

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, August 18, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rex Roling

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach      Council Member Kermit L. Stagers

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Mayor Mike T. Huether

INVOCATION

Alan Greene, Evangelist, LifeLight

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. to move the following agreements from Item 1 to the Regular Agenda for discussion purposes:1) Parks/Rec, Project No. 14001, Falls Park Development/Overlook Caf Erosion Control, to award a bid, Splitrock Landscaping & Nursery, \$104,368; 2) Economic Development, Annual Agreement for Economic Development, agreement for services,

SF Development Foundation; \$275,000.

#### MINUTES

Budget Hearings Meeting of Tuesday, August 11, 2015, at 3 p.m.

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City Council Meeting of Tuesday, August 11, 2015, at 7 p.m.

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#### COMMUNICATIONS

1. Approval of contracts/agreements on the August 13, 2015, memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to approve the following agreement: Parks/Rec, Project No. 14001, Falls Park Development/Overlook Caf Erosion Control, to award a bid, Splitrock Landscaping & Nursery, \$104,368.

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

Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to approve the following agreement: Economic Development, Annual Agreement for Economic Development, agreement for services, SF Development Foundation; \$275,000.

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

Motion Passed.

2. Notice of change orders on the August 13, 2015 memo.

A communication was received from Anna Ayotte requesting permission to

3. consume, but not sell, malt beverages, wine, and liquor at The Old Courthouse Museum, 200 West Sixth Street, on Friday, September 11, 2015, from 5 p.m. to 8 p.m. pursuant to SDCL 35-1-5.5, for a wedding reception.

#### APPLICATIONS

4. Renewal of 2015-16 Retail Malt Beverage License for Sioux Falls Trades & Labor Assembly, Sioux Falls Trades and Labor, 101 South Fairfax Avenue.

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

5. Companies Inc., Best Western Ramkota Hotel, to be operated at Avera Prairie Center, 1000 East 23rd Street, for an Oncology symposium on September 24, 2015.

Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to

6. be operated at the Old Courthouse Museum, 200 West 6th Street, for wedding receptions on August 29 and October 10, 2015.

Special One-Day Liquor Licenses for Washington Pavilion Management Inc., to

7. be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for wedding receptions on September 5, 12, and 19, 2015.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 25, 2015, at 5 p.m. at the Joint City of Sioux Falls/Minnehaha County Meeting (City action only) for Items 8 and 9:

Special One-Day Malt Beverage license for Nos Terres, MB Haskett to be  
8. operated at 8th & Railroad Center parking lot, 401 East 8th Street, for an OTA15 event on August, 28, 2015, and to authorize publication of the notice on 08-14-15 to set the hearing date.

Special One-Day Malt Beverage License for Sioux Falls YMCA to be operated at  
9. Leif Erickson Day Camp, 2301 East 26th Street, for the Muddy Vike 5K run on August 29, 2015, and to authorize publication of the notice on 08-14-15 to set the hearing date.

Set a date of hearing for Tuesday, September 1, 2015, at 7 p.m. for Items 10 through 25:

New 2015 Full-Service Restaurant On-Sale Liquor License, including Sunday  
10. sales certificate, for MRP/Sioux Falls DT, LLC, Mackenzie River Pizza Grill & Pub, 234 South Main Avenue (full service restaurant; CUP not required).

New 2015 Retail Wine License, including video lottery terminals, for Crown  
11. Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015.

New 2015-16 Retail Malt Beverage License, including video lottery  
12. terminals, for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015.

New 2015 Retail Wine License, including video lottery terminals, for  
13. Commonwealth Gaming & Holdings, Deuces Casino 7.5, 4713 East 26th Street, with Conditional Use Permit (2928-2015) being approved on August 5, 2015.

New 2015-16 Retail Malt Beverage License, including video lottery  
14. terminals, for Commonwealth Gaming & Holdings, Deuces Casino 7.5, 4713 East 26th Street, with Conditional Use Permit (2928-2015) being approved on August 5, 2015.

New 2015 Retail Wine License, including video lottery terminals, for Commonw  
ealth  
Gaming & Holdings, Deuces Casino 10, Building 1 on a portion of the SW1/4 Tra  
ct 1,  
15. Poulson's Addition and the SW1/4 Tract 3A, Seubert's addition (general locat  
ion  
Northeast corner of 85th Street and Louise Avenue) with Conditional Use Perm  
it  
(3096-2015) being approved on August 5, 2015.

New 2015-16 Retail Malt Beverage License, including video lottery terminals,  
for Commonwealth Gaming & Holdings, Deuces Casino 10, Building 1 on a portio  
n  
16. of the SW1/4 Tract 1, Poulson's Addition and the SW1/4 Tract 3A, Seubert's  
addition (general location Northeast corner of 85th Street and Louise Avenue  
)  
with Conditional Use Permit (3096-2015) being approved on August 5, 2015.

New 2015 Retail Wine License, including video lottery terminals, for Commonwealth

Gaming & Holdings, Deuces Casino 10.5, Building 2 on a portion of the SW1/4 Tract 1,

17. Poulson's Addition and the SW1/4 Tract 3A, Seubert's addition (general location

Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit

(3096-2015) being approved on August 5, 2015.

New 2015-16 Retail Malt Beverage License, including video lottery terminals, for

Commonwealth Gaming & Holdings, Deuces Casino 10.5, Building 2 on a portion of the

18. SW1/4 Tract 1, Poulson's Addition and the SW1/4 Tract 3A, Seubert's addition (general

location Northeast corner of 85th Street and Louise Avenue) with Conditional Use

Permit (3096-2015) being approved on August 5, 2015.

Special One Day Liquor License for River Greenway Hospitality, LLC, Hilton  
19. Garden Inn Downtown, to be operated at the CNA Building, 101 South Reid Street, for Avery's Aces Bean Bag and Beer Benefit on September 12, 2015.

Special One-Day Malt Beverage License for Home Builders Association of the  
20. Sioux Empire to be operated at 6904 South Lyncrest Place, for a HBA Membership meeting on September 17, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering  
21. America Inc., Chef Dominique's Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a Ribbon Cutting on September 1, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for  
22. Catering America Inc., Chef Dominique's Catering, to be operated at 2201 East Saint Charles Circle, for a private social on September 15, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering  
23. America Inc., Chef Dominique's Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a private social on September 17, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for  
24. Catering America Inc., Chef Dominique's Catering, to be operated at Orthopedic Institute, 810 East 23rd Street, for a private social on October 3, 2015.

Special One-Day Liquor License for Broadwater Bar to be operated at 8th and  
25. Railroad Shopping Center back dock, 401 East 8th Street, for a wedding on October 23, 2015.

Set a date of hearing for Tuesday, September 8, 2015, at 7 p.m. for Items 26 and 27:

26. A RESOLUTION APPROVING THE ASSESSMENT ROLL FOR THE COLLECTION OF PAST DUE OCCUPANCY TAX IN THE CITY OF SIOUX FALLS, SD.

27. A PROPOSED RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING

DECEMBER 31, 2016, AND THE 2016-2020 CAPITAL PROGRAM.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to approve the Regular Agenda.

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

Motion Passed.

PUBLIC INPUT

Bruce Danielson spoke about the Events Center siding; the Duluth Avenue street vacation; and Shape Places.

Robert Kolbe spoke about various historical highways in South Dakota; suggested reading for the council; location of public input on the agenda; and various historical quotes.

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

UNFINISHED BUSINESS

28. New 2015 Retail Wine License for Fernson Brewing Company LLC, Fernson Brewing Company, to be operated at 1400 East Robur Drive (CUP not required). Pending final inspections per Health & Building Services.

29. New 2015-16 Retail Malt Beverage License for Fernson Brewing Company LLC, Fernson Brewing Company, to be operated at 1400 East Robur Drive (CUP not required). Pending final inspections per Health & Building Services.

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

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

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

33. Special One-Day Malt Beverage and Special One-Day Wine Licenses for 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.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to approve Items 28 through 33.

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

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

DEFERRED (from meeting of 08/11/15) 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 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 Kenny Anderson Jr. to adopt said Ordinance No. 81-15.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to amend by replacing proposed subsection (1) "increase in property taxes" with "increase in property tax revenue pursuant to SDCL 10-13-35."

Vote to amend: Roll Call: Yeses, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

Vote to adopt as amended: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Rick Kiley, 5. Noes, Rex Roling, Dean Karsky, 2.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 35:

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS (\$365,500 for Parks and Recreation).

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 35.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 36:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 85TH ST. AND E. OF S. MEREDITH AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 3010-2015 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, September 1, 2015, at 7 p.m. for Item 36.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 85TH ST. AND E. OF S. TALLGRASS AVE. FROM THE RD-1 TWIN HOME/  
37. DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 3029-2015 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 Rex Roling to set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 37.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT  
5201 S. SYCAMORE AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN & RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICTS TO THE RS SINGLE-FAMILY  
38. RESIDENTIAL-SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN, AND RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICTS, PETITION NO. 3072-2015 A  
ND 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 Kenny Anderson Jr. to withdraw Item 38.

Vote to withdraw: Roll Call: Yeses, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY  
39. AT 3520 S. GATEWAY LANE FROM THE C-3 COMMERCIAL-COMMUNITY DISTRICT TO THE OFFICE DISTRICT, PETITION NO. 3104-2015 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 Rex Roling to set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 39.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 82ND ST. AND W. OF FUTURE S. BEAL AVE. FROM THE RS SINGLE-FAMILY 40. RESIDENTIAL-SUBURBAN DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL-LOW DENSITY DISTRICT, PETITION NO. 3105-2015 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, September 1, 2015, at 7 p.m. for Item 40.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3801 W. TECHNOLOGY DR. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE 41. RA-3, APARTMENT RESIDENTIAL-HIGH-DENSITY DISTRICT, PETITION NO. 3106-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rick Kiley and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 41.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NW CORNER OF W. 22ND ST. & S. TEA/ELLIS RD. FROM THE AG AGRICULTURE 42. DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN, RD-1 TWIN HOME/DUPLEX

RESIDENTIAL-SUBURBAN, RD-2 TOWNHOME RESIDENTIAL-SUBURBAN, AND O OFFICE DISTRICTS, PETITION NO. 3107-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE

E CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 42.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 2013 43. SHAPE PLACES ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY FOR OFF-PREMISE (BILLBOARD) SIGN OPPORTUNITIES. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council



Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 43.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING TITLE XV: LAND USAGE, CHAPTER 160: 44. ZONING, SUBCHAPTERS DEFINITIONS AND FORM UT1: BASIC UTILITIES PERTAINING TO BASIC UTILITIES AND TOWER UTILITIES. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 44.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT 10-FOOT UTILITY EASEMENT LOCATED IN PART OF LOT 2, QUE PLACE 2ND ADDITION TO THE CITY OF 45. SIOUX FALLS, MINNEHAHA COUNTY, SD, AND THE EASEMENTS LOCATED IN VACATED N. CHAPEL HILL RD. LOCATED IN PART OF THE W1/2 OF VACATED N. CHAPEL HILL RD. ADJACENT TO LOT 2, QUE PLACE 2ND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 78-15.

Vote to adopt: Roll Call: Yeses, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 78-15

A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT 10-FOOT UTILITY EASEMENT LOCATED IN PART OF LOT 2, QUE PLACE 2ND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD, AND THE EASEMENTS LOCATED IN VACATED N. CHAPEL HILL RD. LOCATED IN PART OF THE W1/2 OF VACATED N. CHAPEL HILL RD. ADJACENT TO LOT 2, QUE PLACE 2ND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs a part of the permanent 10-foot utility easement area, and part of the public and private easement area of vacated N. Chapel Hill Rd. across the above-described real property, as shown on Exhibit A and Exhibit B. Signed approvals from all

public and private utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent 10-foot utility easement area was established by Book 59 of Plats on Page 192 of Lots 1 & 2, Que Place 2nd Addition to the City of Sioux Falls, Minnehaha County, SD, and filed for record in the office of the Register of Deeds for Minnehaha County, SD, on September 10, 1997, and the public and private easement area boundaries were established by Resolution No. 148-02 vacating the public right-of-way of N. Chapel Hill Rd. lying adjacent to Lot 2, Que Place 2nd Addition to the City of Sioux Falls, Minnehaha County, SD, and recorded in Book 244 of Miscellaneous on Page 86 in the office of the Register of Deeds for Minnehaha County, SD, on January 6, 2003;

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

That it approves the release of the permanent 10-foot utility easement area, as shown on attached Exhibit A, and affecting part of the real property described as Lot 2, Que Place 2nd Addition to the City of Sioux Falls, Minnehaha County, SD, and release of the public and private easement area, as shown on attached Exhibit B, and affecting part of the real property described as the W1/2 of vacated N. Chapel Hill Rd. adjacent to Lot 2, Que Place 2nd Addition to the City of Sioux Falls, Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 08/18/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

46. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A  
PREANNEXATION AGREEMENT WITH THE PETITIONERS FOR FOUNDATION PARK.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to adopt said Resolution No. 79-15.

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

Motion Passed.

RESOLUTION NO. 79-15

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION  
AGREEMENT WITH THE PETITIONERS FOR FOUNDATION PARK.

WHEREAS, the City of Sioux Falls, SD, is authorized, pursuant to SDCL 9-4-1.1, to establish an agreement with any landowner specifying the conditions under which the landowner's property may be annexed; and

WHEREAS, The Sioux Falls Development Foundation is proposing to purchase the property shown on Exhibit C for Foundation Park, which is not contiguous with the current city limits of Sioux Falls, but is within the Sioux Falls 2035 Growth Area as designated by the Shape Sioux Falls 2035 Comprehensive Plan; and

WHEREAS, Sioux Falls Development Foundation is willing to enter into an Annexation Agreement and/or Development Agreement, under the general terms of the attached preannexation petition and will file a signed petition for annexation and submit it to the City of Sioux Falls in conjunction with or following annexation of other lands between the property shown on Exhibit C and the current city limits, and provided that annexation is approved prior to any development; and

WHEREAS, the City of Sioux Falls, and the Sioux Falls Development Foundation agree to the general terms of the Petition for Preannexation Agreement shown on Exhibits A, B, and C including future annexation stipulations, costs and potential assessments, as will more fully appear in any future Annexation Agreement and/or Development Agreement; and

WHEREAS, no cost for City services will be due until after Sioux Falls Development Foundation land is annexed and connected to infrastructure.

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

That it approves the Petition for Preannexation Agreement Foundation Park, which is attached hereto as Exhibits A-C and made a part of this Resolution and shall serve as the Preannexation Agreement between the City of Sioux Falls and Petitioners.

Date adopted: 08/18/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to adopt said Resolution No. 80-15.

Vote to adopt: Roll Call: Yeses, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 80-15

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
Jeffrey Gednalske	Board of Ethics	Reappointed for a term from August 2015 to August 2019.
Kermit Staggers	Board of Museum Trustees	City Council Representative (to replace Michelle Erpenbach)
Craig Odens	Electrical Board of Appeals	Reappointed for a term from August 2015 to August 2018.
Chad Van Ede	Electrical Board of Appeals	Appointed for a term from August 2015 to August 2018.
Dr. Katie Reardon	Falls Community Health Center Governing Board	Appointed for a term from August 2015 to August 2018 (to replace Ryan Reckling).
Mark deWit	Mechanical Board of Appeals and Examiners	Appointed for a term from August 2015 to August 2017 (to replace Ryan VanDerBill).
Thomas Gruenig	Mechanical Board of Appeals and Examiners	Appointed for a term from August 2015 to August 2017 (to replace Mark Weber).
Erik Gaikowski	Public Transit Advisory Board	Reappointed for a term from August 2015 to August 2018.
Cherie Gerry	Public Transit Advisory Board	Appointed for a term from August 2015 to July 2017 (to fill the unexpired term of Jean Crowe).
Crystal Reuter	School Traffic Safety Advisory Committee (PATH)	Appointed for a term from August 2015 to August 2019 (to replace Michelle Wolf).
Nancy Wahlstrom	Sioux Falls Regional Emergency Medical Services Authority (REMSA)	Appointed for a term from August 2015 to February 2018 (to fill the unexpired term of Clara Hart).
Ross Wheeler	Sioux Falls Regional Emergency Medical Services Authority (REMSA)	Reappointed for a term from August 2015 to August 2020.
Robert Everett	Zoning Board of Adjustment	Appointed for a term from August 2015 to August 2018 (to replace Chris Schiltz).

Michael Jones            Zoning Board of Adjustment

Appointed for a term from  
August 2015 to August 2018 (to  
replace Lee VanDeWalle).

Date adopted: 08/18/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

HEARING TO DETERMINE THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE TOUCHMARK AT ALL SAINTS ADDITION PROPOSAL BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE.

The hearing was held including input from City staff, representatives from Touchmark at All Saints, proponents, and opponents.

MOTION AUTHORIZING THE TOUCHMARK AT ALL SAINTS ADDITION PROPOSAL AND THE ISSUANCE OF ANY RELATED PERMIT BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSAL AND THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to authorize the Touchmark at All Saints Addition proposal and the issuance of any related permit based upon the consideration of all relevant factors, and that there is no feasible and prudent alternative to the proposal and the program includes all possible planning to minimize harm to the historic property resulting from such use.

Vote to authorize: Roll Call: Yeses, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

MOTION TO AUTHORIZE THE SIOUX FALLS CITY ATTORNEY'S OFFICE TO PREPARE WRITTEN FINDINGS CONSISTENT WITH THE ABOVE MOTION FOR DISCUSSION, REVIEW, AND APPROVAL BY THE CITY COUNCIL.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to authorize the Sioux Falls City Attorney's Office to prepare written findings consistent with the above motion for discussion, review, and approval by the City Council.

Vote to authorize: Roll Call: Yeses, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to at 9:36 p.m.

Mayor Huether called for a voice vote. 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. 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](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 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.