

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, June 17, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Rick Kiley

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Dean Karsky

Council Member Rex Roling

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Pastoral Intern David Lusk, Abiding Savior Free Lutheran Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

World Refugee Day, June 20, 2014

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

A request was made by Council Member Kermit L. Staggers to move the following two change orders from Item 2 to the Regular Agenda for discussion purposes:

- 1) Parks/Rec, Project No. 14009, Aquatic Facilities Development agreement for consulting services, TEGRA Group, \$210,000;
- 2) Parks/Rec, Project No. 14009, Aquatic Facilities Development agreement for legal services, Woods Fuller Schultz & Smith, \$30,000.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to amend the Consent Agenda by removing Change Order #23025, Sioux River South Interceptor Improvements contract change order to close out

quantities, Water Reclamation, Minger Construction, (\$337,215) from Agenda Item 2.

Vote to amend: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, 5. Noes, 0.

Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to amend the Consent Agenda by removing the Retail Malt Beverage License Renewal for Stanton, Inc., Business Name T/B/D, 1213 North Cliff Avenue, on Exhibit D, from Agenda Item 7.

Vote to amend: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, 5. Noes, 0.

Motion Passed.

Vote on the main motion, with amendments: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, 5. Noes, 0.

Motion Passed.

#### MINUTES

Informational Meeting of Tuesday, June 10, 2014, at 4:00 p.m.

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City Council Meeting of Tuesday, June 10, 2014, at 7:00 p.m.

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#### COMMUNICATIONS

1. Approval of Contracts/Agreements on the June 13, 2014 memo.

2. Notice of Change Orders on the June 13, 2014 memo.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to approve the change order for Parks/Rec, Project No. 14009, Aquatic Facilities Development agreement for consulting services, TEGRA Group, \$210,000.

Vote to approve: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kenny Anderson Jr., Christine M. Erickson, 4. Noes, Kermit L. Staggers, 1.

Motion Passed.

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to approve the change order for Parks/Rec, Project No. 14009, Aquatic Facilities Development agreement for legal services, Woods Fuller Schultz & Smith, \$30,000.

Vote to approve: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, 5. Noes, 0.

Motion Passed.

Report of Requests for Quotes for Fuel dated: June 9, 2014; E-10 Unleaded 3. Ethanol/87 octane; 8,500 gallons; Howes Oil (\$3.0900); Harms Oil (\$3.0950);

CHS, Inc. and Olson Oil, no bid. Bid awarded to: Howes Oil.

#### APPLICATIONS

Special One-Day Liquor License requests for Washington Pavilion Management  
4. Inc., Washington Pavilion of Arts & Science to be operated at 301 South Main Avenue for weddings on July 12, 19 and 26, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for TNT  
5. Entertainment to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for the Electric Glow Run on August 16, 2014.

Special One-Day Liquor License request for Washington Pavilion Management  
6. Inc., Washington Pavilion of Arts & Science to be operated at 301 South Main Avenue for class reunion on June 28, 2014.

7. Various Retail Malt Beverage License renewals for 2014-15 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit D.

The following abatements were 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:

Minnehaha County, Parcel #29189, W 49 1/2' E 96' 10 & 11 Block 29 Covell's 2nd Addn to City of Sioux Falls, for 2013 property taxes in the amount of  
8. \$1,121.42, for property sold on a tax deed sale held on 11/23/13; 2013 taxes payable in 2014 are asked to be abated as the purchaser did not own the property on 11/1/12.

Minnehaha County Auditor on behalf of Anthony Matala, Parcel #68415, 1999 Schult--16x76 Serial No. M291261 Cactus Hills Mobile Home Court Sioux Falls City, for 2012 property taxes in the amount of \$341.29. Mobile home  
9. was sold to Nationwide in August 2011 and then moved to Yankton, SD, in October 2011. The title was never transferred. No taxes should have been placed for 2012 payable 2013 since the mobile home was no longer in Minnehaha County.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, July 1, 2014, at 7:00 p.m. for Items 10 and 11:

10. New 2014-15 Retail Malt Beverage License for Crickett Collins, The Bonus Round Bar, to be operated at 803 South Cliff Avenue.

Special One-Day Malt Beverage License for Special Olympics South Dakota to  
11. be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for the Peach Festival on July 26, 2014.

#### REGULAR AGENDA ITEMS

##### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Stagers, Kenny Anderson Jr., Christine M. Erickson, 5. Noes, 0.

Motion Passed.

## PUBLIC INPUT

Scott Ehrisman encouraged people to read a story on CBS News regarding a home built on a park relating this to the indoor pool at Spellerberg Park. He also addressed campaign financing in the recent City election.

Bruce Danielsontalked aboutstreet flooding andinfrastructure.

Greg Neitzert, responded to a previous speaker stating that heformed theballot question committee, "Forward Zoning," whichadvocated for Shape Places. He addressed billboards in the new Shape Places ordinance and encouraged the Land Use Committee to review this topic.

Virginia Graham stated that a Police standoff took place on May 7th at a rental unit she ownsat 513 South Western Avenue. Her apartment buildingwasdamaged during the standoff. She has contacted Risk Management and has not yet received aresponse to her requests for payment of the damages incurred.

Item 2 was discussed at this time. See item for action taken.

## UNFINISHED BUSINESS

Council Member Michelle Erpenbach arrived at the meeting at 7:34 p.m.

DEFERRED ACTION (from City Council Meeting of 6/03/14): New 2014 Retail  
12. Wine License for JLB-SF2, Inc., JL Beers, to be operated at 2530 South Louise Avenue. Pending final inspections by Fire, Health and Building Services.

DEFERRED ACTION (from City Council Meeting of 6/03/14): New 2014-15  
13. Retail Malt Beverage License for JLB-SF2 Inc., JL Beers, to be operated at 2530 South Louise Avenue. Pending final inspections by Fire, Health and Building Services.

A motion was made by Council Member Rick Kiley and seconded by Council Member Kenny Anderson Jr. to withdraw Items 12 and 13.

Vote to withdraw: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

14. New 2014 Package Liquor License for Bauer Enterprises, LLC, BP to be operated at 5108 North Cliff Avenue.

15. New 2014-15 Retail Malt Beverage License for Commonwealth Gaming & Holding, Deuces Casino IIA, to be operated at 1912 West 41st Street, Suite A.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to amend Item 15 by adding the words, "including video lottery terminals" between "License" and "for." The revised language will now read, "New 2014-15 Retail Malt Beverage License, including video lottery terminals, for Commonwealth Gaming & Holding, Casino IIA, to be operated at 1912 West 41st Street, Suite A."

Vote to amend: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Special One-Day Malt Beverage License for Holy Spirit Knights of Columbus  
16. to be operated at Holy Spirit Catholic Church, 3601 East Dudley Lane, for a fundraiser on June 28, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux  
17. Falls Irish Club to be operated at Falls Park West, Falls Park Drive for the Dakota Irish Fair to be held on July 26, 2014.

Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm  
18. Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2014-15 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to approve Items 14 and 16 through 18.

Vote to approve: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

DEFERRED ACTION (from City Council Meeting of 6/02/14): 2nd Reading: AN  
ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF W. 69TH

ST. AND WEST OF S. SOUTHEASTERN AVE. FROM THE RS SINGLE-FAMILY  
19. RESIDENTIAL-SUBURBAN AND CN CONSERVATION DISTRICTS TO THE RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY DISTRICT, PETITION NO. 2014-04-06, AND AMENDING THE

OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 36-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
20. AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 57: GARBAGE AND RECYCLING TO INCREASE RATES AT THE LANDFILL IN SECTION 57.047.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 33-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 5. Noes, Kermit L. Staggers, 1.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
21. AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES, SUBCHAPTER STORM DRAINAGE AND SUBCHAPTER STORM WATER DRAINAGE SYSTEM IMPROVEMENT COST RECOVERY.

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 34-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 5. Noes, Kermit L. Staggers, 1.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
22. AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES, SUBCHAPTER GENERAL PROVISIONS AND SUBCHAPTER SEWER.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Ordinance No. 35-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 5. Noes, Kermit L. Staggers, 1.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 23:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING SUBSECTIONS 110.033-110.035 OF  
23. CHAPTER 110: LICENSES OF TITLE XI: BUSINESS REGULATIONS BY REVISING ANNUAL FEES FOR LICENSES AND PERMITS AND FIRE DEPARTMENT INSPECTIONS FOR LICENSES ISSUED BY OTHER CITY DEPARTMENTS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 23.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 24:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 9000 W. 26TH ST. FROM THE AG AGRICULTURE DISTRICT TO THE RA-  
24. 2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICT, PETITION NO. 2014-04-01, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.  
Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. on Item 24.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 25:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF W. 81ST ST. AND S. AUDIE AVE. FROM THE RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY, CN CONSERVATION, AND LW LIVE-WORK DISTRICTS TO THE RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY, CN CONSERVATION, AND LW LIVE-WORK DISTRICTS, PETITION NO. 2014-05-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 25.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHWEST CORNER OF E. 26TH ST. AND S. SIX MILE RD. FROM THE AGRICULTURE DISTRICT TO THE CN CONSERVATION, RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY, RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY, RD-2 TOWNHOME RESIDENTIAL-SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN, AND C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICTS, PETITION NO. 2014-05-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 26.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 27:

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

PROPERTY AT THE NORTHEAST AND SOUTHEAST CORNERS OF SD HWY. 42 AND S. SIX MIL  
E  
RD. FROM THE AG AGRICULTURE DISTRICT TO THE CN CONSERVATION, RA-3 APARTMENT  
27. RESIDENTIAL-HIGH DENSITY, C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR, AND C-  
3 COMMERCIAL-COMMUNITY DISTRICTS, PETITION NO. 2014-05-07, AND AMENDING THE  
OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission  
recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, July 1,  
2014, at 7:00 p.m. for Item 27.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L.  
Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach,  
6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m.  
for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
PROPERTY WEST OF S. DISCOVERY AVE. AND SOUTH OF W. 12TH ST. FROM THE AG  
28. AGRICULTURE DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO.  
2014-05-08, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX  
FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, July  
1, 2014, at 7:00 p.m. for Item 28.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L.  
Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach,  
6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m.  
for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
PROPERTY AT THE SOUTHWEST CORNER OF E. 26TH ST. AND S. POWDER HOUSE RD. FROM  
THE C-2 AND C-4 COMMERCIAL, CN OPEN SPACE, O OFFICE/INSTITUTIONAL, RA-2 AND  
RA-1 APARTMENT RESIDENTIAL, AND RS SINGLE-FAMILY RESIDENTIAL DISTRICTS TO TH  
E  
29. C-2, C-3, AND C-4 COMMERCIAL, CN OPEN SPACE, O OFFICE/INSTITUTIONAL, RA-3, R  
A-  
2, AND RA-1 APARTMENT RESIDENTIAL, LW LIVE-WORK, RD-1 TWIN HOME/DUPLEX  
RESIDENTIAL-SUBURBAN, AND RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICTS,  
PETITION NO. 2014-05-10, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF  
SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council  
Member Christine M. Erickson to set a date of hearing and 2nd Reading for  
Tuesday, July 1, 2014, at 7:00 p.m. for Item 29.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L.  
Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach,



6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. BAHNSON AVE. AND E. 11TH ST. FROM THE C-3 COMMERCIAL-COMMUNITY DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL-LOW DENSITY DISTRICT, PETITION NO. 2014-05-13, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 30.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SD HWY. 42 AND E. SIX MILE RD. FROM THE RA-1 APARTMENT RESIDENTIAL-LOW DENSITY DISTRICT TO THE RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY DISTRICT, PETITION NO. 2014-05-14, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 31.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 32:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. HANSON AVE. AND W. BRIDGER ST. FROM THE RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY AND LW LIVE-WORK DISTRICTS TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN AND THE CN CONSERVATION DISTRICTS, PETITION NO. 2014-05-15, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 32.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 33:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHWEST CORNER OF 69TH ST. AND S. SOUTHEASTERN AVE. FROM 33. THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 2014-05-16, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 33.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 34:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHEAST CORNER OF 69TH ST. AND CLIFF AVE. FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE C-3 COMMERCIAL-COMMUNITY DISTRICT, INCLUDING CONDITIONS AS ALLOWED IN SECTION 34. 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE RE4 FORM, PETITION NO. 2014-05-17, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval with the following condition: 1) Building of no more than 50,000 square feet of gross floor area.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 34.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 35:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF GRAND SLAM AVE. AND 45TH ST. FROM THE 35. RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 2014-05-19, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, July 1, 2014, at 7:00 p.m. for Item 35.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

#### 36. A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A SPECIAL FRONT FOOT ASSESSMENT FEE FOR STREET MAINTENANCE AND REPAIR.

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 67-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 5. Noes, Kermit L. Staggers, 1.

Motion Passed.

#### RESOLUTION NO. 67-14

A RESOLUTION [DECLARING IT NECESSARY TO LEVY AND LEVYING A SPECIAL FRONT FOOT ASSESSMENT FEE FOR STREET MAINTENANCE AND REPAIR].

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

SECTION 1. It is necessary to levy and there shall be levied a special front foot assessment fee upon each lot, tract, and parcel of land fronting upon every street and part thereof, within the city of Sioux Falls, to be used to maintain and repair street surfacing or pavement.

SECTION 2. There is hereby assessed against each and every lot, tract, and parcel of land fronting upon every street or part thereof, one dollar (\$1.00) per front foot for the year 2015 which shall be apportioned as the assessment for maintaining of street surfacing or pavement. Front foot, for the purposes of this resolution, means the actual front of the premises as established by the buildings thereon, record title, and use of the property regardless of the original plat.

SECTION 3. The City Clerk shall certify such special front foot assessment fees to the county auditors of Minnehaha and Lincoln Counties, SD, and the same shall be collected as municipal taxes for general purposes.

SECTION 4. This resolution is necessary for the immediate support of the municipal government and its existing public institutions and shall take effect upon its passage and publication.

Date adopted: 6/17/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE  
37. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (ANNEXATION 2013-07-20-SE  
CORNER: W. 85TH ST. AND S. MINNESOTA AVE.).

A motion was made by Council Member Greg Jamison and seconded by Council Member  
Kenny Anderson Jr. to adopt said Resolution No. 68-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers,  
Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes,  
0.

Motion Passed.

RESOLUTION NO. 68-14

ANNEXATION 2013-07-20-SE CORNER: W. 85TH ST. AND S. MINNESOTA 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 2035 Comprehensive Plan.
3. There is access to the major street network and adequate provision for  
municipal utilities when the following occur:
  - a. The proposed 55 acres will have access to the major street network  
once E. 85th St. improvements are completed, which is planned for  
2016, or S. Minnesota Ave. improvements are completed, planned for  
2017.
  - b. Sanitary sewer is available at E. 85th St. and currently has the  
capacity to serve 30 acres of Tract 2. As more capacity becomes  
available, the remaining 9.4 acres of Tract 2 and the 15.657 acres of  
Tract 3 can be developed.
  - c. A 16" water main is tentatively planned for construction south along  
S. Minnesota Ave. from 85th St. adjacent to the site in 2017.  
However, an interim water source could be extended to the site prior  
to 2017 at owner's expense. Preliminary and construction plans  
detailing this interim water system shall be submitted to and  
approved by City Engineering.
  - d. Site specific BMP ponds are constructed for the development.

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

That the following described properties are and the same hereby are included

within the corporate limits of the city of Sioux Falls, Lincoln County, and the boundary of the city is hereby extended to include such territory:

Tract 2 and Tract 3, Ackerson's Addition in the NW1/4 of Section 23, Township 100 North, Range 50 West of the 5th P.M., Lincoln County, South Dakota

And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 6/17/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE  
38. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (ANNEXATION 2014-01-22-69TH  
ST. AND SUNDOWNER AVE.).

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 69-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 69-14

ANNEXATION 2014-01-22-69TH ST. AND SUNDOWNER 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 SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
3. There is adequate provision for municipal utilities and access to the major street network once the following occur:
  - a. Water and sewer are extended south from the north side of the 69th St. and Galway Ave. intersection to service this site.
  - b. W. 69th St. is tentatively planned for improvements in 2019. The

applicant will need to pave a portion of W. 69th St. from S. Sundowner Ave. to the entrance of the development.

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:

The E 320' of the NE1/4 of the NW1/4 together with the N 1,950' of the NE1/4 (except the E 31 acres of the NE1/4) of Section 13-T100N-R51W of the 5th P.M., Lincoln County, South Dakota

And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 6/17/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE 39. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (ANNEXATION 2014-04-08-69TH ST. AND SYCAMORE AVE.).

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 70-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 70-14

ANNEXATION 2014-04-08-69TH ST. AND SYCAMORE 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 2035 Comprehensive Plan.

3. There is access to the major street network and adequate provision for municipal utilities when the following occur:
  - a. Water and sewer are extended from the north through the developer's own property.

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:

The S 208' of the W 208' of the E 363' of the SE1/4 of the SW1/4 of Section 8-T100N-R49W, including adjacent 69th St. right-of-way, Lincoln County, South Dakota

And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 6/17/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF 40. CANTERBURY HEIGHTS NORTH ADDITION. Petition No. 2014-02-04. Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Resolution No. 71-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 71-14

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [CANTERBURY HEIGHTS NORTH ADDITION].

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

That the preliminary plan of [Canterbury Heights North Addition] to the City of Sioux Falls, [Minnehaha ] 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: 6/17/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

41. A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER FOR THE CITY OF SIOUX FALLS, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to adopt said Resolution No. 72-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 72-14

A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER FOR THE CITY OF SIOUX FALLS, SD.

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

Pursuant to SDCL 9-12-6, the official newspaper for the City of Sioux Falls, SD, shall be the Argus Leader for a period from July 2, 2014, to July 1, 2015.

This Resolution is effective upon the date of publication.

Date adopted: 6/17/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

A motion to approve the temporary road diet pilot project for Main Avenue between Sixth Street and Fourteenth Street where the eastern most lane of 42. Main Avenue will be temporarily repurposed for alternative uses that include angled parking and extended furniture zones, and will be concluded by October 31, 2014.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to approve said motion.

Vote to approve: Roll Call: Yeses, Greg Jamison, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0.



Motion Passed.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adjourn at 9:00 p.m.

Mayor Huether called for a voice vote. All members voted yes.  
Motion passed.

Lorie Hogstad

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.

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 4:00 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 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 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 AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.