

City of Sioux Falls Council Meeting
Minutes
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, September 4, 2018, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

PRESENT

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

ABSENT

INVOCATION

- Major Thomas Riggs, Corps Officer, The Salvation Army

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A request was made by Council Member Theresa Stehly to remove the following projects from Item 1 and place them on the Regular Agenda for discussion: Sequence 1; Pavilion Public Parking Ramp Repairs; Bryan Wiseman General Contracting Inc.; Public Parking; to award an informal contract; \$39,659. Sequence 5; Parks Door Replacements; Steve Drenth Construction; Parks and Recreation; to award an informal contract; \$35,428. Sequence 8; Parks Sidewalk Repair and Replacements; Krump Concrete, LLC; Parks and Recreation; to award an informal contract; \$40,324. And Sequence 11; ADA Accessibility Improvements; JSA Engineers and Land Surveyors Inc.; Highways & Streets; amendment to professional services agreement; \$16,170.

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

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

Motion Passed.

MINUTES

- Budget Hearings of Tuesday, August 21, 2018, at 3 p.m.
- Informational Meeting of Tuesday, August 28, 2018, at 4 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 31, 2018, memo.
2. Approval of notice of change orders on the August 31, 2018, memo.
3. A memorandum dated July 31, 2018, declaring surplus property.
4. Statement of Claim for Mechanic's and/or Materialman's Lien relating to a Public Improvement Project from A thru Z Consulting and Distributing, Inc. for work and materials furnished to WS Construction Management, LLC, regarding the Great Plains Zoo Brown Bear Exhibit Remodel.
5. Sioux Area Metro. Report of Requests for Quotes for Fuel dated: August 16, 2018; 7,500 Gallons of #2 Clear Diesel; Harms Oil, Inc. (\$2.5625); Howes Oil (\$2.557); CHS, Inc. and Midwest Oil, both no bid. Bid awarded to: Howes Oil.
6. A communication was received from the Butterfly House & Aquarium requesting permission to consume, but not sell, wine and malt beverages at the Butterfly House & Aquarium, 4320 S. Oxbow Avenue, on Thursday, September 27, 2018, from 5 p.m. to 6:30 p.m., pursuant to SDCL 35-1-5.5 for a Women's Leadership Mixer event.
7. A communication was received from Messiah New Hope Lutheran Church requesting permission to consume, but not sell, wine and malt beverage at Messiah New Hope Lutheran Church, 5001 East Madison Street, on Sunday, September 30, 2018, from 11 a.m. to 2 p.m., pursuant to SDCL 35-1-5.5 for a 25th anniversary celebration.
8. A communication was received from the Great Plains Zoo & Delbridge Museum of Natural History requesting permission to consume, but not sell, liquor, wine, and/or malt beverages at the Great Plains Zoo and Delbridge Museum of Natural History, 805 S. Kiwanis Avenue, pursuant to SDCL 35-1-5.5, for appreciation events on the following dates: October 2, 4, 5, 6, 9, 11, 12, 13, 16, 18, 19, 20, 23, 25, 26, 27 and 30, 2018.
9. A communication was received from Nikki Wallenberg requesting permission to consume, but not sell, liquor, wine, or beer at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, November 3, 2018, pursuant to SDCL 36-1-5.5, for a holiday event.

APPLICATIONS

10. Special One-Day Liquor License for Ovations Food Services LP to be operated at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for an awards show on September 13, 2018.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 18, 2018, at 7 p.m. for Items 11 through 17:

11. New 2018 Retail Wine License for Touchmark at All Saints Retirement, Waterford at All Saints, 111 West 17th Street (CUP not required).
12. New 2018-19 Retail Malt Beverage License for Touchmark at All Saints Retirement, Waterford at All Saints, 111 West 17th Street (CUP not required).
13. New 2018-19 Retail Malt Beverage License for The Diamond Room LLC, The Diamond Room, 3501 West 57th Street (CUP not required).
14. Special One-Day Malt Beverage License for The Episcopal Church of the Good Shepherd, 2707 West 33rd Street, for a church fundraiser on September 21, 2018.
15. Special One-Day Wine License for Downtown Sioux Falls to be operated at the 8th & Railroad Center Lobby, 401 East 8th Street, on for a fundraiser on October 5, 2018.
16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for South Dakota Trust Association to be operated at Augustana University, 2001 South Summit Avenue, for a networking event on October 16, 2018.
17. Special One-Day Liquor License for Butterfly House & Aquarium, 4320 South Oxbow Avenue, for a fundraiser on November 9, 2018.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

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

PUBLIC INPUT

Bruce Danielson spoke about reviewing items on the Consent Agenda.

Catherine Riffle spoke about the need to help the homeless in Sioux Falls.

Tim Stanga spoke about code enforcement procedures when reviewing complaints.

Sierra Broussard spoke about prostitution activity and unlicensed massage therapy in Sioux Falls.

Robert Kolbe spoke about ambulance service and what is expected from the service.

Jannelle Cain spoke about inspection and permit procedures.

Item 1 was heard at this time.

A motion was made by Council Member Janet Brekke to waive the public input time restrictions on regular items during the Regular Agenda.

Council Member Theresa Stehly made a substitute motion to change the time limit to five minutes.

Council Member Theresa Stehly made a motion to amend the previous motion to change the time limit to five minutes. This motion died for a lack of a second.

Vote to waive: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, 3.
Noes, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Erickson, 5.
Motion Failed.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve Sequence 1; Pavilion Public Parking Ramp Repairs; Bryan Wiseman General Contracting Inc.; Public Parking; to award an informal contract; \$39,659.

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

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve: Sequence 5; Parks Door Replacements; Steve Drenth Construction; Parks and Recreation; to award an informal contract; \$35,428.

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

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve Sequence 8; Parks Sidewalk Repair and Replacements; Krump Concrete, LLC; Parks and Recreation; to award an informal contract; \$40,324.

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

Motion Passed.

A motion was made by Council Member Rick Kiley and seconded by Council Member Christine M. Erickson to approve Sequence 11; ADA Accessibility Improvements; JSA Engineers and Land Surveyors Inc.; Highways & Streets; amendment to professional services agreement; \$16,170.

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

Motion Passed.

UNFINISHED BUSINESS

18. New 2018-19 Retail Malt Beverage License, requesting off-sale use only, for 57th Street Lodging Partners, Hampton Inn & Suites, 3701 West Avera Drive (CUP not required).
19. New 2018 Retail Wine License for Elegant Nail Bar LLC, Elegant Nail Bar, 3010 West 57th Street, with Conditional Use Permit (6910-2017) being approved on July 5, 2017. Pending final inspection per Health.
20. New 2018-19 Retail Malt Beverage License for Elegant Nail Bar LLC, Elegant Nail Bar, 3010 West 57th Street, with Conditional Use Permit (6910-2017) being approved on July 5, 2017. Pending final inspection per Health.
21. New 2018-19 Retail Malt Beverage License for MR2T LP, R Wine Bar, 322 East 8th Street (CUP not required). Pending final inspection per Fire.
22. New 2018 Retail Wine License for MR2T LP, R Wine Bar, 322 East 8th Street (CUP not required). Pending final inspection per Fire..
23. New 2018 Retail Wine License for Tslat Inc., JJ s Axes & Ales, 4810 South Western Avenue, with Conditional Use Permit (8262-2018) being approved on May 3, 2018.
24. New 2018-19 Retail Malt Beverage License for Tslat Inc., JJ s Axes & Ales, 4810 South Western Avenue, with Conditional Use Permit (8262-2018) being approved on May 3, 2018.
25. Transfer of 2018 Off Sale Delivery License for Tslat Inc., JJ s Wine, Spirits & Cigars, 3000 West 57th Street (CUP not required).
26. Special One-Day Malt Beverage License for Sioux Falls Women Run Training Team to be operated at Great Outdoor Store, 201 East 10th Street, for a

movie event on September 6, 2018.

27. Special One-Day Malt Beverage License for Augustana University, 2001 South Summit Avenue, for a Hasting South Dakota Archeological Society Meeting on September 7, 2018.
28. Special One-Day Wine License for Augustana University, 2001 South Summit Avenue, for a Hasting South Dakota Archeological Society Meeting on September 8, 2018.
29. Special One-Day Wine License for Butterfly House & Aquarium, 4320 South Oxbow Avenue, for a fundraiser on September 8, 2018.
30. Special One-day Malt Beverage and One-Day Wine Licenses for Catering America to be operated at Vance Thompson Vision, 3101 West 57th Street, for a social on September 10, 2018.
31. Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at the following locations: 605 Running Company, 124 South Phillips Avenue; Acorn 19/Bead Co., 319 South Phillips Avenue; American State Bank, 223 South Phillips Avenue; Architecture Incorporated, 415 South Main Avenue; Atoley Salon and Spa, 317 South Phillips Avenue; CH Patisserie, 309 South Phillips Avenue; Chelsea s Boutique, 220 South Phillips Avenue; Great Outdoor Store, 201 East 10th Street; JH & Sons, 216 South Phillips Avenue; JLG Architects, 232 South Main Avenue; LPM Properties/Legacy Development, 101 South Main Avenue; NV Studio, 106 West 11th Street; Nyberg s Ave, 200 East 12th Street; Palmer Lea, 206 South Phillips Avenue; 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; Sticks & Steel, 401 East 8th Street #118; TH Grey, 330 South Phillips Avenue; Urban Archeology, 126 South Phillips Avenue; and Young & Richards, 222 South Phillips Avenue, for an Art Wine Walk on October 5, 2018.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Rick Kiley to approve Items 18-22 and 25-31.

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

Motion Passed.

A motion was made by Council Member Rick Kiley and seconded by Council Member Christine M. Erickson to approve Items 23 and 24.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL, SUBCHAPTER: ORGANIZATION AND PROCEDURE, SECTION 30.013, ORDER OF BUSINESS.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to withdraw Item 32.

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

33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5311 W. 26TH ST. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8906-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Pat Starr and seconded by Council Member Rick Kiley to adopt said Ordinance No. 76-18.

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

34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5501 E. RED OAK DR. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8904-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Pat Starr to adopt said Ordinance No. 77-18.

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

35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2513 S. EISENHOWER AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8905-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member

Greg Neitzert to adopt said Ordinance No. 78-18.

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

Motion Passed.

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2801 N. CAREER AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE LW LIVE-WORK DISTRICT, NO. 8804-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 80-18.

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

Motion Passed.

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 509 N. COVELL AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, NO. 8791-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 81-18.

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

Motion Passed.

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5100 N. HEALY LN. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, NO. 8879-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to adopt said Ordinance No. 75-18.

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

Motion Passed.

39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF INTERSTATE 29 NORTH AND NORTH OF W. 12TH ST. FROM THE C-4 COMMERCIAL REGIONAL DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8892-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Ordinance No. 74-18.

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

40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. 26TH ST. AND 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 (8-0) with the following condition: Principle and accessory uses within the NF1, NF2, UT1, UT2, BCF1, BCF2, BCF3, and RE1 forms be limited to Accessory off-site parking.

A motion was made by Council Member Janet Brekke and seconded by Council Member Theresa Stehly to waive the public input time limit for this item only.

Vote to waive: Roll Call: Yeses, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 4. Noes, Rick Kiley, Greg Neitzert, Marshall Selberg, Christine M. Erickson, 4. Mayor Paul TenHaken broke the tie by voting yes.
Motion Passed.

A motion was made by Council Member Curt Soehl and seconded by Council Member Rick Kiley to adopt said Ordinance No. 79-18.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Theresa Stehly, Christine M. Erickson, 6. Noes, Pat Starr, Janet Brekke, 2.
Motion Passed.

HEARINGS AND RESOLUTIONS

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

A motion was made by Council Member Curt Soehl and seconded by Council Member Rick Kiley to adopt Item 41.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Christine M. Erickson, 5. Noes, Pat Starr, Theresa Stehly, Janet

Brekke, 3.
Motion Failed.

42. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR INSTALLATION OF
CONCRETE SIDEWALK ON W. 9TH ST., N. 4TH AVE., AND EAST OF BENSON RD.

A motion was made by Council Member Rick Kiley and seconded by Council Member
Curt Soehl to adopt said Resolution No. 80-18.

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

RESOLUTION NO. 80-18

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR INSTALLATION OF CONCRETE
SIDEWALK ON W. 9TH ST., N. 4TH AVE., AND EAST OF BENSON RD.

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

SECTION 1. That the special assessment roll for the assessment of the property
assessable for installation of concrete sidewalk on W. 9th St., N. 4th Ave.,
and east of Benson Rd. pursuant to a contract entered into with Hulstein
Excavating on the 7th day of April, 2016, be and the same is hereby approved
and the assessment as set out in the special assessment roll approved this date
is hereby levied against the property described therein and becomes a lien
against such property upon filing of the special assessment roll in the City
Accounting Office.

SECTION 2. The assessment may be paid in five annual installments and shall be
collected under Plan One Collection by County Treasurer as provided in SDCL 9-
43.

Date adopted: 09/04/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will
become due and payable at the office of the County Treasurer in five
installments, together with interest at 4.75 percent per annum in accordance
with SDCL 9-43. The first installment, with interest, will become due with
general taxes and will be payable at the County Treasurer s Office on January
1, 2019; the remaining installments, with interest, will become due and payable
annually at the County Treasurer s Office on January 1 of each following year
until total assessment, with interest, is paid in full.

Notice is further given that the special assessment roll approved in the above
resolution was filed with the City Clerk s Office on the 4th day of September,
2018, and that the whole of said assessment, or any installment thereof, may be
paid without interest to the City Accounting Office on or before 30 days after
said filing.

Thomas M. Greco

City Clerk

43. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REMOVAL AND REPLACEMENT OF CONCRETE SIDEWALK AT VARIOUS LOCATIONS.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to adopt said Resolution No. 78-18.

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

Motion Passed.

RESOLUTION NO. 78-18

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REMOVAL AND REPLACEMENT OF CONCRETE SIDEWALK AT VARIOUS LOCATIONS.

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

SECTION 1. That the special assessment roll for the assessment of the property assessable for removal and replacement of concrete sidewalk at various locations pursuant to a contract entered into with Smith and Smith on the 18th day of July, 2016, be and the same is hereby approved and the assessment as set out in the special assessment roll approved this date is hereby levied against the property described therein and becomes a lien against such property upon filing of the special assessment roll in the City Accounting Office.

SECTION 2. The assessment may be paid in five annual installments and shall be collected under Plan One Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 09/04/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will become due and payable at the office of the County Treasurer in five installments, together with interest at 4.75 percent per annum in accordance with SDCL 9-43. The first installment, with interest, will become due with general taxes and will be payable at the County Treasurer s Office on January 1, 2019; the remaining installments, with interest, will become due and payable annually at the County Treasurer s Office on January 1 of each following year until total assessment, with interest, is paid in full.

Notice is further given that the special assessment roll approved in the above resolution was filed with the City Clerk s Office on the 4th day of September, 2018, and that the whole of said assessment, or any installment thereof, may be paid without interest to the City Accounting Office on or before 30 days after said filing.

Thomas M. Greco

City Clerk

44. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF DONAHOE FARMS ADDITION. The Planning Commission recommends approval (8-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 81-18.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Janet Brekke, Christine M. Erickson, 7. Noes, 0. Council Member Theresa Stehly was absent for the discussion and vote on this item.
Motion Passed.

RESOLUTION NO. 81-18

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF DONAHOE FARMS ADDITION.

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

That the preliminary plan of Donahoe Farms Addition to the City of Sioux Falls, Lincoln County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 09/04/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

45. A RESOLUTION APPROVING THE RELEASE OF 20' PERMANENT DRAINAGE EASEMENTS AND PERMANENT BMP/DRAINAGE EASEMENT LOCATED IN LOT 2, BLOCK 3 OF BROOKS CROSSING ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to adopt said Resolution No. 82-18.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Janet Brekke, Christine M. Erickson, 7. Noes, 0. Council Member Theresa Stehly was absent for the discussion and the vote on this item.
Motion Passed.

RESOLUTION NO. 82-18

A RESOLUTION APPROVING THE RELEASE OF 20' PERMANENT DRAINAGE EASEMENTS AND PERMANENT BMP/DRAINAGE EASEMENT LOCATED IN LOT 2, BLOCK 3 OF BROOKS CROSSING ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the portions of the 20' permanent drainage easements and permanent BMP/drainage 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 20' permanent drainage easements and permanent BMP/drainage easement over, under, and upon Lot 2, Block 3 of Brooks Crossing Addition to the City of Sioux Falls, Minnehaha County, SD, were granted by plat in Book 71 of Plats on page 24 in the office of the Register of Deeds for Minnehaha County, SD, on February 20, 2009;

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 now described as Lot 2, Block 3 of Brooks Crossing 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: 09/04/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

46. A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NO. 17.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Resolution No. 83-18.

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

Motion Passed.

RESOLUTION NO. 83-18

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NO. 17.

WHEREAS, on October 16, 2012, the City adopted Resolution No. 81-12 creating the Sioux Falls Tax Increment District No. 17 pursuant to SDCL 11-9; and

WHEREAS, on October 16, 2012, the City adopted Resolution No. 82-12 approving the Project Plan for the Sioux Falls Tax Increment District No. 17 pursuant to SDCL 11-9; and

WHEREAS, the development and improvements occurred as outlined within the Project Plan; and

WHEREAS, a total reimbursement of \$973,293.79 was remitted to the Dakota Pointe Apartments LLC;

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
That Sioux Falls Tax Increment District No. 17 is hereby dissolved.

Date adopted: 09/04/18 .

Paul TenHaken

Mayor
ATTEST:
Thomas M. Greco
City Clerk

47. A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NO. 19.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Resolution No. 84-18.

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

RESOLUTION NO. 84-18

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NO. 19.
WHEREAS, on August 4, 2015, the City adopted Resolution No. 66-15 creating the Sioux Falls Tax Increment District No. 19 pursuant to SDCL 11-9; and
WHEREAS, on August 4, 2015, the City adopted Resolution No. 67-15 approving the Project Plan for the Sioux Falls Tax Increment District No. 19 pursuant to SDCL 11-9; and
WHEREAS, the anticipated development and public improvements did not occur and the tax increment financing did not originate;
If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
That Sioux Falls Tax Increment District No. 19 is hereby dissolved.

Date adopted: 09/04/18 .

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. 79-18.

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

Motion Passed.

RESOLUTION NO. 79-18

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 |
|-------------------|---|--|
| Dr. Katie Skinner | Falls Community Health Center Governing Board | Reappointed for a term from September 2018 to September 2021. |
| Randy Osterloo | Housing and Redevelopment Commission | Appointed for a term from September 2018 to January 2019 (to fill the unexpired term of John Peckham). |
| Michael Jones | Zoning Board of Adjustment | Reappointed for a term from September 2018 to September 2021. |
| Graham Oey | Zoning Board of Adjustment | Appointed for a term from September 2018 to September 2021 (to replace Pat Reagan). |

Date adopted: 09/04/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

49. A RESOLUTION ADOPTING WRITTEN FINDINGS BY THE CITY COUNCIL DENYING A PROPOSAL TO DEMOLISH HOMES AT 414 W. 19TH ST., 1005, 1023, AND 1027 S. DAKOTA AVE. IN THE SHERMAN HISTORIC DISTRICT AND THE ISSUANCE OF ANY RELATED PERMIT BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSAL AND THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE.

Council Member Christine M. Erickson recused herself from the reading and the vote on this item.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Curt Soehl to adopt Item 49.

A motion was made by Council Member Janet Brekke and seconded by Council Member Pat Starr to amend the main motion by adding the following statement to Item 17: rehabilitation of the properties is capable of being done.

A motion was made by Council Member Janet Brekke and seconded by Council Member

Pat Starr to withdraw their amended motion.

A motion was made by Council Member Pat Starr and seconded by Council Member Rick Kiley to defer this item to the City Council Meeting on Tuesday, September 11, 2018, at 7 p.m.

Vote to defer: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.

Motion Passed.

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)

50. REPORT OF THE AUGUST 31, 2018, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Pat Starr and seconded by Council Member Marshall Selberg to adjourn the meeting at 10:40 p.m.

Mayor Paul TenHaken called for a voice vote. All members voted yes.

Motion Passed.

Tamara Jorgensen, MMC
Assistant 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: PUBLIC INPUT IS ALLOWED FOR ANY ITEM ON THE REGULAR AGENDA. NOTWITHSTANDING THE PRECEDING SENTENCE, THE PUBLIC INPUT PORTION AT THE START OF A CITY COUNCIL MEETING SHALL LAST NO MORE THAN 30 MINUTES AND WILL BE LIMITED TO TOPICS WHICH DO NOT INVOLVE THOSE REGULAR AGENDA ITEMS APPEARING LATER IN THE AGENDA AS PUBLIC INPUT WILL BE RECEIVED WHEN THAT ITEM IS UP FOR DISCUSSION. PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME AND UNLESS FURTHER TIME IS GRANTED BY THE COUNCIL, SHALL BE LIMITED TO THREE 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. 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 FOR SPECIFIC PROGRAMMING TIMES.