

MINUTES

City Council Meeting

Tuesday, April 9, 2019 at 7:00 PM

Carnegie Town Hall, 235 West 10th St., Sioux Falls, South Dakota 57104

CALL TO ORDER

1. MEETING ROLL CALL

Present: Council Member Janet Brekke, Council Member Christine M. Erickson, Council Member Rick Kiley, Council Member Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Theresa Stehly, Mayor Paul TenHaken

Absent: None

2. INVOCATION

Dr. David L. Aronson

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3. PLEDGE OF ALLEGIANCE

4. AWARDS & RECOGNITIONS

CONSENT AGENDA

5. APPROVAL OF THE CONSENT AGENDA

A motion was made by Council Member Erickson and seconded by Council Member Selberg to approve the Consent Agenda.

Roll call vote to approve. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

6. APPROVAL OF MINUTES

Informational Meeting of Tuesday, April 2, 2019

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Regular City Council Meeting of Tuesday, April 2, 2019

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COMMUNICATIONS

7. Approval of contracts/agreements on the April 5, 2019, memo.

Report of Requests for Quotes for Fuel dated: March 29, 2019; 8,500 Gallons of

8. Unleaded Ethanol; Cole's Petroleum (\$2.2750); Farstad Oil (\$2.1610); Stern Oil

(\$2.1817); CHS, Inc. (\$2.2200); Midway Service, Harms Oil, Howe's Oil, and Olson

Oil, all no bid. Bid awarded to: Farstad Oil.

9. Approval of Surplus Property on the March 31, 2019, memo.

A communication was received from Jeff Driver and Kathy Miller requesting
10. permission to consume, but not sell, wine and beer at The History Club, 758
S. Phillips Ave., on Saturday, April 13, 2019, for a wedding reception.

A communication was received from Faith Ballantine requesting permission to
11. consume, but not sell, liquor, wine and beer at The Old Courthouse Museum,
200 W. Sixth St., on Saturday, May 4, 2019, for the Nesbit-Ballantine
wedding.

The following abatements are recommended for approval by the Minnehaha County
Director of Equalization:

SD Department of Transportation, 700 E. Broadway Ave., Pierre, Parcel
12. #40794, for 2018 property taxes in the amount of \$10,775.18. Reason: The
property is exempt from the tax.

Linda Carlson-Vignes, 719 E. 4th St., Parcel #46218, for 2018 property
13. taxes in the amount of \$455.40. The amount requested is the difference
between the elderly freeze and the non-elderly freeze.

REGULAR AGENDA

14. APPROVAL OF THE REGULAR AGENDA

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

Roll call vote to approve. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg,
Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

15. PUBLIC INPUT

Bridget Myers, representing the Oscar Howe and Valley View neighborhoods,
expressed her disappointment in working with developers for a First Assembly of
God project.

Bob Kolbe spoke about the 1880 and 1881 blizzards and floods.

Jerry LeClair spoke about road conditions and the new water treatment plant.

Sierra Broussard spoke about illegal massages, drug houses in the Whittier
Neighborhood district, and homes with code violations.

Steven Siano spoke about providing information regarding City meetings and ways
to fix potholes.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
16. OF ORDINANCES OF THE CITY BY ADOPTING THE 2018 INTERNATIONAL FIRE CODE AND
AMENDMENTS THERETO.

A motion was made by Council Member Kiley and seconded by Council Member Soehl
to adopt said Ordinance No. 43-19.

Roll call vote to adopt. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg,
Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE OF ITS WASTEWATER SYSTEM REVENUE BONDS, IN ONE OR MORE SERIES, TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING THE WASTEWATER SYSTEM REVENUE OF 17. THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BONDS, FIXING THE TERMS OF SUCH WASTEWATER SYSTEM REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WASTEWATER SYSTEM REVENUE BONDS TO THE SOUTH DAKOTA CONSERVANCY DISTRICT NOT TO EXCEED \$26,808,800.

A motion was made by Council Member Erickson and seconded by Council Member Neitzert to adopt said Ordinance No. 44-19.

A motion was made by Council Member Erickson and seconded by Council Member Neitzert to amend Exhibit A, on page 5 by adding, "and as further amended December 2018" to the end of the first sentence.

Roll call vote to amend. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

Roll call vote to adopt. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 18. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL; SUBCHAPTER PRESIDING OFFICER; DUTIES.

A motion was made by Council Member Brekke and seconded by Council Member Kiley to adopt said Ordinance No. 45-19.

A motion was made by Council Member Kiley and seconded by Council Member Erickson to amend Sec. 30.008 (b) (1) by replacing "June" with "May" and adding the sentence, "The chair or vice chair shall notify the newly elected city council members in a timely manner of the regular election date and time" at the end of this section.

Roll call vote to amend. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

Roll call vote to adopt. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING 19. THE MAYOR TO ENTER INTO AN AMENDED AND RESTATED LEASE AND SUBLEASE AGREEMENT BETWEEN THE CITY OF SIOUX FALLS, SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS, AND THE BUTTERFLY HOUSE & AQUARIUM, INC.

Recommendation: Set a date of 2nd Reading for Tuesday, April 16, 2019.

A motion was made by Council Member Kiley and seconded by Council Member Brekke to set a date of 2nd Reading for Tuesday, April 16, 2019 for Item 19.

Roll call vote to set a date of 2nd Reading. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

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

20. NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY. ("Lloyd Lawn at the Levitt Shell")

Recommendation: Set a date of 2nd Reading for Tuesday, April 16, 2019.

A motion was made by Council Member Brekke and seconded by Council Member Neitzert to set a date of 2nd Reading for Tuesday, April 16, 2019 for Item 20.

Roll call vote to set a date of 2nd Reading. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT OF REAL PROPERTY FROM
21. NORTHERN STATES POWER COMPANY AND GRANTING EASEMENTS TO NORTHERN STATES POWER COMPANY WITHIN FALLS PARK AND WITHIN CITY PROPERTY NEAR VETERANS PARKWAY.

Recommendation: Set a date of 2nd Reading for Tuesday, April 16, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to set a date of 2nd Reading for Tuesday, April 16, 2019 for Item 21.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed. Kiley was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO A PURCHASE AGREEMENT OF REAL PROPERTY AT 1600 N. RIVERSIDE DR. FROM NORTHERN STATES POWER COMPANY AND GRANTING EASEMENTS TO NORTHERN STATES POWER COMPANY.
22.

Recommendation: Set a date of 2nd Reading for Tuesday, April 16, 2019.

A motion was made by Council Member Selberg and seconded by Council Member Erickson to set a date of 2nd Reading for Tuesday, April 16, 2019 for Item 22.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed. Kiley was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A VERIZON FIBER OPTIC EASEMENT.
23.

Recommendation: Set a date of 2nd Reading for Tuesday, April 16, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, April 16, 2019 for Item 23.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Stehly; 0 No: (None). Motion Passed. Starr excused himself from the meeting and was not present for the vote on this motion.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY CHANGING A STREET NAME.
24.

Recommendation: Set a date of 2nd Reading for Tuesday, May 7, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, May 7, 2019 for Item 24.

Roll call vote to set a date of 2nd Reading. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

HEARINGS AND RESOLUTIONS

25. A RESOLUTION VACATING THE ALLEY RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. 24TH ST. TO THE SOUTH LOT LINES OF LOT 216 AND LOT 195.

A motion was made by Council Member Kiley and seconded by Council Member Erickson to adopt said Resolution No. 26-19.

Roll call vote to adopt. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 26-19

A RESOLUTION VACATING THE ALLEY RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. 24TH ST. TO THE SOUTH LOT LINES OF LOT 216 AND LOT195.

WHEREAS, a petition to vacate city right-of-way has been filed by the owners of the following described properties:

Lots 192, 193, 194, and 195, Belmont Addition to the City of Sioux Falls, Minnehaha County, SD

Lots 216, 217, 218, and 219, Belmont Addition to the City of Sioux Falls, Minnehaha County, SD

WHEREAS, the hearing was held on April 9, 2019, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony of said petition has been heard. Said property, as shown upon the plats attached to and made a part of said petition, has been used as a street, alley, or public ground but, after due consideration, use of this property for street or alley right-of-way is no longer warranted.

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

That the alley right-of-way from the south right-of-way line of E. 24th St. to the south lot lines of Lot 216 and Lot 195, as shown on Exhibit A, be and the same hereby is declared vacated, 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: 04/09/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION APPROVING THE RELEASE OF A 20' WIDE PERMANENT SANITARY SEWER EASEMENT LOCATED IN LOT 2C, BLOCK 1 OF BROOKS CROSSING ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt said Resolution No. 27-19.

Roll call vote to adopt. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg,

Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 27-19

A RESOLUTION APPROVING THE RELEASE OF A 20' WIDE PERMANENT SANITARY SEWER EASEMENT LOCATED IN LOT 2C, BLOCK 1 OF BROOKS CROSSING ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

WHEREAS, the City of Sioux Falls, South Dakota, no longer needs the 20' wide permanent sanitary sewer 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 20' wide sanitary sewer easement over, under, and upon Lot 2C, Block 1 of Brooks Crossing Addition to the City of Sioux Falls, Minnehaha County, South Dakota, was granted by plat in Book 70 of Plats on page 198 in the office of the Register of Deeds for Minnehaha County, SD on July 29, 2008.

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

That it approves the release of the permanent easement area, as shown on attached Exhibit A, and affecting the real property now described as Lot 2C, Block 1 of Brooks Crossing Addition to the City of Sioux Falls, Minnehaha County, South Dakota, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 04/09/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT NEGOTIATION PHONES 27. TO THE SOUTH DAKOTA STATE PENITENTIARY AND THE CODINGTON COUNTY SHERIFF'S DEPARTMENT.

A motion was made by Council Member Kiley and seconded by Council Member Brekke to adopt said Resolution No. 28-19.

Roll call vote to adopt. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 28-19

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT NEGOTIATION PHONES TO THE SOUTH DAKOTA STATE PENITENTIARY AND THE CODINGTON COUNTY SHERIFF'S DEPARTMENT.

WHEREAS, the City of Sioux Falls has declared as surplus two negotiator (throw) phones used in crisis negotiation callouts; and

WHEREAS, the South Dakota State Penitentiary finds it desirable to acquire the phone identified as Asset No. 03003415-000 for use by their negotiation team; and

WHEREAS, the Codington County sheriff's department finds it desirable to acquire the phone identified as Asset No. 03010027-000 for use by their

negotiation team;

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

That the gifting by the City of Sioux Falls of the following surplus property:

- * Negotiator (throw) phone identified as Asset No. 03003415-000 to the South Dakota State Penitentiary; and
- * Negotiator (throw) phone identified as Asset No. 03010027-000 to the Codrington County sheriff's department.

is hereby approved.

Date adopted: 04/09/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION APPROVING THE RELEASE OF A PERMANENT UTILITY EASEMENT LOCATED IN W1/2 OF THE SE1/4 AND THE W1/2 OF THE NE1/4 OF SECTION 12 T101N-R49W AND 28. ALSO APPROVING THE RELEASE OF A PORTION OF THE 10' UTILITY EASEMENT LYING ADJACENT TO AND WITHIN VACATED N. COSSINGTON AVENUE LOCATED WITHIN CANTERBURY HEIGHTS, AN ADDITION TO THE CITY OF SIOUX FALLS, ALL IN MINNEHAHA COUNTY, SD.

A motion was made by Council Member Erickson and seconded by Council Member Soehl to adopt said Resolution No. 29-19.

Roll call vote to adopt. 8 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 29-19

A RESOLUTION APPROVING THE RELEASE OF A PERMANENT UTILITY EASEMENT LOCATED IN W1/2 OF THE SE1/4 AND THE W1/2 OF THE NE1/4 OF SECTION 12 T101N-R49W AND ALSO APPROVING THE RELEASE OF A PORTION OF THE 10' UTILITY EASEMENT LYING ADJACENT TO AND WITHIN VACATED N. COSSINGTON AVENUE LOCATED WITHIN CANTERBURY HEIGHTS, AN ADDITION TO THE CITY OF SIOUX FALLS, ALL IN MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs part of the permanent utility easement areas 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 granted by easement document and filed in Book 272 of Misc. on Page 890 in the office of the Register of Deeds for Minnehaha County, SD on January 14, 2013 AND ALSO

WHEREAS, the permanent 10' utility easement was established by plat and filed in Book 69 of Plats on page 295 in the office of the Register of Deeds for Minnehaha County, SD on November 13, 2007.

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

That it approves the release of the permanent utility easement areas, as shown on attached Exhibit A, and affecting the real property described as the W1/2 of

the SE1/4 and the W1/2 of the NE1/4 of Section 12-T101N-R49W and also along vacated N. Cossington Avenue of Canterbury Heights, an Addition to the City of Sioux Falls, all in Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 04/09/19.

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Starr and seconded by Council Member Erickson to adjourn at 8:43 p.m.

Voice vote to adjourn. Motion Passed.

Denise D. Tucker, MMC, Assistant City Clerk