

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, December 5, 2017, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolfing

Council Member Marshall Selberg

Council Member Pat Starr

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

TUBACHRISTMAS - December 9, 2017

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Human Rights Day - December 10, 2017

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

Council Member Rick Kiley requested the following items be pulled from Item 1 and placed for consideration on the Regular Agenda between Items 48 and 49:

Public Parking; 19002; New Parking Facility; Utility relocate; Xcel Energy; for \$149,637 and \$97,772.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Informational Meeting Minutes of Tuesday, November 21, 2017, at 4 p.m.

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City Council Meeting of Tuesday, November 21, 2017, at 7 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,

* November 28, 2017, at 5 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the December 1, 2017, memo.

2. Approval of the notice of change orders on the December 1, 2017, memo.

Report of Requests for Quotes for Fuel dated: November 20, 2017; #1 & #2 Dyed Diesel; 7,500 Gallons (3,750 Gallons each); Cole's Petroleum (\$2.1923

3. #1 DM & \$1.9820 #2 DM); Stern Oil (\$2.2483 #1 DM & \$2.0162 #2 DM); Midway Service, Harms Oil, Howes Oil, CHS, Inc., Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

APPLICATIONS

The following abatement was recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

Spencer Aalsburg, 4509 S. Magnolia Avenue, for 2016 property taxes in the

4. amount of \$977.87. Reason: Owner-Occupied status removed in error.

5. Renewal of 2018 Retail Wine License for Hinkkanen Design & DIY LLC, AR Workshop, 2101 West 41st Street, Suite 29B.

6. Renewal of 2018 Package Liquor License for Lewis Drugs Inc, Lewis Drug, 136 South Phillips Avenue.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 19, 2017, at 7 p.m. for Items 7 through 18:

Transfer of New 2017-18 Retail Malt Beverage License for Dakota Coffee

7. Roasters LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101, to include the shopping commons area, and courtyard area as part of their licensed premise (CUP not required).

New 2017 Retail Wine License for Dakota Coffee Roasters LLC, The Source

8. Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101, to include the shopping commons area, and courtyard area as part of their licensed premise (CUP not required).

Renewal of 2018 Retail Wine License for Dakota Coffee Roaster, LLC, The

9. Source Coffee Roastery and Taproom, 421 North Phillips Ave, Suite 101, shopping commons area and courtyard area (CUP not required).
10. New 2018 Retail Wine License for Shaeffer DIY Instructing LLC, Board and Brush, 1813 South Marion Road, Suite 101 (CUP not required).
11. New 2017-18 Retail Malt Beverage License for Shaeffer DIY Instructing LLC, Board and Brush, 1813 South Marion Road, Suite 101 (CUP not required).

Transfer of 2017 Package Liquor License from Grevco Inc, Shop N Cart West,

12. 5112 West 12th Street, to Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
13. Renewal of 2018 Package Liquor License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101.

New 2017-18 Package Malt Beverage License for Davlon Inc., Shop N Cart

14. Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
15. New 2017-18 Retail Malt Beverage License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite, 102, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.

Request to include video lottery terminals with the new 2017-18 Retail Malt

16. Beverage License for Davlon Inc., business name to be determined, 400 North West Avenue, Suite 102, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
17. New 2018-19 Package Malt Beverage License for Grevco Inc., Shop N Cart North, 1029 North Minnesota Avenue (CUP not required; this is addition to an existing license).

Special One-Day Malt Beverage Licenses for Sioux Falls Roller Dollz to be

18. operated at Special Olympics South Dakota Unify Center, 800 E I-90 Lane, for roller derby games on February 3, March 24 and April 28, 2018.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed.

PUBLIC INPUT

Scott Ehrisman spoke about railroad switching yards.

Heather Pastor spoke about being homeless.

Bruce Danielson spoke about trusting government officials.

Amaza Dupree spoke about a child custody issue.

Angela Starr spoke about the ordinance covering exotic animals.

Steven Siano spoke about owning an exotic pet, privacy and the teachings of Jesus Christ.

PETITIONS

Deferred from the City Council Meeting on Tuesday, November 7, 2017:
CONDITIONAL USE PERMIT APPEAL (7248-2017): 6000 S. Doral Ave., Lot 1A
of Lot M of Prairie Green Addition, City of Sioux Falls. The request

19. for the Conditional Use Permit is for the applicant to provide wood siding in lieu of brick and parking in the front yard for the proposed building in the O, Office District. Approved at the October 4, 2017 Planning Commission Meeting 7-Yes, 1-No without a condition.

Council Member Rex Rolwing excused himself from the discussion and the vote on Item 19.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to withdraw Item 19.

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

Motion Passed.

UNFINISHED BUSINESS

20. Rescind New 2017 Retail Wine License for The Stag's Head LLC, The Stag's Head, 6205 Old Village Place.

21. Rescind New 2017-18 Retail Malt Beverage License for The Stag's Head LLC, The Stag's Head, 6205 Old Village Place.

Rescind request to include video lottery terminals with the new 2017-18 Retail

22. Malt Beverage License for The Stag's Head LLC, The Stag's Head, 6205 Old Village Place.

23. New 2017-18 Retail Malt Beverage License for Estetica Unisex Mia LLC, Salon Mia, 3801 West 34th Street, Suite 115 (CUP not required).

- Transfer 2017 Package Liquor License from Libation Station LLC, Libation Station, 5009 South Western Avenue, Suite 200, to IJK Inc, Stogeez Cigar Lounge, 201 East 11th Street (CUP not required; this is addition to an existing license).
24. Station, 5009 South Western Avenue, Suite 200, to IJK Inc, Stogeez Cigar Lounge, 201 East 11th Street (CUP not required; this is addition to an existing license).

25. Renewal of 2018 Package Liquor License for IJK Inc, Stogeez Cigar Lounge, 201 East 11th Street.

26. New 2018 Retail Wine License for Everest Indian Cuisine Inc, Everest Indian

Cuisine, 3406 South Western Avenue (CUP not required).

27. New 2017-18 Retail Malt Beverage License for Everest Indian Cuisine Inc, Everest Indian Cuisine, 3406 South Western Avenue (CUP not required).

Transfer of 2017 Package Liquor License from Grevco Inc, Shop N Cart North, 1029 North Minnesota Avenue, to Davlon Inc., Shop N Cart Northwest, 400

28. North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017. Pending final inspections per Fire, Health and Building Services.

Renewal of 2018 Package Liquor License for Davlon Inc., Shop N Cart

29. Northwest, 400 North West Avenue. Pending final inspections per Fire, Health and Building Services.

New 2017-18 Package Malt Beverage License for Davlon Inc., Shop N Cart

30. Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017. Pending final inspections per Fire, Health and Building Services.

New 2017-18 Retail Malt Beverage License for Davlon Inc., Shop N Cart

31. Northwest, 400 North West Avenue, with Conditional Use Permit (6224-2017) being approved on February 1, 2017. Pending final inspections per Fire, Health and Building Services.

Request to include video lottery terminals with the new 2017-18 Retail Malt Beverage License for Davlon Inc., business name to be determined, 400 North

32. West Avenue, Suite 102, with Conditional Use Permit (6224-2017) being approved on February 1, 2017. Pending final inspections per Fire, Health and Building Services.

New 2018-19 Package Malt Beverage License for Grevco Inc., Shop N Cart

33. North, 1029 North Minnesota Avenue (CUP not required; this is addition to an existing license).

34. Special One-Day Package Off-Sale Wine license for Rotary West to be operated at 4712 East Alpine Circle, for a fundraiser on December 22, 2017.

Special One-Day Malt Beverage and Special One-Day Wine License for Avera

35. McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street, for a fundraiser on February 3, 2018.

Special One-Day Liquor License for Avera McKennan Foundation to be operated

36. at Avera Prairie Center, 1000 East 23rd Street, for a fundraiser on April 13, 2018.

Various Retail Liquor, Package Liquor, and Retail Wine License renewals for

37. 2018 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve Items 20-27 and Items 34-36.

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

Motion Passed.

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

Council Member Michelle Erpenbach to withdraw Items 28-33.

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

Motion Passed.

A motion was made by Council Member Pat Starr and seconded by Council Member Rick Kiley to defer the following renewal in Item 37 until Tuesday, December 19, 2017: Shop 'N Cart North, 1029 N. Minnesota Avenue.

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

Motion Passed.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to approve all of the remaining renewals in Item 37.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. WEBER AVE. AND E. 7TH ST. 38. FROM THE REC RECREATION DISTRICT TO THE LW LIVE-WORK DISTRICT, PETITION NO. 7457-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 113-17.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. TOWNSLEY AVE. AND SOUTH OF W. 85TH ST. FROM THE 0 39. OFFICE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICT, PETITION NO. 7505-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rex Roling to adopt said Ordinance No. 114-17.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF E. 57TH ST. AND WEST OF HIGHWAY 11 FROM THE AG 40. AGRICULTURE DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 7519-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Ordinance No. 115-17.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6506 AND 6512 S. VINTAGE PL. FROM THE RS SINGLE-FAMILY 41. RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 7584-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

Council Member Marshall Selberg excused himself from the discussion and the vote on Item 41.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Ordinance No. 116-17.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1010 E. 9TH ST. FROM THE RT-1 SINGLE-FAMILY 42. RESIDENTIAL-TRADITIONAL DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7593-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 117-17.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7101, 7107, AND 7113 S. MAN CAVE PL. FROM THE O OFFICE 43. DISTRICT TO THE RCD RESIDENTIAL CLUSTER DEVELOPMENT PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7618-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 118-17.

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

Motion Passed.

2ndReading: 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 PAY THE COSTS TO DESIGN, CONSTRUCT, EQUIP, AND FURNISH A NEW PARKING STRUCTURE TO INCLUDE APPROXIMATELY 520 PARKING SPACES AND RELATED IMPROVEMENTS TO BE LOCATED AT 110 S. MALL AVE. IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA (TOGETHER WITH SITE, STREET AND DRAINAGE IMPROVEMENTS, LANDSCAPING, AND RELATED FACILITIES AND EQUIPMENT) AND 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 SECOND 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 (I) TO FUND A DEPOSIT OF BOND PROCEEDS IN AN AMOUNT NOT TO EXCEED \$16,500,000 TO A CONSTRUCTION FUND TO FINANCE SUCH PROJECT; (II) TO PAY COSTS OF ISSUANCE OF SUCH 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 Christine M. Erickson to adopt said Ordinance No. 119-17.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Pat Starr to amend by removing any references to the second penny.

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

Motion Failed.

Council Member Pat Starr absented himself from the meeting.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SIOUX

45. FALLS AND LEGACY DEVELOPMENT & CONSULTING COMPANY, LLC ALONG WITH OTHER DOCUMENTS, AMENDMENTS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE DEVELOPMENT AGREEMENT.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 120-17.

A motion was made by Council Member Theresa Stehly to amend Item 45 by: Inserting a new sentence "J" under Article 16. Sentence J shall read, "Developer shall identify any investor in this project, and make this available to public inspection. The Developer shall comply with this provision for the duration of the agreement."

Motion dies for lack of a second.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND JOURNEY GROUP COMPANY
46. FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR THE PARKING RAMP AT THE CORNER OF 10TH ST. AND MALL AVE., ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Resolution No. 110-17.

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

Motion Passed.

RESOLUTION NO. 110-17

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND JOURNEY GROUP COMPANY FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR THE PARKING RAMP AT THE CORNER OF 10TH ST. AND MALL AVE., ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

WHEREAS, on August 26, 2016, the City of Sioux Falls (the "City") requested proposals for Construction Manager at Risk services for the parking ramp at the corner of 10th St. and Mall Ave.; and

WHEREAS, as a result of the request for proposal process, the City selected Journey Group Company to provide Construction Manager at Risk services;

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

Section 1. That the documents for Construction Manager at Risk services between the City and Journey Group Company (the "Agreement"), substantially in the form

attached hereto and made a part of this resolution, are hereby approved.

Section 2. That the Mayor is authorized to sign such Agreement after it is ratified and executed by Journey Group Company.

Section 3. In connection with the authorization of the Agreement, the Mayor, City Clerk, Finance Director, Public Works Director, City Attorney, and other officers of the City shall be authorized to enter into, execute, and deliver the Agreement and the following documents, instruments, and agreements as may be deemed necessary by the parties, consistent with the terms of the Agreement and consistent with the authorized project budget:

- a. Amendments, change orders, and change directives to the Agreement;
- a. Insertion of exhibits into the Agreement which are mutually agreed upon by the parties; and
- a. Other required documents or instruments which are mutually agreed upon by the parties pursuant to the Agreement.

The execution and delivery of all such amendments, change orders, change directives, exhibits, documents, and instruments is hereby authorized and directed to be in such form and to contain such terms, consistent with this resolution, as the officers of the City designated herein shall determine to be necessary and desirable.

Section 4. 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: 12/05/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

47. A RESOLUTION AMENDING THE 2017-2021 CAPITAL PROGRAM.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 111-17.

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

Motion Passed.

RESOLUTION NO. 111-17

A RESOLUTION AMENDING THE 2017-2021 CAPITAL PROGRAM.

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

That the 2017-2021 Capital Program shall be amended as follows:

Public Parking

Amend Capital Improvements Program Project No. 19002, New Parking Facility, by changing the amount of funding to \$20,600,000 in 2017 for engineering and construction of a new parking facility. The funding will be provided by \$4,100,000 in cash and \$16,500,000 in bond proceeds.

Date adopted: 12/05/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERMANENT ACCESS AND PARKING EASEMENT BETWEEN THE CITY OF SIOUX FALLS AND EARTHBEND PROPERTIES, 48. LLC AND RIVERVIEW HOLDINGS, LLC, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to adopt Said Resolution No. 112-17.

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

Motion Passed.

RESOLUTION NO. 112-17

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERMANENT ACCESS AND PARKING EASEMENT BETWEEN THE CITY OF SIOUX FALLS AND EARTHBEND PROPERTIES, LLC AND RIVERVIEW HOLDINGS, LLC, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

WHEREAS, the City is the owner of the following described real estate in Sioux Falls, Minnehaha County, SD:

Lot 1, Block 1A, Brown Drug Addition to the City of Sioux Falls, Minnehaha County, SD;

WHEREAS, EarthBend Properties, LLC and Riverview Holdings, LLC (the "Owners") are the owners of the following described real estate in Sioux Falls, Minnehaha County, SD:

Lot 2, Block 1A, Brown Drug Addition to the City of Sioux Falls, Minnehaha County, SD; and

WHEREAS, City is delivering this Easement to the Owners in exchange for the Owners granting the attached Permanent Drainage Easement, and the attached Temporary Construction Easement, over and across the Owners' property to the City;

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

Section 1. That it approves the document titled "Permanent Access and Parking Easement," being an easement for ingress, egress, and parking over and across the east 15' of City's property, as more fully described in the attached Permanent Access and Parking Easement granted to EarthBend Properties, LLC and Riverview Holdings, LLC. The easement is attached hereto and hereby made part of this Resolution as if set out in full.

Section 2. That the Mayor is authorized to sign on behalf of the City the attached Permanent Access and Parking Easement and any and all other documents, amendments, or other instruments as may be deemed necessary and appropriate consistent with the terms of the Permanent Access and Parking Easement including, but not limited to, the attached Permanent Drainage Easement, and Temporary Construction Easement, hereby made part of this Resolution as if set out in full.

Section 3. 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: 12/05/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

Item 1 was heard at this time.

Council Member Rick Kiley excused himself from the discussion and the vote on Item 1.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve the following items from Agenda Item 1: Public Parking; 19002; New Parking Facility; Utility relocate; Xcel Energy; for \$149,637 and \$97,772.

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Greg Neitzert, Rex Roling, Marshall Selberg, 5. Noes, Theresa Stehly, 1.

Motion Passed.

Deferred from the City Council Meetings of Tuesday, September 19, and 49. Tuesday, November 7, 2017: A RESOLUTION VACATING A PORTION OF THE MALL AVENUE RIGHT-OF-WAY AS SHOWN ON EXHIBIT A.

Council Member Pat Starr returned to the meeting.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to adopt said Resolution No. 113-17.

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

Noes, Theresa Stehly, Pat Starr, 2.

Motion Passed.

RESOLUTION NO. 113-17

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

WHEREAS, a petition of the owners of:

Lot 1 of Block 1A of Brown Drug Addition to the City of Sioux Falls,
Minnehaha County, South Dakota

WHEREAS, the hearing was held on September 19, 2017, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition hereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has been used as a street and no longer serves a useful public purpose.

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

That the Mall Avenue right-of-way as shown on Exhibit A be and the same hereby is declared vacated, and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 12/05/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTINGUOUS TERRITORY WITHIN THE CORPORATE 50. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. Annexation 7107-2017 - Leubecher 2nd Addition (E. 69th St. & S. Bahnson Ave.).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Resolution No. 114-17.

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

Motion Passed.

RESOLUTION NO. 114-17

ANNEXATION 7107-2017-Leubecher 2nd Addition (E. 69th St. & S. Bahnson Ave.)

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

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 SDCLChapter 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 E. 69th Street.
4. Sewer is available to site immediately.
5. Water service is available to site immediately.

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.

Tracts 1, 2, and 3 of Leubecher 2nd Addition, in the W1/2 of the NE1/4 of Section 18, Township 100N, Range 49 W 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, SouthDakota, a duly certified transcript of this resolution.

Date adopted: 12/05/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

51. A RESOLUTION AMENDING THE CITY OF SIOUX FALLS ENGINEERING DESIGN STANDARDS.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Marshall Selberg to adopt said Resolution No. 115-17.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to amend the chapter for this item by updating Table 15-1 to show "PVC or innerduct" as the "Conduit" type for "Local-Residential" roadways.

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

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Theresa Stehly, Christine M.

Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 115-17

A RESOLUTION AMENDING THE CITY OF SIOUX FALLS ENGINEERING DESIGN STANDARDS.

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

That the City of Sioux Falls Engineering Design Standards adopted by Resolution 107-99 are hereby amended by revising Chapter 15, Roadway Lighting. The revised chapter is attached to this resolution by reference.

Date adopted: 12/05/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

52. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to adopt said Resolution No. 116-17.

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

Motion Passed.

RESOLUTION NO. 116-17

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

WHEREAS, Falls Community Health Dental Clinic intends to place an existing bronze sculpture known as "Open Wide" by artist Dr. John Wightman; and

WHEREAS, the sculpture depicts a dental patient and measures approximately 18" in height and 12" in width, 14" in length; and

WHEREAS, the proposed indoor site placement for the "Open Wide" sculpture be prominently displayed and anchored on an existing wooden pedestal, located within the waiting room of the Falls Community Health Dental Clinic, located on 2nd Floor of the Health and Human Services Building at 521 N. Main Ave; and

WHEREAS, the artist will be responsible for project costs associated with "Open Wide" sculpture placement and installation, and intends to gift the sculpture to the City of Sioux Falls; and

WHEREAS, the Sioux Falls Cultural Plan encourages and recommends exhibition of public art in Sioux Falls, SD; and

WHEREAS, the City's art conservator consultant has reviewed the sculpture and placement location and recommends acceptance of the artwork into the City's permanent art collection; and

WHEREAS, the Sioux Falls Visual Arts Commission has reviewed the proposed "Open Wide" sculpture and placement on September 19, 2017, and unanimously recommends approval for the sculpture and placement, as presented;

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

The "Open Wide" sculpture and its placement within the Falls Community Health Dental Clinic, located on 2nd Floor of the Health and Human Services Building at 521 N. Main Ave., be approved as recommended.

Date adopted: 12/05/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, January 9, 2018, at 7 p.m. for Items 53 through 55:

A PROPOSED RESOLUTION VACATING A PORTION OF THE E. ARROWHEAD PARKWAY RIGHT-OF-WAY LYING ADJACENT TO LOT 2 OF TRACT A OF REDROCK PARK 2ND ADDITION.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to set a date of hearing for Tuesday, January 9, 2018, at 7 p.m. for Item 53.

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

Motion Passed.

54. A PROPOSED RESOLUTION VACATING A PORTION OF THE E. ARROWHEAD PARKWAY RIGHT-OF-WAY LYING ADJACENT TO BLOCK 65, CAPITOL HILL ADDITION.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to set a date of hearing for Tuesday, January 9, 2018, at 7 p.m. for Item 54.

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

Motion Passed.

A PROPOSED RESOLUTION VACATING A PORTION OF THE E. ARROWHEAD PARKWAY RIGHT-55. OF-WAY LYING ADJACENT TO LOT 2, LOT 1B, AND LOT 1A RED ROCK PARK SECOND ADDITION.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to set a date of hearing for Tuesday, January 9, 2018, at 7 p.m. for Item 55.

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

56. REPORT OF THE NOVEMBER 30, 2017, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Marshall Selberg to adjourn at 10:08 p.m.

Mayor Mike T. Huether called for a voice vote. Seven Council Members voted yes and one Council Member voted no.

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: 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. 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.