

MINUTES

Regular City Council Meeting

Tuesday, May 7, 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 Rick Kiley, Council Member Marshall Selberg, Council Member Pat Starr (arr. 7:44 p.m.), Council Member Theresa Stehly, Council Member Janet Brekke, Council Member Christine M. Erickson, Mayor Paul TenHaken

Absent: Council Member Greg Neitzert, Council Member Curt Soehl

2. INVOCATION

Pastor Kevin Schneider, Good News Church

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3. PLEDGE OF ALLEGIANCE

4. AWARDS & RECOGNITIONS

SIOUXPERHERO Citizen Recognition Awards

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Mayor's Award for Historic Preservation

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CONSENT AGENDA

5. APPROVAL OF THE CONSENT 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. 5 Yes: Kiley, Selberg, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed. Starr was absent for the vote on this item.

A request was made by Council Member Janet Brekke to remove Items 24, 25, and 26 from the Consent Agenda and to hear these items at the end of the meeting.

6. APPROVAL OF MINUTES

Informational Meeting of Tuesday, April 16, 2019

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City Council Meeting of Tuesday, April 16, 2019

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Informational Meeting of Tuesday, April 23, 2019

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Special City Council Meeting of Tuesday, April 23, 2019

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COMMUNICATIONS

7. Approval of contracts/agreements on the May 3, 2019, memo.
8. Notice of change orders on the May 3, 2019, memo.

Approval of a request from Alexander Huwer and Elin Haegeland to consume, but not sell, wine and beer at the Old Courthouse Museum, 200 W. 6th St., on Tuesday, June 29, 2019 for the following purpose: wedding reception.

10. Report of Requests for Quotes for Fuel dated: April 8, 2019; 440 Gallons of #1 Dyed Diesel and 440 Gallons of #2 Dyed Diesel; Howes Oil: (\$2.594 #1 Dyed Diesel and #2 Dyed Diesel); Midway Service (\$2.5766 #1 Dyed Diesel and #2 Dyed Diesel). Bid awarded to: Midway Service.

11. Report of Requests for Quotes for Fuel dated: April 11, 2019; 1,000 Gallons of #1 Dyed Diesel and 1,000 Gallons of #2 Dyed Diesel; Howes Oil (\$2.594 #1 Dyed Diesel and #2 Dyed Diesel); Cole's Petroleum, Harms Oil, Farstad Oil, CHS, Inc., Midway Service and Olson Oil, all no bid. Bid awarded to: Howes Oil.

12. Report of Requests for Quotes for Fuel dated: April 11, 2019; 400 Gallons of #1 Dyed Diesel, 400 Gallons of #2 Dyed Diesel, 678 Gallons of Unleaded Ethanol and 474 Gallons of #2 Clear Diesel; Howes Oil (\$2.849 #1 Dyed Diesel, \$2.349 #2 Dyed Diesel, \$2.436 Unleaded Ethanol and \$2.649 #2 Clear Diesel); Cole's Petroleum, Harms Oil, Farstad Oil, CHS, Inc., Midway Service & Olson Oil, all no bid. Bid awarded to: Howes Oil.

13. Report of Requests for Quotes for Fuel dated: April 12, 2019; Unleaded Ethanol (12,500 Gallons), E30 Unleaded (4,500 Gallons); Midway Service (\$2.3361 Unleaded Ethanol and \$2.1224 E30 Unleaded); Cole's Petroleum; Harms Oil, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.

14. Report of Requests for Quotes for Fuel dated: April 12, 2019; 500 Gallons of #1 Dyed Diesel and 500 Gallons of #2 Dyed Diesel; Howes Oil: (\$2.644 #1 Dyed Diesel and #2 Dyed Diesel); Midway Service (\$2.72 #1 Dyed Diesel and #2 Dyed Diesel); Cole's Petroleum, Harms Oil, Farstad Oil, all no bid. Bid awarded to: Howes Oil.

15. Report of Requests for Quotes for Fuel dated: April 17, 2019; 7,500 Gallons of #2 Dyed Diesel; Midway Service (\$2.2165); Cole's Petroleum (\$2.2116); Harms Oil (\$2.2039); Howes Oil (\$2.2115); Stern Oil (\$2.2197); Farstad Oil (\$2.2110); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Harms Oil.

16. Sioux Area Metro Report of Requests for Quotes for Fuel dated: April 17, 2019; 8,500 Gallons of #2 Clear Diesel; Parkland USA/SPF Energy Inc./Farstad Oil (\$2.483); Harms Oil (\$2.4804); Howes Oil (\$2.4965); CHS, Inc., Petroleum Traders and Midwest Oil, all no bids. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: April 19, 2019; Unleaded Ethanol (6,000 Gallons); #2 Dyed Diesel (2,000 Gallons); Midway Service (\$2.3147 Unleaded & \$2.2015 Diesel); Cole's Petroleum (\$2.3750 Unleaded & \$2.2700 Diesel); Farstad Oil (\$2.3020 Unleaded & \$2.1860 Diesel) Harms Oil (\$2.2968 Unleaded & \$2.1889 Diesel); CHS (\$2.3675 Unleaded & \$2.2300 Diesel); Howes Oil, Stern Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: April 29, 2019; 15,000 Gallons of #2 Dyed Diesel; Midway Service (\$2.1525); Cole's Petroleum (\$2.1492); Farstad Oil (\$2.1560); Harms Oil (\$2.1349); Stern Oil (\$2.1812); CHS, Inc., (\$2.2050); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel for Water Reclamation dated: April 29, 2019; 2,200 Gallons of #2 Dyed Diesel; Midway Service (\$2.2325); Stern Oil (\$2.2800). Cole's Petroleum, Farstad Oil, Harms Oil, Howes Oil, CHS, Inc. and Olson Oil all no bid. Bid awarded to: Midway Service.

APPLICATIONS

Special One-Day Liquor Licenses for Great Bear Recreation Park Inc., 5901 East Rice Street, for special events on May 11, July 9 and 27, August 3, September 7, 14, 21, and 28, October 5, 12 and 25, 2019.

Special One-Day Malt Beverage License for Fernson Brewing Company to be operated at Cherry Rock Park, 1800 East 18th Street, for a fundraiser on June 29, 2019.

Special One-Day Liquor Licenses for Washington Pavilion Management Inc., 301 South Main Avenue, for special events on May 11 and 18, and July 20, 2019.

23. Various Retail Malt Beverage renewals for 2019-2020 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

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

Tatyana V. Sharton, 1222 E. 6th St., Parcel #38396, for 2018 property taxes in the amount of \$428.51. Reason: Did not apply for owner-occupied status by the deadline.

Tatyana V. Sharton, 1222 E. 6th St., Parcel #38396, for 2017 property taxes in the amount of \$393.58. Reason: Did not apply for owner-occupied status by the deadline.

Tatyana V. Sharton, 1222 E. 6th St., Parcel #38396, for 2016 property taxes in the amount of \$385.81. Reason: Did not apply for owner-occupied status by the deadline.

A motion was made by Council Member Starr and seconded by Council Member Kiley to recommend denial for Items 24, 25, and 26.

Roll call vote to recommend denial. 3 Yes: Kiley, Selberg, Erickson; 3 No: Starr, Stehly, Brekke. Mayor TenHaken broke the tie by voting Yes. Motion Passed.

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

- Avera McKennan Behavioral Health, P.O. Box 5045, Parcel #281.19.00.001, for
27. 2018 property taxes in the amount of \$255,324.12. Reason: Incorrect exemption value

NOTICE OF HEARINGS

- Set a date of hearing for Tuesday, May 21, 2019. New 2018-19 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine and Cider Licenses for Pure
28. Fitness LLC, with the legal description of Lot 3, Block 1 Arrowhead Parkway Addition (pending address of 5120 East Grant Street), effective May 31, 2019 (CUP not required).

- Set a date of hearing for Tuesday, May 21, 2019. New 2019-20 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine and Cider Licenses for
29. Severance Brewing Company, 701 North Phillips Avenue, Suite 110 (CUP not required).

- Set a date of hearing for Tuesday, May 21, 2019. New 2019-20 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine and Cider Licenses,
30. requesting off-sale use only, for Family Dollar #25324, 421 West 8th Street (CUP not required).

- Set a date of hearing for Tuesday, May 21, 2019. Transfer of 2019 Retail
31. Liquor License from Kelly Inns Ltd, Hotel Phillips, 100 North Phillips Avenue, to The Treasury LLC, The Treasury, 100 North Phillips Avenue.

- Set a date of hearing for Tuesday, May 21, 2019. Special One-Day Liquor
32. License for American Legion to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for a dinner on June 7, 2019.

- Set a date of hearing for Tuesday, May 21, 2019. Special One-Day Liquor
33. License for Pave LLC to be operated at 8th & Railroad Center parking lot, 401 East 8th Street, for an outdoor concert on August 23-24, 2019.

- Set a date of hearing for Tuesday, May 21, 2019. Special One-Day Liquor and
34. Special One-Day Off-Sale Package Wine Licenses for Zoological Society of Sioux Falls to be operated at the Great Plains Zoo & Delbridge Museum, 805 South Kiwanis Avenue, for a fundraiser on August 1, 2019.

REGULAR AGENDA

35. APPROVAL OF THE REGULAR AGENDA

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

A motion was made by Council Member Selberg and seconded by Council Member Erickson to amend by moving Item 59 after Item 36 and before Item 37.

Roll call vote to amend. 5 Yes: Kiley, Selberg, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed. Starr was absent for the vote on this item.

Roll call vote to approve, as amended. 5 Yes: Kiley, Selberg, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed. Starr was absent for the vote on this item.

36. PUBLIC INPUT

Christopher Bruce spoke about 5G communications in South Dakota.

Scott Ehrisman spoke about an editorial in the Sioux Falls Argus Leader.

Dwayne Schipper spoke about the water billing rates in the City of Sioux Falls.

John Matthius spoke about comments left on Facebook pages.

David Zokiates spoke about the scheduling and location of City Council Special Meetings.

Steven Siano spoke about access to materials provided to the City Council.

Tim Stanga spoke about working with city personnel in the Whittier neighborhood and about project T.R.I.M. correspondence.

Catherine Riffle spoke about recent contact with city offices regarding shelter for the homeless which she felt was positive.

Sierra Broussard spoke about police activity in the City of Sioux Falls.

UNFINISHED BUSINESS

Item 59 was heard at this time. See item for action taken.

New 2019 Retail Wine and Cider and New 2018-19 Retail Malt Beverage and SD 37. Farm Wine Licenses for Obscure Brewing Company, 5200 East Garfield Street (CUP not required). Pending final inspections per Fire, Health and Building Services.

New 2018-19 Retail Malt Beverage and SD Farm Wine License for 777 Casino, 38. 5237 West 26th Street, with Conditional Use Permit (9993-2019) being approved on April 3, 2019. Pending permit issuance and final inspections per Fire, Health and Building Services.

Request to include video lottery terminals with the new 2018-19 Retail Malt Beverage and SD Farm Wine License for 777 Casino, 5237 West 26th Street, 39. with Conditional Use Permit (9993-2019) being approved on April 3, 2019. Pending permit issuance and final inspections per Fire, Health and Building Services.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for 40. Catering America to be operated at Poet, 4615 North Lewis Avenue, for a fundraiser on May 8, 2019.

Special One-Day Malt Beverage License for Almost Home Canine Rescue to be 41. operated at 300 North Cherapa Place east parking lot, for 605 Summer Classic on June 21 and 22, 2019.

Special One-Day Liquor License for TNT Entertainment to be operated at the 42. Albert House parking lot, 337 North Phillips Avenue, for a concert on July 12, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to approve Items 37 through 42.

Roll call vote to approve. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

2nd Reading: Deferred from the Meeting of Tuesday, April 2, 2019: 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).

This item will be withdrawn at the request of the applicant.

A motion was made by Council Member Brekke and seconded by Council Member Selberg to withdraw Item 43.

Roll call vote to withdraw. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

44. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY CHANGING A STREET NAME.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Ordinance No. 52-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7201 S. MINNESOTA AVE. FROM THE LW LIVE-WORK AND C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICTS TO THE OFFICE, C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR, AND C-3 COMMERCIAL-COMMUNITY DISTRICTS, NO. 10029-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adopt Ordinance No. 53-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. SHAFER DR. AND SOUTH OF E. 26TH ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN AND CN CONSERVATION DISTRICTS, NO. 9926-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0) with the following conditions: That the RD-2 Townhome Residential-Suburban District zoned parcels allow development of the following forms: DD2 (Detached Dwelling-Suburban), AD1 (Twin Home/Duplex Residential-Suburban), and AD2 (Townhome Residential-Suburban).

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt Ordinance No. 54-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6800 S. CLIFF AVE. FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND 47. STREETCAR AND S-2 INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT DISTRICTS TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR AND O OFFICE DISTRICTS, NO. 10016-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt Ordinance No. 55-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. KEYRELL DR. AND SOUTH OF W. BROEK DR. FROM THE AG 48. AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICTS, NO. 10019-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt Ordinance No. 56-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING 49. THE MAYOR TO ENTER INTO A SUBLEASE AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE UNIVERSITY OF SOUTH DAKOTA.

Recommendation: Set a date of 2nd Reading for Tuesday, May 14, 2019.

A motion was made by Council Member Brekke and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, May 14, 2019 for Item 49.

Roll call vote to set a date of 2nd Reading. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING 50. SUPPLEMENTAL APPROPRIATIONS. Highways and Streets - Sales/Use Tax Fund (\$1,875,000); Facilities Management - Sales/Use Tax Fund (\$1,210,000); General Government Construction Fund (\$290,000).

Recommendation: Set a date of 2nd Reading for Tuesday, May 14, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Brekke to set a date of 2nd Reading for Tuesday, May 14, 2019 for Item 50.

Roll call vote to set a date of 2nd Reading. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

HEARINGS AND RESOLUTIONS

51. A RESOLUTION RECOMMENDING THAT THE 2019 SIOUX FALLS HOUSING SUMMIT BE FREE OF CHARGE AND VIDEO RECORDED.

A motion was made by Council Member Stehly and seconded by Council Member Starr to adopt Item 51.

Roll call vote to adopt. 3 Yes: Starr, Stehly, Brekke; 3 No: Kiley, Selberg, Erickson. Mayor TenHaken broke the tie by voting No. Motion Failed.

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. (ANNEXATION 9827-2019-47739 and 47765 57th St.)

A motion was made by Council Member Kiley and seconded by Council Member Starr to adopt Resolution No. 33-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

RESOLUTION NO. 33-19

ANNEXATION 9827-2019-47739 and 47765 57th St.

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 regarding the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2040 Comprehensive Plan Development.
3. There is access to the major street network along E. 57th St.
4. Sewer is available to the site immediately.
5. Water service is available to the site immediately.

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

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

Government Lot 3 in the NW1/4 and the N1/2 of the SE1/4, except Lot H1, in the N1/2 of the SE1/4 in 8-100-49, Lincoln County, SD, and

Tracts 1 and 2 of Hobson's Addition, 8-100-49, Lincoln County, SD, and

Lot H2 in the N1/2 of the SE1/4 of 8-100-49, Lincoln County, SD.

Also including all adjacent E. 57th St. right-of-way and Lot H-2 in the N1/2 of the SE1/4 of Section 8, Township 100 N, Range 49 W of the 5th P.M.,

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: 05/07/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE
53. LIMITS OF THE CITY OF SIOUX FALLS, SD. (ANNEXATION 10122-2019-18-101-48 East
of 6th St. and Veterans Pkwy.)

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

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

RESOLUTION NO. 34-19

ANNEXATION 10122-2019-18-101-48 East of 6th St. and Veterans Pkwy.

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; and

WHEREAS, there has been an analysis completed regarding the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2040 Comprehensive Plan.
3. There is access to the major street network along E. 6th St. and via E. Twin Pines Dr. to Six Mile Rd.
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 following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby extended to include such territory.

North half of Government Lot 1 in the SW1/4 in 18-101-48, Minnehaha County, SD,
and

South half of Government Lot 1 in the SW1/4 in 18-101-48, Minnehaha County, SD.

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

Date adopted: 05/07/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION APPROVING THE RELEASE OF 10-FOOT PERMANENT UTILITY EASEMENTS LOCATED IN LOT 1A, BLOCK 1 AND LOTS 1, 2A, & 3, BLOCK 3, ALL IN THELIN BUSINESS CENTER ADDITION TO THE CITY OF SIOUX FALLS, AND IN LOT C IN TRACT 54. 1 (EXCEPT LOT H1), TICKMAN ADDITION TO THE CITY OF SIOUX FALLS, AND IN THE N1/2 OF THE N1/2 (EXCEPT LOTS H1, H2, H3 & H4 & EXCEPT THELIN ADDITION & EXCEPT THELIN BUSINESS CENTER ADDITION) OF SECTION 1-T101N-R50W OF THE 5TH P.M., ALL IN MINNEHAHA COUNTY, SD.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adopt Resolution No. 35-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

RESOLUTION NO. 35-19

A RESOLUTION APPROVING THE RELEASE OF 10-FOOT PERMANENT UTILITY EASEMENTS LOCATED IN LOT 1A, BLOCK 1 AND LOTS 1, 2A, & 3, BLOCK 3, ALL IN THELIN BUSINESS CENTER ADDITION TO THE CITY OF SIOUX FALLS, AND IN LOT C IN TRACT 1 (EXCEPT LOT H1), TICKMAN ADDITION TO THE CITY OF SIOUX FALLS, AND IN THE N1/2 OF THE N1/2 (EXCEPT LOTS H1, H2, H3 & H4 & EXCEPT THELIN ADDITION & EXCEPT THELIN BUSINESS CENTER ADDITION) OF SECTION 1-T101N-R50W OF THE 5TH P.M., ALL IN MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the 10-foot permanent utility easements across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer.

WHEREAS, the 10-foot permanent utility easements over, under, and upon Lot 1A, Block 1 and Lots 1, 2A, & 3, Block 3, all in Thelin Business Center Addition to the City of Sioux Falls, and in Lot C in Tract 1 (Except Lot H1), Tickman Addition to the City of Sioux Falls, and in the N1/2 of the N1/2 (Except Lots H1, H2, H3 & H4 & Except Thelin Addition & Except Thelin Business Center Addition) of Section 1-T101N-R50W of the 5th P.M., all in Minnehaha County, SD, were granted by plats in Book 57 of Plats on Page 209 in the office of the Register of Deeds for Minnehaha County, SD, on May 17, 1995; and in Book 66 of Plats on Page 281 in the office of the Register of Deeds for Minnehaha County, SD, on September 16, 2004; and in Book 68 of Plats on Page 193 in the office of the Register of Deeds for Minnehaha County, SD, on July 18, 2006; and reaffirmed by plat in Book 68 of Plats on Page 391 in the office of the Register of Deeds for Minnehaha County, SD, on December 28, 2006.

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

That it approves the release of the permanent utility easement areas, as shown on attached Exhibit A, and affecting the real property described above, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 05/07/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION APPROVING THE RELEASE OF A PORTION OF A PERMANENT UTILITY
55. EASEMENT LOCATED IN LOT 1A OF IDEKER ADDITION TO THE CITY OF SIOUX FALLS,
LINCOLN COUNTY, SD.

A motion was made by Council Member Erickson and seconded by Council Member
Brekke to adopt Resolution No. 36-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke,
Erickson; 0 No: (None). Motion Passed.

RESOLUTION NO. 36-19

A RESOLUTION APPROVING THE RELEASE OF A PORTION OF A PERMANENT UTILITY EASEMENT
LOCATED IN LOT 1A OF IDEKER ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN
COUNTY, SD.

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

WHEREAS, the permanent utility easement was established by plat and filed in
Book T of Plats on page 81 in the office of the Register of Deeds for Lincoln
County, SD, on July 31, 2000;

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

That it approves the release of a portion of a permanent utility easement area,
as shown on attached Exhibit A, and affecting the real property described as
Lot 1A of Ideker Addition to the City of Sioux Falls, Lincoln County, SD, and
that the City Clerk shall cause to be recorded with the Register of Deeds,
Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 05/07/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

A RESOLUTION APPROVING THE RELEASE OF A VESTED DRAINAGE RIGHT LOCATED IN
56. LOTS 3A & 3B IN BLOCK 2 OF WESTERN VALLEY ADDITION TO THE CITY OF SIOUX
FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Erickson and seconded by Council Member
Selberg to adopt Resolution No. 37-19.

Roll call vote to adopt. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke,
Erickson; 0 No: (None). Motion Passed.

RESOLUTION NO. 37-19

A RESOLUTION APPROVING THE RELEASE OF A VESTED DRAINAGE RIGHT LOCATED IN LOTS 3A & 3B IN BLOCK 2 OF WESTERN VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, South Dakota, no longer needs the vested drainage right across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer.

WHEREAS, the vested drainage right was established by a vested drainage right document and recorded in Book 238 of Miscellaneous on page 7 in the office of the Register of Deeds for Minnehaha County, SD, on September 11, 2000.

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

That it approves the release of the vested drainage right as shown on attached Exhibit A, and affecting the real property described as Lots 3A & 3B in Block 2 of Western Valley Addition to the City of Sioux Falls, Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 05/07/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

57. A RESOLUTION VACATING THE OLD YANKTON CIR. RIGHT-OF-WAY ABUTTING THE BELOW-DESCRIBED PROPERTY(S) AND AS SHOWN ON EXHIBIT A.

Recommendation: Set a date of hearing for Tuesday, June 4, 2019.

A motion was made by Council Member Selberg and seconded by Council Member Kiley to set a date of hearing for Tuesday, June 4, 2019 for Item 57.

Roll call vote to set a date of hearing. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

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)

58. REPORT OF THE APRIL 30, 2019, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Items 24, 25, and 26 were heard at this time. See items for action taken.

NEW BUSINESS

59. A MOTION PROVIDING ADVICE AND CONSENT TO THE APPOINTMENT OF JEFF ECKHOFF AS DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES.

A motion was made by Council Member Kiley and seconded by Council Member Starr to approve provide advice and consent for the appointment of Jeff Eckhoff as

the Director of Planning and Development Services.

Roll call vote to approve. 6 Yes: Kiley, Selberg, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

ADJOURNMENT

A motion was made by Council Member Erickson and seconded by Council Member Starr to adjourn the meeting at 8:56 p.m.

Voice vote to adjourn. Motion Passed.

Tamara Jorgensen, MMC, Assistant City Clerk