

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, July 5, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Marshall Selberg  
Council Member Pat Starr  
Council Member Theresa Stehly  
Council Member Christine M. Erickson  
Council Member Michelle Erpenbach  
Council Member Rick Kiley  
Council Member Greg Neitzert  
Mayor Mike T. Huether

ABSENT

Council Member Rex Rolwing

INVOCATION

- Dr. Ron Tottingham, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

MINUTES

- Informational Meeting of Tuesday, June 21, 2016, at 4 p.m.
- City Council Meeting of Tuesday, June 21, 2016, at 7 p.m.
- Informational Meeting of Tuesday, June 28, 2016, at 4 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the July 1, 2016, memo.
2. A communication was received from the Butterfly House & Marine Cove requesting permission to consume, but not sell, wine and malt beverages at the Butterfly House & Marine Cove, 4320 South Oxbow Avenue, on Thursday, July 21, 2016, from 5 p.m. to 8 p.m., pursuant to SDCL 35-1-5-3 for the purpose of hosting a donor appreciation event.
3. A communication was received from the Bembe Community of Sioux Falls requesting permission to consume, but not sell, beer and wine at the Multi-Cultural Center, 515 North Main Avenue, on Saturday, July 30, 2016, pursuant to SDCL 35-1-5.5, for the purpose of a wedding.
4. A communication was received from the Great Plains Zoo and Delbridge Museum of Natural History requesting permission to consume, but not sell, liquor, wine, and/or malt beverages at the Great Plains Zoo, 805 South Kiwanis Avenue on the following dates, pursuant to SDCL 35-1-5.3 for supporter and donor appreciation events. Dates: July 15, 16, 21, 26, 27, 28, 29, 30, 2016, and August 5, 6, 12, 13, 19, 20, 26 and 27, 2016.
5. Report of Requests for Quotes for Fuel dated: June 17, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Stern Oil (\$1.6788); Harms Oil (\$1.7108); Howes Oil (\$1.7725); Cole's Petroleum (\$1.7750); CHS, Inc., Olson Oil and Vollan Oil, all no bid. Bid awarded to: Stern Oil.
6. Report of Requests for Quotes for fuel dated: June 20, 2016; Unleaded Ethanol; 729 gallons; Midway Service (\$2.0311); Howes Oil (\$2.0675); Stern Oil (\$2.1245); Cole's Petroleum, no bid. Bid awarded to: Howe's Oil.
7. Special Requests for Quotes for Fuel dated: June 20, 2016; Clear Diesel #1; 914 gallons; Midway Service (\$2.2094); Howes Oil (\$2.0015); Stern Oil (\$2.0628); Cole's Petroleum, no bid. Bid awarded to: Howes Oil.
8. Report of Requests for Quotes for Fuel dated: June 20, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.5850); Harms Oil (\$1.5921); Cole's Petroleum (\$1.6045); Howes Oil (\$1.6200); CHS, Inc., Midwest Oil, Midway Service (Vollan), Olson Oil, all no bid. Bid awarded to: Stern Oil.
9. Report of Requests for Quotes for Fuel dated: June 23, 2016; #2 Clear Diesel; 8,500 gallons; CHS, Inc. (\$1.9089/gallon); Harms Oil (\$1.8794/gallon); Howe's Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
10. Report of Requests for Quotes for Fuel dated: June 24, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.7685); Howes Oil (\$1.7750); Stern Oil (\$1.7768); CHS, Inc. (\$1.8400); Coles Petroleum, Olson Oil and Vollan Oil, all no bid. Bid awarded to: Harms Oil.
11. Report of Requests for Quotes for Fuel dated: June 27, 2016; #2 Dyed Diesel

Fuel; 7,500 gallons; Stern Oil (\$1.5281); Harms Oil (\$1.5345); Cole's Petroleum (\$1.5345); Howes Oil (\$1.5435); CHS, Inc. (\$1.5900); Midwest Oil, Midway Service (Vollan) and Olson Oil, all no bid. Bid awarded to: Stern Oil.

12. Report of Requests for Quotes for Fuel dated: June 28, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Stern Oil (\$1.7137); Coles Petroleum (\$1.7165); Harms Oil (\$1.7186); CHS, Inc. (\$1.7400); Howes Oil, Olson Oil and Vollan Oil, all no bid. Bid awarded to: Stern Oil.

#### APPLICATIONS

13. Renewal of 2016-17 Retail Malt Beverage license for Ezekiel Osman, Kauda Coffee House and Restaurant, 1701 East 10th Street.
14. Renewal of 2016-17 Retail Malt Beverage license for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue.

Additional action was taken on Item 14 after Public Input.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, July 19, 2016, at 7 p.m. for Items 15 through 26:

15. New 2016-17 Retail Malt Beverage license for JSM Investment, Inc., Benji s Casino, 5022 South Marion Road (CUP not required).
16. Request to include video lottery terminals with the new 2016-17 Retail Malt Beverage license for JSM Investment, Inc., Benji s Casino, 5022 South Marion Road.
17. New 2016 Retail Wine license for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015.
18. Transfer of 2016-17 Retail Malt Beverage license, with video lottery terminals, from GMJS Enterprises, JJ s Billiards, 309 South Elmwood Avenue, to JS Bar LLC, JJ s Billiards, 309 South Elmwood Avenue.
19. New 2016 Retail Wine license for JS Bar LLC, JJ s Billiards, 309 South Elmwood Avenue.
20. Transfer of 2016 Retail Liquor license, including video lottery terminals and Sunday sales certificate, from M & J Ventures Inc., Red Eye Bar & Casino, 5013 North Cliff Avenue, to Red Eye Holdings Inc., Red Eye Bar & Casino, 5013 North Cliff Avenue.
21. Transfer of 2016 Retail Liquor license, including video lottery terminals and Sunday sales certificate, from MJ Ventures, The LieBrary, 5108 South

Marion Road, to LieBrary Holdings Inc., LieBrary Bar, 5108 South Marion Road.

22. Transfer of 2016 Retail Liquor license, including video lottery terminals and Sunday sales certificate, from Our Ventures, Woody s, 900 South Marion Road, to Woody s Holdings Inc., Woody s Pub, 900 South Marion Road.
23. Transfer of 2016 Retail Liquor license, including video lottery terminals and Sunday sales certificate, from Our Ventures, Woody s, 900 South Marion Road, to Woody s Holdings Inc., Woody s Pub, 900 South Marion Road.
24. New 2016 Package Liquor license for Vanguard Hospitality, Foley s, 2507 South Shirley Avenue.
25. New 2016 Package Liquor license for Vanguard Hospitality, Minerva s, 301-307 South Phillips Avenue.
26. New 2016 Package Liquor license for Vanguard Hospitality, Grille 26, 1716 South Western Avenue.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Jay Masur spoke regarding mutual aid agreements with the City of Sioux Falls.

Robert Murray spoke regarding his experiences with Paramedics Plus while his wife was having a heart attack.

Joy Tuscherer spoke about the First Amendment, the public tour of the Midco Aquatic Center, the denial of electronic recording during the tour, and ADA accessible bathrooms at the facility.

Scott Ehrisman spoke regarding the funds used to build the Midco Aquatic Center. He also spoke about wishing to be considered as a member of the media. Ehrisman spoke about the presentation made earlier by the Director of

Finance.

Robert Kolbe spoke about the differences between reading books vs. the digital information generation. He spoke about the potential loss of security or accessibility if records are digitalized.

Bruce Danielson spoke regarding poor ambulance services in the city. He cited an example of services provided to a Korean Veteran who is a friend of his.

A motion was made by Council Member Rick Kiley and seconded by Council Member Pat Starr to reconsider Item 14.

Vote to reconsider: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

A motion was made by Council Member Rick Kiley and seconded by Council Member Pat Starr to approve Item 14.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

#### UNFINISHED BUSINESS

27. Deferred from the City Council Meeting on June 21, 2016: Transfer of 2016 Retail Liquor license, with Sunday sales and video lottery terminals, from Sport Zone Inc., Rookies Sports Bar and Grill, 2616 South Louise Avenue, to Hooks South Dakota Inc., Tanner s Bar & Grill, 2616 South Louise Avenue (CUP not required).
28. Transfer of 2016 Retail Wine license from Plums Cooking Co., Plums Cooking, 401 East 8th Street, Suite 107, to Simply Perfect LLC, Simply Perfect, 401 East 8th Street, Suite 107 (CUP not required). Pending final inspections per Health and Building Services.
29. New 2016-17 Retail Malt Beverage license for Simply Perfect LLC, Simply Perfect, 401 East 8th Street, Suite 107 (CUP not required). Pending final inspections per Health and Building Services.
30. New 2016-17 Retail Malt Beverage license for Sioux Falls Pilots LLC, Sioux Falls Pilots, 2505 South Grange Avenue, (Augustana University Ronken Baseball field only) with conditional use permit (4639-2016) being approved on June 1, 2016.
31. New 2016 Retail Wine license for East Dakotah Natural Foods, Co-op Natural Foods, 410 West 18th Street, with conditional use permit (4554-2016) being approved on June 1, 2016.
32. New 2016-17 Retail Malt Beverage license for East Dakotah Natural Foods, Co-op Natural Foods, 410 West 18th Street, with conditional use permit

(4554-2016) being approved on June 1, 2016.

33. Special One-Day Liquor license for Bates Enterprises to be operated at the Multi-Cultural Center, 515 North Main Avenue, for a wrestling event on July 20, 2016.
34. Special One-Day Wine license for Augustana University to be operated at the Center for Western Study, 2001 South Summit Avenue, for a special event on July 8, 2016.
35. Special One-Day Malt Beverage license for Fernson Brewing Company LLC, Fernson Brewing Company to be operated at Zanbroz Variety, 209 South Phillips Avenue, for a special event on July 13, 2016.

A motion was made by Council Member Rick Kiley and seconded by Council Member Christine M. Erickson to withdraw Item 27.

Vote to withdraw: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Pat Starr and seconded by Council Member Michelle Erpenbach to defer Item 33 to the City Council Meeting on Tuesday, July 12, 2016, at 7 p.m.

Vote to defer: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Marshall Selberg to approve Items 28-32 and Items 34-35.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

36. Deferred from the City Council Meeting on June 21, 2016: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING ONE LEGAL DESCRIPTION TO SECTION 37.038, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to adopt said Ordinance No. 80-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHEAST CORNER OF W. 57TH ST. AND S. ROLLING GREEN AVE. FROM THE LW LIVE-WORK DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, PETITION NO.4459-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Ordinance No. 69-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NORTHWEST CORNER OF E. 69TH ST. AND S. SYCAMORE AVE. FROM THE AGAGRICULTURE DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY, RA-3 APARTMENT RESIDENTIAL HIGH DENSITY, LW LIVE-WORK, AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS, PETITION NO. 4340-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Theresa Stehly and seconded by Council Member Rick Kiley to adopt said Ordinance No. 70-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF W. 57TH ST., WEST OF S. LOUISE AVE., AND EAST OF S. ROLLING GREEN AVE. FROM THE LW LIVE-WORK DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, PETITION NO. 4419-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Pat Starr and seconded by Council Member Rick Kiley to adopt said Ordinance No. 71-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY

NORTH OF W. 26TH ST. AND EAST OF S. ST. MICHAELS CIR. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE RE4 FORM, PETITION NO. 4607-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0) with the following conditions: 1) The proposed building will not exceed 30,000 sq. feet; 2) Prohibited land uses include: Off-Sale Alcohol, On-Sale Alcohol and Adult Uses.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Ordinance No. 72-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 301 S. ST. PAUL AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 4635-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Theresa Stehly and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 73-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST OF S. SOUTHEASTERN AVE., SOUTH OF E. 57TH ST., AND WEST OF S. GRAYSTONE AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS, PETITION NO. 4637-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Pat Starr to adopt said Ordinance No. 74-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2601 E. 8TH ST. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT,



PETITION NO. 4661-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 75-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

44. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1217 E. RICE ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 4665-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Marshall Selberg and seconded by Council Member Rick Kiley to adopt said Ordinance No. 76-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

45. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF W. 69TH ST. AND WEST OF S. BEAL AVE. FROM THE AG AGRICULTURE DISTRICT TO THE RR SINGLE-FAMILY RESIDENTIAL RURAL DISTRICT, PETITION NO. 4693-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Pat Starr to adopt said Ordinance No. 77-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

46. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE, EXECUTION AND DELIVERY OF ITS WASTEWATER SYSTEM REVENUE BONDS AND RELATED LOAN DOCUMENTS, PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BONDS

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Pat Starr to adopt said Ordinance No. 78-16.

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

0.  
Motion Passed.

47. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A HOTEL GROUND LEASE AGREEMENT, BEING A 50-YEAR LEASE OF CITY PARKLAND LOCATED AT ELMWOOD GOLF COURSE BETWEEN THE CITY AND ELMWOOD HOSPITALITY, LLC.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Ordinance No. 79-16.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to amend by replacing the current Exhibit D Preliminary Site Plan with an updated Exhibit D Preliminary Site Plan.

Vote to amend: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 12, 2016, at 7 p.m. for Item 48:

48. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING WATER TANK LEASE AGREEMENTS AND MONOPOLE LEASE AGREEMENT WITH BROOKINGS MUNICIPAL UTILITIES, TELEPHONE DEPARTMENT DBA SWIFTEL COMMUNICATIONS AT VARIOUS TOWERS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, July 12, 2016, at 7 p.m. for Item 48.

Vote to set a date: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 19, 2016, at 7 p.m. for Item 49:

49. 1st Reading: AN ORDINANCE APPROVING THE ANNUAL RATE INCREASE PURSUANT TO THE FRANCHISE AGREEMENT FOR GROUND AMBULANCE SERVICE FOR THE CITY OF SIOUX FALLS WITH PARAMEDICS PLUS, LLC.

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, July 19, 2016, at 7 p.m. for Item 49.

Vote to set a date: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to reconsider Item 46.  
Vote to reconsider Item 46: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Pat Starr to adopt said Ordinance No. 78-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

50. Deferred from the City Council Meeting on June 21, 2016: A RESOLUTION INCLUDING CERTAIN CONTINGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. ANNEXATION 3455-2015 - Reiter/Webber Land (E. 57th St. and S. Southeastern Ave.)

8:37 p.m. Mayor Mike Huether relinquished the chair to Council Vice Chair Rick Kiley in order to enter the debate.

8:38 p.m. Council Vice Chair Rick Kiley returned the chair to Mayor Mike Huether.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Resolution No. 64-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

#### RESOLUTION NO. 64-16

ANNEXATION 3455-2015 Reiter/Weber Land (E. 57th St. and S. Southeastern Ave.)  
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 2035 Comprehensive Plan.
3. There is access to the major street network along S. Southeastern Ave., E. 57th St., S. Bahnson Ave., and adequate provisions for municipal utilities.
4. Sewer is currently within close proximity to the existing parcels.

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, Lincoln County, and the boundary of the city is hereby extended to include such territory:

Tracts 1, 2, and 3 of Shields 1st Addition in Government Lot 4 in the NW1/4 of Section 7, Township 100 N, Range 49 W of the 5th P.M., including adjacent E. 57th St. and S. Southeastern Ave. right-of-way, Lincoln County, SD.

AND

Tract 1 of Shields 2nd Addition in Government Lots 3 and 4, except H-1, in the NW1/4 of Section 7, Township 100 N, Range 49 W of the 5th P.M., including adjacent E. 57th St. right-of-way, Lincoln County, SD.

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

Date adopted: 07/05/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

51. Deferred from the City Council Meeting on June 21, 2016: A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH THE HAYES ADDITION RESIDENTS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Resolution No. 63-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 63-16

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH THE HAYES ADDITION RESIDENTS.

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, current landowners shown on Exhibit A for the Hayes Addition are contiguous with the current city limits of Sioux Falls; and

WHEREAS, current landowners are willing to enter into an Annexation Agreement and/or Development Agreement, provided the City is willing to satisfy the agreement consistent with the terms of the attached preannexation petition; and

WHEREAS, the City of Sioux Falls and the current landowners agree to the

general terms of the Petition for Preannexation Agreement shown on Exhibit B, 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 current landowners lands are connected to infrastructure or platted as provided in the attached Preannexation Agreement;

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

That it approves the Petition for Annexation Agreement Hayes Addition, which is attached hereto as Exhibits A C and made part of this Resolution as if set out in full, and shall serve as the Preannexation Agreement between the City of Sioux Falls and Petitioners.

Date adopted: 07/05/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

52. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WHISPER RIDGE EAST ADDITION.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 59-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 59-16

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WHISPER RIDGE EAST ADDITION.

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

That the preliminary plan of Whisper Ridge East Addition to the City of Sioux Falls, Lincoln County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 07/05/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

53. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE

CITY OF SIOUX FALLS AND MINNEHAHA COUNTY. (Shared Parking Agreement.)

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Pat Starr to adopt said Resolution No. 60-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 60-16

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND MINNEHAHA COUNTY.

WHEREAS, the City of Sioux Falls and Minnehaha County desire to enter into a mutually beneficial parking agreement;

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

That the document attached to and part of this resolution entitled An Agreement Between the City of Sioux Falls and Minnehaha County is hereby approved.

That the Mayor is authorized to sign such agreement.

Date adopted: 07/05/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

54. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY. Sculpture is called "Farmer".

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Resolution No. 61-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 61-16

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

WHEREAS, the Stockyards Plaza Group intends to place a 2013 SculptureWalk People s Choice Award bronze sculpture known as Farmer by artist Larry Starck; and

WHEREAS, the sculpture depicts a farmer and his dog and measures approximately 38" in height, 17" in width, and 17" in length; and

WHEREAS, the proposed site placement for the Farmer sculpture be prominently displayed on an existing quartzite pedestal, located within the existing Horse Barn outdoor plaza area at Falls Park; and

WHEREAS, the Stockyards Plaza Group will be responsible for project costs

associated with Farmer sculpture placement and installation, up to \$500; and WHEREAS, the Sioux Falls Visual Arts Commission encourages and recommends the outdoor exhibition of public art in Sioux Falls, SD; and WHEREAS, both the Sioux Falls Visual Arts Commission and Sioux Falls Parks and Recreation Board have reviewed the proposed Farmer sculpture and placement on February 16, 2016, and June 21, 2016, and unanimously recommended approval for the sculpture and placement, as presented; NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD: The Farmer sculpture and its placement within the existing Horse Barn outdoor plaza area at Falls Park be approved as recommended.

Date adopted: 07/05/16 .

Mike T. Huether

Mayor  
ATTEST:  
Thomas M. Greco  
City Clerk

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Resolution No. 62-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.  
Motion Passed.

RESOLUTION NO. 62-16

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
Robert Jarding	Electrical Board of Appeals and Examiners	Appointed for a term from July 2016 to July 2019 (to replace Michael Fisher).
Jeremy Van Well	Electrical Board of Appeals and Examiners	Appointed for a term from July 2016 to July 2019 (to replace Shannon Globke).
Heath Taggart	Mechanical Board of Appeals and Examiners	Appointed for a term from July 2016 to July 2019 (to replace Mark Schmidtbauer).
Tyler Crissman	Orpheum Theater Advisory Board of Directors	Reappointed for a term from July 2016 to July 2019.
Todd Sundleaf	Parks and Recreation Board	Appointed for a term from July 2016 to July 2021 (to replace Michael Crane).
Jacqueline Cole	Zoning Board of Adjustment	Appointed for a term from July 2016 to July 2019 (to replace Erik Helland).

Lori Eckrich      Zoning Board of Adjustment      Appointed for a term from July 2016 to June 2017 (to fill the unexpired term of Greg Neizert).

Aaron Norman      Zoning Board of Adjustment      Reappointed for a term from July 2016 to July 2019.

Date adopted: 07/05/16 .

Mike T. Huether

Mayor  
ATTEST:  
Thomas M. Greco  
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)

56. REPORT OF THE JUNE 30 2016, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adjourn the meeting at 8:50 p.m. Mayor Huether called for a voice vote. All members voted yes. 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](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.