following vote: Yes: 6 - Niemeyer, Brink, Wendell, Tilton Byrne, Collins, and Avery; Absent: 1 - Bacon.

Adjourn. A motion was made by Council Member Collins, seconded by Council Member Wendell, that the meeting be adjourned at 6:59 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk