

MINUTES

City Council Meeting

Tuesday, March 19, 2019 at 7:00 PM

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

CALL TO ORDER

Mayor Paul TenHaken called the meeting to order and provided the City with information about anticipated flood conditions for the next week.

1. MEETING ROLL CALL

Present: Council Member Pat Starr, Council Member Theresa Stehly, 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, Mayor Paul TenHaken

Absent: None

2. INVOCATION

Pastor Zach Ochoga, Central 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 Selberg to withdraw Item 23.

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

A motion was made by Council Member Erickson and seconded by Council Member Selberg to approve Items 1 through 22 and 24 through 30.

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

5. APPROVAL OF MINUTES

Informational Meeting of Tuesday, March 12, 2019

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City Council Meeting of Tuesday, March 12, 2019

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COMMUNICATIONS

6. Approval of contracts/agreements on the March 15, 2019, memo.

Report of Requests for Quotes for Fuel dated: March 7, 2019; Unleaded Ethanol

(8,500 Gallons); #2 Dyed Diesel (22,500 Gallons); Cole's Petroleum (\$2.0949 Unleaded & \$2.1364 Diesel); Farstad Oil (\$2.0580 Unleaded & \$2.1360 Diesel); Midway Service, Harms Oil, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Farstad Oil.

Sioux Area Metro Report of Requests for Quotes for Fuel dated: March 6, 2019; #2 Clear Diesel; 7,500 Gallons; CHS, Inc. (\$2.45); Parkland USA/SPF Energy Inc./Farstad Oil, Harms Oil, Howes Oil, Petroleum Traders, and Midwest Oil, all no bid. Bid awarded to: CHS, Inc.

Approval of the SIOUXPERHERO Committee's recommendation that the City Council award the following individual the SIOUXPERHERO citizen recognition award: John McIntyre.

APPLICATIONS

Special One-Day Liquor Licenses for Washington Pavilion, 301 South Main Avenue, for special events on April 2 and 13, June 29 and September 14, 2019.

The following abatements are recommended for approval by the Minnehaha County Director of Equalization. The applications are deemed legally sufficient by the State's and City Attorneys:

Cara Lee Davis Living Trust & Donald L. Davis Credit Trust, 4323 Townpark Place, Parcel #39764, for 2016, 2017, and 2018, property taxes in the amount of \$1,369.95, \$1,521.17, and \$1,508.01, respectively. Partial exemption for owner-occupied dwellings of surviving spouses of certain disabled veterans.

Hagen, Barbara, 3912 E. Claudette Dr., Parcel #49228, for 2018 property taxes in the amount of \$638.17. The amount requested is the difference between the elderly freeze and the non-elderly freeze.

City of Sioux Falls, 224 W. 9th St., Parcel #44583, for property taxes in the amount of \$3,109.81. The property is exempt from the tax.

Janet McDowell, 513 Crestview Cir., Parcel #46894, for 2018 property taxes in the amount of \$262.56. The amount requested is the difference between the elderly freeze and the non-elderly freeze.

James Peters, 2608 S. Lyndale Ave., Parcel #42625, for 2018 property taxes in the amount of \$360.87. The amount requested is the difference between the elderly freeze and the non-elderly freeze.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, April 2, 2019. New 2019 Retail Wine and Cider and New 2018-19 Retail Malt Beverage & SD Farm Wine Licenses for A Perfect 10 Nail Salon, 2528 South Lorraine Place (CUP not required).

Set a date of hearing for Tuesday, April 2, 2019. Transfer of 2019 Retail Wine and Cider and 2018-19 Retail Malt Beverage & SD Farm Wine Licenses from Fernson Taphouse LLC, Fernson on Eighth, 201 North Weber Avenue, to Books N Brews Pizzeria, 201 North Weber Avenue (CUP not required).

Set a date of hearing for Tuesday, April 2, 2019. New 2019 Retail Wine and Cider and New 2018-19 Retail Malt Beverage & SD Farm Wine Licenses for Hagere Ethiopian Restaurant, 2113 South Minnesota Avenue, with Conditional Use Permit (9802-2019) being approved on March 6, 2019.

Set a date of hearing for Tuesday, April 2, 2019. Transfer of 2019 Retail
19. Wine and Cider and 2018-19 Retail Malt Beverage & SD Farm Wine Licenses
from Kidane Haile, Red Sea Pub, 921 East 8th Street, to Red Sea Pub, 921
East 8th Street.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Malt
20. Beverage and Special One-day Wine licenses for Washington Pavilion to be
operated at LG Everist, 350 South Main Avenue #400, for a special event on
April 10, 2019.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Malt
21. Beverage and Special One-day Wine licenses for Sioux Falls Area Community
Foundation to be operated at Avera on Louise, 6100 South Louise Avenue, for
a Fundraiser on May 2, 2019.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Wine
Licenses for Downtown Sioux Falls Inc., to be operated at 605 Made Market,
100 South Phillips Avenue (First National Bank Atrium); 8th and RR Center
Main Entrance, 401 East 8th Street; American State Bank, 223 South Phillips
Avenue; Atoley Spa, 317 South Phillips Avenue; CH Patisserie, 309 South
Phillips Avenue; Chelsea's Boutique, 220 South Phillips Avenue; Great
Outdoor Store, 201 East 10th Street; JH & Sons, 216 South Phillips Avenue;
22. JH Bechtold Jewelers, 325 South Phillips Avenue; JLG Architects, 232 South
Main Avenue; Luca - Made in Italy, 311 South Phillips Avenue; Mint + Basil,
207 South Phillips Avenue; NV Studio Salon, 106 West 11th Street; Nyberg's
Ace, 200 East 12th Street; Palmer Lea Boutique, 206 South Phillips Avenue;
Rehfeld's Art & Framing, 210 South Phillips Avenue; Rug & Relic, 401 East
8th Street, Suite 114; Say Anything Jewelry, 225 South Phillips Avenue;
Simply Perfect, 401 East 8th Street, Suite 108; Sticks and Steel, 401 East
8th Street, Suite 118 and Young & Richards, 222 South Phillips
Avenue, for a Fundraiser on May 3, 2019.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Malt
23. Beverage License for Remedy Brewing Company to be operated at Shop Dog
Boutique, 5015 South Western Avenue, Suite 130, for Cinco De Mayo on May 4,
2019.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Malt
24. Beverage and Special One-Day Wine Licenses for El Riad Shriners to be
operated at the History Club, 758 South Phillips Avenue, for a luncheon on
May 4, 2019.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Malt
25. Beverage and Special One-Day Wine Licenses for Washington Pavilion to be
operated on Main Avenue between 11th Street and 13th Street for a 20th
Anniversary Celebration on June 1, 2019.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Malt
Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc. to
26. be operated at 8th & Railroad Shopping Center parking lot, 401 East 8th
Street, for Eastbank Block Parties to be held on May 4, June 7, July 5,
August 2 & September 6, 2019.

Set a date of hearing for Tuesday, April 2, 2019. Special One-Day Malt
Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc. to
be operated at on the River Greenway from 6th Street to South of 8th Street
27. including Raven Industries riverfront and parking lot located at 205 East
6th Street, to include the prairie area between Phase 1 River Greenway and
the Cherapa Place parking lot, north to 6th Street and south to Cherapa

Place, for Downtown Riverfest on August 17, 2019.

28. Set a date of hearing for Tuesday, April 2, 2019. A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.
29. Set a date of hearing for Tuesday, April 2, 2019. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF PINE KNOLL ADDITION.
30. Set a date of hearing for Tuesday, April 2, 2019. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF BURNS ADDITION.

REGULAR AGENDA

31. 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: Starr, Stehly, Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

32. PUBLIC INPUT

Catherine Riffle spoke about the recent homeless deaths, her embarrassment over the City Council, and there not being a shelter for the homeless.

Steven Siano spoke about being misrepresented in the minutes, how his disability has been covered up, the City not serving him, and City government, County Government, and Southeastern Behavioral Health conspiring against him.

Chere Rosa de Sharon spoke about her forgiveness and a citywide fundraiser.

Heather Lewis spoke about how she, her husband, and five children are currently living in a hotel due to flood damage to their home. She encouraged others to help out in any capacity during this situation to help others in need due to the flooding.

Rhanda Heller spoke about an arrest the day prior and the illegality of some massage businesses in the City.

Sierra Broussard spoke about her arrest, the most recent presentation about crime statistics, police priorities, and developing a by-precinct breakdown of crime.

John Matthius spoke about the effectiveness of the City's use of social media and other means to keep citizens informed during the flooding issues. He noted that the timely acknowledgement and addressing of complaints will be helpful.

Gene Heller spoke about an arrest the previous day and businesses that take advantage of the licensure system.

UNFINISHED BUSINESS

33. New 2019 Retail Wine and Cider and New 2018-19 Retail Malt Beverage and SD Farm Wine Licenses, requesting off-sale use only, for Dragon Asian Market, 2300 East 10th Street, Suite 101 (CUP not required).

34. New 2019 Retail Wine and Cider and New 2018-19 Retail Malt Beverage and SD Farm Wine Licenses for Lao Szechuan, 3101 West 41st Street, Suite 105 (CUP not required). Pending final inspection per Health.

New 2018-19 Retail Malt Beverage and SD Farm Wine License for Freedom Value
35. Center, 2601 West 12th Street, with Conditional Use Permit (9851-2019)
being approved on February 6, 2019. Pending final inspections per Fire,
Health and Building Services.

Request to include video lottery terminals with the new 2018-19 Retail Malt
36. Beverage and SD Farm Wine License for Freedom Value Center, 2601 West 12th
Street, with Conditional Use Permit (9851-2019) being approved on February
6, 2019. Pending final inspections per Fire, Health and Building Services.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for
37. Augustana University, 2001 South Summit Avenue, for a fundraiser on March
29, 2019.

Special One-Day Liquor License for Sioux Falls Jazz & Blues Society to be
38. operated at Yankton Trail Park, 3901 South Minnesota Avenue, for JazzFest
on July 19-20, 2019.

A motion was made by Council Member Erickson and seconded by Council Member
Selberg to approve Items 33 through 38.

A motion was made by Council Member Starr and seconded by Council Member Stehly
to amend the main motion by removing Items 35 and 36 for separate
consideration.

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

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

A motion was made by Council Member Starr and seconded by Council Member
Erickson to approve Items 35 and 36.

Roll call vote to approve. 7 Yes: Starr, Brekke, Erickson, Kiley, Neitzert,
Selberg, Soehl; 1 No: Stehly. Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

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

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

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

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

A motion was made by Council Member Kiley and seconded by Council Member Soehl
to adopt Ordinance No. 27-19.

Roll call vote to adopt. 8 Yes: Starr, Stehly, Brekke, Erickson, Kiley,

Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

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

A motion was made by Council Member Soehl and seconded by Council Member
Neitzert to adopt Ordinance No. 28-19.

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

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

A motion was made by Council Member Erickson and seconded by Council Member
Kiley to adopt Ordinance No. 29-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
OF
43. ORDINANCES OF THE CITY BY AMENDING CHAPTER 156 "FLOODPLAIN MANAGEMENT,"
SUBCHAPTER "ADMINISTRATION."

A motion was made by Council Member Erickson and seconded by Council Member
Neitzert to adopt Ordinance No. 30-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
44. OF ORDINANCES OF THE CITY BY REVISING CHAPTER 150 "BUILDING," SUBCHAPTER
"BUILDING SECURITY."

A motion was made by Council Member Erickson and seconded by Council Member
Kiley to adopt Ordinance No. 31-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
OF
45. ORDINANCES OF THE CITY BY REVISING CHAPTER 110 "LICENSES," SUBCHAPTER "FEE
SCHEDULE," SECTION 110.028.

A motion was made by Council Member Erickson and seconded by Council Member
Kiley to adopt Ordinance No. 32-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
46. OF ORDINANCES OF THE CITY BY REVISING CHAPTER 150 "BUILDING," SUBCHAPTER
"PLUMBING."

A motion was made by Council Member Erickson and seconded by Council Member
Neitzert to adopt Ordinance No. 33-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF
47. ORDINANCES OF THE CITY BY REPEALING SUBCHAPTER "MANUFACTURED HOUSING" OF CHAPTER 150 "BUILDING".

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt Ordinance No. 34-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
48. OF ORDINANCES OF THE CITY BY REVISING CHAPTER 150 "BUILDING," SUBCHAPTER "RESIDENTIAL BUILDING CONTRACTORS."

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adopt Ordinance No. 35-19.

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

49. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, ESTABLISHING A PORTION OF ELMWOOD AVE. AS A ONE-WAY ST.

A motion was made by Council Member Kiley and seconded by Council Member Starr to adopt Ordinance No. 36-19.

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

ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE
50. 2013 SHAPE PLACES ZONING ORDINANCE OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

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

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 50.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
LOCATED NORTH OF E. 41ST ST., SOUTH OF E. 33RD ST., EAST OF VETERANS PKWY
, AND
WEST OF S. FAITH AVE. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY
RESIDENTIAL-SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN, RD-2 TO WNHOME
RESIDENTIAL-SUBURBAN, RA-1 APARTMENT RESIDENTIAL-LOW DENSITY, RA-3 APARTMENT
51. RESIDENTIAL-HIGH DENSITY, LW LIVE-WORK, C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR, C-3 COMMERCIAL-COMMUNITY, AND CN CONSERVATION DISTRICTS, PETIT

ION NO.

9853-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Planning Commission recommends approval (5-0) with the following condition: That the LW Live-Work zoned parcels, as shown by exhibit, allow development of the following forms: AD1, AD2, AD3, MD1, NF1, NF2, UT1, UT2, RE1 Forms.

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

A motion was made by Council Member Brekke and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 51.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF S. ELLIS RD. AND W. 22ND ST. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN AND OFFICE DISTRICTS, NO. 9886-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

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

A motion was made by Council Member Kiley and seconded by Council Member Erickson to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 52.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6400 E. 41ST ST. FROM THE AG AGRICULTURE DISTRICT TO THE S-1 GENERAL INSTITUTIONAL AND REC RECREATION DISTRICTS, NO. 9934-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

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

A motion was made by Council Member Kiley and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 53.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 3920 S. HAWTHORNE AVE. FROM THE RA-1 APARTMENT RESIDENTIAL-LOW DENSITY DISTRICT TO THE OFFICE DISTRICT, NO. 9928-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

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

A motion was made by Council Member Soehl and seconded by Council Member Erickson to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 54.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF W. 85TH ST. AND S. WESTERN AVE. FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY DISTRICT, PETITION NO. 9932-2019, 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 Tuesday, April 2, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 55.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING TO MODIFY THE BUFFER YARD REQUIREMENTS IN THE FORM MD2: MULTIPLE DWELLING-MEDIUM. Planning Commission recommends approval (5-0).

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

A motion was made by Council Member Neitzert and seconded by Council Member Erickson to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 56.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING PROVISIONAL SUPPLEMENTAL APPROPRIATIONS FOR POT HOLE REMEDIATION. (\$500,000)

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

A motion was made by Council Member Stehly and seconded by Council Member Starr to set a date of 2nd Reading for Tuesday, April 2, 2019 for Item 57.

Roll call vote to set a date of 2nd Reading. 2 Yes: Starr, Stehly; 6 No: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl. Motion Failed.

HEARINGS AND RESOLUTIONS

58. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON S. ELMWOOD AVE.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Resolution No. 21-19.

Roll call vote to adopt. 8 Yes: Starr, Stehly, Brekke, Erickson, Kiley,

Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

RESOLUTION NO. 21-19

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

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

The City Engineers, having determined that angle parking should be permitted on the west side of S. Elmwood Ave. between W. 26th St. and W. 28th St., such angle parking is hereby approved pursuant to Section 77.006 of the Code of Ordinances of Sioux Falls, SD.

Date adopted: 03/19/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

59. A RESOLUTION RECOMMENDING THAT THE EVENTS CAMPUS STUDY GROUP MEETINGS BE OPEN TO THE PUBLIC.

A motion was made by Council Member Erickson and seconded by Council Member Stehly to adopt Resolution No. 22-19.

A motion was made by Council Member Neitzert and seconded by Council Member Erickson to amend by substituting the resolution labeled res0022 with the resolution labeled res0022a.

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

A motion was made by Council Member Starr and seconded by Council Member Stehly to defer item 59 to the meeting of Tuesday, April 2, 2019.

Roll call vote to defer. 2 Yes: Starr, Stehly; 6 No: Brekke, Erickson, Kiley, Neitzert, Selberg, Soehl. Motion Failed.

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

RESOLUTION NO. 22-19

A RESOLUTION COMMENDING THE DECISION TO OPEN THE EVENTS CAMPUS STUDY GROUP MEETINGS TO THE PUBLIC.

WHEREAS, the Events Campus Study Group was formed to evaluate the current and future needs of the Denny Sanford PREMIER Center campus, and make recommendations that will enhance the success of the campus and its economic impact for the community; and

WHEREAS, the Mayor's Office had initially publicly stated that the Events Campus Study Group meetings would be closed to the public; and

WHEREAS, the City Council is elected to represent the citizens of Sioux Falls, and serve as the City's policy making body and legislative body; and

WHEREAS, the Denny Sanford PREMIER Center campus includes public property that is comprised of the Denny Sanford PREMIER Center, Sioux Falls Convention Center, Arena, Sioux Falls Stadium, Howard Wood Field, and land leased by the Sheraton Hotel; and

WHEREAS, the public overwhelmingly supported the construction of a \$115 million multipurpose events center with 58 percent in the November 8, 2011, advisory election; and

WHEREAS, the City Council believes that the public has a financial interest in the future of the events center campus; and

WHEREAS, the City Council believes that there is a rational presumption by the public that City-initiated working groups, task forces, and committees are open and accountable to them; and

WHEREAS, the City Council believes that South Dakota's open meeting law embodies the principle that the public is entitled to the greatest possible information about public affairs, and is intended to encourage public participation in government; and

WHEREAS, a publication by the South Dakota Attorney General, South Dakota Municipal League, and others entitled Conducting the Public's Business in Public states that task forces, committees, and working groups that are advisory only may not be subject to the open meetings law, but are encouraged to comply to the extent possible when public matters are discussed; and

WHEREAS, the City Council values transparency and recognizes the benefits of public engagement and input of the Events Campus Study Group.

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 the City Council commends the decision by Mayor Paul TenHaken and the Events Campus Study Group to open the group's meetings to the public.

Date adopted: 03/19/19 .

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 Kiley to adjourn at 9:35 p.m.

Voice vote to adjourn. Motion Passed.

Thomas M. Greco, City Clerk