

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, April 21, 2015, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers Council Member Rick Kiley

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Pastor Brian Narcomey, Center of Hope

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Medical Laboratory Professionals Week - April 19-25, 2015

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

A request was made by Council Member Michelle Erpenbach to move the following agreement from Item 1 to the Regular Agenda for discussion purposes:
Economic Development, Hosting, Maintenance, Technical Support, and Enhancements, Agreement for services for www.siouxfallshasjobs.com, Electric Pulp, Not to exceed \$39,000.

A request was made by Council Member Kermit L. Staggers to move the following agreement from Item 1 to the Regular Agenda for discussion purposes:
Parks/Rec, Project No. 14017, Prairie Hills West Park Development, Agreement for land acquisition for park development, First Dakota Title, \$179,843.

A motion was made by Council Member Dean Karsky and seconded by Council Member Christine M. Erickson to withdraw the following item from the Consent Agenda with no action being taken on this item: Economic Development, Warming House Agreement for services, Bishop Dudley Hospitality House, Not to Exceed \$30,000.

Vote to withdraw: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Vote to approve the Consent Agenda as amended: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, April 14, 2015, at 4:00 p.m.

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City Council Meeting of Tuesday, April 14, 2015, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the April 17, 2015 memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the following agreement: Economic Development, Hosting, Maintenance, Technical Support, and Enhancements, Agreement for services for www.sioxfallshasjobs.com, Electric Pulp, Not to exceed \$39,000.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kenny Anderson Jr., Michelle Erpenbach, 4. Noes, Greg Jamison, Kermit L. Staggers, Christine M. Erickson, 3.

Motion Passed.

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to approve the following agreement: Parks/Rec, Project No. 14017, Prairie Hills West Park Development, Agreement for land acquisition for park development, First Dakota Title, \$179,843.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

A communication was received from Alexander L. Axiotis requesting permission to consume, but not sell, wine and malt beverages at The Old Courthouse

2. Museum, 200 West Sixth Street, on Sunday, May 24, 2015 from 4:00 p.m. to 1:

00 a.m. pursuant to SDCL 35-1-5.5. The purpose is for a wedding reception.

Report of Requests for Quotes for Fuel dated April 14, 2015; #2 Clear Diesel; 8,500 gallons; CHS, Inc. (\$2.129) Harms Oil (\$2.115); Howes Oil, Midwest Oil, Petroleum Traders Co. all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated April 14, 2015; Clear Diesel #1 and Clear Diesel #2; 339 gallons each; Howes Oil (\$2.171 for #1; \$2.2115 for #2); Midway Service, Stern Oil, Vollan Oil, all no bid. Bids awarded to: Howes Oil.

APPLICATIONS

Special One-Day Liquor Licenses for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for special events on May 2, June 6, June 20, and June 27, 2015.

Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for a wedding on May 15, 2015.

Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Old Courthouse Museum, 200 West 6th Street, for special events on July 17 and 18, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for the Jungle Jubilee fundraiser on July 23, 2015.

Special One-Day Liquor License for BSF, Inc, Borrowed Bucks Roadhouse, to be operated at Multi-Cultural Center, 501 North Main Avenue, for a wedding on June 6, 2015.

Special One-Day Wine License for Daughters of the American Revolution to be operated at the Old Courthouse Museum, 200 West 6th Street, for a centennial celebration on June 17, 2015.

Special One-Day Liquor License for Ovations Food Services, LP, Sioux Falls Convention Center, to be operated at Orpheum Theater, 315 North Phillips Avenue, for a reception on September 18, 2015.

Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2015-16 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 5, 2015, at 7:00 p.m. for Items 13 through 17:

13. New 2015 Package Liquor License for GF Buche Company, Buche's Bargain Butcher to be operated at 200 South Kiwanis Avenue (CUP not required).

Transfer of 2015 Retail Liquor License, including Sunday sales and video lottery terminals, from Martini's Inc., Martini's Casino & Lounge, 4823 South Louise

Avenue, to Dave Kulish, Martini's Casino & Lounge, 4823 South Louise Avenue (CUP not required).

Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for weddings on May 16, June 20, and July 11, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's Catering to be operated at Orthopedic Institute, 810 East 23rd Street, for a South Dakota Chiropractors social on May 8, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Area Community Foundation to be operated at Sioux Falls Area Community Foundation, 200 North Cherapa Place for a Science Fest social on June 12, 2015.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to approve the Regular Agenda.

A motion was made by Council Member Dean Karsky and seconded by Council Member Christine M. Erickson to amend by moving Agenda Item 36 before Agenda Item 27.

Vote to amend: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Vote to approve as amended: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

Bruce Danielson spoke regarding an e-mail he sent to the City Council dated April 20, 2015, which covered the following: Thanking Lorie Hogstad for her assistance on the Election Review Committee, the Sioux Falls City Charter, and a potential criminal act.

Rick Albrecht thanked the Police Department for emphasis onspot checks and continued patrols in Sioux Falls. He also addressed taxi fares.

Scott Ehrisman addressed the www.SiouxFallsHasJobs.com initiative, work force development, and Project TRIM.

Item 1 was discussed at this time. See item for action taken.

UNFINISHED BUSINESS

New 2015 Retail Wine License, including video lottery terminals, for Love's Travel Stops & Country Stores Inc., Love's Travel Stop #445, to be operated

in

the video lottery game room only, 5301 North Cliff Avenue.

New 2015 Package Liquor License for Love's Travel Stops & Country Stores Inc

19. Love's Travel Stop #445, to be operated in the convenience store only, 5301 North Cliff Avenue.

20. New 2015 Package Liquor License for El Riad Shriners, El Riad Mosque, to be operated at 510 South Phillips Avenue.

Transfer of 2015 Retail Liquor License, including Sunday sales, from SRS Inc

21. The Other Place, 901 West 41st Street, to SHS, LLC, business name to be determined, 221 South Phillips Avenue, Suite 100 (CUP not required - full service restaurant).

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering

22. America Inc., Chef Dominique's Catering, to be operated at Poet, 4615 North Lewis Avenue, for a Poet mixer on April 30, 2015.

Special One-Day Wine License requests for Downtown Sioux Falls Inc., to be operated at the following locations: 8th & Railroad Center Lobby, 401 East 8

th

Street, A League of Your Own, 229 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue, Chelsea's Boutique, 321 South Phillips Avenue, Exposu

re

Gallery & Studios, 401 North Phillips Avenue, Great Outdoor Store, 201 East Tenth Street, Lillian's, 311 South Phillips Avenue, NV Studio Salon, 106 Wes

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23. 11th Street, Rehfeld's Art & Framing, 210 South Phillips Avenue, Say Anythin

g

Jewelry, 225 South Phillips Avenue, Simply Perfect, 401 East 8th Street #108

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Sioux Falls Design Center, 108 West 11th Street, Sioux Falls Made Market (Ar

gus

Leader), 200 South Minnesota Avenue, Sticks and Steel, 401 East 8th Street #

118,

Sunflower Photography, 400 North Main Avenue Young & Richard's, 222 South Phillips Avenue, and Zandbroz, 209 South Phillips Avenue, for the First Frid

ay

Wine Walk on May 1, 2015.

Special One-Day Liquor License for Sioux Falls Area Humane Society, to be

24. operated at Landscape Garden Center, 7201 South Minnesota Avenue, for the Paws to Celebrate fundraiser on June 13, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for ICON

25. Entertainment LLC, to be operated at Cherapa Place east parking lot, 300 North Cherapa Place, for the 605 Summer Classic on June 19-20, 2015.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to approve Items 18 through 25.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT

E. AND W. OF N. MARLOW AVE. AND N. OF E. PADDINGTON ST. FROM THE AG, 26. AGRICULTURE DISTRICT TO THE RS, SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT,

PETITION NO.2249-2015 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 Dean Karsky to defer action on Item 26 to Tuesday, June 2, 2015, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Item 36 was discussed at this time. See item for action taken.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, ESTABLISHING THE TAX INCREMENT REVENUES TO BE COLLECTED AND AUTHORIZING THE 27. PAYMENT OF TAX INCREMENT REVENUES TO THE DEVELOPER IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. SIXTEEN, CITY OF SIOUX FALLS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Rolwing to adopt said Ordinance No. 37-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 5, 2015, at 7:00 p.m. for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3205 S. SIX MILE RD. FROM THE AG, AGRICULTURE DISTRICT TO THE RS , 28. SINGLE FAMILY RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 2054-2015 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, May 5, 2015, at 7:00 p.m. for Item 28.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 5, 2015, at 7:00 p.m. for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 7901 E. 57TH ST. FROM THE AG, AGRICULTURE DISTRICT TO THE O, 29. OFFICE AND C-2, COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO.

2275-2015 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 Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, May 5, 2015, at 7:00 p.m. for Item 29.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 5, 2015, at 7:00 p.m. for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY N. OF E. MADISON ST. AND E. AND W. OF PROPOSED HIGHWAY 100 FROM THE RS, SING LE-

FAMILY RESIDENTIAL-SUBURBAN, CN, CONSERVATION, POPUD, PEDESTRIAN ORIENTATED PLANNED UNIT DEVELOPMENT, RD-1, TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN, RA-2,

APARTMENT RESIDENTIAL-MODERATE DENSITY, LW, LIVE-WORK AND C-2,

30. COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE RS, SINGLE-FAMILY RESIDENTIAL-SUBURBAN, RD-2, TOWNHOME RESIDENTIAL-SUBURBAN, RA-3, APARTMENT RESIDENTIAL-HIGH DENSITY, LW, LIVE-WORK, O, OFFICE AND C-2, COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 2353-2015 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, May 5, 2015, at 7:00 p.m. for Item 30.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 5, 2015, at 7:00 p.m. for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 57TH ST. AND E. OF S. MARION RD. FROM THE O, OFFICE

31. DISTRICT TO THE RA-2, APARTMENT RESIDENTIAL-MODERATE DENSITY AND C-2, COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 2361-2015 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, May 5, 2015, at 7:00 p.m. for Item 31.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling,

Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 5, 2015, at 7:00 p.m. for Item 32:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 216 S. BLAUVELT AVE. FROM THE RD-1, TWIN HOME/DUPLEX RESIDENTIAL

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32. SUBURBAN DISTRICT TO THE C-2, COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT
,
PETITION NO. 2360-2015 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, May 5, 2015, at 7:00 p.m. for Item 32.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

33. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON N. 4TH AVE., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 27-15.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to amend said Resolution by removing the nine properties listed under "East Side of N. 4th Ave. From Amidon St. to Benson Rd."

Vote to amend: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, 6. Noes, Michelle Erpenbach, 1.

Motion Passed.

Vote to adopt as amended: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 27-15

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON N.4TH AVE. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

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

Section 1. It is necessary to CONSTRUCT SIDEWALK in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the city of Sioux

Falls, SD, in front of and abutting upon the following described property to be assessed:

West Side of N. 4th Ave. From Amidon St. to Benson Rd.

Lot 2 Block 2 Sioux Empire Development Park Three Addition (3601 N. 4th Ave.)

(Ex. Lots H1 and H2) Lot 3 Block 2 Sioux Empire Development Park Three Addition (501 E. Benson Rd.)

Lots 2A and 4 Block 1 Sioux Empire Development Park Three Addition (3501 N. 4th Ave.)

Lots 1 and 3 Block 1 Sioux Empire Development Park Three Addition (3401 N. 4th Ave.)

Lot 2 Block 3 Sioux Empire Development Park Three Addition (3101 N. 4th Ave.)

Lot 3 Block 3 Sioux Empire Development Park Three Addition (3009 N. 4th Ave.)

(Drainage Easement) Lot 5 Block 3 Sioux Empire Development Park Three Addition (3020 N. 1st Ave.)

Tract B Lot 6 Block 3 Sioux Empire Development Park Three Addition (2905 N. 4th Ave.)

Tract C Lot 6 Block 3 Sioux Empire Development Park Three Addition (2701 N. 4th Ave.)

Section 2. Property owners have the option of constructing the sidewalk adjacent to their properties. The deadline by which the sidewalk must be constructed is November 30, 2015. If not constructed by November 30, 2015, the City will award a contract to construct the sidewalk, and the cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Section 96 of the Code of Ordinances of Sioux Falls, SD, and SDCL Chapter 9-46. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the number of front feet fronting or abutting, as provided by law.

Section 3. Notice. The City may waive or reduce special assessments levied against owner-occupied single-family dwellings where the head of the household is 65 years of age or older, or is disabled, or where the annual household income is less than \$10,000. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, 224W. 9th St., or call 367-7125, prior to the date of the 'Final Levy of the Assessment Roll' before the Sioux Falls City Council. Failure to make proper written application prior to this date will disqualify you from being eligible for waiving or reduction of the special assessment.

Section 4. The assessment may be paid in five (5) equal annual installments. If not paid within 30 days after the assessment roll has been filed in the City Accounting Office, the assessment or any installment shall be collected with interest in accordance with the procedure provided by SDCL9-43-89.

Interest on the assessment or installment will be charged and collected in accordance with law. The rate to be charged will be set by the City Council in the year of assessment.

Section 5. The estimated cost of the above-named improvements is as follows:

(Type in upper and lower case.) Mobilization..... \$1.03

Site Preparation and Restoration \$2.72

Traffic Control \$0.60

Concrete Sidewalk \$6.49

Construct Sidewalk \$10.84 Per Square Foot

Date adopted: 04/21/15 .

Tracy Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

34. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON W.9TH ST., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Resolution No. 28-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolfing, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 28-15

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON W.9TH ST. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

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

Section 1. It is necessary to CONSTRUCT SIDEWALK in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the city of Sioux Falls, SD, in front of and abutting upon the following described property to be assessed:

FOR NO. 3, TYPE SPECIFIC LOCATION OF LEGAL. IF IT APPEARS AS A TITLE BEFORE THE LEGAL DESCRIPTION(s), TYPE IT IN TITLE CASE AND UNDERLINED. THE DETAIL OF LEGALS THAT WOULD FOLLOW A SPECIFIC LEGAL LOCATION SHOULD BE TYPED IN TITLE CASE AND SPACING OF 1.5.

North Side of 9th St. From Holly Ave. to Kiwanis Ave.

Lot 10 Block 2 Englewood Lake Addition (101 N. Garfield Ave.)

S25' Lot 5 and all Lot 6 Block 2 Englewood Lake Addition (100 N. Kiwanis Ave.)

S50' Lot 3 and all Lot 4 and N75' Lot 5 W325' S451.86' Block 2 Englewood Lake Addition (120N. Kiwanis Ave.)

Lot 4 Block 4 Englewood Lake Addition (2400 W. 9th St.)

Lot 3 Block 4 Englewood Lake Addition (2300 W. 9th St.)

Lots 1 and 2 Block 4 Englewood Lake Addition (101 N. Holly Ave.)

Section 2. Property owners have the option of constructing the sidewalk adjacent to their properties. The deadline by which the sidewalk must be constructed is November 30, 2015. If not constructed by November 30, 2015, the City will award a contract to construct the sidewalk, and the cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Section 96 of the Code of Ordinances of Sioux Falls, SD, and SDCL Chapter 9-46. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the number of front feet fronting or abutting, as provided by law.

Section 3. Notice. The City may waive or reduce special assessments levied against owner-occupied single-family dwellings where the head of the household is 65 years of age or older, or is disabled, or where the annual household income is less than \$10,000. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, 224W. 9th St., or call 367-7125, prior to the date of the 'Final Levy of the Assessment Roll' before the Sioux Falls City Council. Failure to make proper written application prior to this date will disqualify you from being eligible for waiving or reduction of the special assessment.

Section 4. The assessment may be paid in five (5) equal annual installments. If not paid within 30 days after the assessment roll has been filed in the City Accounting Office, the assessment or any installment shall be collected with interest in accordance with the procedure provided by SDCL9-43-89.

Interest on the assessment or installment will be charged and collected in accordance with law. The rate to be charged will be set by the City Council in the year of assessment.

Section 5. The estimated cost of the above-named improvements is as follows:

Mobilization \$1.03

Site Preparation and Restoration \$2.72

Traffic Control \$0.60

Concrete Sidewalk \$6.49

Construct Sidewalk \$10.84 Per Square Foot

(Type in upper and lower case.)

Date adopted: 04/21/15 .

Tracy Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

35. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON E.BENSON RD., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 29-15.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to amend the last legal description from Lot 8 Block 2 Myrl &

Roy's Development Park Addition (2224 E. 39th St. N.) to Lot 5 Block 2 Myrl & Roy's Development Park Addition (2224 E. 39th St. N.).

Vote to amend: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

A motion was made by Council Member Kermit L. to delete the private property owners from paying for the sidewalk and place the city as being responsible for the payment. Motion died for lack of a second.

Vote to adopt as amended: Roll Call: Yeses, Greg Jamison, Rex Roling, Kenny Anderson Jr., Michelle Erpenbach, 4. Noes, Dean Karsky, Kermit L. Staggers, Christine M. Erickson, 3.

Motion Passed.

RESOLUTION NO. 29-15

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON E.BENSON RD. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

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

Section 1. It is necessary to CONSTRUCT SIDEWALK in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the city of Sioux Falls, SD, in front of and abutting upon the following described property to be assessed:

North Side of E. Benson Rd. From N. Cliff Ave. to N. Potsdam Ave.

Tract 1 Lot A Elmen Addition (1204 E. Benson Rd.)

Tract 4A Elmen Addition (1212 E. Benson Rd.)

Tract 5 Elmen Addition (1300 E. Benson Rd.)

Tract 3B Elmen Addition (1210 E. Benson Rd.)

W200' Tract 1 (ex. Lot H1) Elmen Addition (3800 N. Cliff Ave.)

Tract 7 Elmen Addition (1400 E. Benson Rd.)

Tract 6A Elmen Addition (1420 E. Benson Rd.)

Tract 6B Elmen Addition (1512 E. Benson Rd.)

Tract 1 Harris Addition (1600 E. Benson Rd.)

W1/2 vacated N. Lewis Ave. lying adjacent and Tract 1 (ex. H-1) Ralph Benson Addition (1800E. Benson Rd.)

Tract D1 Sioux Empire Development Park Four Addition (2200 E. Benson Rd.)

South Side of E. Benson Rd. From N. Cliff Ave. to N. Potsdam Ave.

Tract 9 (ex. Lot H1) Taylor's Subdivision, 3-101-49 (1401 E. Benson Rd.)

Lot 1A East Benson Plaza Addition (3720 N. Cliff Ave.)

Vacated Bath Ave. and N1/2 vacated Lowell Ave. both lying adjacent and (ex. H-1) Block 3 and Block 4 National Realty Co. Addition (1701 E. Benson Rd.)

Tract 9 Willers' Addition (1801 E. Benson Rd.)

Tract 3A Willers' Addition (1901 E. Benson Rd.)

Tract 1 A W T Addition (3710 N. Lewis Ave.)

Lot 1A Block 4 Myrl & Roy's Development Park Addition (2101 E. Benson Rd.)

Lot 4 Block 2 Myrl & Roy's Development Park Addition (2219 E. Benson Rd.)

Lot 5 Block 2 Myrl & Roy's Development Park Addition (2224 E. 39th St. N.)

LOT 4 BLOCK 2 MYRL & ROY'S DEVELOPMENT PARK ADDN(2219 E BENSON RD)FOR NO. 3, TYPE SPECIFIC LOCATION OF LEGAL. IF IT APPEARS AS A TITLE BEFORE THE LEGAL DESCRIPTION(S), TYPE IT IN TITLE CASE AND UNDERLINED. THE DETAIL OF LEGALS THAT WOULD FOLLOW A SPECIFIC LEGAL LOCATION SHOULD BE TYPED IN TITLE CASE AND SPACING OF 1.5..

Section 2. Property owners have the option of constructing the sidewalk adjacent to their properties. The deadline by which the sidewalk must be constructed is November 30, 2015. If not constructed by November 30, 2015, the City will award a contract to construct the sidewalk, and the cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Section 96 of the Code of Ordinances of Sioux Falls, SD, and SDCL Chapter 9-46. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the number of front feet fronting or abutting, as provided by law.

Section 3. Notice. The City may waive or reduce special assessments levied against owner-occupied single-family dwellings where the head of the household is 65 years of age or older, or is disabled, or where the annual household income is less than \$10,000. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, 224W. 9th St., or call 367‑7125, prior to the date of the 'Final Levy of the Assessment

"District"), which identifies certain development activities and public improvements to be undertaken by the City or private developers and be paid for, in whole or in part, from the collection of tax increment revenues derived from the District; and

WHEREAS, the tax increment project plan is both economically feasible and in conformity with the adopted Sioux Falls 2035 Growth Management Plan; and

WHEREAS, it is anticipated that project costs, less the finance costs, in the plan will be expended prior to August 27, 2017, unless amended by proper City approval;

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

That the amended project plan for TIF District 16, as attached, is hereby approved.

Date adopted: 04/21/15 .

Tracy Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 31-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 31-15

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
Rich Boesel	Mechanical Board of Appeals	Appointed for a term from April 2015 through April 2018 (to replace Mark Lamb).
Jolene Kranz	Orpheum Theater Advisory Board	Appointed for a term from April 2015 through April 2018 (to replace Ellyn Donahoe).
Katrina Lehr-McKinney	Orpheum Theater Advisory Board	Reappointed for a term from April 2015 through April 2018.

Christen Rennich	Orpheum Theater Advisory Board	Appointed for a term from April 2015 through April 2018 (to replace Deidre DiMemmo).
Sharon Chontos	Planning Commission	Appointed for a term from April 2015 through April 2020 (to replace Jessie Schmidt).
Debra Reinicke	Solid Waste Planning Board	Indefinite Term-Lake County Representative.

Date adopted: 04/21/15 .

Tracy Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adjourn at 9:03 p.m.

Mayor Huether took a voice vote and all members voted yes.

Motion Passed.

Lorie Hogstad, CMC

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. HOWEVER, THE SOUTH DAKOTA SUPREME COURT HAS RULED THAT CITY COUNCILORS MAY NOT ENGAGE IN PRIVATE COMMUNICATIONS WITH PERSONS WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT. IN THOSE INSTANCES, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING ON THAT MATTER WHEN IT IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS SHOULD UNDERSTAND THAT THEIR COMMENTS WILL 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 4:00 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. 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.