

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, September 12, 2017, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT ABSENT

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolwing

Council Member Marshall Selberg

Council Member Pat Starr

Mayor Mike T. Huether

INVOCATION

Intern Pastor Jeff Backer, First Lutheran Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Suicide Prevention Week, September 10-16, 2017

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A request was made by Council Member Christine M. Erickson to move the following

agreement from Item 1 to the Regular Agenda for discussion: Entertainment Venues, Strategically Plan for Future of SF Arena & Orpheum, Professional services agreement, CSL International, \$63,500.

A request was made by Council Member Pat Starr to move the following change

order from Item 2 to the Regular Agenda for discussion: Entertainment Venues, Project No. 13005, Sioux Falls Convention Center Building Improvements - EIFS, Unforeseen conditions, Visions Construction Group, Inc., \$180,772.

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

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, September 5, 2017, at 4 p.m.

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Regular City Council Meeting of Tuesday, September 5, 2017, at 7 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the September 8, 2017, memo.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve the following: Entertainment Venues, Strategically Plan for Future of SF Arena & Orpheum, Professional services agreement, CSL International, \$63,500.

Vote to approve: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, 7. Noes, Pat Starr, 1.

Motion Passed.

2. Approval of the notice of change orders on the September 8, 2017, memo.

Report of Requests for Quotes for Fuel dated: August 30, 2017; #2 Dyed

3. Diesel Fuel; 7,500 gallons; Stern Oil (\$1.8585); Harms Oil, Cole's Petroleum, CHS, Inc., Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Stern Oil.

Report of Requests for Quotes for Fuel dated: September 1, 2017; Unleaded and Dyed Diesel #2; 7,000 gallons of UL and 1,000 gallons of Dyed Diesel #2;

4. Cole's Petroleum (\$2.1547 Unleaded, \$1.9067 Dyed Diesel #2); Stern Oil (\$2.2650 Unleaded, \$1.9744 Dyed Diesel #2); Midway Service, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to amend by moving Agenda Item 10 to immediately follow Agenda Item 6.

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

Motion Passed.

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

Motion Passed.

PUBLIC INPUT

Chris Parsley, President of Falls Area Bicyclist and a certified cycling instructor, spoke on behalf of the Sioux Falls bicycling community regarding making a right turn on red at the intersection of 10th Street and Minnesota Avenue.

Patrick Lalley spoke about his concerns regarding the policy change to allow a right turn on red at the intersection of 10th Street and Minnesota Avenue.

Steven Siano spoke about his physical, social and emotional disabilities; the crimes being committed against him; and his requests for help.

Michael Christensen spoke about fatalities, car/bicycle accidents, and speaking to Sioux Area Metro bus drivers about making right turns on red.

Scott Ehrisman spoke about the Arc of Dreams, paying off the Lewis and Clark bond early, enterprise funds and reserves, and the no-mow list.

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

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

INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING
5. TO ELECTIONS.

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to adopt said Ordinance No. 87-17.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to amend Section 8 by deleting parts "a" and "b" and replacing it with the following: "All Elections by majority. In all elections for elective office within the city, including at-large council members and district council members and mayor, if no candidate in a race involving three or more candidates receives a majority of the votes cast for that particular elective office, a runoff election shall be held three weeks from the date of the first election. At the runoff election, the two candidates receiving the highest number of votes at the first election shall be on the ballot. However, if there is a tie for second place in the first election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot

for the runoff election. The runoff election shall be held at the same polling places and shall be conducted, returned, and canvassed in the same manner as the first election. The person receiving the highest number of votes at the runoff election is elected."

A substitute

motion was made by Council Member Theresa Stehly and seconded by Council Member Pat Starr to amend Section 8 by deleting parts "a" and "b" and replacing it with the following: "All Elections. In all elections for elective office within the city, including at-large council members and district council members and mayor, the person receiving the highest number of votes for that office is elected to that office. If no candidate receives 34% of the votes cast in that race, then the top two candidates shall be required to participate in a runoff election which shall be held three weeks from the date of the first election. At the runoff election, the two candidates receiving the highest number of votes at the first election shall be on the ballot. However, if there is a tie for second place in the first election and there is no tie for first place, all tying second place candidates shall be placed along with the first place candidate on the ballot for the runoff election. The runoff election shall be held at the same polling places and shall be conducted, returned, and canvassed in the same manner as the first election. The person receiving the highest number of votes at the runoff election is elected."

Vote to substitute: Roll Call: Yeses, Theresa Stehly, Greg Neitzert, Pat Starr, 3. Noes, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Rex Roling, Marshall Selberg, 5.

Motion Failed.

Vote to amend: Roll Call: Yeses, Michelle Erpenbach, Rick Kiley, Rex Roling, Marshall Selberg, 4. Noes, Theresa Stehly, Christine M. Erickson, Greg Neitzert, Pat Starr, 4. Mayor Mike Huether broke the tie by voting yes.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Rex Roling, Marshall Selberg, 5. Noes, Theresa Stehly, Greg Neitzert, Pat Starr, 3.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 6:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
6. APPROPRIATIONS AUTHORIZING AN INCREASE IN PROPERTY TAX REVENUE PURSUANT TO SDCL 10-13-15 AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING DECEMBER 31, 2018.

A motion was made by Council Member Rex Roling and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 6.

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

Motion Passed.

Item 10 was heard at this time. See item for action taken.

Set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 7:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE "CITY"),
AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS, AUTHORIZING THE USE OF
THE PROCEEDS THEREOF TO REFUND THE OUTSTANDING CITY OF SIOUX FALLS SALES TAX REVENUE BONDS, SERIES 2007A-1 AND TO PAY THE COST OF ISSUANCE THEREOF, AND PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT
OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE
7. BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE TO AN
AMENDED AND RESTATED INDENTURE OF TRUST BETWEEN THE CITY AND THE FIRST NATIONAL
BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH
SALES TAX REVENUE BONDS IN AN AMOUNT SUFFICIENT, TOGETHER WITH FUNDS ON HAND,
(I)
TO FUND A DEPOSIT TO A SERIES 2007A-1 ESCROW FUND TO REDEEM THE SERIES 2007A-
1 BONDS, (II) TO PAY COSTS OF ISSUANCE OF SUCH SERIES 2017 BONDS AND (III) TO
FUND CAPITALIZED INTEREST, IF ANY, AND A DEBT SERVICE RESERVE FUND.

A motion was made by Council Member Rex Roling and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 7.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 8:

8. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND APPROVING OFFER TO PURCHASE.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 8.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 9:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, ESTABLISHING THE TAX INCREMENT REVENUES TO BE COLLECTED AND AUTHORIZING THE PAYMENT OF TAX

9. INCREMENT REVENUES TO CR LLOYD ASSOCIATES, INC., IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. TWENTY-ONE, CITY OF SIOUX FALLS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 9.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

PUBLIC HEARING FOR PUBLIC INPUT FOR A RESOLUTION ADOPTING THE BUDGET FOR 10. THE FISCAL YEAR ENDING DECEMBER 31, 2018, AND THE 2018-2022 CAPITAL PROGRAM.

There was none.

11. A RESOLUTION VACATING THE N. COCKATIEL AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF W. AMBER ST. TO 102.50' SOUTH.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 85-17.

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

Motion Passed.

RESOLUTION NO. 85-17

A RESOLUTION VACATING THE N. COCKATIEL AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF W. AMBER ST. TO 102.50' SOUTH.

WHEREAS, a petition of the owners of:

Tract A in Block 5 of Meadow Ridge Addition to the City of Sioux Falls, Minnehaha County, SD

Lot 20 Block 3 of Hayward Meadows Addition to the City of Sioux Falls, Minnehaha County, SD

WHEREAS, the hearing was held on September 12, 2017, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition hereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has not been used for public travel for at least 20 years.

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

That the N. Cockatiel Ave. right-of-way from the south right-of-way line of W. Amber St. to 102.50' south as shown on Exhibit A, be and the same hereby is declared vacated, and subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property as shown on the Exhibit for drainage, sewer, water and gas mains, electric, telephone lines, cable TV, and

all public utility uses required or authorized by the City of Sioux Falls, and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 09/12/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

12. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF SIOUX FALLS, SD.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 86-17.

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

Motion Passed.

RESOLUTION NO. 86-17

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF SIOUX FALLS, SD.

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

Section 1. That the 2017 special assessment roll for the Main Street Business Improvement District in the City of Sioux Falls, SD, is hereby approved, and the assessment as set out in said special assessment roll approved this date is hereby levied against the property described therein and becomes a lien against such property upon filing of said special assessment roll in the City Finance Office.

Section 2. Said assessment may be paid in one annual installment based on the assessed valuations of the property adjusted each year and shall be collected under Plan One-Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 09/12/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will become due and payable at the office of the County Treasurer in one installment, together with 4% interest for the quarterly rate each year in accordance with SDCL9-43. The first installment, with interest, will become due with general taxes and will be payable at the County Treasurer's Office on January 1, 2018.

Notice is further given that the special assessment roll approved in the above resolution was filed with the City Finance Office on the 12th day of September, 2017, and that the whole of said assessment may be paid without interest to the City Finance Office on or before 30 days after said filing.

Thomas M. Greco

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. (ANNEXATION 7166-2017-Cactus Heights Townsite Addition)

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to adopt said Resolution No. 87-17.

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

Motion Passed.

RESOLUTION NO. 87-17

ANNEXATION 7166-2017-Cactus Heights Townsite Addition

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

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 2040 Comprehensive Plan.
3. There is access to the major street from E. Imani Ridge Pl.
4. Sewer and water are available to this site immediately.

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

That the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby extended to include such territory:

A portion of Tract 8 of Cactus Heights Townsite Addition in the S1/2 of the NW1/4 of Section 12, T101N, R49W as described in Exhibit A, Minnehaha

County, SD

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

Date adopted: 09/12/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE,
14. AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATIONS, AND
DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT
REQUESTS.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rex Roling to adopt said Resolution No. 88-17.

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

Motion Passed.

RESOLUTION NO. 88-17

A RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATIONS, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Sioux Falls, SD (the "City"), has determined it is necessary to proceed with improvements to its clean water system, including, but not limited to, Terry Avenue and 43rd Street Drainage and Street Improvements and the Implementation of Non-Point Source Measures (the "Projects"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project;

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

1. That the City hereby approves the submission of an application for financial assistance in an amount not to exceed \$8,400,000 for the Terry Avenue and 43rd Street Drainage and Street Improvements and \$429,000 for Non-Point Source Measures to the South Dakota Board of Water and Natural Resources for the Project.

2. That the City is hereby authorized to execute the application and

submit it to the South Dakota Board of Water and Natural Resources and to execute and deliver such other documents and perform all acts necessary to effectuate the application for financial assistance.

3. That the Mayor and/or Director of Public Works or the Public Works Business Operations Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Date adopted: 09/12/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

15. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON DAKOTA AVE.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 89-17.

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

Motion Passed.

RESOLUTION NO. 89-17

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON DAKOTA AVE.

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

That it approves the establishment of diagonal parking on the west side of Dakota Ave. between 6th St. and 8th St.

Date adopted: 09/12/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION APPROVING THE RELEASE OF A 24' PUBLIC ACCESS EASEMENT AND SANITARY

16. SEWER EASEMENT LOCATED IN LOTS 3C AND 4A IN TRACT 1 OF ST. MICHAEL'S ADDITION

TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to adopt said Resolution No. 90-17.

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

Motion Passed.

RESOLUTION NO. 90-17

A RESOLUTION APPROVING THE RELEASE OF A 24' PUBLIC ACCESS EASEMENT AND SANITARY SEWER EASEMENT LOCATED IN LOTS 3C AND 4A IN TRACT 1 OF ST. MICHAEL'S ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs a 24' public access easement and sanitary sewer easement across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer;

WHEREAS, the 24' public access easement and sanitary sewer easement were established by plat and filed in Book 78 of Plats on page 38 in the office of the Register of Deeds for Minnehaha County, SD, on March 4, 2016, and was reaffirmed by plat and filed in Book 78 of plats on page 189 in the Register of Deeds for Minnehaha County, SD, on August 25, 2016;

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

That it approves the release of a 24' public access easement and sanitary sewer easement as shown on attached Exhibit A, and affecting the real property described as Lots 3C and 4A in Tract 1 of St. Michael's 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: 09/12/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED 17. IN TRACT 5 OF FISCHENICH ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Resolution No. 91-17.

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

Motion Passed.

RESOLUTION NO. 91-17

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED IN TRACT 5 OF FISCHENICH ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs part of the permanent drainage easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer;

WHEREAS, the permanent utility easement was established by plat and filed in Book W of Plats on page 91 in the office of the Register of Deeds for Lincoln County, SD, on August 13, 2003;

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

That it approves the release of part of the permanent drainage easement area, as shown on attached Exhibit A, and affecting the real property described as Tract 5 of Fischenich Addition to the City of Sioux Falls, Lincoln County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 09/12/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NEW BUSINESS

Council Member Rex Roling announced that he and Internal Audit Manager Kim Schroeder interviewed two outside candidates for the Audit Committee and selected Rose Grant. A resolution will be brought before the City Council next week for her appointment.

ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Rick Kiley to adjourn at 9:35 p.m.

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

Motion Passed.

Denise D. Tucker, MMC

Assistant City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

AS YOUR ELECTED REPRESENTATIVES, THE CITY COUNCIL VALUES YOUR INPUT AND FEEDBACK. WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING WHEN THAT ITEM IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS IN ANY MANNER SHOULD UNDERSTAND THAT THEIR COMMENTS MAY BECOME PART OF THE OFFICIAL RECORD AND SUBJECT TO REVIEW BY ALL PARTIES AND THE PUBLIC.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. LINKS TO EACH MEETING'S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO "CITYLINK" AT WWW.SIOUXFALLS.ORG FOR SPECIFIC PROGRAMMING TIMES.