

**Brookings City Council**  
**June 25, 2019**

The Brookings City Council held a meeting on Tuesday, June 25, 2019 at 5:30 PM, at City Hall with the following City Council members present:, Mayor Keith Corbett, Council Members Patty Bacon, Leah Brink, Holly Tilton Byrne, Nick Wendell, and Ope Niemeyer. Council Member Dan Hansen was absent. City Manager Paul Briseno, City Attorney Steve Britzman, and Acting City Clerk Bonnie Foster were also present.

**5:30 PM EXECUTIVE SESSION**

A motion was made by Council Member Niemeyer, seconded by Council Member Tilton Byrne, to enter into Executive Session at 5:30 p.m. for purposes of consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters with the City Council, City Manager, City Attorney, Acting City Clerk, and Jennifer Quail from BEDC present. The motion carried by a unanimous vote. A motion was made by Council Member Wendell, seconded by Council Member Brink, to exit Executive Session at 5:46 p.m. The motion carried by a unanimous vote.

**6:00 PM REGULAR MEETING**

**Consent Agenda:** A motion was made by Council Member Wendell, seconded by Council Member Tilton Byrne, to approve the Consent Agenda. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne  
Absent: 1 – Hansen.

**3.A. Action to approve the agenda.**

**3.B. Action to approve the June 11, 2019 City Council Minutes.**

**3.C. Action on Annual Malt Beverage Alcohol License Renewal for Main Street Pub, 408 Main Avenue.**

**Open Forum**

City Manager Paul Briseno introduced new city staff member Dusty Rodiek, Parks, Recreation & Forestry Director.

**FIRST READING – Ordinance 19-006.** Introduction and First Reading was held on Ordinance 19-006, an Ordinance amending Chapter 2 of the Code of Ordinances of the City of Brookings, and pertaining to the Brookings Public Arts Commission. Second Reading: July 9, 2019.

**FIRST READING – Ordinance 19-007.** Introduction and First Reading was held on Ordinance 19-007, an Ordinance amending Chapter 2 of the Code of Ordinances of the City of Brookings, and pertaining to the Dedicated Public Art Fund. Second Reading: July 9, 2019.

**Temporary Alcohol Application – Volunteer Fire Assoc.** A public hearing was held on a Temporary Alcohol Application for the Brookings Volunteer Fire Association Street Dance to be held in the 300 Block of Main Ave. on July 27, 2019. A motion was made

by Council Member Tilton Byrne, seconded by Council Member Bacon, to approve the Temporary Alcohol Application. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne; Absent: 1 – Hansen.

**On-Off Sale Malt License.** A public hearing was held on a request for an On-Off Sale Malt License for Commonwealth Gaming & Holding Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th St., Suite 105C, legal description: South 114' of the West 69.3' of Lot 20, and the South 114' of Lot 21, Block 21, Block 3, Henry's Addition. A motion was made by Council Member Niemeyer, seconded by Council Member Wendell, the the On-Off Sale License be approved. The motion carried by the following vote: Yes: 5 - Corbett, Niemeyer, Brink, Wendell, and Tilton Byrne; No: 1 – Bacon; Absent: 1 – Hansen.

**Resolution 19-049.** A public hearing was held on Resolution 19-049, a Resolution authorizing the City Manager to sign an On-Off Sale Wine Operating Agreement for Commonwealth Gaming & Holdings, Co., dba Deuces Casino, Bryant Soberg and Kirby Muilenburg, owners, 223 6th Street, Suite 105C, Brookings, South Dakota, legal description: South 114' of the West 69.3' of Lot 20, and the South 114' of Lot 21, Block 21, Block 3, Henry's Addition. A motion was made by Council Member Wendell, seconded by Council Member Brink, that Resolution 19-049 be approved. The motion carried by the following vote: Yes: 5 - Corbett, Niemeyer, Brink, Wendell, and Tilton Byrne; No: 1 – Bacon; Absent: 1 – Hansen.

Resolution 19-049 - Commonwealth Gaming & Holding, Co., dba Deuces Casino  
(Suite 105C) – Wine Operating Agreement

Be It Resolved by the City of Brookings, South Dakota, that the City Council hereby approves a Lease Agreement for the Operating Liquor Management Agreement for Wine between the City of Brookings and Bryant Soberg and Kirby Muilenburg, owners, Commonwealth Gaming & Holdings Co., dba Deuces Casino, for the purpose of a liquor manager to operate the On-Sale Establishment or business for and on behalf of the City of Brookings at 223 6th Street, Suite 105C.

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, with a renewal for another five (5) years.

**Ordinance 19-009.** A second reading was held on Ordinance 19-009, an Ordinance Authorizing Supplemental Appropriation #2 to the 2019 Budget. A motion was made by Council Member Bacon, seconded by Council Member Tilton Byrne, that Ordinance 19-009 be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne; Absent: 1 – Hansen.

**Ordinance 19-010.** A second reading was held on Ordinance 19-010, an Ordinance Amending Section 2-34 of Chapter 2 of the Code of Ordinances of the City of Brookings and pertaining to the First Reading Policy of Ordinances in the City of Brookings. A

motion was made by Council Member Wendell, seconded by Council Member Bacon, that Ordinance 19-010 be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne; Absent: 1 – Hansen.

**Resolution 19-050.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Niemeyer, that Resolution 19-050, a Resolution providing Financial Commitment for a 2019 Federal BUILD Grant to fund the development of the I-29 and 20th Street South Interchange, be approved. A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to amend the Resolution to include “Whereas, acceptance of a successful grant would require written notice from the state of South Dakota that the interchange’s future maintenance will be funded by the state of South Dakota and contained in the STIP.” Public Comment: Carla Gatzke, Jay Bender, Regan Rohl, Al Kurtenbach, Dennis Bielfeldt, John Mills, and Matt Schmidt. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne Absent: 1 – Hansen. The motion on Resoution19-050, as amended, carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne Absent: 1 – Hansen.

Resolution 19-050 - A Resolution Providing Financial Commitment for a 2019 Federal BUILD Grant to fund the development of the I-29 and 20th Street South Interchange

Whereas, the City of Brookings supports the development of a I-29 and 20th Street South Interchange; and

Whereas, the City of Brookings is desirous in providing increased economic development opportunities, connectivity and safety improvements; and

Whereas, the Federal Government has grant funds available through the Better Utilizing Investments to Leverage Development (BUILD) Grant Program; and

Whereas, the City of Brookings will commit the necessary funds in Fiscal Year 2019 toward the local match not to exceed \$2 million; and

Whereas, the City of Brookings supports the Brookings Economic Development Corporation’s application for the I-29 and 20th Street South Interchange Project; and

Whereas, acceptance of a successful grant would require written notice from the state of South Dakota that the interchange’s future maintenance will be funded by the state of South Dakota and contained in the STIP.

Now, Therefore, Be It Resolved that the City Council of the City of Brookings financially supports the described 2019 application for the I-29 and 20th Street South Interchange Project, upon receiving the grant.

**Resolution 19-051.** A motion was made by Council Member Niemeyer, seconded by Council Member Bacon, that Resolution 19-051, a Resolution authorizing the City of

Brookings to Amend the Brookings Marketplace Development Agreement, be approved. Public Comment: Jacob Mills, Dennis Bielfeldt, and John Mills. The motion carried by the following vote: Yes: 5 - Corbett, Niemeyer, Bacon, Wendell, and Tilton Byrne; No: 1 – Brink; Absent: 1 – Hansen.

Resolution 19-051 - Resolution Authorizing the City of Brookings to Amend the Brookings Marketplace Development Agreement

Whereas, the City of Brookings approved a Development Agreement between the City of Brookings and Brookings Marketplace, LLC on December 13, 2016; and

Whereas, the parties now desire to again modify Sections 4 and 7 of said Development Agreement to extend the time of retail recruitment and performance of due diligence activities by the Developer until July 1, 2021.

Now, Therefore, Be It Resolved:

1. That Amendment to the Development Agreement by and between the City of Brookings and Brookings Marketplace, LLC as described herein is hereby approved, and
2. That the Mayor, City Manager and Acting City Clerk are hereby authorized to execute on behalf of the City the documents required to complete the Amendment described herein, consistent with the terms of this Resolution.

**Resolution 19-052.** A motion was made by Council Member Tilton Byrne, seconded by Council Member Bacon, that Resolution 19-052, a Resolution authorizing the Transfer of Real Property to Brookings Economic Development Corporation for Economic Development Purposes, be approved. The motion carried by the following vote: Yes: 6 - Corbett, Niemeyer, Brink, Bacon, Wendell, and Tilton Byrne; Absent: 1 – Hansen.

Resolution 19-052 - A Resolution Authorizing the Transfer of Real Property to Brookings Economic Development Corporation for Economic Development Purposes

Be It Resolved by the City Council of the City of Brookings, South Dakota as follows: Whereas, the Brookings Economic Development Corporation desires to purchase approximately eight (8) acres of real property described as a portion of Block Eleven (11) of Freeland Addition to the City of Brookings, for the price of Sixty-five thousand three hundred forty dollars (\$65,340) per acre.

Whereas, for the express purpose of furthering economic growth and development of the City of Brookings, South Dakota the Brookings Economic Development Corporation agrees to sell, convey or otherwise transfer said property to a business which is, or will be, conducting business in the City of Brookings, South Dakota, and

Whereas, it is in the best interests of the City of Brookings that the City provide its economic development assistance in this matter to aid and assist with the completion of the aforesaid transaction which will further economic development in the City of Brookings; and

Whereas, the City is authorized to enter into this transaction as an economic development activity under the laws of the State of South Dakota;

Now, Therefore, It Is Hereby Resolved by the City Council of the City of Brookings, South Dakota, as follows:

- A. That the City convey title to the above-described property to the Brookings Economic Development Corporation for sale of the above-described property to a business; and
- B. That the Mayor, City Clerk, City Manager and City Attorney are authorized to execute the required documents in accordance with this Resolution.

**City Council member introduction of topics for future discussion.**

A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, that the Sustainability Council study what peer communities are doing to reduce or eliminate the use of plastic bags and single-use plastics for City Council review at a future study session. The motion carried by a unanimous vote.

**Executive Session.**

A motion was made by Council Member Tilton Byrne, seconded by Council Member Wendell, to enter into Executive Session at 7:37 p.m. for purposes of preparing for contract negotiations or negotiating with employees or employee representative with the City Council, City Manager, City Attorney, and Acting City Clerk present. The motion carried by a unanimous vote. A motion was made by Council Member Brink, seconded by Council Member Wendell, to exit Executive Session at 7:57 p.m. The motion carried by a unanimous vote.

**Adjourn.** A motion was made by Council Member Brink, seconded by Council Member Tilton Byrne, that this meeting be adjourned at 8:00 p.m. The motion carried by a unanimous vote.

CITY OF BROOKINGS

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Keith W. Corbett, Mayor

ATTEST:

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Bonnie Foster, Acting City Clerk