

**Brookings City Council**  
**May 10, 2022**

The Brookings City Council held a meeting on Tuesday, May 10, 2022 at 5:30 PM, at the Brookings City & County Government Center, Chambers, with the following City Council members present: Mayor Oepke Niemeyer, Council Members Nick Wendell, Joey Collins, Holly Tilton Byrne, Wayne Avery, Brianna Doran, and Bonny Specker. City Attorney Steve Britzman, City Manager Paul Briseno, and City Clerk Bonnie Foster were also present.

**5:30 PM REGULAR MEETING**

**Oath of Office and Certificates of Election.** Newly Elected City Council Members took their Oath of Office and Mayor Niemeyer presented them with their Certificates of Election. New City Council Members are: Bonny Specker (3-year City Council Term - term expires 5/1/2025), Holly Tilton Byrne (3-year City Council Term - term expires 5/1/2025), Wayne Avery (2-year City Council Term - term expires 5/1/2024), and Brianna Doran (1-year City Council term - term expires 5/1/2023).

**Agenda.** A motion was made by Council Member Wendell, seconded by Council Member Collins, that the agenda be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Executive Session.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to enter into Executive Session at 5:39 p.m. as per 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, and as per SDCL 1.25.2.5, for purposes of discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business. Present: City Council, City Manager, Assistant City Manager, City Attorney, City Clerk, and Tim Reed, BEDC Executive Director. The motion carried by a unanimous vote. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to exit Executive Session at 5:56 p.m. The motion carried by a unanimous vote.

**Open Forum.** Mary Beth Fishback, provided an update on the Ivy Center, the increased community needs, and the increase in space and personnel to meet community needs. A request will be forthcoming for additional funding. Angie Boersma, architect and board member, provided additional information on the proposed building expansion. Zeno Wicks also commented on the needs of the college student population, and teaching them proactivity. Carla Gatzke, Chair of the Brookings Behavioral Health Board, thanked the council for their consideration and support of the project.

**Consent Agenda.** A motion was made by Council Member Collins, seconded by Council Member Wendell, that the consent agenda be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Specker, Doran, Wendell, Tilton Byrne, Collins, and Avery.

**A. Action to approve the April 26, 2022 and May 5, 2022 City Council Minutes.**

**B. Action on Resolution 22-041, a Resolution Declaring Surplus Property.**

Resolution 22-041  
Declaring Surplus Property

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

**Park, Recreation & Forestry Dept.:** H-2111 Center section Scoreboard: Clock, Score & Period w/team name message centers (TNMC's) (OA-1237-0369, Serial #1157); 2 - H2102 Player/Penalty section @2 (OA 1237-0270, Serial # 1171 and #1172); 2 - H2103 Shots on Goal section @2 (OA-1237-0268, Serial #1099 and 1100); Allsport® 5000 control console with hand held start/stop switch.

Police Dept.: Remarkable Tablet (Serial # RM110-120-93665)

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: 1<sup>st</sup> Quarter 2022 CFO Report.** Chief Financial Officer, Erick Rangel, presented the 1<sup>st</sup> Quarter Financial Report to the City Council and members of the public.

**Resolution 22-038.** A motion was made by Council Member Avery, seconded by Council Member Wendell, that Resolution 22-038, a Resolution Rejecting Bids for the High Speed Rotary Snow Blower, Brookings Regional Airport, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-038 Rejecting Bids on the High Speed Rotary Snow Blower,  
Brookings Regional Airport Bid

Whereas, the City of Brookings opened bids for the High Speed Rotary Snow Blower, Brookings Regional Airport on Tuesday, March 29, 2022 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings received four bids; and

Whereas, the bids did not meet the needs of the Brookings Regional Airport.

Now, Therefore, Be It Resolved that all of the bids for this project be rejected.

**FIRST READING – Ordinance 22-017.** An introduction and first reading was held on Ordinance 22-017, an Ordinance Authorizing Budget Amendment No. 5 to the 2022 Budget. Second Reading and Action: May 25, 2022.

**FIRST READING – Ordinance 22-018.** An introduction and first reading was held on Ordinance 22-018, an Ordinance Amending Section 62-86 of the Code of Ordinances of the City of Brookings, South Dakota, and Providing for Duty of Owner and Designation of Vegetation Management Practices in the City of Brookings, South Dakota. Public Hearing and Action: May 25, 2022.

**Resolution 22-031.** A public hearing was held on Resolution 22-031, a Resolution Determining the Necessity of Repairing or Installing Sidewalks in the City of Brookings at the Expense of Abutting Property Owners; 2022-01SWR Concrete Maintenance Project. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 22-031 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-031 - Resolution Determining the Necessity of Repairing or  
Installing Sidewalks in the City of Brookings at the Expense of Abutting Property  
Owners; 2022-01SWR Concrete Maintenance Project

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

1. It is hereby determined that sidewalk repairs or installation is necessary abutting the parcels and lots of land in the City described in the Notice to Property Owners attached to this Resolution and marked as 2022-01SWR Concrete Maintenance Project.

2. Such sidewalks shall be installed to the width and of the materials prescribed by Chapter 74, "Streets, Sidewalks and other Public Places" and Article V. "Sidewalks", and to the grade and in accordance with the Plans and Specifications prepared in the office of the City Engineer.
3. The method of apportionment of benefits is as follows: such assessments, unless paid within thirty (30) days after the date of mailing of a statement of account by the City, shall be collected by the City in accordance with the procedure for Plan One in Section 9-43-102, South Dakota Compiled Laws of 1967, as amended, with interest of 10% on the unpaid balance. Assessments amounting to less than \$300.00 shall be paid in one payment.
4. The City has caused a copy of the Resolution and a Notice to Property Owners to be mailed to each property owner by certified mail.

**Resolution 22-032.** A public hearing was held on Resolution 22-032, a Resolution Determining the Necessity of Alley Assessment Project No. 2022-04STA, from 3<sup>rd</sup> Street to 4<sup>th</sup> Street connecting 8<sup>th</sup> Avenue and 9<sup>th</sup> Avenue. A motion was made by Council Member Wendell, seconded by Council Member Collins, that Resolution 22-032 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-032 - Resolution Determining Necessity for  
Alley Assessment Project 2022-04STA

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

1. It is hereby determined the necessity of paving the alley between 3<sup>rd</sup> Street and 4<sup>th</sup> Street connecting 8<sup>th</sup> avenue and 9<sup>th</sup> Avenue.
2. The general nature of the improvement is above set forth and reference for details is hereby made to the drawings and specifications prepared by the City Engineer and on file with the City Clerk.
3. The material to be used is asphalt for paving of the alley: Asphalt pavement on a stabilized crushed gravel base course.
4. The improvement is substantially uniform. The estimated cost per linear foot of alley for paving with asphalt pavement on crushed gravel base course to be paved to a width of 18 feet is \$152 per foot of alley or \$76 per front foot per side of alley.
5. A description of classes of lots to be assessed is as follows: All assessable lots and tracts of land lying contiguous to the alley hereinabove described.
6. The method of apportionment of benefits is as follows: The cost thereof to be assessed against all assessable lots and tracts of land according to the benefits determined by the governing body to accrue to all such lots and tracts from the construction of the improvement. The assessment may be paid over a five-year period and the interest to be charged on the unpaid balance shall be 10%.
7. The above-described improvement shall be hereinafter referred to as Alley Assessment Project No. 2022-04STA, which shall be deemed a description of the improvement of the alley as hereinabove set forth.

**Ordinance 22-012.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 22-012, an Ordinance Amending Sections 6-141, 6-146, and 6-149 of the Code of Ordinances of the City of Brookings, South Dakota, and Pertaining to Commercial Pedal Cars in the City of Brookings, South Dakota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Temporary Alcohol Application.** A public hearing was held on a Temporary Alcohol Application from the Brookings Cubs Baseball Group for a temporary alcohol license to operate within the City of Brookings, South Dakota for the 2022 Brookings Cubs Baseball Season to be held on at Bob Shelden Field, 530 Elm Avenue. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Temporary Alcohol Application be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Resolution 22-039.** A public hearing was held on Resolution 22-039, a Resolution Creating Boundaries of Tax Increment District Number 12. A motion was made by Council Member Tilton Byrne, seconded by Council Member Specker, that Resolution 22-039 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-039 - Resolution Providing for the Creation of  
Tax Increment Financing District Number 12, City of Brookings

Whereas, the Planning Commission has recommended the District Boundaries for Tax Increment Financing District Number 12, 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 12, 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 12, 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 Economic Welfare. The City Council makes the following findings with regard to economic welfare:
  - a. More than 50% of the property in the District will stimulate and develop the general economic welfare and prosperity of the state through the promotion and advancement of industrial, commercial, manufacturing, agricultural, or natural resources development; and
  - b. Improvements to the District will significantly and substantially enhance the value of all property within the District; and
  - c. 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.
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 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 12, City of Brookings. The District is hereby created on the day this Resolution becomes effective, which shall be 20 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: Lot 1, Front Street Addition and abutting roads 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 12 Fund, which shall be a segregated asset account. All tax increments collected pursuant to Tax

Incremental District Number 12 shall be deposited into the Tax Increment Financing District Number 12 Fund. All funds in the Tax Increment Financing District Number 12 Fund shall be used solely for those purposes expressly stated and reasonably inferred in SDCL Chapter 11-9.

**Resolution 22-040.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 22-040, a Resolution on Adoption of Tax Increment District #12 Project Plan, be approved. Public Comment: Clint Powell and Angie Boersma. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-040 - Resolution Approving  
Tax Increment Financing District Number 12

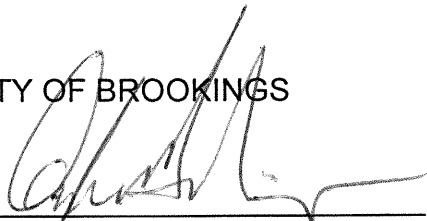
Whereas, the Brookings Planning Commission has recommended the approval of the Tax Increment Financing District Number 12 Project Plan, City of Brookings; And

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

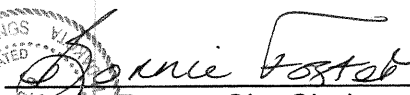
Now Therefore, Be It Resolved by the City Council

- 1. Approval of Project Plan. The Project Plan, a copy of which is on file with the City Finance Office is 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 12, City of Brookings shall be final.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the meeting be adjourned at 7:26 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS  
  
Oepke G. Niemeyer, Mayor

ATTEST:

  
Bonnie Foster, City Clerk

