CITY OF SIOUX FALLS

CITY COUNCIL

MINUTES

City Council Meeting

Tuesday, March 15, 2022 at 6:00 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 Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Janet Brekke, Council Member Christine M. Erickson, Council Member Alex Jensen, Mayor Paul TenHaken

   Absent: None

2. INVOCATION

   - Noah Shigley, The Ransom Church

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

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

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

   A request was made by Council Member Starr to place Sub-Item 30 from Agenda Item 6 on the Regular Agenda for Council Discussion (Planning and Development Services; Forward Sioux Falls 2022-2026 Agreement; Sioux Falls Development Foundation, Inc. & Greater Sioux Falls Chamber of Commerce; $500,000 per year). See Agenda Item 6 for action taken.

5. APPROVAL OF MINUTES

   - Informational Meeting of Tuesday, March 8, 2022

   - City Council Meeting of Tuesday, March 8, 2022

COMMUNICATIONS

6. Approval of contracts/agreements on the memorandum dated March 11, 2022.

   A motion was made by Council Member Jensen and seconded by Council Member Kiley to approve Sub-Item 30 from Agenda Item 6.

   A motion was made by Council Member Starr and seconded by Council Member Erickson to defer Sub-Item 30 from Agenda Item 6 to the meeting of Tuesday, April 5, 2022.

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

7. Approval of a request from Travis Kriens and Melissa Olson to consume, but not sell, wine, beer, malt beverage, and liquor at Mary Jo Wegner Arboretum, 1900 S. Perry Pl., on June 18, 2022, for the following purpose: wedding celebration.

8. Approval of a request from Siouxland Heritage Museum to consume, but not sell, wine and malt beverages at the Old Courthouse Museum, 200 W. 6th St., on April 14, 2022, for the following purpose: exhibit opening reception.

9. Approval of a request from Lori Sheldon to consume, but not sell, wine, beer, and liquor at Mary Jo Wegner Arboretum, 1900 S. Perry Pl., on May 21, 2022, for the following purpose: wedding.

10. Approval of a request from Kelly Sullivan and Bryson Rossing to consume, but not sell, wine and beer at the Old Courthouse Museum, on April 24, 2022, for the following purpose: wedding.

11. Sioux Area Metro Report of Requests for Quotes for Fuel dated: February 24, 2022; 7,500 Gallons of 50/50 Blend of #1 and #2 Clear Diesel; Howes Oil #1 Clear Diesel ($3.4368) and #2 Clear Diesel ($3.2358); Harms Oil, Parkland USA/SPF Energy /Farstad Oil, CHS, Petroleum Traders, Inc. and Midwest Oil, all no bids. Bid awarded to: Howes Oil.

12. Report of Requests for Quotes for Fuel dated March 3, 2022; Dyed Diesel # 1 (3,750 Gallons) and Dyed Diesel # 2 (3,750 Gallons) and Unleaded (2,500 Gallons); Vollan Oil (Dyed Diesel #1 $3.7059, Dyed Diesel #2 $3.4796 and Unleaded $3.2721); Coles Petroleum (Dyed Diesel #1 $3.697, Dyed Diesel #2 $3.474 and Unleaded $3.267); CHS Oil no bid. Bid awarded to: Coles Petroleum.

13. Report of Requests for Quotes for Fuel dated: March 7, 2022: Unleaded (8,500 Gallons). The City of Sioux Falls is purchasing off the State of South Dakota Fuels, Tankwagon Contract Number 17572, the awarded contractor is Vollan Oil, price paid is Unleaded $3.463.

14. Appointment of Election Boards for the City Elections to be held on Tuesday, April 12, 2022, and Tuesday, May 3, 2022.

APPLICATIONS

15. Special One-Day Liquor Licenses for Washington Pavilion Management Inc, 301 South Main Avenue, on March 17, 18, 25 and 26, 2022.

The City Council concurs with the Minnehaha County Commission's recommendation for approval of the following abatements:

16. Parcel #25404, for 2019 property taxes in the amount of $1,528.57. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

17. Parcel #25404, for 2020 property taxes in the amount of $2,251.61. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

18. Parcel #25404, for 2021 property taxes in the amount of $2,223.32. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

19. Parcel #269979, for 2021 property taxes in the amount of $1,492.37. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

20. Parcel #28063, for 20221 property taxes in the amount of $2,223.33. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

21. Parcel #20863, for 2020 property taxes in the amount of $2,060.38. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

22. Parcel #29530, for 2021 property taxes in the amount of $2,223.32. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

23. Parcel #29914, for 2021 property taxes in the amount of $1,492.38. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

24. Parcel #29914, for 2021 property taxes in the amount of $1,492.38. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

25. Lillian Meints, 3301 N. 10th. Ave., Parcel #32047, for 2021 property taxes in the amount of $999.41. Reason: Assessment Freeze for the Elderly and Disabled.

26. Janet McFarlane, 940 Kennedy Ave., Parcel #35831, for 2021 property taxes in the amount of $675.38. Reason: Assessment Freeze for the Elderly and Disabled.

27. Janet Dave, 404 N. Meyer Ave., Parcel #38938, for 2021 property taxes in the amount of $824.82. Reason: Assessment Freeze for the Elderly and Disabled.

28. Bernice Lerseth, 3204 S. Garfield Ave., Parcel #40636, for 2021 property taxes in the amount of $776.87. Reason: Assessment Freeze for the Elderly and Disabled.

29. Parcel #42607, for 2021 property taxes in the amount of $2,223.32. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

30. Parcel #51818, for 2021 property taxes in the amount of $2,223.33. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

31. Parcel #52783, for 2021 property taxes in the amount of $2,034.50. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

32. Parcel #76195, for 2021 property taxes in the amount of $1,492.37. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

33. Marcia Mentele, 9250 W. Norma Trl., Parcel #85314, for 2021 property taxes in the amount of $948.38. Reason: Assessment Freeze for the Elderly and Disabled.

34. Parcel #90257, for 2021 property taxes in the amount of $2,223.32. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

NOTICE OF HEARINGS

35. **Set a date of hearing for Tuesday, April 5, 2022.** New 2022 Retail Liquor License for Interactive Holdings Inc., VIP Gaming Lounge, 1002 South Cliff Avenue (CUP not required; this is an addition to an existing license).

36. **Set a date of hearing for Tuesday, April 5, 2022.** New 2022 Retail Liquor License for Sandtrap Inc., Bogey's, 811 South Marion Road (CUP not required, this is an addition to an existing license).

37. **Set a date of hearing for Tuesday, April 5, 2022.** New 2022 Retail Liquor License for Steel District Office Tower LLC, 150 East 4th Place (CUP not required).

38. **Set a date of hearing for Tuesday, April 5, 2022.** New 2022 Retail Liquor License and New 2022-23 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine & Cider License for SF Hotel #1 LLC, 120 East 4th Place (CUP not required).

39. **Set a date of hearing for Tuesday, April 5, 2022.** New 2022 Retail Liquor License for Main & Main LLC, Springhill Suites, 4304 West Empire Place (CUP not required; this is an addition to an existing license).

40. **Set a date of hearing for Tuesday, April 5, 2022.** New 2022 Retail Liquor License for Thoms Company Real Estate LLC, 8500 West 32st Street, Suite TBD (CUP not required).

41. **Set a date of hearing for Tuesday, April 5, 2022.** New 2022 Retail Wine & Cider License for The Country Club of Sioux Falls, 3400 West 22nd Street (CUP not required).

42. **Set a date of hearing for Tuesday, April 5, 2022.** New 2021-22 Retail Malt Beverage/SD Farm Wine License for Randles Kitchen LLC, 114 North Indiana Avenue (CUP not required).

43. **Set a date of hearing for Tuesday, April 5, 2022.** Transfer of 2022 Retail Wine & Cider License from Winetime on Main LLC, 330 South Main Avenue, to Winetime on Main LLC, 114 South Main Avenue, Suite 210 (CUP not required).

44. **Set a date of hearing for Tuesday, April 5, 2022.** Transfer of 2022 Package Liquor License from Cosmic LLC, 1900 West 12th Street, to ASHV LLC, 1900 West 12th Street.

45. **Set a date of hearing for Tuesday, April 5, 2022.** Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License and Transfer of 2022 Retail Wine & Cider License from SRS Inc., Spade Connexions, 8509 West 26th Street, Suite 100, to Access Entertainment Group LLC, Spade Connexions, 8509 West 26th Street, Suite 100.

46. **Set a date of hearing for Tuesday, April 5, 2022.** Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License and Transfer of 2022 Retail Wine & Cider License from SRS Inc., Heart Connexions, 8509 West 26th Street, to Access Entertainment Group LLC, 8509 West 26th Street.

47. **Set a date of hearing for Tuesday, April 5, 2022.** Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License and Transfer of 2022 Retail Wine & Cider License from SRS Inc., Diamond Connexions, 205 West 85th Street, to Access Entertainment Group LLC, Diamond Connexions, 205 West 85th Street.

48. **Set a date of hearing for Tuesday, April 5, 2022.** Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License and Transfer of 2022 Retail Wine & Cider License from SRS Inc., Club Connexions, 207 West 85th Street, to Access Entertainment Group LLC, Club Connexions, 207 West 85th Street.

49. **Set a date of hearing for Tuesday, April 5, 2022.** Special One-Day Malt Beverage and Special One-Day Wine Licenses for Augustana University to be operated at the Elmen Center, 2505 South Grange Avenue, for an athletic auction on April 8, 2022.

50. **Set a date of hearing for Tuesday, April 5, 2022.** Special One-Day Wine License for Active Generations, 2300 West 46th Street, for a special event on April 24, 2022.

51. **Set a date of hearing for Tuesday, April 5, 2022.** Special One-Day Malt Beverage License for Presentation Sisters to be operated at Falls Park, 305 East Falls Park Drive, for a fundraiser on May 7, 2022.

REGULAR AGENDA

52. APPROVAL OF THE REGULAR AGENDA

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

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

Sub-Item 30 from Agenda Item 6 was heard at this time. See Item 6 for action taken.

UNFINISHED BUSINESS

53. New 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 4, 2912 South Ellis Road (CUP not required).

54. Request to add video lottery terminals with the 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 4, 2912 South Ellis Road.

55. New 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 5, 2914 South Ellis Road (CUP not required).

56. Request to add video lottery terminals with the 2022-23 Retail Malt Beverage/SD Farm Wine License for Trifecta Holdings Inc., Crown Casino Ellis 5, 2914 South Ellis Road.

57. New 2021-22 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine & Cider License for MR2T LLP, Brix Wine Bar, 330 South Main Avenue (CUP not required).

58. New 2021-22 Retail Malt Beverage/SD Farm Wine License for Crystal Investment Inc., Black Diamond Casino IV, 5113 West 41st Street, Suite 104.

59. Request to add video lottery terminals with the 2021-22 Retail Malt Beverage/SD Farm Wine License for Crystal Investment Inc., Black Diamond Casino IV, 5113 West 41st Street, Suite 104.

60. New 2021-22 Retail Malt Beverage/SD Farm Wine License for Shively Development LLC, DH Pub Sports, 5219 West 26th Street (CUP not required).

61. Transfer of 2022 Retail Wine & Cider License from MG Oil Company, Jokerz 3, 5005 West 12th Street, to MG Oil Company, 777 North Casino B, 1709 West Legion Drive, Suite B.

62. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License and 2022 Retail Wine & Cider License from Ovations Food Services LP, Sioux Falls Canaries Baseball, 1001 North West Avenue, to True North Sports LLC, Sioux Falls Canaries, 1001 North West Avenue.

63. Special One-Day Malt Beverage License for Fernson Brewing Company LLC, to be operated at Great Outdoor Store, 201 East 10th Street, for a Gear and Beer event on May 21, 2022.

64. Special One Day Malt Beverage License for Holy Spirit Church, 3601 East Dudley Lane, for a special event on August 21, 2022.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to approve Agenda Items 52 through 64.

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

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

65. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING PERMANENT EASEMENTS.
Private Applicant(s): Cherapa II QOZB, LLC

A motion was made by Council Member Selberg and seconded by Council Member Erickson to adopt Ordinance No. 37-22.

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

66. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO SUPPORT CONSTRUCTION AND OPERATION OF THE DAKOTA STATE UNIVERSITY APPLIED CYBER RESEARCH LAB LOCATED IN THE SIOUX FALLS CYBER INNOVATION PARK IN THE CITY OF SIOUX FALLS. ($10M)
Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Brekke to adopt Ordinance No. 38-22.

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

67. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL, SECTION 30.022 ORDINANCES, RESOLUTIONS, MOTIONS, AND OTHER DOCUMENTS REQUIRING COUNCIL APPROVAL BY DEFINING “SUBSTANTIALLY ALTERS” IN SDCL 9-19-7.1.
Sponsors: Council Members Brekke and Starr

A motion was made by Council Member Brekke and seconded by Council Member Starr to adopt Agenda Item 67.

Roll call vote to adopt**.** 4 Yes: Selberg, Soehl, Starr, Brekke; 4 No: Kiley, Neitzert, Erickson, Jensen. Mayor Paul TenHaken broke the tie by voting "No". **Motion Failed.**

68. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: ORDINANCES, RESOLUTIONS, MOTIONS AND OTHER DOCUMENTS REQUIRING COUNCIL APPROVAL BY ESTABLISHING A MEANS FOR A CITY ATTORNEY OFFICIAL OPINION AND MEMORANDUM OF LEGAL ADVICE.
Sponsors: Council Members Brekke and Starr

A motion was made by Council Member Brekke and seconded by Council Member Starr to adopt Agenda Item 68.

Roll call vote to adopt**.** 3 Yes: Selberg, Starr, Brekke; 5 No: Kiley, Neitzert, Soehl, Erickson, Jensen. **Motion Failed.**

ORDINANCE FIRST READINGS

69. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2000 E. 12TH ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL—TRADITIONAL DISTRICT, NO. 15943-2022, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).
Recommendation: Set a date of 2nd Reading for Tuesday, April 5, 2022.
Private Applicant(s): Brent Tucker

A motion was made by Council Member Selberg and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, April 5, 2022 for Item 69.

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

70. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 3031 N. WAYLAND AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL—TRADITIONAL AND THE RT-2 TOWNHOME RESIDENTIAL—TRADITIONAL DISTRICTS, NO. 15944-2022, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).
Recommendation: Set a date of 2nd Reading for Tuesday, April 5, 2022.
Private Applicant(s): Brent Tucker

A motion was made by Council Member Jensen and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, April 5, 2022 for Item 70.

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

71. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF E. 57TH ST. AND EAST OF S. RATELIFF AVE. FROM THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT AND C-3 COMMERCIAL—COMMUNITY DISTRICT TO THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT AND C-3 COMMERCIAL—COMMUNITY DISTRICT, NO. 15957-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).
Recommendation: Set a date of 2nd Reading for Tuesday, April 5, 2022.

Private Applicant(s): Ryan Tysdal

A motion was made by Council Member Selberg and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, April 5, 2022 for Item 71.

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

72. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTHEAST OF THE INTERSECTION OF W. GRACELAND CT. AND W. GRACELAND PL. FROM THE RA-1 APARTMENT RESIDENTIAL—LOW DENSITY DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN DISTRICT, NO. 15964-2022, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).
Recommendation: Set a date of 2nd Reading for Tuesday, April 5, 2022.
Private Applicant(s): Veldhouse Construction, Inc

A motion was made by Council Member Selberg and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, April 5, 2022 for Item 72.

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

73. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2900 E. RICE ST. FROM THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, NO. 15977-2022, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).
Recommendation: Set a date of 2nd Reading for Tuesday, April 5, 2022.
Private Applicant(s): William R. Rush

A motion was made by Council Member Jensen and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, April 5, 2022 for Item 73.

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

74. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTH OF ARROWHEAD PKWY. AND WEST OF SIX MILE RD. FROM THE CN CONSERVATION, RD-2 TOWNHOME RESIDENTIAL—SUBURBAN, AND THE C-4 COMMERCIAL—REGIONAL DISTRICTS TO THE CN CONSERVATION, RD-2 TOWNHOME RESIDENTIAL—SUBURBAN, RA-1 APARTMENT RESIDENTIAL—LOW DENSITY, AND C-4 COMMERCIAL—REGIONAL DISTRICTS, NO. 15987-2022, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).
Recommendation: Set a date of 2nd Reading for Tuesday, April 5, 2022.

Private Applicant(s): Willows Edge Estates, Llc

A motion was made by Council Member Selberg and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, April 5, 2022 for Item 74.

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

75. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTH OF E. 57TH ST. AND WEST OF SIX MILE RD. FROM THE AG AGRICULTURE DISTRICT TO THE CN CONSERVATION, RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN, RD-2 TOWNHOME RESIDENTIAL—SUBURBAN, RA-1 APARTMENT RESIDENTIAL—LOW DENSITY, RA-3 APARTMENT RESIDENTIAL—HIGH DENSITY, LW LIVE-WORK, AND C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICTS, NO. 15982-2022, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).
Recommendation: Set a date of 2nd Reading for Tuesday, April 5, 2022.
Private Applicant(s): Signature Companies, Llc

A motion was made by Council Member Erickson and seconded by Council Member Brekke to set a date of 2nd Reading for Tuesday, April 5, 2022 for Item 75.

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

HEARINGS AND RESOLUTIONS

76. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO CONVEY REAL ESTATE.
Sponsor: Mayor

A motion was made by Council Member Kiley and seconded by Council Member Neitzert to adopt Resolution No. 25-22.

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

RESOLUTION NO. **25-22**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO CONVEY REAL ESTATE.

WHEREAS, the City may accept as a gift real property for park purposes pursuant to SDCL §9-38-32; and

WHEREAS, the Sioux Falls Parks and Recreation Board reviews and makes recommendations to the Mayor and City Council on matters affecting the

establishment, improvement, maintenance, and regulation of the parks pursuant to Sioux Falls City Ordinance §95.058(e); and

WHEREAS, Sioux Falls School District No. 49-5, (hereinafter referred to as "School District"), offers to convey to the City of Sioux Falls a portion of the following legally described property:

> Block 3A in Pine Meadows Third Addition to the City of Sioux Falls, Minnehaha County, South Dakota, according to the recorded plat thereof

for park purposes; and

WHEREAS, the portion of real property the School District wishes to grant and convey to the City is depicted in Exhibit "A," labeled City of Sioux Falls, (hereinafter referred to as "Subject Property") attached to Agreement To Convey Real Estate attached hereto; and

WHEREAS, the Sioux Falls Parks and Recreation Board recommended approval of the Agreement on February 16, 2022, at a regular meeting;

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

1. That the recitals above are incorporated herein by reference.

2. That it approves the document titled "Agreement to Convey Real Estate (the "Agreement")." That said Agreement is hereby made a part of this resolution as if set out in full.

3. That the City accepts the gift of the Subject Property on the terms and conditions as set forth in the Agreement.

4. That the Mayor is authorized to accept and sign the attached Agreement on behalf of the City, and any other documents necessary to make the transfer and conveyance of the above-described property between the City of Sioux Falls and the School District.

5. That the City shall publish this resolution, without attachments, after its passage. The attachments are on file and available for inspection in the office of the City Clerk.

Date adopted: 03/15/22.

Paul TenHaken, Mayor

ATTEST:
Thomas Greco, City Clerk

NEW BUSINESS

There was none.

GENERAL PUBLIC INPUT

David Zokaites spoke about his arrests.

Emmett Reistroffer spoke about his visit to the Juvenile Detention Center and Union Gospel Mission.

Chester Deyoung spoke about City construction and utilities around his neighborhood.

Sierra Broussard spoke about the Police Department's committment to diversity.

Mike Zitterich spoke about the West Sioux Community.

ADJOURNMENT

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adjourn at 8:26 p.m.

Voice vote to adjourn. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Brekke, Erickson, Jensen; 0 No: (None). **Motion Passed.**

Thomas M. Greco

Thomas M. Greco, City Clerk