

**Brookings City Council**  
**September 27, 2022**

The Brookings City Council held a meeting on Tuesday, September 27, 2022 at 5:15 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. Assistant City Manager Jacob Meshke, City Attorney Steve Britzman, and City Clerk Bonnie Foster were also present. Absent: City Manager Paul Briseno.

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

**Budget Workshop #1.** Jacob Meshke, Assistant City Manager, Erick Rangel, Chief Financial Officer, and Ashley Rentsch, Senior Finance Manager, presented the proposed 2023 Budget to the City Council and public. Budget Workshop #2 focused on the 10-Year Capital Improvement Plan (CIP) and Consolidated Fee Schedule.

*(Council Member Wendell arrived at 5:57 p.m.)*

**Consent Agenda.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, 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 9/13/2022 City Council Minutes.**

**B. Action on appointment to the Sustainability Council:** appoint Kyle Jamison (term expires 1/1/2024).

**C. Action on appointment to the Brookings Health System Board of Trustees:** appoint Don Greiner, reappoint Lynn Darnall (terms expire 1/1/2026).

**D. Action on Resolution 22-078, a Resolution Amending the Contract for the Brookings City & County Lawn Care & Snow Removal Services.**

Resolution 22-078 - Resolution Amending Contract for the  
Brookings City & County Lawn Care and Snow Removal Services

Whereas, the City of Brookings has amended the contract for Brookings City & County Lawn Care and Snow Removal Services to include the Brookings Public Library; and

Whereas, the service contract will be extended through December 31, 2023.

Now, Therefore, Be It Resolved that the amendments to the contract be accepted.

**Report: Annual Report on Downtown at Sundown Event.** Kelsey Doom, President and CEO of the Brookings Area Chamber, and Regen Wiederrich, Downtown at

Sundown Lead Intern, presented a 2022 Year-End Report on the Downtown at Sundown Brookings Summer Music Series to the City Council.

**Report: SDSU Student Association.** SDSU Student Association Government Affairs Chair, Erika Van Nieuwenhuysse, provided an update on SDSU happenings to the City Council.

**Resolution 22-079.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Resolution 22-079, a Resolution Authorizing the City Manager to Sign and Submit an Application for Financial Assistance from the Transportation Alternatives Grant Program for the Construction of a Shared Use Path / Trail and Enhanced Crosswalk in the City of Brookings, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-079 - A Resolution Authorizing the City Manager to Sign and Submit an Application for Financial Assistance from the Transportation Alternatives Grant Program for the Construction of a Shared Use Path and Enhanced Crosswalk on 12<sup>th</sup> Street South.

Whereas, the City of Brookings, SD (the “City”) desires financial assistance from the South Dakota Department of Transportation-Transportation Alternatives Grant Program for the purpose of constructing a shared use path along the north side of 12<sup>th</sup> Street South from 17<sup>th</sup> Avenue to 22<sup>nd</sup> Avenue, and enhanced crosswalk at Southland Avenue hereinafter described as the “Project”; and

Whereas, the City hereby agrees to the maintenance and operation of the Project; and

Whereas, the City hereby commits to the local match of not less than 20 percent of the project; and

Whereas, the City acknowledges its responsibility to secure right-of-way or easements for construction of the project; and

Whereas, this resolution authorizes the City Manager to sign and submit the Transportation Alternatives Grant Program Application for a grant of up to \$460,000 for the Project. The City Manager would also serve as the City’s Official for the purpose of signing grant agreements, contracts, correspondence, pay requests, and other required documents in connection with a grant and this project.

Now, Therefore, Be It Resolved that the City Manager of the City of Brookings is authorized to sign and submit the Grant Application for a grant of up to \$460,000 for the Project, and to sign agreements, contracts, correspondence, pay requests, and other required documents for this project.

**Resolution 22-080.** A motion was made by Council Member Wendell, seconded by Council Member Doran, that Resolution 22-080, a Resolution Authorizing Change Order No. 1 for 2022-08STI Street Maintenance & Overlay Project; Bowes Construction, Inc., be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-080 - Resolution Authorizing Change Order No. 1, for  
2022-08STI Street Maintenance and Overlay Project; Bowes Construction, Inc.

Be It Resolved by the City Council that the following Change Order be allowed for 2022-08STI, Street Maintenance and Overlay Project: Construction Change Order Number 1: Adjust plan quantities to include additional work. The work being added includes replacing storm-damaged sidewalks, paving an alley as part of an assessment project and adding a curb to a new sidewalk ramp on 3<sup>rd</sup> Street and State Avenue to better tie into the existing yard. The total price increase in the contract for these changes is \$79,410.55.

**Resolution 22-081.** A motion was made by Council Member Avery, seconded by Council Member Specker, that Resolution 22-081, a Resolution Awarding Bids on 2022-2023 Contractor Snow Removal Equipment Contracts, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-081 - Resolution Awarding Bids for  
2022-2023 Contractor Snow Removal Equipment Contracts

Whereas, the City of Brookings opened bids for Snow Removal Equipment on Tuesday, September 6, 2022 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 received. 1) Bowes Construction, Inc., CAT 140M, \$230.00/hour; 2) Bowes Construction, Inc., CAT 140H, \$230.00/hour; 3) Austreim Excavating, LLC, JD 722CH, \$245.00/hour; 4) Austreim Excavating, LLC, JD 722G, \$245.00/hour; 5) Bowes Construction, Inc., CAT 140M no wing, \$210.00/hour

Four (4) Loaders with Reversible Blades: Three bids received. 1) Bowes Construction, Inc., CAT938K, \$230.00/hour; 2) Austreim Excavating, LLC, JD 544K-II, \$255.00/hour; 3) Austreim Excavating, LLC, JD 544K, \$255.00/hour

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

Four (4) Motor Graders with Wings: Five bids received. 1) Bowes Construction, Inc., CAT 140M, \$230.00/hour; 2) Bowes Construction, Inc., CAT 140H, \$230.00/hour; 3) Austreim Excavating, LLC, JD 722CH, \$245.00/hour; 4)

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**Ordinance 22-031.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Ordinance 22-031, an Ordinance certifying the 2023 City of Brookings Property Tax Levy to the Brookings County Finance Officer, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

**Ordinance 22-032.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that Ordinance 22-032, an Ordinance authorizing Budget Amendment No. 8 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 22-077.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Collins, that Resolution 22-077, a Resolution Authorizing the Licensing of Silver Creek Trading Company, LLC, dba Cannabis Connection, as a Medical Cannabis Dispensary in the City of Brookings, be approved. The motion carried by the following vote: Yes: 7 - Niemeyer, Wendell, Collins, Tilton Byrne, Avery, Doran, and Specker.

Resolution 22-077 - A Resolution Authorizing the Licensing of  
Silver Creek Trading Company, LLC, dba Cannabis Connection,  
as a Medical Cannabis Dispensary in the City of Brookings

Whereas, Silver Creek Trading Company, LLC, dba Cannabis Connection, submitted an Application and Application Fee for a Medical Cannabis Dispensary License to the City of Brookings; and

Whereas, the City of Brookings has reviewed the Silver Creek Trading Company, LLC, dba Cannabis Connection, Medical Cannabis Dispensary License Application, and has determined that the Application satisfies the requirements of Ordinance 21-028 and Ordinance 22-026, Ordinances establishing procedures for the Licensing of Medical Cannabis Establishments in the City.

Now, Therefore, Be It Resolved as follows:

- 1) That a City of Brookings Medical Cannabis Dispensary License be issued to Silver Creek Trading Company, LLC, dba Cannabis Connection, subject to an inspection by the City of Brookings prior to Silver Creek Trading Company, LLC, dba Cannabis Connection, commencing operations; and
- 2) That an inspection of Silver Creek Trading Company, LLC, dba Cannabis

Connection, facilities and review of their operational plans be completed by the City Manager or his authorized representative(s) following completion of their facility and prior to operation, with operation contingent upon satisfactory inspection results; and

- 3) That a City of Brookings Medical Cannabis Program Licensing Certification and a South Dakota Medical Cannabis Program Local Government Compliance Certification be issued by the City Clerk; and
- 4) That the South Dakota Department of Health be furnished all documents pertaining to the Silver Creek Trading Company, LLC, dba Cannabis Connection, Application and City of Brookings Medical Cannabis Dispensary License.

**Adjourn.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Doran, that this meeting be adjourned at 6:37 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS, SD

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Oepke G. Niemeyer, Mayor

ATTEST:

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Bonnie Foster, City Clerk