

MINUTES

City Council Meeting

Tuesday, January 15, 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 Pat Starr, Council Member Theresa Stehly, Mayor Paul TenHaken

Absent: Council Member Curt Soehl

2. INVOCATION

Reverend Brett Best, Emmanuel Baptist Church

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3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

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

Council Member Janet Brekke requested a correction be made to Item 7 of the City

Council Meeting Minutes of January 8, 2019, by deleting "approval of" from the item description. There were no objections.

Roll call vote to approve. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

5. APPROVAL OF MINUTES

Informational Meeting of Tuesday, January 8, 2019

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City Council Meeting of Tuesday, January 8, 2019

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COMMUNICATIONS

6. Approval of contracts/agreements on the January, 11, 2019, memo.

7. A memorandum dated December 31, 2018, declaring surplus property.

Report of Requests for Quotes for Fuel dated: January 2, 2019; Unleaded Ethanol (8,500 Gallons); #1 Dyed Diesel (11,250 Gallons); #2 Dyed Diesel (11,250 Gallons); Cole's Petroleum (\$1.6750 Unleaded & \$2.0950 #1 Dyed Diesel & \$1.76

90

#2 Dyed Diesel); Howes Oil (\$1.6095 Unleaded & \$1.9950 #1 Dyed Diesel & \$1.69

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#2 Dyed Diesel); Stern Oil, Midway Service, Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: January 8, 2019; 85,500

9. Gallons of Unleaded Ethanol; Midway Service (\$1.6345); Cole's Petroleum (\$1.6088); Harms Oil (\$1.6617); Howes Oil, Stern Oil, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

Pursuant to SDCL 9-20-1 and 9-20-8, on Tuesday, January 9, 2018, the Lincoln County Auditor and the Minnehaha County Auditor furnished the office of the City Clerk with the total number of registered Sioux Falls voters in their respective counties. Lincoln County reported 20,670 registered voters and Minnehaha County reported 89,548 registered voters for a total of 110,218 registered voters in the City of Sioux Falls.

NOTICE OF HEARINGS

Set a date of hearing for Monday, February 4, 2019. New 2019 Retail Wine License, requesting off-sale use only, for Smallcakes Cupcakery and Creamery, 2400 South Marion Road, Suite 130.

11. License, requesting off-sale use only, for Smallcakes Cupcakery and Creamery, 2400 South Marion Road, Suite 130.
12. Set a date of hearing for Monday, February 4, 2019. New 2019 Retail Wine License for Ode to Food and Drinks, 300 North Cherapa Place, Suite 102.

Set a date of hearing for Monday, February 4, 2019. Transfer of 2019 Retail Wine and Cider and 2018-19 Retail Malt Beverage and SD Farm Wine Licenses from Bros Brasserie Americano to Fernson Taphouse LLC, 332/334 South Phillips Avenue.

13. Wine and Cider and 2018-19 Retail Malt Beverage and SD Farm Wine Licenses from Bros Brasserie Americano to Fernson Taphouse LLC, 332/334 South Phillips Avenue.
- Set a date of hearing for Monday, February 4, 2019. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Boys and Girls Clubs of the Sioux Empire to be operated at 8th & Railroad Parking Lot, 401 East 8th Street, for a special event on February 9, 2019.

- Set a date of hearing for Monday, February 4, 2019. Special One-Day Malt Beverage and Special One-Day Wine License for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for special events on February 23 and 28, April 28 and June 27, 2019.
14. Beverage and Special One-Day Wine Licenses for Boys and Girls Clubs of the Sioux Empire to be operated at 8th & Railroad Parking Lot, 401 East 8th Street, for a special event on February 9, 2019.
15. Beverage and Special One-Day Wine License for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for special events on February 23 and 28, April 28 and June 27, 2019.

REGULAR AGENDA

16. 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. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

17. PUBLIC INPUT

Chase Kramer spoke about his recommendations for transit in the City.

Scott Ehrisman spoke about 5G in Sioux Falls to include questions about health effects, hearings, and rights of citizens regarding data.

Brian Connor spoke about a citation he received after the recent snow event.

Dwaine Schipper spoke about public utilities and the history of rates.

Bruce Danielson spoke about the recent change order for the City Administration Building air cooled chiller system.

Sierra Broussard spoke about her request for crime statistics.

UNFINISHED BUSINESS

New 2018-19 Retail Malt Beverage and SD Farm Wine License for Golden Coin
18. Casino, 4701 West 12th Street, Suite 101. Pending final inspections per Fire, Health and Building Services.

Request to include video lottery terminals with the new 2018-19 Retail Malt
19. Beverage and SD Farm Wine License for Golden Coin Casino, 4701 West 12th Street, Suite 101. Pending final inspections per Fire, Health and Building Services.

New 2018-19 Retail Malt Beverage and SD Farm Wine License for Golden Coin
20. Casino, 4701 West 12th Street, Suite 102. Pending final inspections per Fire, Health and Building Services.

Request to include video lottery terminals with the new 2018-19 Retail Malt
21. Beverage and SD Farm Wine License for Golden Coin Casino, 4701 West 12th Street, Suite 102. Pending final inspections per Fire, Health and Building Services.

Transfer of 2019 Retail Liquor License from Callaway's, 500 East 69th Street
,
22. to Looks 69th Street Market LLC, 500 East 69th Street. Pending final inspection per Health.

Transfer of 2019 Retail Wine and Cider License from Libation Station, 2904
23. West Russell Street, to Catering by Cleavers, 2904 West Russell Street. Pending plan review and permit issuance per Building Services.

New 2019-20 Retail Malt Beverage and SD Farm Wine License for Catering by
24. Cleavers, 2904 West Russell Street. Pending plan review and permit issuance per Building Services.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for All Day
25. Caf to be operated at 2512 South Lorraine Place, for a special event on January 31, 2019.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera
26. Mckennan Foundation to be operated at 4400 West 69th Street, for a special event on February 2, 2019.

Special One-Day Malt Beverage and Special One-Day Wine License for Avera
27. Mckennan Foundation to be operated at 1000 East 23rd Street, for a special event on April 5, 2019.

A motion was made by Council Member Starr and seconded by Council Member Erickson to approve Items 22 through 27.

A motion was made by Council Member Erickson and seconded by Council Member Starr
r
to amend Item 22 by changing "Look's 69th Street Market LLC" to "69th Street Loo

k's
Market LLC".

Roll call vote to amend. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

Roll call vote to approve, as amended. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

A motion was made by Council Member Starr to approve Items 18 and 19. The motion died for lack of a second.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to approve Items 18 through 21.

Roll call vote to approve. 5 Yes: Erickson, Kiley, Neitzert, Selberg, Stehly; 2 No: Brekke, Starr. Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 95: PARKS AND RECREATION, 28. SECTION 95.012 FIREARMS, GUNS, FIREWORKS, AND CERTAIN REMOTE CONTROL AIRCRAFT PROHIBITED BY REMOVING THE PROHIBITIONS ON REMOTE CONTROL AIRCRAFT.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt said Ordinance No. 7-19.

Roll call vote to adopt. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPER
TY
LOCATED AT THE SOUTHWEST CORNER OF E. 14TH ST. AND S. 2ND AVE. FROM THE R
A-
29. 2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICT TO THE RT-2 TOWNHOME
RESIDENTIAL-TRADITIONAL DISTRICT, NO. 9588-2018, AND AMENDING THE OFFICIA
L
ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends
approval (5-0).

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Selberg and seconded by Council Member Erickson to set a date of 2nd Reading for Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPER
TY
LOCATED AT 219 S. PRAIRIE AVE. FROM THE RT-1 SINGLE-FAMILY
30. RESIDENTIAL-TRADITIONAL DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL-TRADITI
ONAL
DISTRICT, NO. 9663-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY

OF

SIOUX FALLS. Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Starr and seconded by Council Member Kiley to set a date of 2nd Reading Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7201 S. CLIFF AVE. FROM THE C-3 COMMERCIAL-COMMUNITY DISTRICT TO THE C-3 COMMERCIAL-COMMUNITY DISTRICT, PETITION NO. 9667-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Brekke and seconded by Council Member Kiley to set a date of 2nd Reading for Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 4401 W. 62ND ST. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT TO THE I-2 HEAVY INDUSTRIAL DISTRICT, NO. 9703-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Brekke and seconded by Council Member Selberg to set a date of 2nd Reading for Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2301 E. 60TH ST. N. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT TO THE S-2 INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 9710-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Brekke to set a date of 2nd Reading for Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5101 W. 5TH ST. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 9711-

2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.
Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Starr to set a date of 2nd Reading for Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPER
TY
LOCATED AT 8109-8217 W. 41ST ST. FROM THE RR SINGLE-FAMILY RESIDENTIAL-RU
RAL
35. DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 9716-2018, AND AMENDING THE
OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recom
mends
approval (5-0).

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Starr to set a date of 2nd Reading for Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE
CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 32: AUDIT COMMITTEE.

Recommendation: Set a date of 2nd Reading for Monday, February 4, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Erickson to set a date of 2nd Reading for Monday, February 4, 2019.

Roll call vote to set a date of 2nd Reading. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE
37. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. (ANNEXATION 9587-2018-Burns
Auto (5500 E. Arrowhead Pkwy.))

A motion was made by Council Member Starr and seconded by Council Member Brekke to adopt said Resolution No. 1-19.

Roll call vote to adopt. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 1-19

ANNEXATION 9587-2018-Burns Auto (5500 E. Arrowhead Pkwy.)

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

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality;

WHEREAS, the owners of the property proposed to be annexed have executed an Annexation Agreement specifying the conditions under which their property may be annexed for the City's consideration;

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 Shap e Sioux Falls 2040 Comprehensive Plan.
3. There is access to the major street network through E. Arrowhead Parkway.
4. Sewer is available to site immediately.
5. Water service is available to site immediately.

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

That the recitals set forth above are hereby made part of this resolution and incorporated herein as if fully set forth.

That the document attached to and part of this resolution entitled, "Annexation Agreement" is hereby approved and incorporated herein as if fully set forth.

That the Mayor is authorized to sign such agreement.

BE IT FURTHER RESOLVED:

Pursuant to terms and conditions of the attached Annexation Agreement, the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, SD, and the boundary of the city is hereby extended to include such territory described as:

The West 243' of the East 483' of Tract 8 of Fultons Second Subdivision (Unit No . 3) in the S1/2 of the SE1/4 of Section 13-T101N-R49W of the 5th P.M., Minnehaha County, South Dakota; and Assam's Tract 2 in the SE1/4 of Section 13-T101N-R49W of the 5th P.M., Minnehaha County, South Dakota

BE IT FURTHER RESOLVED;

The City expressly accepts all property dedicated for public use in the annexed area and rights-of-way thereto, including any streets, alleys, roads, parks, public grounds, sewers, culverts, bridges, water distribution lines, sidewalks, and other public improvements on or under the streets, alleys, roads, service roads, parks, and public grounds.

BE IT FURTHER RESOLVED;

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

BE IT FURTHER RESOLVED;

The City shall publish the resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 01/15/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF A PERMANENT EASEMENT AREA TO BE RELEASED IN RESOLUTION 98-18.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adopt said Resolution No. 2-19.

Roll call vote to adopt. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 2-19

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF A PERMANENT EASEMENT AREA TO BE RELEASED IN RESOLUTION 98-18.

WHEREAS, on November 5, 2018, the City Council of the City of Sioux Falls adopted Resolution No.98-18 approving the release of permanent easements;

WHEREAS, the release of permanent easements has been approved by the City Council;

WHEREAS, the legal description of one of the permanent easements released as set forth in Resolution98-18 was not complete;

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

That the legal description of the permanent easements to be released as set forth in Resolution98-18 hereby is amended to read as follows:

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN LOT FE1 IN THE NW1/4 OF SECTION 6-T101N-R49W OF THE 5TH P.M. AND IN LOT1, BLOCK 5 OF SANFORD SPORTS COMPLEX SOUTH ADDITION TO THE CITY OF SIOUX FALLS, ALL IN MINNEHAHA COUNTY, SD.

That it approves the release of the permanent easements for drainage and utility purposes, as shown on attached Exhibit A, and affecting the real property described as Lot FE1 in the NW1/4 of Section 6-T101N-R49W of the 5th P.M. and Lot 1, Block 5 of Sanford Sports Complex South 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, SD, a duly certified transcript of this resolution.

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: 01/15/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

39. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE RECORDING COUNTY REGISTER OF DEEDS IN RESOLUTION 106-18.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adopt said Resolution No. 3-19.

Roll call vote to adopt. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 3-19

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE RECORDING COUNTY REGISTER OF DEEDS IN RESOLUTION 106-18.

WHEREAS, on December 11, 2018, the City Council of the City of Sioux Falls adopted Resolution No.106-18 approving the vacation of a portion of the S. Emery Ave. right-of-way;

WHEREAS, the right-of-way vacation has been approved by the City Council;

WHEREAS, the Minnehaha County Register of Deeds as set forth in Resolution106-18 was erroneously listed;

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

That the recording county as set forth in Resolution 106-18 hereby is amended to read as follows:

That the S. Emery Ave. right-of-way from the north line of Lot 2 of Bakken's Addition, in Government Lot 2, Section 12, Township 100 North, Range 51 West of the 5th P.M., Lincoln County, SD, to the City of Sioux Falls to the north line of Lots 12 and 13 Block 1 of Galway Park Addition to the City of Sioux Falls, Lincoln County, SD, according to the recorded plat thereof 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, Lincoln County, SD, a duly certified transcript of this resolution.

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: 01/15/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION APPROVING THE RELEASE OF AN EASEMENT FOR INGRESS AND EGRESS
40. ACROSS TRACT 2B OF NAREDEL'S SECOND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

A motion was made by Council Member Erickson and seconded by Council Member Starr to adopt said Resolution No. 4-19.

Roll call vote to adopt. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 4-19

A RESOLUTION APPROVING THE RELEASE OF AN EASEMENT FOR INGRESS AND EGRESS ACROSS TRACT 2B OF NAREDEL'S SECOND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

WHEREAS, the City of Sioux Falls, South Dakota, as successor in interest, no longer needs the easement for ingress and egress across the above-described real property.

WHEREAS, the easement for ingress and egress was established by agreement and recorded in Book 165 of Miscellaneous on pages 164-168 in the office of the Register of Deeds for Minnehaha County, SD on February 19, 1987.

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

That it approves the release of an easement for ingress and egress across the real property described as Tract 2B of Naredel's Second 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, South Dakota, a duly certified transcript of this resolution.

Date adopted: 01/15/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN FEDERAL AID BRIDGE IMPROVEMENT 41. GRANT (BIG) APPLICATION RESOLUTION FOR THE PRESERVATION OR REHABILITATION OF THE S. MINNESOTA AVE. BRIDGE OVER THE BIG SIOUX RIVER.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt said Resolution No. 5-19.

Roll call vote to adopt. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 5-19

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN FEDERAL AID BRIDGE IMPROVEMENT GRANT (BIG) APPLICATION RESOLUTION FOR THE PRESERVATION OR REHABILITATION OF THE S. MINNESOTA AVE. BRIDGE OVER THE BIG SIOUX RIVER.

WHEREAS, the City of Sioux Falls desires the preservation and rehabilitation of the bridge hereinafter described:

Structure No. 50-200-235 located on S. Minnesota Ave., south of Interstate 229

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

That the document attached to and made a part of this Resolution entitled "Federal Aid Bridge Replacement or Rehabilitation Program Resolution for County and Urban Projects" is hereby approved and that the Mayor is authorized to sign such Resolution.

Date adopted: 01/15/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN FEDERAL AID BRIDGE IMPROVEMENT GRANT 42. GRANT (BIG) APPLICATION RESOLUTION FOR THE PRESERVATION OR REHABILITATION OF THE W. 12TH ST. BRIDGE OVER THE BIG SIOUX RIVER.

A motion was made by Council Member Selberg and seconded by Council Member Erickson to adopt said Resolution No. 6-19.

Roll call vote to adopt. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

RESOLUTION NO. 6-19

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN FEDERAL AID BRIDGE IMPROVEMENT GRANT (BIG) APPLICATION RESOLUTION FOR THE PRESERVATION OR REHABILITATION OF THE W. 12TH ST. BRIDGE OVER THE BIG SIOUX RIVER.

WHEREAS, the City of Sioux Falls desires the preservation and rehabilitation of the bridge hereinafter described:

Structure No. 50-180-210 located on W. 12th St. east of Interstate 29

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

That the document attached to and made a part of this Resolution entitled "Federal Aid Bridge Replacement or Rehabilitation Program Resolution for County and Urban Projects" is hereby approved and that the Mayor is authorized to sign such Resolution.

Date adopted: 01/15/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION AUTHORIZING USE OF CONSTRUCTION MANAGER AT RISK SERVICES FOR 43. THE CONSTRUCTION, RENOVATION, AND EXPANSION OF THE WATER RECLAMATION FACILITY.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt Resolution No. 7-19.

Roll call vote to adopt. 6 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr; 1 No: Stehly. Motion Passed.

RESOLUTION NO. 7-19

A RESOLUTION [AUTHORIZING USE OF CONSTRUCTION MANAGER AT RISK SERVICES FOR THE CONSTRUCTION, RENOVATION, AND EXPANSION OF THE WATER RECLAMATION FACILITY].

WHEREAS, [in order to have an integrated team approach to the planning, design, and construction of the Water Reclamation Facility to help control schedule and budget, and to help ensure quality for the City, the City's Director of Public Works recommends the project be accomplished using the Construction Manager at Risk delivery method];

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just

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

That it is in the best interest of the public to utilize the Construction Manager at Risk project delivery method for the Water Reclamation Facility, that

such services would not unreasonably duplicate and would be in addition to the normal scope of separate architect or engineer contracts, and that the construction manager be allowed to submit bids on portions of the work in accordance with state law.

Date adopted: 01/15/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

44. A RESOLUTION VACATING THE S. ELMWOOD AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF W. 26TH ST. TO THE NORTH RIGHT-OF-WAY LINE OF W. 28TH ST.

Recommendation: Set a date of hearing for Tuesday, February 12, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Kiley to set a date of hearing for Tuesday, February 12, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Erickson to amend Item 44 by striking the words "in support" and the comma and words "and no opposition hereto was voiced" after the word "heard," all from the second sentence of the second "whereas clause".

Roll call vote to amend. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

Roll call vote to set a date of hearing for Item 44, as amended. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

45. A RESOLUTION VACATING A PORTION OF THE E. PRODUCER LN. RIGHT-OF-WAY.

Recommendation: Set a date of hearing for Tuesday, February 12, 2019.

A motion was made by Council Member Starr and seconded by Council Member Brekke to set a date of hearing for Tuesday, February 12, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Erickson to amend Item 45 by striking the words "in support" and the comma and words "and no opposition hereto was voiced" after the word "hand," all from the second sentence of the second whereas clause.

Roll call vote to amend. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

Roll call vote to set a date of hearing for Item 45, as amended. 7 Yes: Brekke, Erickson, Kiley, Neitzert, Selberg, Starr, Stehly; 0 No: (None). Motion Passed.

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Erickson and seconded by Council Member Starr to adjourn at 9:31 p.m.

Voice vote to adjourn. Motion Passed.

Thomas M. Greco, City Clerk