

Brookings City Council
October 12, 2021

The Brookings City Council held a meeting on Tuesday, October 12, 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, Patty Bacon, Joey Collins, and Wayne Avery. Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

5:00 PM 2022 BUDGET STUDY SESSION #3

Paul Briseno, City Manager, provided an overview of the proposed 2022 Outside Agency Funding for the City Council and public.

A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, to approve the 2022 Budget economic development allocations in the amount of \$864,000, with the intent to meet as a working group, to include Brookings Economic Development Corporation, the Brookings Area Chamber of Commerce, Visit Brookings, and Growth Partnership Research Park, to further allocate the funds. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

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: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

3.A. Action to approve the agenda.

3.B. Action to approve the September 28, 2021 City Council Minutes.

3.C. Action on Resolution 21-081, a Resolution of Appreciation at the Conclusion of Work of the Complete Count Committee for the 2020 Census of the City of Brookings, South Dakota.

Resolution 21-081 - A Resolution of Appreciation at the Conclusion of Work of the Complete Count Committee for the 2020 Census of the City of Brookings, South Dakota

Whereas, the United States conducted a complete census of its population during the 2020 Census; and

Whereas, the City of Brookings has a vested interest in achieving a complete and accurate count of its population during the 2020 Census; and

Whereas, the input and support of individuals and organizations actively engaged with groups at risk for undercounting in the City of Brookings was necessary to achieve a complete count; and

Whereas, a Complete Count Committee was formed to bring together individuals from throughout the city committed to achieving a complete census count; and

Whereas, the Complete Count Committee has successfully completed its work with respect to the 2020 Census, and deserves the thanks and appreciation of the City Council and Brookings Community.

Now, Therefore, Be It Resolved by the City Council of the City of Brookings that the Brookings Complete Count Committee, consisting of Members Cara Beers, Benda Berseth, Cyndy Boesch, Former Mayor Keith Corbett, Heidi Gullickson, Robert Hill, Kristi Larsen, Mike Lockrem, Brian Lueders, LeeAnn Pierce, Cami Powers, Mike Struck, Emily Toms and David Wiltse, are hereby thanked for their service to the Complete Count Committee and to the community of Brookings for a job well done.

Furthermore, the Complete Count Committee Members are discharged from their duties and the Committee is hereby dissolved.

3.D. Action on Volunteer Board, Committee, and Commission appointments.

Brookings Disability Awareness Committee: appoint Isamael Collazo (term expires 1/1/2023), and appoint Alyssa Gentile as the College Student Representative (term expires 5/1/2022); Sustainability Council: appoint Samuel Krueger as the College Student Representative (term expires 5/1/2022).

Proclamation. Mayor Niemeyer presented a Proclamation celebrating October as National Disability Employment Awareness Month to Matt Weiss, Vice-Chair of the Brookings Disability Awareness Committee.

MAYORAL PROCLAMATION

Whereas, National Disability Employment Month is commemorating its 76th Anniversary of educating about disability employment issues and celebrate the many and varied contributions of America's workers with disabilities; 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. 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 people with disabilities, 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 2021 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 people with disabilities are equal to the task throughout the year.

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 21-083. A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, that Resolution 21-083, a Resolution Awarding Bids on 2021-2022 Snow and Ice Removal Road Salt, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-083 - Resolution Awarding Snow and Ice Removal Road Salt

Whereas, the City of Brookings opened bids for Snow and Ice Removal Road Salt on Tuesday, September 28, 2021 at 1:30 pm at Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids:

Blackstrap, Inc., Neligh, NE, \$72.90/ton
Johnson Feed, Canton, SD, \$79.00/ton
Compass Minerals, Overland Park, KS, No Bid
Morton Salt, Chicago, IL, No Bid

Now, Therefore, Be It Resolved, that the bid for Snow and Ice Removal Road Salt be awarded to Blackstrap, Neligh, NE in the amount of \$72.90/ton.

Resolution 21-084. A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 21-084, a Resolution Awarding Bids on 2021-2022 Contractor Snow Removal Equipment Contracts, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-084 - Resolution Awarding Snow Removal Equipment Contracts

Whereas, the City of Brookings opened bids for Snow Removal Equipment on Tuesday, September 28, 2021 at 1:30 pm at Brookings City & County Government Center; and
Whereas, the City of Brookings has received the following bids for Snow Removal Equipment:

Four (4) Motor Graders with Wings: Five bids were received. 1) Austreim Excavating, JD 722BH, \$210.00/hour; 2) Austreim Excavating, JD 722CH, \$210.00/hour; 3) Bowes Construction, Inc., CAT 140M, \$220.00/hour; 4) Bowes Construction, Inc., CAT 140H, \$220.00/hour; and 5) Bowes Construction, Inc., CAT 140M without Wing, \$200.00/hour.

One (1) 3- to 6-Yard Loader: Five bids were received. 1) Winter Contracting LLC, 644K, 4.50 cubic yards, \$193.00/hour; 2) Winter Contracting, LLC, 624K, 3.50 cubic yards, \$152.00/hour; 3) Bowes Construction, CAT 966M, 5.00 cubic yards, \$230.00/hour; 4)

Bowes Construction, CAT 950M, 4.00 cubic yards, \$210.00/hour; and 5) Bowes Construction, CAT 930M, 3.00 cubic yards, \$180.00/hour.

Four (4) Loaders with Reversible Blades: Three bids were received. 1) Austreim Excavating, JD 624G, \$220.00/hour; 2) Austreim Excavating, JD 544K, \$220.00/hour; and 3) Bowes Construction, Inc., CAT 938K, \$230.00/hour.

Ten (10) End-Dump Trucks: Ten bids were received. 1) Winter Contracting, LLC., #14, 23.00 cubic yards, \$127.00/hour; 2) Prussman Contracting, Inc., #19, 22.80 cubic yards, \$135.00/hour; 3) Prussman Contracting, Inc., #20, 22.80 cubic yards, \$135.00/hour; 4) Bowes Construction, Inc., #26, 22.70 cubic yards, \$135.00/hour; 5) Bowes Construction, Inc., #27, 22.70 cubic yards, \$135.00/hour; 6) Bowes Construction, Inc., #29, 22.70 cubic yards, \$135.00/hour; 7) Bowes Construction, Inc., #30, 22.70 cubic yards, \$135.00/hour; 8) Prussman Contracting, Inc., #22, 22.20 cubic yards, \$135.00/hour; 9) Prussman Contracting, Inc., #21, 20.60 cubic yards, \$135.00/hour; and 10) Prussman Contracting, Inc., #23, 19.50 cubic yards, \$135.00/hour.

Four (4) Side-Dump Trucks: Three bids were received. 1) Winter Contracting, LLC, #10, 34.00 cubic yards, \$148.00/hour; 2) Winter Contracting, LLC, #12, 34.00 cubic yards, \$148.00/hour; and 3) Winter Contracting, LLC, #14, 34.00 cubic yards, \$148.00/hour.

Now Therefore, Be It Resolved the following bids be accepted:

Four (4) Motor Graders with Wings: Five bids were received. 1) Austreim Excavating, JD 722BH, \$210.00/hour; 2) Austreim Excavating, JD 722CH, \$210.00/hour; 3) Bowes Construction, Inc., CAT 140M, \$220.00/hour; 4) Bowes Construction, Inc., CAT 140H, \$220.00/hour; and 5) Bowes Construction, Inc., CAT 140M without Wing, \$200.00/hour.

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Four (4) Side-Dump Trucks: Three bids were received. 1) Winter Contracting, LLC, #10, 34.00 cubic yards, \$148.00/hour; 2) Winter Contracting, LLC, #12, 34.00 cubic yards, \$148.00/hour; and 3) Winter Contracting, LLC, #14, 34.00 cubic yards, \$148.00/hour.

FIRST READING – Ordinance 21-035. Introduction and First Reading on Ordinance 21-035, an Ordinance Amending Sections 2-233 through 2-240 and pertaining to the Brookings Bicycle Advisory Committee and to Establish Revised Areas of Responsibility of the Brookings Park and Recreation Advisory Board. Second Reading: October 26, 2021.

Resolution 21-082. A public hearing was held on Resolution 21-082, a Resolution authorizing the City Manager to enter into an Operating Agreement for an On-Off Sale Wine License for Cottonwood Coffee Inc., dba Cottonwood Bistro, Jacob Limmer, owner, 1710 and 1712 6th Street, Brookings, SD, legal description: North 60 feet of the South 116 and the East 25 feet of the West 44 feet, also to include the patio area: North 37 feet of the South 116 feet and the East 15 feet of the West 19 feet, Lot 1, Brickwood Plaza Addition. A motion was made by Council Member Brink, seconded by Council Member Collins, that Resolution 21-082 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-082 - Cottonwood Coffee, Inc., dba Cottonwood Bistro
On-Off Sale Wine Operating Agreement - New

Now, Therefore, Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement for the Operating Management Agreement for Wine between the City of Brookings and Cottonwood Coffee Inc., dba Cottonwood Bistro, Jacob Limmer, owner, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 1710 and 1712 6th Street. Legal description: North 60 feet of the South 116 and the East 25 feet of the West 44 feet, also to include the patio area: North 37 feet of the South 116 feet and the East 15 feet of the West 19 feet, Lot 1, Brickwood Plaza 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 five (5) years and renewal for another five (5) years.

On-Off Sale Malt License. A public hearing was held on a request for an On-Off Sale Malt License for Cottonwood Coffee, Inc., dba Cottonwood Bistro, Jacob Limmer, owner, 1710 and 1712 6th Street, legal description: North 60 feet of the South 116 and the East 25 feet of the West 44 feet, also to include the patio area: North 37 feet of the South 116 feet and the East 15 feet of the West 19 feet, Lot 1, Brickwood Plaza Addition. A motion was made by Council Member Tilton Byrne, seconded by Council

Member Brink, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Temporary Alcohol Application. A public hearing was held on a Temporary Alcohol Application from Aramark Educational Services, LLC, to operate within the City of Brookings, South Dakota for an Alumni Banquet to be held on October 22, 2021 at the SDSU Alumni Center Woster Celebration Hall, 815 Medary Avenue. A motion was made by Council Member Wendell, seconded by Council Member Avery, 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.

Ordinance 21-032. A public hearing 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. A motion was made by Council Member Avery, seconded by Council Member Brink, to approve Ordinance 21-032. Public Comment: Jay Goldhorn and James Drew.

A motion was made by Mayor Niemeyer, seconded by Council Member Tilton Byrne, that 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, be tabled. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Ordinance 21-033. A public hearing 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. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that Ordinance 21-033 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Ordinance 21-034. A public hearing 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. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Ordinance 21-034 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-085. A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that Resolution 21-085, a Resolution for a Naming Rights Request for the Larson Ice Center Blue Rink, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Brink, Bacon, Wendell, Tilton Byrne, Collins, and Avery.

Resolution 21-085 - A Resolution approving a Naming Rights request to allow the Blue Rink at the Larson Ice Center to be named Brookings Dental Clinic Rink for a period of ten 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 Blue Rink at the Larson Ice Center to be named the Brookings Dental Clinic Rink for a period of ten 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.

Executive Session. A motion was made by Council Member Tilton Byrne, seconded by Council Member Avery, to enter into Executive Session at 6:46 p.m., pursuant to SDCL 1-25-2.1, for purposes of discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term "employee" does not include any independent contractor and pursuant to SDCL 1-25-2.3, for purposes of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters. Present were: City Council, City Manager, City Attorney, City Clerk, Susan Rotert, Human Resources Director, and Lisa Marso, Attorney with SDPAA. The motion carried by a unanimous vote.

A motion was made by Council Member Bacon, seconded by Council Member Wendell, to exit Executive Session at 7:05 p.m. The motion carried by a unanimous vote.

Adjourn. A motion was made by Council Member Brink, seconded by Council Member Bacon, that the meeting be adjourned at 7:05 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk