

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, September 19, 2017, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT	ABSENT
Council Member Christine M. Erickson	
Council Member Michelle Erpenbach	
Council Member Rick Kiley	
Council Member Greg Neitzert	
Council Member Rex Roling	
Council Member Marshall Selberg	
Council Member Pat Starr	
Council Member Theresa Stehly	
Mayor Mike T. Huether	

INVOCATION

- Dr. Erich McCandless, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Mental Illness Awareness Week - October 1 - 7, 2017

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

MINUTES

- Informational Meeting of Tuesday, September 12, 2017, at 4 p.m.

- City Council Meeting of Tuesday, September 12, 2017, at 7 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the September 15, 2017, memo.
2. Approval of the notice of change orders on the September 15, 2017, memo.
3. Report of Requests for Quotes for Fuel dated: September 5, 2017; #2 Clear Diesel; 9,000 Gallons; Harms Oil (\$2.1999); CHS, Inc., Howes Oil, and Midwest Oil, all no bid. Bid awarded to: Harms Oil
4. Report of Requests for Quotes for Fuel dated: September 6, 2017; Dyed Diesel #2; 7,500 Gallons; Stern Oil (\$1.9086); Harm's Oil (\$1.8974); Midway Service, Cole's Petroleum, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Harm's Oil.
5. Report of Requests for Quotes for Fuel dated: September 11, 2017: Unleaded; 8,500 Gallons; Cole's Petroleum (\$1.9386); Stern Oil (\$1.9431); Harms Oil (\$1.9296); Howes Oil (\$1.9380); Midway Service, CHS, Inc., Olson Oil, all no bid. Bid awarded to: Harms Oil.
6. Report of Requests for Quotes for fuel dated: September 12, 2017; #2 Dyed Diesel; 2,000 Gallons; Midway Service (\$1.9227); Cole's Petroleum (\$2.1422); Stern Oil (\$1.9662); Howes Oil (\$1.9090); Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Howes Oil.

#### APPLICATIONS

7. Special One-Day Liquor License for Prairie Pasta Inc., Johnny Carino s to be operated at The Old Courthouse Museum, 200 West 6th Street, for a wedding on October 14, 2017.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, October 3, 2017, at 7 p.m. for Items 8 through 11:

8. Transfer of 2017 Retail Liquor License, with Sunday sales certificate and video lottery terminals, from W & P of Sioux Falls LLC, Buffalo Wild Wings, 2601 South Louise Avenue, Suite 100, to W & P of Sioux Falls LLC, Buffalo Wild Wings, 640 South Highline Place (CUP not required).
9. New 2017-18 Retail Malt Beverage License for Hydra Beer Company LLC, Hydra Beer Company, 125 West 10th Street (CUP not required).

10. New 2017 Retail Wine License for Hydra Beer Company LLC, Hydra Beer Company, 125 West 10th Street (CUP not required).
11. Special One-Day Malt Beverage License for Sioux Falls Roller Dollz to be operated at Special Olympics South Dakota, 800 East I-90 Lane, for special sporting events on October 7 and November 4, 2017.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Greg Neitzert to approve the Regular Agenda.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to amend the Regular Agenda by moving Agenda Item 52 to immediately follow Item 32 and by moving Agenda Items 55 and 56 to immediately follow Agenda Item 37.

Vote to amend: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

John Block spoke about the Bike to Work Ministry and cycling/pedestrian safety in the Downtown area.

Rick Altof spoke about construction at 33rd St. and Southeastern Ave., traffic regulation in the Old Orchard Neighborhood, and interacting with City employees.

Scott Ehrisman spoke about the findings of research he conducted on City ordinances.

Tim Stanga spoke about others using park shelter facilities without paying proper reservation fees, the reservation process and policy enforcement, safety at the picnic shelter, and he requested a reservation refund on behalf his daughter.

Bob Kolbe spoke about liability in the parks system, mental health, bike

safety, and the elections ordinance.

Jason Mueller spoke about potential impacts to bicyclist, pedestrian, and driver safety and welfare based on right on red changes 11th St. and Minnesota Ave.

David Zokaites began a presentation about proposed changes to the Animal Control ordinance. He was asked to provide the input during 2nd Reading consideration.

Steven Siano provided additional perspective on input he provided at the September 12, 2017, meeting.

Jay Rood thanked the City for crosswalk improvements on East 3rd St.

#### PETITIONS

12. Protest Petition Filed. Pursuant to SDCL 11-4-5 and City Ordinance 160-654 (c), the ordinance does not become effective unless approved by six members of the city council.

As Amended at the City Council Meeting on August 1, 2017: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NORTHEAST CORNER OF E. 6TH ST. AND N. BAHNSON AVE. FROM THE AG AGRICULTURE DISTRICT TO THE LW LIVE-WORK DISTRICT, PETITION NO. 6219-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Action taken at the City Council Meeting of Tuesday, August 8, 2017: Council Member Theresa Stehly was excused from the discussion and vote on Item 10.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 75-17.

A motion was made by Council Member Pat Starr to remand the item to the Planning Commission. Motion died for lack of a second.

Vote to adopt: Roll Call: Yeses, Rex Roling, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 6. Noes, Pat Starr, 1.

Motion Passed.

Council member Theresa Stehly was excused from the discussion and vote on Item 12.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Michelle Erpenbach to approve said Ordinance No. 75-17.

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, 6. Noes, Pat Starr, 1.

Motion Passed.

#### UNFINISHED BUSINESS

13. New 2017 Retail Wine License for Hinkkanen Design & DIY LLC, AR Workshop, 2101 West 41st Street, Suite 29B (CUP not required).
14. New 2017-18 Retail Malt Beverage License for Hinkkanen Design & DIY LLC, AR Workshop, 2101 West 41st Street, Suite 29B (CUP not required).
15. New 2017 Retail Wine License for Dakota Coffee Roasters LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101 (CUP not required). Pending final inspections per Fire, Health & Building Services.
16. New 2017-18 Retail Malt Beverage License for Dakota Coffee Roasters LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101 (CUP not required). Pending final inspections per Fire, Health & Building Services.
17. New 2017 Retail Wine License for CEC Entertainment Inc., Chuck E Cheese s, 2600 South Louise Avenue (CUP not required).
18. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #1, 1601 South Sycamore Avenue.
19. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #2, 4101 South Louise Avenue.
20. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #3, 3000 South Minnesota Avenue.
21. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #4, 1900 South Marion Road.
22. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #5, 3020 East 10th Street.
23. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #6, 1231 East 57th Street.
24. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #7, 2700 West 10th Street.
25. New 2017 Package Delivery License for Taylor Oil Company, Good Spirits Fine Wine & Liquor, 3300 South Minnesota Avenue.
26. Transfer of 2017-18 Retail Malt Beverage License from Madina Otban, Red Lion Coffee Shop, 1122 North Weber Avenue, to Mali Abukku, Erik Futigu, 1122 North Weber Avenue (CUP not required).

27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Stockyards Plaza Inc., to be operated at the Stockyards Ag Experience Barn, 301 East Falls Park Drive, for a reception on September 28, 2017.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to withdraw Item 27.

Vote to withdraw: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

28. Special One-Day Malt Beverage Licenses for Panacea Brewing Company LLC, Remedy Brewing Company to be operated at the 8th & Railroad Center parking lot, 401 East 8th Street, for Oktoberfest on September 29, 30 and October 1, 2017.

29. Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at the following locations: 8th & Railroad Center Lobby, 401 East 8th Street #200A, A League of Your Own, 229 South Phillips Avenue, Atoley Salon & Spa, 317 South Phillips Avenue, Bead Co./Acorn 19, 319 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue #1, Chelsea s Boutique, 220 South Phillips Avenue, Conversation Piece, 301 South Minnesota Avenue, Great Outdoor Store, 201 East Tenth Street, Home Porch Gifts, 217 South Phillips Avenue, J.H. & Sons, 216 South Phillips Avenue, JLG Architects, 232 South Main Avenue, Lot 2029, 207 South Phillips Avenue, Luca s Boutique, 401 East 8th Street, #122, Rehfeld s Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street #114, Say Anything Jewelry, 225 South Phillips Avenue, Simply Perfect, 401 East 8th Street #108, Sioux Falls Design Center, 108 West 11th Street, State Theatre, 316 South Phillips Avenue, Sticks and Steel, 401 East 8th Street #118, Unglued, 218 South Phillips Avenue, and Young & Richard s, 222 South Phillips Avenue, for the First Friday Wine Walk on October 6, 2017.

30. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America, Chef Dominique s Catering to be operated at Lief Erickson Day Camp, 2301 East 26th Street, for a wedding reception on October 7, 2017.

31. Special One-Day Off-Sale Package Wine, Special One-Day Malt Beverage and Special One-Day Wine licenses for the Cathedral of Saint Joseph to be operated at the Cathedral gymnasium, 521 North Duluth Avenue, for a fundraiser on October 20, 2017.

32. Special One-Day Wine License for Siouxland Heritage Museums to be operated at Pettigrew Home & Museum, 131 North Duluth Avenue, for History Happy Hour on November 30, 2017.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to approve Items 13 through 26 and 28 through 32.

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Item 52 was heard at this time. See item for action taken.

33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING APPROPRIATIONS AUTHORIZING AN INCREASE IN PROPERTY TAX REVENUE PURSUANT TO SDCL 10-13-15 AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018.

A motion was made by Council Member Pat Starr and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 88-17.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to amend to reflect changes to the resolution adopting the Budget and Capital Program.

Vote to amend: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, Rick Kiley, Greg Neitzert, 2.  
Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 7. Noes, Theresa Stehly, 1.  
Motion Passed.

34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE CITY ), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO REFUND THE OUTSTANDING CITY OF SIOUX FALLS SALES TAX REVENUE BONDS, SERIES 2007A-1 AND TO PAY THE COST OF ISSUANCE THEREOF, AND PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE TO AN AMENDED AND RESTATED INDENTURE OF TRUST BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE BONDS IN AN AMOUNT SUFFICIENT, TOGETHER WITH FUNDS ON HAND, (I) TO FUND A DEPOSIT TO A SERIES 2007A-1 ESCROW FUND TO REDEEM THE SERIES 2007A-1 BONDS, (II) TO PAY COSTS OF ISSUANCE OF SUCH SERIES 2017 BONDS AND (III) TO FUND CAPITALIZED INTEREST, IF ANY, AND A DEBT SERVICE RESERVE FUND.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to adopt said Ordinance No. 89-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 90: ANIMALS AND FOWL TO PROVIDE FOR A DISTINCTION BETWEEN RESTRICTED AND VICIOUS ANIMALS; TO PROVIDE AN EXCEPTION FOR POLICE DOGS; AND TO PROVIDE FOR ADDITIONAL ENFORCEMENT POWERS OF ANIMAL CONTROL OFFICER.

A motion was made by Council Member Rick Kiley and seconded by Council Member Greg Neitzert to adopt said Ordinance No. 90-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY.

A motion was made by Council Member Pat Starr and seconded by Council Member Christine M. Erickson to withdraw Item 36.

Vote to withdraw: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND APPROVING OFFER TO PURCHASE.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to adopt said Ordinance No. 91-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 7. Noes, Theresa Stehly, 1.  
Motion Passed.

Item 55 was heard at this time. See item for action taken.

Item 56 was heard at this time. See item for action taken.

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, ESTABLISHING THE TAX INCREMENT REVENUES TO BE COLLECTED AND AUTHORIZING THE PAYMENT OF TAX INCREMENT REVENUES TO CR LLOYD ASSOCIATES, INC., IN ACCORDANCE WITH THE



DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. TWENTY-ONE, CITY OF SIOUX FALLS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to adopt said Ordinance No. 92-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, 6. Noes, Pat Starr, Theresa Stehly, 2.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 111: RESTRICTIONS ON ISSUANCE OF MALT BEVERAGE RETAILER LICENSES.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, October 10, 2017, at 7 p.m. for Item 39.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NORTHEAST CORNER OF N. CAREER AVE. AND W. BENSON RD. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN, RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY, AND O OFFICE DISTRICTS TO THE CN CONSERVATION, RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY, LW LIVE-WORK, AND C-4 COMMERCIAL REGIONAL DISTRICTS, PETITION NO. 6725-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 40.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m.

for Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1210 N. WEBER AVE. FROM THE I-2 HEAVY INDUSTRIAL DISTRICT TO THE REC RECREATION DISTRICT, PETITION NO. 7098-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 41.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF N. WESTPORT AVE. AND NORTH OF W. 54TH ST. N. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO. 7234-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

Council Member Theresa Stehly excused herself from the meeting for Items 42 through 45.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 42.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 7. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2308, 2400, AND 2412 S. SUMMIT AVE. FROM THE RD-1 TWIN HOME/ DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE S-2 INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7241-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Christine M. Erickson and seconded by

Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 43.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 7. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2301 W. 46TH ST. FROM THE C-3 COMMERCIAL COMMUNITY DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 7270-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 44.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 45:

45. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF W. 41ST ST. AND S. ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN AND RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICTS, PETITION NO. 7291-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 45.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 7. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 46:

46. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY

LOCATED AT THE SOUTHEAST CORNER OF E. BENSON RD. AND I-229 FROM THE AG AGRICULTURE AND I-1 LIGHT INDUSTRIAL DISTRICTS TO THE I-2 HEAVY INDUSTRIAL DISTRICT, PETITION NO. 7292-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 46.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 47:

47. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF W. 32ND ST. AND WEST OF S. KINDERHOOK AVE. FROM THE LW LIVE-WORK DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 7293-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 47.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 48:

48. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. MAPLE ST. AND N. WESTPORT AVE. FROM THE C-4 COMMERCIAL REGIONAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 7295-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 48.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 49:

49. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NORTHWEST CORNER OF W. 6TH ST. AND S. MINNESOTA AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL AND RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICTS TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7299-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Rex Rolwing to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 49.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 50:

50. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. 4TH ST. AND S. MINNESOTA AVE. FROM THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY AND O OFFICE DISTRICTS TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7307-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 50.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 3, 2017, at 7 p.m. for Item 51:

51. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING, SUBCHAPTER PUD PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 160.449 DOWNTOWN (DT) PUD DISTRICT. Planning Commission recommends approval (5-0).

A motion was made by Council Member Pat Starr and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, October

3, 2017, at 7 p.m. for Item 51.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

52. A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND THE 2018-2022 CAPITAL PROGRAM.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 92-17.

A motion was made by Council Member Pat Starr and seconded by Council Member Christine M. Erickson to amend the 2018-2022 Capital Improvement Program and the Entertainment Venues budget by decreasing project 13013 Sioux Falls Stadium Improvements by \$270,000 within the Entertainment Tax Fund; and Amend the 2018 General Fund Budget by decreasing the Parks and Recreation budget for Great Plains Zoo by \$231,730; and increasing the following: General Fund Parks and Recreation budget by \$76,730 to fund the following contracted services; Center for Active Generations (\$14,980), YMCA After School Program (\$34,000), Volunteers of America Bowden Youth Center (\$27,750); General Fund Economic Development budget by \$95,000 to fund the USD Discovery District (\$50,000) and Sioux Falls Development Foundation (\$45,000); General Fund Transfer budget to Community Development Fund by \$60,000; and Amend the Community Development Fund Affordable Housing budget by \$60,000 to fund the Bishop Dudley Hospitality House; and Amend the Entertainment Tax Fund Entertainment Venues budget by \$231,730 to fund the Great Plains Zoo.

Vote to amend: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, Rick Kiley, Greg Neitzert, 2.  
Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

#### RESOLUTION NO. 92-17

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND THE 2018 2022 CAPITAL PROGRAM.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the Mayor s 2018 Budget and 2018 2022 Capital Program, as amended by the City Council, are hereby approved.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

53. A RESOLUTION APPROVING THE 2017 2018 BUDGET FOR THE SIOUX FALLS CONVENTION & VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to adopt said Resolution No. 95-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 95-17

A RESOLUTION APPROVING THE 2017 2018 BUDGET FOR THE SIOUX FALLS CONVENTION & VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, pursuant to Resolution No. 86-10, the City of Sioux Falls adopted a resolution of intent to establish the Sioux Falls Convention & Visitors Bureau Business Improvement District; and

WHEREAS, in accordance with SDCL Chapter Ch. 9-55 of the South Dakota Codified Laws, the CVB Business Improvement District has imposed an occupational tax of two dollars (\$2.00) per night per rented room for all lodging rooms within the CVB Business Improvement District to market and promote the visitor industry in the city of Sioux Falls and increase the room night sales of lodging facilities within the CVB Business Improvement District; and

WHEREAS, the CVB Business Improvement District Board of Directors has developed an annual budget which is subject to City Council approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the budget dated October 1, 2017, through September 30, 2018, is hereby approved.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

54. A RESOLUTION VACATING A PORTION OF THE MALL AVENUE RIGHT-OF-WAY AS SHOWN ON EXHIBIT A.

A motion was made by Council Member Christine M. Erickson and seconded by

Council Member Michelle Erpenbach to defer Item 54 to the meeting of Tuesday, November 7, 2017, at 7 p.m.

Vote to defer: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

55. A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER TWENTY-ONE, CITY OF SIOUX FALLS.

A motion was made by Council Member Rex Roling and seconded by Council Member Greg Neitzert to adopt said Resolution No. 93-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, 6. Noes, Pat Starr, Theresa Stehly, 2.  
Motion Passed.

RESOLUTION NO. 93-17

A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER TWENTY-ONE, CITY OF SIOUX FALLS.

WHEREAS, the City Planning Commission has recommended the creation of Tax Incremental District Number Twenty-one and has submitted a proposed project plan for Tax Incremental District Number Twenty-one, City of Sioux Falls; and WHEREAS, the City of Sioux Falls has the authority, pursuant to SDCL § 11-9-2 (1), to create Tax Incremental District Number Twenty-one, City of Sioux Falls, and define its boundaries; and

WHEREAS, the property within Tax Incremental District Number Twenty-one, City of Sioux Falls, meets the qualifications and criteria set forth in SDCL 11-9; and

WHEREAS, the District shall be created upon the effective date of the resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That:

1. Declaration of Necessity and Enhancement. The City Council declares the necessity for the creation of the Tax Incremental District Number Twenty-one, City of Sioux Falls, pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area 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. Improvements to the District will likely add millions of dollars in assessed valuation to the District and will significantly and substantially enhance the value of all property in the District.
2. Findings of Blight. The City Council finds that more than twenty-five percent (25%) of the property in the District is a blighted area as defined in SDCL 9-11.
3. Findings of Maximum Percentage of Tax Incremental Districts. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed ten percent (10%) of the total assessed valuation of the City.
4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, the Tax Incremental District Number Twenty-one, City of Sioux Falls (the District ). The District is hereby created on the day this resolution becomes



effective, which shall be 20 days after publication.

5. Designation of District boundaries. The District shall have boundaries as shown and described on Exhibit A.

6. The project shall comply with the City's adopted 2040 Comprehensive Plan, all City and state ordinances, resolutions, regulations, and codes, the approved Project Plan, and the approved Development Agreement, all as amended from time to time.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

56. A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER TWENTY-ONE, CITY OF SIOUX FALLS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to adopt said Resolution No. 94-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, 6. Noes, Pat Starr, Theresa Stehly, 2.

Motion Passed.

RESOLUTION NO. 94-17

A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER TWENTY-ONE, CITY OF SIOUX FALLS.

WHEREAS, the City Planning Commission recommended approval of the Project Plan for Tax Incremental District Number Twenty-one, City of Sioux Falls, which identifies certain development activities and public improvements to be undertaken by the City or private developers and paid for, in whole or in part, from the collection of tax increment revenues derived from the district; and WHEREAS, the tax increment project plan is both economically feasible and in conformity with the adopted 2025 Downtown Plan and the adopted Shape Sioux Falls 2040 Comprehensive Plan; and

WHEREAS, the District will be created upon the effective date of this resolution; and

WHEREAS, it is anticipated that project costs, less the finance costs, in the plan will be expended prior to October 13, 2022;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the Project Plan for Tax Incremental District Number Twenty-one, as attached, is hereby approved.

BE IT FURTHER RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That pursuant to SDCL 11-9, the Mayor is authorized to negotiate all necessary tax increment bonds, contracts, and agreements for implementation of the Project Plan, including the transfer of positive tax increment revenues to the developer(s) of the real property within District Twenty-one up to a maximum of \$4,100,000 plus interest, all in accordance with state statutes, including, but not limited to, SDCL 11-9, all local ordinances, resolutions, regulations,

codes, growth plans, and the adopted Project Plan, all such bonds, contracts, and agreements subject to final Council approval and any Council-approved resolution or ordinance regarding Tax Incremental District Number Twenty-one becoming effective.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

57. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT A VEHICLE TO THE CITY OF DAVIS, SD.

A motion was made by Council Member Rick Kiley and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 96-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Theresa Stehly, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 96-17

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT A VEHICLE TO THE CITY OF DAVIS, SD.

WHEREAS, the City of Sioux Falls (Police Department) has declared as surplus and no longer requires the following vehicle: 2013 Ford Explorer, fixed asset No. 3014772, VIN No. 1FM5K8AR6DGA63852; and

WHEREAS, the City of Sioux Falls would like to gift the above-described surplus property to the City of Davis, SD; and

WHEREAS, the City of Davis, SD, finds it desirable to acquire the above-described surplus property and has agreed to accept the gift;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the gifting by the City of Sioux Falls of the above-described Ford Explorer to the City of Davis, SD, is hereby approved.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

58. A RESOLUTION APPROVING A GRANT OF EASEMENT FOR ARC OF DREAMS SCULPTURE.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Marshall Selberg to adopt said Resolution No. 97-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 97-17

A RESOLUTION APPROVING A GRANT OF EASEMENT FOR ARC OF DREAMS SCULPTURE.  
WHEREAS, the Parks and Recreation Board met on August 15, 2017, to consider the erection of the work of art known as Arc of Dreams Sculpture within any park or parkway under the control of the Board pursuant to SDCL 9-38-35; and  
WHEREAS, the Parks and Recreation Board recommended approval of the erection of the work of art known as Arc of Dreams Sculpture pursuant to SDCL 9-38-35; and  
WHEREAS, the Visual Arts Commission met on August 15, 2017, and recommended approval of the placement of the work of art known as Arc of Dreams Sculpture as contemplated in the Grant of Easement for Arc of Dreams Sculpture ;  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
Section 1. That it approves a document titled Grant of Easement for Arc of Dreams Sculpture, being an easement granted to SculptureWalk, Inc., for installation, inspection, repair, and maintenance of a sculpture over and across City property. The easement is attached hereto and hereby made part of this Resolution as if set out in full.  
Section 2. That the Grant of Easement for Arc of Dreams is authorized pursuant to 9-38-35.  
Section 3. That the Mayor is authorized to sign on behalf of the City the attached Grant of Easement for Arc of Dreams Sculpture and any and all other documents that may be necessary to grant the easement as contemplated therein.  
Section 4. That the City shall publish this Resolution, without attachments, after its passage. The attachments are on file and available for inspection in the office of the City Clerk.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco  
City Clerk

59. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF AN AUDIT COMMITTEE MEMBER TO THE CITY COUNCIL AUDIT COMMITTEE.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Resolution No. 98-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa

Stehly, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 98-17

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF AN AUDIT COMMITTEE MEMBER TO THE CITY COUNCIL AUDIT COMMITTEE.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it gives its advice and consent to the following member to serve on the Audit Committee pursuant to Ordinance 120-05, Section 32.022 of the Code of Ordinances of Sioux Falls, SD:

Name	Committee	Term
Rose Grant	Audit Committee	Appointed for a term from September 2017 to August 2020.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco  
City Clerk

60. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. (ANNEXATION 6914-2017 DALCO Addition (E. 57th St. and Hwy. 11))

A motion was made by Council Member Rick Kiley and seconded by Council Member Greg Neitzert to adopt said Resolution No. 99-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 99-17

ANNEXATION 6914-2017 DALCO Addition (E. 57th St. and Hwy. 11)

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality; WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2040 Comprehensive Plan.
3. There is access to the major street network along Hwy. 11.

4. Sewer is available to site immediately.
5. Water service will be available to site by the end of 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
That the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Lincoln County, and the boundary of the city is hereby extended to include such territory.  
Tract 1 of DALCO Addition in the N1/2 of the SE1/4 of Section 8, T101-R48W of the 5th PM, including adjacent Highway 11 right-of-way, Lincoln County, SD  
And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco  
City Clerk

61. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH PROPERTY OWNERS OF THE 85TH STREET BUSINESS DISTRICT JOINT VENTURE GROUP.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 100-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 100-17

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH PROPERTY OWNERS OF THE 85TH STREET BUSINESS DISTRICT JOINT VENTURE GROUP.  
WHEREAS, the City of Sioux Falls, SD, is authorized, pursuant to SDCL 9-4-1.1, to establish an agreement with any landowner specifying the conditions under which the landowner's property may be annexed; and  
WHEREAS, current landowners shown on Exhibit A for the 85th Street Business District Joint Venture Group are willing to enter into an Annexation Agreement and/or Development Agreement, provided the general terms of the attached preannexation petition are satisfied, a petition for annexation is signed and submitted to the City of Sioux Falls by the current landowners, and provided that annexation is approved prior to any development; and  
WHEREAS, anticipated financial commitments for the development of the 85th Street and I-29 area by the different entities involved are shown on Exhibit B; and  
WHEREAS, all parties have been working in good faith efforts to prepare this Preannexation Agreement and agree this document is nonbinding and is dependent upon approved budget appropriations, final development agreements, and successful right-of-way negotiations; and

WHEREAS, the City of Sioux Falls and the current landowners agree to the general terms of the petition for Preannexation Agreement shown on Exhibit C including future annexation stipulations, costs, and potential assessments as will more fully appear in any future Annexation Agreement and/or Development Agreement; and  
WHEREAS, the total credits provided by the City to specific properties is shown on Exhibit D. These credits will not be available until after current landowners lands are annexed and approved for platting;  
WHEREAS, the City of Tea and Lincoln County have resolved to support the premises herein (Exhibits E and F);  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
The City of Sioux Falls hereby approves the Preannexation Agreement between City of Sioux Falls and the 85th Street Business District Joint Venture Group as shown in the above preamble and in Exhibits A-D.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco  
City Clerk

62. A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED IN LOTS 3 & 4 IN BLOCK 1 OF WINDSWEPT MEADOWS ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

A motion was made by Council Member Rick Kiley and seconded by Council Member Rex Roling to adopt said Resolution No. 101-17.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 101-17

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED IN LOTS 3 & 4 IN BLOCK 1 OF WINDSWEPT MEADOWS ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs part of the permanent utility easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent utility easement was established by plat and filed in Book 3 of Plats on page 47 in the office of the Register of Deeds for Lincoln County, SD, on May 6, 2009;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the release of part of the permanent utility easement area, as shown on attached Exhibit A, and affecting the real property described as Lots 3 & 4 in Block 1 of Windswept Meadows Addition to the City of Sioux Falls, Lincoln County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this

resolution.

Date adopted: 09/19/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

ADJOURNMENT

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Pat Starr to adjourn at 10:18 p.m.

Mayor Mike T. Huether called for a voice vote. All members voted yes.  
Motion Passed.

Thomas M. Greco  
City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

AS YOUR ELECTED REPRESENTATIVES, THE CITY COUNCIL VALUES YOUR INPUT AND FEEDBACK. WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING WHEN THAT ITEM IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS IN ANY MANNER SHOULD UNDERSTAND THAT THEIR COMMENTS MAY BECOME PART OF THE OFFICIAL RECORD AND SUBJECT TO REVIEW BY ALL PARTIES AND THE PUBLIC.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG). LINKS TO EACH MEETING S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK. CITYLINK REBROADCAST: INFORMATIONAL MEETINGS, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO CITYLINK AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.