

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, July 17, 2018, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT	ABSENT
Council Member Pat Starr	
Council Member Theresa Stehly	
Council Member Janet Brekke	
Council Member Christine M. Erickson	
Council Member Rick Kiley	
Council Member Greg Neitzert	
Council Member Marshall Selberg	
Council Member Curt Soehl	
Mayor Paul TenHaken	

INVOCATION

- Rev. Dr. John Christopherson, Senior Pastor, First Lutheran Church

PLEDGE OF ALLEGIANCE

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.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to amend Item 6 by replacing "Carl V. Carlson" with "Roland Machinery".

Vote to amend: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

MINUTES

- Informational Meeting of Tuesday, July 10, 2018, at 4 p.m.
- City Council Meeting of Tuesday, July 10, 2018, at 7 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the July 13, 2018, memo.
2. Approval of the notice of change orders on the July 13, 2018, memo.
3. Sioux Area Metro Report of Requests for Quotes for Fuel dated: June 28, 2018; #2 Clear Diesel; 9,000 Gallons; Harms Oil (\$2.5537); Howes Oil, CHS, Inc., and Midwest Oil, all no bid. Bid awarded to: Harms Oil.
4. Sioux Area Metro Report of Requests for Quotes for Fuel dated: July 6, 2018; #2 Clear Diesel; 9,000 Gallons; Harms Oil (\$2.626); Howes Oil (\$2.647); CHS, Inc. and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: July 10, 2018; Unleaded Ethanol (8,500 Gallons); #2 Dyed Diesel (7,500 Gallons); Midway Service (\$2.3489 Unleaded & \$2.3020 Diesel); Cole s Petroleum (\$2.3872 Unleaded & \$2.3381 Diesel); Stern Oil (\$2.4325 Unleaded & \$2.3796 Diesel); Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.
6. Statement of Claim for Mechanic's and/or Materialman's Lien relating to a Public Improvement Project from Roland Machinery Company for work and materials furnished to Merryman Excavation, Inc. regarding the Brandon Road Pump Station.

#### APPLICATIONS

7. Renewal of 2018-19 Retail Malt Beverage Licenses for Big 19 Inc., Stubbies Bar & Grill, 5024 South Cliff Avenue.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 7, 2018, at 7 p.m. for Items 8 through 12:

8. Transfer of 2018 Retail Wine License from Envy Nails and Spa LLC, Envy Nails and Spa, 4521 East 26th Street, to Jada Le, Lux Nails and Spa, 4521 East 26th Street.

9. Transfer of 2018-19 Retail Malt Beverage License from Mali Abukku, Erik Futigu, 1122 North Weber Avenue, to Erik Futigu LLC, Erik Futigu, 1122 North Weber Avenue.
10. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls to be operated at 417 South 2nd Avenue (northwest parking lot at the corner of 13th Street and 2nd Avenue), for an outdoor movie on August 30, 2018.
11. Special One-Day Malt Beverage and Special One-Day Wine License for Downtown Sioux Falls to be operated at the State Theatre, 316 South Phillips Avenue, for a fundraiser on October 12, 2018.
12. Special One-Day Liquor License for K & P Enterprises, The Nickel Spot to be operated in the parking lot at 2918 South Minnesota Avenue, for a special event on August 18, 2018.

Set a date of hearing for Tuesday, August 14, 2018, at 7 p.m. for Items 13 through 17:

13. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REPAIR OR DEMOLITION OF REAL PROPERTY IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.
14. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR LITTER REMOVAL IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.
15. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR SNOW REMOVAL IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.
16. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR TREE TRIMMING IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.
17. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MOWING OF WEEDS AND GRASSES IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Mary Fleming spoke about the verbal mistreatment of her grandchild by a traffic controller at a street construction site.

Bruce Danielson described the impressive legacy of Cleveland Abbot who will be inducted into the South Dakota Hall of Fame this fall. Abbot died in 1955.

Catherine Riffle spoke about her concerns that the homeless are not being cared for properly and invited others to attend the Mid-America Advocates Forum at the Main Library on July 19.

James Reed spoke about his experience with homelessness.

Dennis Nelson spoke about his role as President of Mid-America Advocates and described the work he's done on behalf of the homeless.

Rhea Kantos spoke about the use of pesticides and herbicides in public parks and residential areas and recommended an alert system to notify the public of their use.

Denny M. Rowles spoke about firearms being stolen from unlocked vehicles and recommended an ordinance be passed to address individuals who leave firearms in such vehicles.

Tim Stanga spoke about Ash Trees and the Emerald Ash Border. He recommended the City provide more information about the issue and to explain why Project TRIM was suspended through Labor Day.

David Zokaites spoke about the recently-passed public input ordinance and Park Board transparency.

Steven Siano spoke about letters he sent to the Mayor and City Council, his efforts to obtain medical records, and his housing situation.

Sierra Broussard spoke about the availability of certain hotels/motels to the homeless and County resources for those with substance abuse problems.

Nancy Hanson spoke about safety at Falls Park and recommended that effective signs be put up and a study be done; she also recommended getting input from the community at large.

UNFINISHED BUSINESS

18. New 2018 Retail Wine License for Crystal Investments Inc., Black Diamond Casino, 5113 West 41st Street (CUP not required).
19. New 2018 Retail Wine License for Hoffberger Escape LLC, Escape 605, 119 West 10th Street (CUP not required). Pending plan review, permit issuance and final inspections per Building Services.
20. New 2018-19 Retail Malt Beverage License for Hoffberger Escape LLC, Escape 605, 119 West 10th Street (CUP not required). Pending plan review, permit issuance and final inspections per Building Services.
21. New 2018-19 Retail Malt Beverage License, requesting off-sale use only, for Sioux Falls Grocery 1, LLC, Pomegranate Market, 4815 South Louise Avenue (CUP not required).
22. New 2018 Retail Wine License, requesting off-sale use only, for Sioux Falls Grocery 1, LLC, Pomegranate Market, 4815 South Louise Avenue (CUP not required).
23. Special One-Day Malt Beverage License for El Riad Shriners to be operated at Nyberg s Ace, 200 East 12th Street parking lot, First Avenue between 11th Street & 14th Streets, East 12th Street & East 13th Street between First and Second Avenue, for a special event on August 11, 2018.
24. Special One-Day Liquor License for IJK Inc., Stogeez Cigar Lounge to be operated in the Avera Health IT parking lot, 212 East 11th Street, for Stogeez Steakout on July 28, 2018.
25. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America to be operated at Avera Research Institute, 6001 South Sharon Avenue, for a ribbon cutting on August 7, 2018.
26. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Multi-Cultural Center of Sioux Falls, 515 North Main Avenue, for a fundraiser on December 8, 2018.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Pat Starr to approve Items 18 and 21 through 26.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Christine M. Erickson to amend Item 23 by inserting from Second Avenue to Phillips Avenue after East 12th Street and before & East 13th Street .

Vote to amend: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

A motion was made by Council Member Pat Starr and seconded by Council Member Christine M. Erickson to approve Items 19 and 20.

Vote to approve: Roll Call: Yeses, Pat Starr, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 7. Noes, Theresa Stehly, 1.  
Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF W. 26TH ST. AND WEST OF S. ELMWOOD AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 8534-2018, 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 Curt Soehl and seconded by Council Member Rick Kiley to remand Item 27 to the Planning Commission Meeting of Wednesday, August 8, 2018, at 6 p.m.

Vote to remand: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Highways and Streets, \$900,000; Parks, \$800,000)

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Ordinance No. 60-18.

A motion was made by Council Member Pat Starr to amend said Ordinance No. 60-18 by changing the amount for Parks to \$500,000. The motion died for a lack of a second.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

29. 2nd Reading: AN ORDINANCE APPROVING THE ANNUAL RATE INCREASE PURSUANT TO

THE FRANCHISE AGREEMENT FOR GROUND AMBULANCE SERVICE FOR THE CITY OF SIOUX FALLS WITH PARAMEDICS LOGISTICS SOUTH DAKOTA, LLC.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to adopt said Ordinance No. 61-18.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 30:

30. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1240 & 1246 E. 21ST ST. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, NO. 8743-2018, 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 Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 30.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 31:

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7201 S. CLIFF AVE. FROM THE C-2 COMMERCIAL NEIGHBORHOOD STREETCAR DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT PETITION NO. 8731-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0) with the following condition: maximum building size of 35,000 sqft.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 31.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m.  
for Item 32:

32. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF N. MARION RD. AND SOUTH OF W. 54TH ST. N. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT TO THE RS SINGLE FAMILY RESIDENTIAL SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS, NO. 8720-2018, 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 Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 32.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m.  
for Item 33:

33. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTH OF E. 69TH ST. AND WEST OF S. GRAYSTONE AVE. FROM THE CN CONSERVATION DISTRICT TO THE REC RECREATION DISTRICT, NO. 8691-2018, 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, August 7, 2018, at 7 p.m. for Item 33.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m.  
for Item 34:

34. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF S. HIGHLINE AVE. AND E. ARROWHEAD PKWY. FROM THE MH MANUFACTURED RESIDENTIAL HOUSING AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS TO THE CN CONSERVATION DISTRICT NO. 8690-2018, 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, August 7, 2018, at 7 p.m. for Item 34.



Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 35:

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. BROKEN ARROW ST. AND N. BAHNSON AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8689-2018, 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 Curt Soehl to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 35.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 36:

36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF S. WESTPORT AVE. AND W. 10TH ST. FROM THE C-3 COMMERCIAL COMMUNITY DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8687-2018, 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, August 7, 2018, at 7 p.m. for Item 36.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. 41ST ST. AND S. SOUTHEASTERN AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8686-2018, 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 Curt Soehl to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 37.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 38:

38. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. 6TH ST. AND N. CLEVELAND AVE. FROM THE RA-2, APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8685-2018, 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 Greg Neitzert to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 38.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 401 S. JOLIET AVE. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT NO. 8684-2018, 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 Curt Soehl to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 39.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S. LOUISE AVE. AND W. 95TH ST. FROM THE AG AGRICULTURAL DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT NO. 8749-2018, 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 Janet Brekke and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, August 7, 2018, at 7 p.m. for Item 40.

Vote to set a date: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

41. A RESOLUTION VACATING THE S. ELMWOOD AVE. RIGHT-OF-WAY FROM THE S. RIGHT-OF-WAY LINE OF W. 26TH ST. TO THE N. RIGHT-OF-WAY LINE OF W. 28TH ST.

A motion was made by Council Member Pat Starr and seconded by Council Member Theresa Stehly to withdraw Item 41.

Vote to withdraw: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

42. A RESOLUTION AMENDING THE 2018-2022 CAPITAL PROGRAM. (Public Works-Highways & Streets, \$900,000; Parks, \$800,000)

A motion was made by Council Member Janet Brekke and seconded by Council Member Marshall Selberg to adopt said Resolution No. 62-18.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 62-18

A RESOLUTION AMENDING THE 2018-2022 CAPITAL PROGRAM.

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

That the 2018 2022 Capital Program shall be amended as follows:

Public Works Highways and Streets

Amend Capital Improvements Program Project No. 11015, Collector Street

Expansion, by increasing the amount of funding by \$800,000 for construction of USD Discovery District infrastructure in 2018. The additional funding will

require an increase in appropriations that will be funded from the Sales/Use Tax Fund unobligated fund balance.

Amend Capital Improvements Program Project No. 11079, Asphalt Street Rehabilitation, by increasing the amount of funding for construction by \$100,000 in 2018. The additional funding will require an increase in appropriations that will be funded from the Sales/Use Tax Fund unobligated fund balance.

Parks

Amend the Other Capital Expenditures Program by adding tree removal equipment in 2018. The estimated cost is \$500,000 and will require an increase in appropriations that will be funded from the Sales/Use Tax Fund unobligated fund balance.

Amend Capital Improvements Program Project No. 14001, Falls Park Development, by increasing the amount of funding by \$300,000 for construction of a viewing platform in 2018. The additional funding will require an increase in appropriations that will be funded from the Sales/Use Tax Fund unobligated fund balance.

Date adopted: 07/17/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

43. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT FOUR STOCKYARD STREET SIGNS TO STOCKYARDS PLAZA, INC. D/B/A STOCKYARDS AG EXPERIENCE.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Rick Kiley to adopt said Resolution No. 63-18.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 63-18

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT FOUR STOCKYARD STREET SIGNS TO STOCKYARDS PLAZA, INC. D/B/A STOCKYARDS AG EXPERIENCE.

WHEREAS, Sioux Falls Public Works hereby declares as surplus the four stockyard street signs as shown in Attachment A;

WHEREAS, Stockyards Plaza, Inc. d/b/a Stockyards Ag Experience operates the Stockyards Ag Experience Plaza to communicate the story of agriculture in our economy and society, and showcase its impact on our region, and finds it desirable to acquire the above-described surplus property;

WHEREAS, Stockyards Plaza, Inc. d/b/a Stockyards Ag Experience is a South Dakota nonprofit corporation; and

WHEREAS, pursuant to SDCL § 6-5-2, the City of Sioux Falls may gratuitously transfer the above-described surplus property to Stockyards Plaza, Inc. d/b/a Stockyards Ag Experience;

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

Section 1. That the recitals above are adopted and are incorporated herein by this reference as if set out in full;

Section 2. That it is deemed advisable and to the best interest of the public to gratuitously transfer by gift without payment four stockyard street signs to Stockyards Plaza, Inc. d/b/a Stockyards Ag Experience; and

Section 3. That gifting the surplus property of four stockyard street signs by the City of Sioux Falls to Stockyards Plaza, Inc. d/b/a Stockyards Ag Experience is to be used by Stockyards Ag Experience Plaza for public purpose. is hereby approved.

Date adopted: 07/17/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

44. A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN THAT PART OF VACATED DAKOTA AVE. LYING ADJACENT TO LOTS 14 THRU 18, BLOCK 20 AND LOTS 1 THRU 5, BLOCK 29, BROOKINGS & EDMUNDS ADDITION TO SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Rick Kiley to adopt said Resolution No. 64-18.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 64-18

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN THAT PART OF VACATED DAKOTA AVE. LYING ADJACENT TO LOTS 14 THRU 18, BLOCK 20 AND LOTS 1 THRU 5, BLOCK 29, BROOKINGS & EDMUNDS ADDITION TO SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent easement areas 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.

WHEREAS, the permanent public utility easements in, over, and upon vacated Dakota Ave. lying adjacent to Lots 14 thru 18, Block 20 and Lots 1 thru 5, Block 29, Brookings & Edmunds Addition to Sioux Falls, was reserved by City Resolution and filed in Book 216 of Misc. on pages 679-682 in the office of the Register of Deeds for Minnehaha County, SD, on April 18, 1994.

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

That it approves the release of the permanent easement areas, as shown on attached Exhibit A, and affecting the real property described as that part of vacated Dakota Ave. lying adjacent to Lots 14 thru 18, Block 20 and Lots 1 thru 5, Block 29, Brookings & Edmunds Addition to City of Sioux Falls, Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this

resolution.

Date adopted: 07/17/18.

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

45. A RESOLUTION APPROVING THE RELEASE OF PART OF A DECLARATION OF RIGHT-OF-WAY EASEMENT LOCATED IN LOT 6, BLOCK 10 OF SILVER VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Greg Neitzert to adopt said Resolution No. 65-18.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 65-18

A RESOLUTION APPROVING THE RELEASE OF PART OF A DECLARATION OF RIGHT-OF-WAY EASEMENT LOCATED IN LOT 6, BLOCK 10 OF SILVER VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs part of the declaration of right-of-way 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.

WHEREAS, the declaration of right-of-way easement was established by a declaration of right-of-way easement and filed in Book 160 of Misc. on pages 24 26 in the office of the Register of Deeds for Minnehaha County, SD, on February 24, 1986.

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

That it approves the release of part of a declaration of right-of-way easement area, as shown on attached Exhibit A, and affecting the real property described as Lot 6, Block 10 of Silver Valley Addition to the City of Sioux Falls, Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 07/17/18.

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

46. A RESOLUTION DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND AUTHORIZING THE LISTING THEREOF.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to defer Item 46 to the City Council Meeting of Tuesday, August 7, 2018, at 7 p.m.

Vote to defer: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

47. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENT NO. 1 TO AGREEMENT REGARDING LEVITT SHELL AT FALLS PARK WEST.

A motion was made by Council Member Curt Soehl and seconded by Council Member Marshall Selberg to adopt said Resolution No. 66-18.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 66-18

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AMENDMENT NO. 1 TO AGREEMENT REGARDING LEVITT SHELL AT FALLS PARK WEST.

WHEREAS, Friends of Levitt Shell Sioux Falls, Inc. ( Levitt Sioux Falls ), the Mortimer & Mimi Levitt Foundation, and the City of Sioux Falls, SD, are parties to an Agreement Regarding Levitt Shell at Falls Park West dated as of February 26, 2016, and filed as City Agreement No. 16-0111 (the Agreement ); and WHEREAS, the parties desire to enter into an Amendment No. 1 to Agreement to modify the coverage limits of certain insurance coverage which Levitt Sioux Falls is required to provide under the Agreement for the protection of all three parties hereto.

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

Section 1. The document attached hereto and made a part of this resolution entitled Amendment No. 1 to Agreement Regarding Levitt Shell at Falls Park West is hereby approved.

Section 2. The Mayor is authorized to sign the Amendment No. 1 to Agreement after it is ratified and executed by Levitt Sioux Falls and the Mortimer & Mimi Levitt Foundation.

Section 3. The City shall publish the resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 07/17/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

48. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to adopt said Resolution No. 67-18.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 67-18

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Alex Halbach	Board of Historic Preservation	Appointed for a term from July 2018 to July 2021 (to replace Stephen Jackson).
Lynn Remmers	Board of Historic Preservation	Appointed for a term from July 2018 to July 2021 (to replace Robbie Veurink).
Sandra Callies	Visual Arts Commission	Appointed for a term from July 2018 to July 2021 (to replace Larry Crane).
Keith Lapour	Visual Arts Commission	Appointed for a term from July 2018 to February 2019 (to fill the unexpired term of Larry Ling).

Date adopted: 07/17/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

49. REPORT OF THE JUNE 30, 2018, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.



NEW BUSINESS

50. A MOTION APPROVING TRAVEL FOR THREE COUNCIL MEMBERS AND ONE COUNCIL STAFF MEMBER TO THE NATIONAL LEAGUE OF CITIES ANNUAL CONFERENCE IN NOVEMBER, 2018.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve Item 50.

A motion was made by Council Member Janet Brekke and seconded by Council Member Theresa Stehly to amend Item 50 by replacing "three" with "four".

Vote to amend: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Marshall Selberg, Curt Soehl, 7. Noes, Greg Neitzert, 1.  
Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Marshall Selberg, Curt Soehl, 7. Noes, Greg Neitzert, 1.  
Motion Passed.

51. A MOTION APPROVING TRAVEL FOR FOUR COUNCIL MEMBERS AND ONE COUNCIL STAFF MEMBER TO THE NATIONAL LEAGUE OF CITIES ANNUAL CONFERENCE IN NOVEMBER, 2018.

A motion was made by Council Member Janet Brekke and seconded by Council Member Marshall Selberg to withdraw Item 51.

Vote to withdraw: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
Motion Passed.

ADJOURNMENT

A motion was made by Council Member Marshall Selberg and seconded by Council Member Pat Starr to adjourn at 9:36 p.m.

Vote to adjourn: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, Christine M. Erickson, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 8. Noes, 0.  
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.