

**Brookings City Council  
May 24, 2022**

The Brookings City Council held a meeting on Tuesday, May 24, 2022 at 6:00 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, and Bonny Specker. Council Member Brianna Doran was absent. City Manager Paul Briseno, City Attorney Steve Britzman, and Deputy City Clerk Lana Schwartz 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: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

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

**A. Action to approve the May 10, 2022 and May 17, 2022 City Council Minutes.**

**B. Action to appoint the Deputy Mayor:** Council Member Nick Wendell.

**C. Action on City Council Ex-Officio Appointments:** Brookings County & City Joint Jurisdictional Committee: Mayor Oepke Niemeyer and Council Member Holly Tilton Byrne; Brookings Health System Board of Trustees: Council Members Joey Collins and Brianna Doran; Brookings Municipal Utilities: Council Members Wayne Avery and Bonny Specker; Brookings Economic Development Corporation Board: Council Member Nick Wendell; Brookings Economic Development Corporation Investment Committee: Mayor Oepke Niemeyer, and Council Members Wayne Avery and Holly Tilton Byrne.

**D. Action on Annual Malt Beverage Alcohol License Renewals:** On-Off Sale Malt (retail): BP of Brookings, 2420 6<sup>th</sup> St., Suite A and B; Brookings Softball Assoc. (Southbrook Softball Diamonds), 2800 22<sup>nd</sup> Ave. So.; BVG Backyard Grill, 1805 6<sup>th</sup> St.; Carpy's Pub, 700 22<sup>nd</sup> Ave. So.; Casey's General Store #1694, 620 8<sup>th</sup> St. So.; Casey's General Store #2198, 122 6<sup>th</sup> St. W.; Casey's General Store #2419, 534 22<sup>nd</sup> Ave. So.; Casino 2000, 622 25<sup>th</sup> Ave., Suite A and B; CHS, Inc., dba Cenex Zip Trip #63, 1005 6<sup>th</sup> St.; CHS, Inc., dba Cenex Zip Trip #64, 3045 LeFevre Dr.; The Children's Museum of South Dakota, 521 4<sup>th</sup> St.; The Clothes Line Lounge, 727 Wilson Ave. (inactive); Corner Pantry #24, 600 6<sup>th</sup> St., Suite A and B; Cottonwood Coffee, Inc., 1710 6<sup>th</sup> St.; Cubby's Sports Bar & Grill, 307 Main Ave.; Danny's, 703 Main Ave. So.; The Depot Casino, 919 20<sup>th</sup> St. So.; Deuces Casino, 223 6<sup>th</sup> St., Suite 105A, 105B, 105C, 105D; Edgebrook Golf Course, 1415 22<sup>nd</sup> Ave. So.; El Tapatio, Inc., 1717 6<sup>th</sup> St., Suite F; Eponymous Brewing Co., 126 Main Ave. So.; 4 Aces Casino, 141 Main Ave. So., Suite A, B, C; George's Pizza, Inc., 311 Main Ave.; Guadalajara Mexican Restaurant, 1715 6<sup>th</sup> St.; Hy-Vee Food Store, 790 22<sup>nd</sup> Ave. So.; Hy-Vee Gas, 716 22<sup>nd</sup> Ave. So.; Jim's Tap, 309 Main Ave.; The Lanes, 722 Western Ave., Suite B and C; The Lodge, 2515 6<sup>th</sup> St.; Main Street Pub, 408 Main Ave.; McCrory Gardens Visitors Center / Sodexo America LLC, 6<sup>th</sup> St. & 22<sup>nd</sup> Ave.; Mosaic Wine Bar, 225 Main Ave.; New Sake, Inc., 724 22<sup>nd</sup> Ave. So.; Newman's Convenience Store, 503 6<sup>th</sup> St.; Old Sanctuary, 928 4<sup>th</sup> St.; PNP Pub, 318 2<sup>nd</sup> St. So.; Ray's Corner, 401 Main Ave., Suite A and B; Schoon's Pump N Pak, 202 S. Main Ave.; Schoon's PNP Pub South, 1203 Main Ave. So.; Skinner's Pub, 300 Main Ave.; South Main Casino & Pub, 615 Main Ave. So.; Sully's Irish Pub, 421 Main Ave.; Swiftel Center, 824 32<sup>nd</sup> Ave.; Tee'd Off Golf, 2508 Wilbert Court, Suite B; Wal-Mart Supercenter #1538, 2233 6<sup>th</sup> St.; Wilbert's, 931 25<sup>th</sup> Ave.; The Wild Hare, 303 3<sup>rd</sup> St.; Wooden Legs Brewing Co., 309 5<sup>th</sup> St., Suite 100; Yessica's Restaurant, 1300 Main Ave. So.

**FIRST READING – Ordinance 22-019.** An introduction and first reading was held on Ordinance 22-019, an Ordinance Authorizing Budget Amendment No. 6 to the 2022 Budget. Second Reading and Action: June 14, 2022.

**FIRST READING – Ordinance 22-020.** An introduction and first reading was held on Ordinance 22-020, an Ordinance to Rezone a Portion of Wilbert Square Addition from Planned Development District to Residence R-3 Apartment District. Second Reading and Action: June 14, 2022.

**FIRST READING – Ordinance 22-021.** An introduction and first reading was held on Ordinance 22-021, an Ordinance to Rezone Lots 1 - 5 in Block 12 of Folsom Addition from Residence R-3 Apartments / Mobile Homes / Manufactured Housing District to Business B-3 Heavy District. Second Reading and Action: June 14, 2022.

**FIRST READING – Ordinance 22-022.** An introduction and first reading was held on Ordinance 22-022, an Ordinance to Establishing a Moratorium on the Installation of any Electronic Message Display Signs or Issuance of any Electronic Message Display Sign Permits Pending Further Study. Second Reading and Action: June 14, 2022.

**Resolution 22-045.** A public hearing was held on Resolution 22-045, a Resolution to approve the purchase of a 2022 Fire Engine from Toyne, Inc., Breda, IA; through the Houston-Galveston Area Council contract #FS12-19A. A motion was made by Council Member Collins, seconded by Council Member Wendell, that Resolution 22-045 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

Resolution 22-045 - Resolution of the City of Brookings to Enter into  
a Purchase Agreement for a Fire Engine

Whereas, the City of Brookings is in need of a Fire Engine to replace Engine No. 2 of the Brookings Fire Department, and has determined through a thorough review of the submitted specifications, that the purchase of a Fire Engine from a contract with the manufacturer, Toyne Inc., that was competitively solicited and awarded within the previous twelve months is in the best interests of the City of Brookings; and

Whereas, the new fire engine will replace a 2006 Crimson Top Mount Fire Engine ("Engine No. 2") that has exceeded its useful life and is experiencing increasingly costly repairs; and

Whereas, the cost to purchase the fire engine apparatus from Toyne Inc. is \$601,154.56, with the purchase price reflecting a trade in value of \$90,000 for the 2006 Crimson Top Mount Engine; and

Whereas, pursuant to SDCL 5-18A-22, the City is authorized to purchase from a contract with Toyne Inc. which was competitively solicited by the Houston-Galveston Area Council and Toyne Inc. within the past twelve (12) months; and

Whereas, because of lengthy manufacturing lead times, the purchase of the fire engine at this time will result in a budgeted expenditure in 2023 when the apparatus is delivered to the City of Brookings,

Now, Therefore, Be It Resolved by the City Council of the City of Brookings, that the City enter into an Apparatus Purchase Agreement with Toyne Inc. for the purchase of a Fire Engine, and that the City Manager, Fire Chief and Clerk are authorized to execute the documents necessary to complete the purchase of the above-described Fire Engine from Toyne Inc.

**Resolution 22-046.** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Resolution 22-046, a Resolution Awarding Bids on the Hay Land Lease located in the East ½ of Aamot Addition (Landfill), be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

Resolution 22-046 - Resolution Awarding Bids on Airport Hay Lease

Whereas, the City of Brookings opened bids to lease approximately 26 acres of Hay Land at the Brookings Landfill located in the East ½ of Aamot Addition, Section 8-110-49, on Tuesday, May 24, 2022 at 9:00 AM at the Brookings City & County Government Center; and

Whereas, the City of Brookings has received the following bids for Hay Land Lease: Joshua Berndt, White SD, in the amount of \$95.00 per acre; Stuart Huber, Dell Rapids, SD, in the amount of \$25.00 per acre.

Now, Therefore, Be It Resolved that the high bid of Joshua Berndt, White, SD for \$95.00 per acre be accepted.

**Ordinance 22-017.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 22-017, an Ordinance Authorizing Budget Amendment No. 5 to the 2022 Budget, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

**Ordinance 22-018.** A public hearing was held on Ordinance 22-018, an Ordinance Amending Ordinance Section 62-86 providing for Duty of Owner and Designation of Vegetation Management Practices in the City of Brookings, South Dakota. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 22-018, be approved as amended to remove the change in the grass height (height to remain at 15 inches). The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

**On-Off Sale Malt License Application.** A public hearing was held on a request for an On-Off Sale Malt License for McCrory Gardens Educational & Visitors Center, Sodexo America, LLC at SDSU, Manager. Location: 6<sup>th</sup> Street and 22<sup>nd</sup> Avenue. Legal Description: portion of SE ¼ of Section 24-T110N-R50W. A motion was made by Council Member Wendell, seconded by Council Member Collins, that the request for an On-Off Sale Malt License for McCrory Gardens Educational & Visitors Center, Sodexo America, LLC at SDSU, Manager, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

**Resolution 22-042.** A public hearing was held on Resolution 22-042, a Resolution Authorizing the City Manager to enter into an Operating Agreement for an On-Off Sale Wine License for McCrory Gardens Educational & Visitors Center, Sodexo America, LLC at SDSU, Manager. Location: 6<sup>th</sup> Street and 22<sup>nd</sup> Avenue. Legal Description: portion of SE ¼ of Section 24-T110N-R50W, be approved. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that the Operating Agreement be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

Resolution 22-042 - On-Off Sale Wine Operating Agreement - New  
McCrory Gardens Educational & Visitors Center  
Sodexo America, LLC at SDSU, Manager

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 McCrory Gardens Educational & Visitors Center, Sodexo America, LLC at SDSU, Manager, for the purpose of a manager to operate the on-sale establishment or business for and on behalf of the City of Brookings at 6<sup>th</sup> Street and 22<sup>nd</sup> Avenue. Legal description: portion of SE ¼ of Section 24-T110N-R50W (NW corner of 6<sup>th</sup> Street and 22<sup>nd</sup> Avenue).

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 ten (10) years, with a renewal at the five (5) year mid-term.

**Resolution 22-043.** A motion was made by Council Member Collins, seconded by Council Member Specker, that Resolution 22-043, a Resolution Awarding Bids for the Purchase, Delivery, and Erection of a Multi-Stack Fire Training Facility for the Brookings Fire Department, be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

Resolution 22-043, a Resolution Awarding Bids for the  
Purchase, Delivery and Erection of a Multi-Stack Fire Training Facility for  
the Brookings Fire Department.

Whereas, the City of Brookings opened bids for on the Purchase, Delivery, and Erection of a Multi-Stack Fire Training Facility for the Brookings Fire Department on Tuesday, April 19, 2022 at 1:30 pm at the Brookings City & County Government Center; and

Whereas, the City of Brookings received the following bids for the Purchase, Delivery and Erection of a Multi-Stack Fire Training Facility for the Brookings Fire Department. Karila Fire Training Facilities, Inc. - \$564,350.00; Fire Training Structures, LLC - \$494,971.00.

Now, Therefore, Be It Resolved that the total low bid of \$494,971.00 from Fire Training Structures, LLC, be accepted and the City Manager and Fire Chief are authorized to enter into a contract with Fire Training Facilities, LLC for the purchase, delivery, and erection of a Multi-Stack Fire Training Facility.

**Resolution 22-047.** A public hearing was held on Resolution 22-047, a Resolution Authorizing Waiver of Permit Fees Related to Storm Damage in the City of Brookings, South Dakota. A motion was made by Council Member Specker, seconded by Council Member Tilton Byrne, that Resolution 22-047 be approved. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

Resolution 22-047 - A Resolution Authorizing Waiver of Permit Fees Related to  
Storm Damage in the City of Brookings, South Dakota

Whereas, the May 12, 2022 windstorm caused widespread damage in Eastern South Dakota, and one aspect of property damage was the damage or destruction of numerous buildings and signs located in Brookings; and

Whereas, it is in the public interest that buildings are repaired and/or replaced and that signage is restored following the windstorm; and

Whereas, to assist those who will be repairing and replacing buildings and signs in the City of Brookings, the City Council has determined that the City of Brookings can assist in the recovery from the windstorm by waiving storm damage-related permit fees. Accordingly, the City Council hereby authorizes the City Manager to waive permit fees related to storm damage from the May 12, 2022 windstorm.

Now, Therefore, Be It Resolved that the City Manager is authorized to waive storm damage-related permit fees for a period of 180 days from and after the May 12, 2022 windstorm.

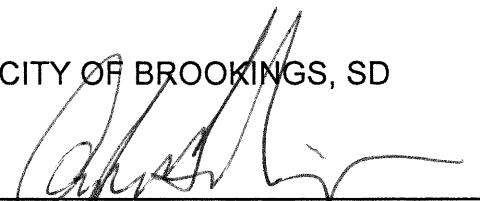
**Discussion and Possible Action to Authorize Funds for Workforce Housing Project.** A motion was made by Council Member Wendell, seconded by Council Member Collins, to authorize funds for the Workforce Housing Project. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, and Specker; Absent: 1 – Doran.

**Progress Report.** Chelsie Bakken, Public Information Officer, provided a progress report highlighting the City's activities/projects.


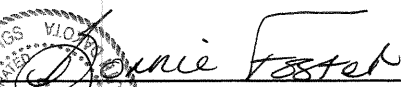
**Executive Session.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to enter into Executive Session at 7:11 p.m. as per SDCL 1-25-2.3, for purposes of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters and 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 subdivision, when public discussion may be harmful to the competitive position of the business. Present: City Council, City Manager, and City Attorney. The motion carried by a unanimous vote. A motion was made by Council Member Collins, seconded by Council Member Tilton Byrne, to exit Executive Session at 7:50 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that this meeting be adjourned at 7:51 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

  
Oepke G. Niemeyer, Mayor

ATTEST:

  
  
Bonnie Foster, City Clerk

**ADDENDUM: Volunteer Listing for Work Comp Coverage** (as per Resolution 16-025).  
Brookings City Library Volunteers: Cheryl Rile. Brookings City Fire Department Volunteers: Major Anderson, John Austin, Kevin Banken, Alex Berkness, Pete Bolzer, Cory Braun, Derek Brown, Dan Bruna, Nick Casstevens, Bret Christianson, Tom Coughlin, Mandi Cramer, Roger DeBates, Scott Hallan, Jacob Hanson, Bill Hardin, Troy Herrig, Kevin Hilmoie, Dalton Holm, Ryan Keenan, Dave Koch, Dan Kriese, Jim Kriese, Brett Lawrence, Brandon Long, Jaque Mann, Joshua Mann, Lori Mergen, Nick Oines, Steven Rensink, Connor Ringling, Jared Runge, Tim Ryneerson, Rob Schuneman, Jeremy Scott, Jesse Seas, Joseph Sheeley, Lucas Speakman, Charles Stephenson, Shannon Stuefen, Curt Teal, Anthony Teesdale, Nathan Vandersnick, Adam Vaux. Brookings City Police Department Reserve Unit: Mark Anawski, Justin Borns, Andrew Erickson, Zach Erickon, 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 – new – effective 05/24/22, Staci Carlson – new – effective 05/26/22, Julio Castillon, Kaily DeFino – new – effective 05/26/22, Earl Early – new – effective 05/26/22, Daniel Forester, Nathan Hilbrands, Tayler Kneip – new – effective 05/23/22, Tyler Koch, Mark Kreie – new – effective 05/26/22, Shane Kuehl, Brian Kvamme, Robb McClemans, Justin Palmer – new – effective 05/26/22, Natasha Raguse, Eric Rasmussen – new – effective 05/26/22, Joseph Schumacher, Carly Shutt – new – effective 05/31/22, Lowell Shutt – new – effective 05/26/22.