

Brookings City Council
June 14, 2022

The Brookings City Council held a meeting on Tuesday, June 14, 2022 at 5:00 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, Brianna Doran, and Bonny Specker. City Manager Paul Briseno, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present.

Agenda. A motion was made by Mayor Niemeyer, seconded by Council Member Avery, that Item #10E, Public Hearing and Action on Ordinance 22-022, an Ordinance Establishing a Moratorium on the Installation of any Electronic Message Display Signs or Issuance of any Electronic Message Display Sign Permits Pending Further Study, be removed from the agenda. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 – Collins. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the agenda be approved as amended. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 – Collins.

Brookings County Housing Study Presentation. Amy Haase, Consultant with RDG Planning & Design, presented the Brookings County Housing Study to the City Council, County Commission, and members of the public. A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that the Brookings County Housing Study be accepted. The motion carried by the following vote: Yes: 6 - Niemeyer, Wendell, Tilton Byrne, Avery, Doran, and Specker; Absent: 1 – Collins.

(Council Member Collins arrived at 6:15 p.m.)

Open Forum. Charlie Richter, City Engineer, provided an update on the Main Avenue South and 8th Street South Intersection Project to the City Council and members of the public. Cole Sartell thanked the City Council for the City's involvement in the Brookings Pride event. Susan and Jeff Struwe expressed their concerns to the City Council regarding the Brookings Pride event.

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

A. Action to approve the May 24, 2022 City Council Minutes.

B. Action on Resolution 22-050, a Resolution declaring surplus property for the City of Brookings.

Resolution 22-050 - Declaring Surplus Property

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

Brookings Public Library: Pull-down Screen, 3 Computer Stands (broken), Kwikboost Charging Station (does not work), 2 AWE Tables, 2 AWE Computers (do not work), HP 19" Monitor, Phillips 19" Monitor, NEC 19" Monitor, small metal storage cart, 4 door handles.

Brookings Police Department: 2002 Oldsmobile, VIN: 1FAHP2MT4JG112359; 9 chairs (do not work); old law books; 11 folding tables; 1 typewriter; 2 pull-down projector screens; 56 metal folding chairs; 1 smart board; 1 projector with sound equipment (projector does not work); 1 portable projector screen; 3 wood tables; 1 wood desk; 1 wood table; 10 map boards; 66 fiberglass chairs; 41 plastic chairs; 4 chair caddies; 4 metal wall shelves; 1 green chair; 1 desk (broke); 1 chair; 1 leather desk chairs; 1 wood end table; 3 desks; 1 projector screen; 1 small book shelf; 1 roll-away TV cabinet with TV and VCR; 1 credenza with wood top; 1 TV; 1 metal TV stand; 14 blue fabric chairs; 12 Safety Town Cars; 10 misc. vehicle seats; 12 cages for old patrol vehicles; 3 patrol car door panels; 5 center consoles for old patrol vehicles; 1 push bumper off an old patrol vehicle; 2 Havis boxes; 4 light bars for old patrol vehicles; misc. old Wheelen sirens parts for old patrol vehicle; 1 traffic light stand; 11 old patrol shotgun mounts for patrol vehicles; misc. old patrol vehicle parts; old wiring harnesses for old patrol vehicles; 30' x 60' chain link bike cage; metal bike rack; 6 Havis arm rests; 4 cubicle panels; metal shelving parts; 2 small cubicle tables; 1 kitchen cabinet; 6 wood shelves; misc. plywood and particle board.

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.

Proclamation. Mayor Niemeyer read a Proclamation declaring Sunday, June 19th as Juneteenth Holiday in the City of Brookings.

Mayoral Proclamation

Whereas, the Declaration of Independence, written in 1776, states: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness"; and

Whereas, in 1863, the contradiction between slavery and the Declaration of Independence was addressed when President Lincoln issued the Emancipation Proclamation, which set in motion the end of slavery; and

Whereas, slavery ended when the Confederate states surrendered on April 9, 1865; and

Whereas, enslavers in Texas were able to hide their Civil War defeat until June 19, 1865, when the United States Military arrived to announce that the more than 250,000 enslaved people in Texas were free.

Now, Therefore, Be It Resolved, that I, Oepke G. Niemeyer, Mayor of the City of Brookings, do hereby proclaim Sunday, June 19, 2022 as Juneteenth, and encourage all to celebrate this important anniversary.

Resolution 22-044. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Resolution 22-044, a Resolution Awarding Bids on the Swiftel Center Audio Project, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-044 - Resolution of the City of Brookings to Enter into a Statement of Work Agreement for the Swiftel Center's Arena Audio Project

Whereas, NLFX Professional, a national provider of audio, video, and lighting; and

Whereas, the City of Brookings has investigated and reviewed NLFX Professionals Request for Proposal (RFP) for Audio systems, Installation, and Service with Related Products and Supplies; and

Whereas, the City of Brookings staff has put this project up for a competitive RFP; and

Whereas, the City of Brookings is interested in implementing an Audio Equipment Replacement and a Controls Upgrade to improve the infrastructure and quality of the Swiftel Center. Moreover, City of Brookings' staff has reviewed NLFX Professional's Statement of Work #SOW 1.1 and found it acceptable.

Now, Therefore, Be It Resolved by the City Council of the City of Brookings, that the City enter into a Statement of Work Agreement for "Audio Equipment Replacement" with NLFX Professional and that the City Manager or his designee are authorized to execute the documents necessary to purchase the Audio Equipment Replacement through NLFX Professionals Statement of Work #SOW1.1.

Resolution 22-052. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 22-052, a Resolution awarding the contract for the purchase of one new John Deere 772G Motor Grader for the City of Brookings Street Division through Admin Minnesota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-052 - Resolution Awarding a Contract for the purchase of one new John Deere 772G motor grader for the City of Brookings Street Division through Admin Minnesota

Whereas, the City of Brookings Street Division requests action to purchase a new 2022 John Deere 722G motor grader from, RDO Equipment; and

Whereas, the RDO Equipment is Contract No. 201142 for motor graders and related accessories from Admin Minnesota Contract Release: M-439(5), a Minnesota State Bid provider; and

Whereas, the City of Brookings will purchase from RDO Equipment, one 2022 John Deere 722G motor grader in the amount of \$370,294.00; and

Whereas, the Capital Budget for the purchase of one John Deere 772G motor grader is \$375,000.00.

Now, Therefore, Be It Resolved, that the Contract from RDO Equipment for \$370,294.00 be accepted.

Resolution 22-053. A motion was made by Council Member Doran, seconded by Council Member Collins, that Resolution 22-053, a Resolution awarding the contract for the purchase

of one new John Deere 624P Articulating Wheeled Loader for the City of Brookings Street Division through Admin Minnesota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-053 - Resolution Awarding a Contract for the purchase of one new John Deere 624P articulating wheeled loader for the City of Brookings Street Division through Admin Minnesota

Whereas, the City of Brookings Street Department requests action to purchase a new 2022 John Deere 624P articulating wheeled loader from, RDO Equipment; and

Whereas, the RDO Equipment is Contract No. 204505 for an Articulating Wheel Loaders and related accessories from Admin Minnesota Contract Release: L-331(5), a Minnesota State Bid provider; and

Whereas, the City of Brookings will purchase from RDO Equipment, one 2022 John Deere 624P articulating wheeled loader in the amount of \$222,158.00; and

Whereas, the Capital Budget for the purchase of one John Deere 624P articulating wheeled loader is \$230,000.00.

Now, Therefore, Be It Resolved, that the Contract from RDO Equipment for \$222,158.00 be accepted.

Resolution 22-054. A motion was made by Council Member Avery, seconded by Council Member Doran, that Resolution 22-054, a Resolution awarding the contract for the purchase of one new Side Dump Trailer for the City of Brookings Street Division through Admin Minnesota, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-054 - Resolution Awarding a Contract for the purchase of one new Sidump'r 342-49 trailer for the City of Brookings Street Division through Admin Minnesota

Whereas, the City of Brookings Street Division requests action to purchase a new 2022 Sidump'r 342-49 trailer from, Titan Machinery; and

Whereas, the Titan Machinery is Contract No. 206482 for trailers and miscellaneous parts and accessories from Admin Minnesota Contract Release: T-603(5), a Minnesota State Bid provider; and

Whereas, the City of Brookings will purchase from Titan Machinery, one 2022 Sidump'r 342-49 trailer in the amount of \$62,972.25; and

Now, Therefore, Be It Resolved, that the Contract from Titan Machinery for \$62,972.25 be accepted.

Ordinance 22-019. A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, that Ordinance 22-019, an Ordinance Authorizing Budget Amendment No. 6 to the 2022 Budget, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-051. A public hearing was held on Resolution 22-051, a Resolution of Intent to Lease Real Property to a Private Party. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 22-051 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-051 - A Resolution of Intent to Lease Real Property to Private Person

Be It Resolved by the governing body of the City of Brookings, South Dakota that the City of Brookings intends to enter into a Lease Agreement with Red E Charging, LLC, for a term of five years, with up to two additional periods of five years each, for a total of up to 15 years and pertaining to the following described property: Four specifically designated parking spaces located within the Activity Center Parking Lot, which is described as: Lots Four, Five, Six, and Seven of First Addition to the City of Brookings, County of Brookings, State of South Dakota.

The purpose of this Lease is to provide for the leasing of the above-described property pursuant to a Charging Station Agreement with Red E Charging, LLC, which will allow Red E Charging, LLC, to install one 60kW DC Fast Charger and one Level 2 Pedestal (with two Chargers). The term of the Agreement is initially five years, with up to two additional periods of five years each, for a total of up to 15 years, beginning upon completion of installation and inspection of the above-described charging stations. The Lease provides for lease payments payable by the Tenant as provided in the above-described Charging Station Agreement, and sets forth the respective obligations of the Lessor and Tenant concerning the above-described property.

Be It Further Noted, that a Public Hearing on this Resolution was held on this 14th day of June, 2022 at 6:00 o'clock P.M. at the City Council Chambers and that all persons were given an opportunity to be heard on the intent to lease the above-described real property.

Ordinance 22-020. A public hearing was held on Ordinance 22-020, an Ordinance to Rezone a Portion of Wilbert Square Addition from a Planned Development District to a Residence R-3 Apartment District. A motion was made by Council Member Wendell, seconded by Council Member Avery, that Ordinance 22-020 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Ordinance 22-021. A public hearing 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. A motion was made by Council Member Wendell, seconded by Council Member Avery, that Ordinance 22-021 be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Commercial Corridor Design Review. A public hearing was held on a Commercial Corridor Design Review for 600 Main Avenue. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Commercial Corridor Design 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 Wooden Legs Brewing Co. for a temporary alcohol license to operate within the City of Brookings, South Dakota for an event to be held on July 14th for a Comedy at the Park event at Pioneer Park, 104 6th Street West. 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.

On-Off Sale Malt License. A public hearing was held on a request for an On-Off Sale Malt License for Price Partnership, LLC, dba Flavor Indian & Asian Fare, Justin Price, owner. Location: 501 Main Avenue. Legal Description: East 120 feet of Lots 13-14, Block 14, Second Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the On-Off Sale Malt License be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-049. A public hearing was held on Resolution 22-049, a Resolution authorizing the City Manager to enter into an Operating Agreement for an On-Off Sale Wine License with Price Partnership, LLC, dba Flavor Indian & Asian Fare, Justin Price, owner. Location: 501 Main Avenue. Legal Description: East 120 feet of Lots 13-14, Block 14, Second Addition. A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that the Wine Operating Agreement be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-049 - On-Off Sale Wine Operating Agreement - New
Price Partnership, LLC, dba Flavor Indian & Asian Fare

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 Price Partnership, LLC, dba Flavor Indian & Asian Fare, Justin Price, 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 501 Main Avenue. Legal description: East 120 feet of Lots 13-14, Block 14, Second 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 10 years, with a renewal at the five-year mid-term.

Council Introduction of Topics for Future Discussion. A motion was made by Council Member Specker, seconded by Mayor Niemeyer, to schedule a Study Session on July 19th. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Adjourn. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that this meeting be adjourned at 6:53 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

ATTEST:

Oepke G. Niemeyer, Mayor

Bonnie Foster, City Clerk