

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, August 4, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rick Kiley

Council Member Rex Roling

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

INVOCATION

Brenda Hill, Prayer Minister for Direct Line

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, July 21, 2015, at 4 p.m.

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City Council Meeting of Tuesday, July 21, 2015, at 7 p.m.

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Informational Meeting of Tuesday, July 28, 2015, at 4 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,
* July 28, 2015, at 5 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the July 30, 2015, memo.

A communication was received from Dennis W. Hansen requesting permission to
2. consume, but not sell, liquor, wine and malt beverages at The Old Courthouse
Museum, 200 W. 6th Street, on Friday, September 4, 2015, pursuant to SDCL
35-1-5.5 to celebrate a wedding reception.

- A communication was received from Dane Bloch requesting permission to
3. consume, but not sell, wine and brewed local beer at The Old Courthouse
Museum at 200 W. 6th Street, on Saturday, October 3, 2015, from 5 p.m. to 11
p.m. pursuant to SDCL 35-1-5.5 to celebrate a wedding reception.

- Report of Requests for Quotes for Fuel dated: July 22, 2015; #2 Clear
4. Diesel; 7,500 Gallons; CHS, Inc. (\$2.0923); Harm's Oil (\$2.085); Howe's Oil,
Midwest Oil, and Petroleum Traders Co., all no bid. Bid awarded to: Harm's
Oil.

APPLICATIONS

- Special One-Day Liquor License for Ovations Food Services LP, to be operated
5. at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for a wedding
reception on August 22, 2015.

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:

6. Cynthia L. Walberg, 2812 S. Cinnabar Circle, for 2014 taxes in the amount of
\$917.86. The owner-occupied was removed in error.

Items 7-13: The properties were purchased by the City of Sioux Falls during
2014. Abatement amount requested is for 2014 property taxes.

7. Parcel #82734, Lot H-1 of Tract 1A of Westridge II Addition to the City of
Sioux Falls for \$1,019.78.
8. Parcel #81366, Lot H-1 in Tract 3 of East Benson Addition to the City of
Sioux Falls for \$72.52.
9. Parcel #79955, Lots H1 and H2 in Lot 1A of Tract 2 of Roosevelt South
Addition for \$747.76.
10. Parcel #75429, Lots H-1 in Lots 2,3,4, & 5 in Block 1 of Morningside
Addition for \$75.05.
11. Parcel #61428, Lot H-1 in Tract A of Morrows Addition for \$253.86.
12. Parcel #14629, Lot H-1 in NW 1/4 of 36-102-49 for \$62.10.

13. Parcel #14628, Lot H-1 in N 1/2 of SE 1/4 of 35-102-49 for \$64.65.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 18, 2015, at 7:00 p.m. for Items 14 through 19:

New 2015 Retail Wine License for Fernson Brewing Company LLC, Fernson
14. Brewing Company, to be operated at 1400 East Robur Drive (CUP not required).

New 2015-16 Retail Malt Beverage License for Fernson Brewing Company LLC,
15. Fernson Brewing Company, to be operated at 1400 East Robur Drive (CUP not required).

16. New 2015 Retail Wine License for Ramkota Companies, Inc., AeroStay Hotel, to be operated at 2821 North Jaycee Lane (CUP not required).

New 2015-16 Retail Malt Beverage License for Ramkota Companies, Inc.,
17. AeroStay Hotel, to be operated at 2821 North Jaycee Lane (CUP not required).

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering
18. America Inc., Chef Dominique's Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a private social on August 26, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for
19. Catering America Inc., Chef Dominique's Catering, to be operated at Vance Thompson Vision, 3101 West 57th Street, for customer appreciation on September 14, 2015.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to amend the Regular Agenda by moving Agenda Items 39 and 40 before Agenda Item 36.

Vote to amend: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Bruce Danielson spoke regarding online accessibility to City Council Meetings.

Theresa Stehly reviewed a video regarding Drake Springs.

Robert Kolbe spoke regarding the Mayor's Fourth of July picnic and political contributions.

Sierra Broussard spoke regarding discrimination in the City of Sioux Falls.

Greg Neitzert spoke about the following: he thanked the lifeguard for saving a six-year-old girl; flood maps; indoor pools and spray parks; and boulevard regulations.

UNFINISHED BUSINESS

Transfer of a 2015-16 Retail Malt Beverage license from Dakota Lodging & Entertainment LLC, Quality Inn & Suites, 5410 North Granite Lane, to Granite Development LLC, Quality Inn & Suites, 5410 North Granite Lane.

Transfer of a 2015 Retail Wine license from Dakota Lodging & Entertainment LLC, Quality Inn & Suites, 5410 North Granite Lane, to Granite Development LLC, Quality Inn & Suites, 5410 North Granite Lane.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering
22. America Inc., Chef Dominique's Catering, to be operated at Sanford Health, 2301 East 60th Street North, for a Physician Leadership event on October 23, 2015.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve Items 20 through 22.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Deferred from the City Council Meetings on 4/21/15 and 6/2/15:
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
23. ST. FROM THE AG, 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 Christine M. Erickson and seconded by Council Member Dean Karsky to defer Item 23 to the City Council Meeting on Tuesday, October 6, 2015, at 7 p.m.

Vote to defer: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 24. OF ORDINANCES OF THE CITY BY AMENDING SECTION 124.012 PROVIDING FOR SIOUX AREA METRO TRANSIT FARES.

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to adopt said Ordinance 74-15.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to amend the "Dog Days of Summer Program" fixed route rate by changing it from "\$25.00" to "Free".

A substitute motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to remove the "Free" until September 7, 2015, for the "Dog Days of Summer Program".

Council Members Rex Roling and Michelle Erpenbach withdrew their motion to amend.

Council Member Christine M. Erickson withdrew her substitute motion.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to amend the "Dog Days of Summer Program" fixed route rate from "\$25.00" to "Free" until September 8, 2015.

Vote to amend: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to amend the item by adding a line under "Other Rates" which reads "Veterans" with the rate identified as "Free".

Vote to amend: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to amend this item by changing the paratransit trip rate from \$3.00 to \$2.00.

Vote to amend: Roll Call: Yeses, Rick Kiley, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, Kermit L. Staggars, 1.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF W. 26TH ST. AND EAST OF S. ST. MICHAELS CIRCLE FROM THE O OFFICE 25. DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION

NO. 2859-2015, 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 adopt said Ordinance No. 69-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST OF S. LOUISE AVE. AND NORTH OF W. 77TH ST. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 2875-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to adopt said Ordinance No. 70-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5200 W. LAKESHORE BLVD. FROM THE C-3 COMMERCIAL-COMMUNITY DISTRICT TO THE S-27. 1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 2888-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Ordinance 71-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 9100 W. 26TH ST. FROM THE AG AGRICULTURE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICT, PETITION NO. 2889-2015, 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 adopt said Ordinance No. 72-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST OF S. SOUTHEASTERN AVE. AND SOUTH OF E. CHATHAM ST. FROM THE RS 29. SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN AND RD-2 TOWNHOME RESIDENTIAL-SUBURBAN DISTRICTS, PETITION NO. 2894-2015, 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 Dean Karsky to adopt said Ordinance 73-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF E. BENSON RD. AND EAST OF I-229 FROM THE AG AGRICULTURE AND CN 30. CONSERVATION DISTRICTS TO THE I-2 HEAVY INDUSTRIAL AND CN CONSERVATION DISTRICTS, PETITION NO. 2895-2015, 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 Rex Roling to defer Item 30 to the City Council Meeting on Tuesday, October 6, 2015, at 7 p.m.

Vote to defer: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 800 AND 900 E. I-90 LN. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN 31. DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 2929-2015, 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 Greg Jamison to adopt said Ordinance No. 75-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3521 S. NORTON AVE. FROM THE C-3 COMMERCIAL-COMMUNITY DISTRICT TO THE I- 32. 1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2930-2015, 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 Rex Roling to adopt said Ordinance No. 76-15.

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

Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF W. 57TH ST. AND S. MARION RD. FROM THE C-33. 2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE C-3 COMMERCIAL-COMMUNITY DISTRICT, PETITION NO. 2931-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 77-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2900 S. WALTS AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN 34. DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL-TRADITIONAL DISTRICT, PETITION NO. 2932-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to adopt said Ordinance No. 78-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5311 N. 6TH AVE. FROM THE REC RECREATION DISTRICT TO THE I-1 LIGHT 35. INDUSTRIAL DISTRICT, PETITION NO. 2933-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 79-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

Item 39 was heard at this time, see item for action taken.

Item 40 was heard at this time, see item for action taken.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, ESTABLISHING THE 36. TAX INCREMENT REVENUES TO BE COLLECTED AND AUTHORIZING THE PAYMENT OF TAX INCREMENT REVENUES TO THE DEVELOPER IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. NINETEEN, CITY OF SIOUX FALLS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adopt said Ordinance No. 68-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 11, 2015, at 7 p.m. for Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AMENDMENTS TO WATER TANK LEASE AGREEMENT NOS. 14-3449 and 14-3450.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd reading for Tuesday, August 11, 2015, at 7 p.m. for Item 37.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 11, 2015, at 7 p.m. for Item 38:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 38. OF ORDINANCES OF THE CITY BY AMENDING SECTION 30.022 ORDINANCES, RESOLUTIONS, MOTIONS AND OTHER DOCUMENTS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reason for Tuesday, August 11, 2015, at 7 p.m. for Item 38.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

39. A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER NINETEEN, CITY OF SIOUX FALLS.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Res. No. 66-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 66-15

A RESOLUTION [CREATING TAX INCREMENTAL DISTRICT NUMBER NINETEEN, CITY OF SIOUX

FALLS. WHEREAS, the City Planning Commission has recommended the creation of Tax Incremental District Number Nineteen and has submitted a proposed Project Plan for Tax Incremental District Number Nineteen, City of Sioux Falls; and WHEREAS, the City of Sioux Falls has the authority, pursuant to SDCL Section/Chapter 11-9-2(1), to create Tax Incremental District Number

Nineteen, City of Sioux Falls, and define its boundaries; and WHEREAS, the property within Tax Incremental District Number Nineteen, City of Sioux Falls, meets the qualifications and criteria set forth in SDCL 11-9; and WHEREAS, the District shall be created upon the effective date of the resolution; NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD: That: 1. Declaration of Necessity and Enhancement. The City Council declares the necessity for the creation of the Tax Incremental District Number Nineteen, City of Sioux Falls, pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the District and is necessary for economic development within the city. Improvements to the District will likely add millions of dollars in assessed valuation to the District and will significantly and substantially enhance the value of all property in the District. 2. Findings of Blight. The City Council finds that more than twenty-five percent (25%) of the property in the District is a blighted area as defined in SDCL 11-9. 3. Findings of Maximum Percentage of Tax Incremental Districts. The

aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed ten percent (10%) of the total assessed valuation of the City. 4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, the Tax Incremental District Number Nineteen, City of Sioux Falls (the "District"). The District is hereby created on the day this resolution becomes effective, which shall be 20 days after publication. 5. Designation of District boundaries. The District

shall have boundaries as shown and described on Exhibit A. 6. The project shall comply with the City's adopted 2035 Growth Management Plan, all City and state ordinances, resolutions, regulations, and codes, the approved Project Plan, and the approved Development Agreement, all as amended from time to time.]

Date adopted: 08/04/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

40. A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER NINETEEN, CITY OF SIOUX FALLS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 67-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 67-15

A RESOLUTION [APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER NINETEEN, CITY OF SIOUX FALLS].

WHEREAS, [the City Planning Commission recommended approval of the Project Plan for Tax Incremental District Number Nineteen, City of Sioux Falls, which identifies certain development activities and public improvements to be undertaken by the City or private developers and 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 2025 Downtown Plan and the adopted Sioux Falls 2035 Growth Management Plan; and WHEREAS, the District will be created upon the effective date of this resolution; andWHEREAS, it is anticipated that project costs, less the finance costs, in the plan will be expended prior to April 30, 2020];

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That [the Project Plan for Tax Incremental District Number Nineteen, as attached, is hereby approved.BE IT FURTHER RESOLVED BY THE CITY OF SIOUX FALLS, SD:That pursuant to SDCL 11-9, the Mayor is authorized to negotiate all necessary tax increment bonds, contracts, and agreements for implementation of the Project Plan, including the transfer of positive tax increment revenues to the developer(s) of the real property within District Nineteen up to a maximum of \$1,505,000 plus interest, all in accordance with state statutes, including, but not limited to, SDCL' 11-9, all local ordinances,

resolutions, regulations, codes, growth plans, and the adopted Project Plan, all such bonds, contracts, and agreements subject to final Council approval and any Council-approved resolution or ordinance regarding Tax Incremental District Number Nineteen becoming effective].

Date adopted: 08/04/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

41. A RESOLUTION AUTHORIZING PARTICIPATION IN THE HEARTLAND CONSUMERS POWER DISTRICT "POWER FORWARD" ENERGY CONSERVATION PROGRAM.

A motion was made by Council Member Greg Jamison and seconded by Council Member Rex Roling to adopt said Resolution No. 65-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 65-15

A RESOLUTION AUTHORIZING PARTICIPATION IN THE HEARTLAND CONSUMERS POWER DISTRICT "POWER FORWARD" ENERGY CONSERVATION PROGRAM.

WHEREAS, Heartland Consumers Power District has offered to reimburse the City of Sioux Falls \$10,000 under a collaborative "Power Forward" conservation program to be administered by the City of Sioux Falls Public Works; and

WHEREAS, the "Power Forward Program" project is designed to provide incentives to commercial and industrial electric customers served by the City of Sioux Falls who upgrade to new high-efficient lighting and to residential customers who upgrade to new refrigerators or freezers as provided in the Heartland "Power Forward Lighting Program" guidelines;

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

That the City of Sioux Falls Public Works is hereby authorized to provide incentives to electric customers served by the City of Sioux Falls under the Heartland Consumers Power District "Power Forward Program" as shown on the attached "Power Forward Lighting Program" guidelines.

Date adopted: 08/04/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

42. A RESOLUTION APPROVING THE 2015 SIOUX FALLS BICYCLE PLAN.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution No. 68-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 68-15

A RESOLUTION APPROVING THE 2015 SIOUX FALLS BICYCLE PLAN.

WHEREAS, the current Sioux Falls Bicycle Plan was adopted by the City Council in 2007 and requires updates and revisions; and

WHEREAS, the Shape Sioux Falls 2035 Comprehensive Plan includes goals and policies to accommodate bicycles as a mode of transportation; and

WHEREAS, the people of the city of Sioux Falls have expressed a strong desire for increased transportation options including bicycling as indicated in the 2014 Sioux Falls MPO Long-Range Transportation Market Research Study; and

WHEREAS, the Sioux Falls MPO Long-Range Transportation Plan, the Sustainability Plan, and the Live-Well Sioux Falls 2012 Community Health Status Report all recommend increasing levels of bicycling to improve public health, economic development, and the environment, while also reducing transportation costs, enhancing community connections, promoting social equity, and making healthy living easy and accessible;

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

That the City of Sioux Falls adopts the 2015 Bicycle Plan to provide a vision, structure, and direction for a continuing process for strategies and actions for bicycle facilities and education.

Date adopted: 08/04/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE
43. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2898-2015
- STONEARCH ADDITION.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution No. 69-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Stagers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 69-15

ANNEXATION 2898-2015-STONEARCH ADDITION

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 access to the major street network once E. Markham St. is

constructed and adequate provisions for municipal utilities once water and sanitary sewer are extended from the east by others.

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, Minnehaha County, and the boundary of the city is hereby extended to include such territory.

The NE1/4 of the NW1/4 Section 12-101-49; all in Minnehaha County, South Dakota

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

Date adopted: 08/04/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

44. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE PURCHASE OF REAL PROPERTY FROM THE BNSF RAILWAY COMPANY.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution No. 70-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 70-15

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO THE PURCHASE OF REAL PROPERTY FROM THE BNSF RAILWAY COMPANY.

WHEREAS, the BNSF Railway Company has offered to sell a portion of the downtown Sioux Falls Rail Yard (Rail Yard Property) located in the City of Sioux Falls under the terms and conditions set forth in the Purchase and Sale Agreement attached hereto;

WHEREAS, the City intends to purchase the Rail Yard Property for the purpose of enhancing its development of downtown Sioux Falls and for economic development within the City of Sioux Falls;

WHEREAS, funding for the purchase of the Rail Yard Property is made available to the City of Sioux Falls through the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA-LU), which is administered by South Dakota Department of Transportation and the Federal Highway Administration.

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

That the Purchase and Sale Agreement attached to and part of this resolution is hereby approved.

That the Mayor is authorized to sign the Purchase and Sale Agreement and complete the purchase of the Rail Yard Property on behalf of the City of Sioux Falls under the terms and conditions contained in the Purchase and Sale Agreement.

Date adopted: 08/04/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

45. REPORT OF THE JULY 28, 2015, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adjourn the meeting at 10:45 p.m.

Vote to adjourn: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

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