
SOUTH DAKOTA OPEN MEETING COMPLAINT

The City of Sioux Falls individually and collectively through the City Council, violated South Dakota Open Meeting Laws on November 16th, 2021 during the regular Sioux Falls City Council meeting.

NOVEMBER 22, 2021

FILED BY: SIERRA BROUSSARD

SIOUX FALLS, SD

Affidavit of Sierra Broussard

I, Sierra Broussard, being duly sworn upon my oath, deposes and states as follows:

1. I am a citizen and voter with residence in the city of Sioux Falls, SD.
2. I live in the central Sioux Falls neighborhood locally recognized as Pettigrew.
3. I am the elected President of the Pettigrew Neighborhood Association.
4. I am a longtime citizen activist on crime, policing and neighborhood issues.
5. I am not an attorney or trained in the law.
6. I have been concerned about crime issues involving bars in downtown Sioux Falls.
7. I am a concerned citizen who has had rights violated by the Sioux Falls City Council, City Clerk, City Council Chair and the Mayor acting in his position as presiding officer of the Council on the night in question.
8. I am filing this affidavit to document activities I witnessed or was party to, involving the Sioux Falls City Council Meeting of November 16th, 2021 I believe violated the letter and spirit of the South Dakota Open Meetings Laws, under SDCL 1-25, 1-27 and others not mentioned.
9. Sioux Falls is a Home Rule Charter municipal government organized under the laws of the State of South Dakota.
10. The Sioux Falls City Council consists of 8 members and the non-voting (unless there is a tie vote to break) mayor.
11. The Sioux Falls City Council is chaired by the mayor, Paul TenHaken.
12. The Sioux Falls City Council agenda and minutes are managed and recording by the City Clerk, Tom Greco.
13. By Charter the Sioux Falls City Attorney is the attorney for the City Council and the mayor.
14. The City Attorney is required to be at all City Council regular meetings.
15. The Sioux Falls City Attorney is Stacy Kooistra.
16. The City Council elects one of its members to be Chair of the body and in charge of the meetings when the mayor is absent.
17. The Sioux Falls City Council Chair is Curt Soehl.
18. Sioux Falls City Council meetings, by ordinance, must follow the latest edition of Robert's Rules, unless there is a conflict with state law, city ordinance or Charter.
19. The Sioux Falls City Council has regularly scheduled Tuesday meetings at 6:00 pm in the Carnegie City Council Chambers the first three Tuesdays of each month.
20. The state of South Dakota requires local government meetings to offer the public opportunities to give public input during meetings.
21. Sioux Falls City Council has general public input at every regular meeting.
22. Sioux Falls City Council requires public input on all 1st and 2nd reading agenda items and all consent items called for discussion and separate votes.

23. I am a regular speaker during general and agenda item public inputs.
24. My general and agenda item public inputs regularly consist of crime, policing and neighborhood issues.
25. During the annual liquor license renewal process I noted a certain license involving David's Bar located in downtown on 11th St. across from the City Council building.
26. There was an assault incident at the bar involving an underage patrons and lethal weapons in September, 2021.
27. The bar was up for license renewal before the City Council on November 16th, 2021.
28. The license renewal I wanted to discuss was part of a list of at least 250 liquor and video lottery establishments requiring a vote of the City Council.
29. I contacted Jamie Palmer, city of Sioux Falls Licensing Specialist for procedures on how to speak to my issues.
30. Since the September incident, I have talked with many individuals including Councilors Greg Neitzert, Curt Soehl and Pat Starr plus Bruce Danielson and Licensing Specialist Jamie Palmer among others.
31. I announced in the days prior to the November 16th, 2021 meeting, my opposition to a consent agenda vote on that license without any discussion.
32. I contacted Sioux Falls City Council member Pat Starr and asked him to pull the liquor license renewal from the consent agenda to the regular agenda so the public would be allowed to have public input.
33. When asked by me, Council member Pat Starr agreed to pull the David's Bar sub item for discussion and vote.
34. As part of the rules and procedures for the City Council meeting, the City Clerk / city administration must be informed by Monday at noon, prior to the Tuesday meeting, if the Council member wishes to question city staff during a meeting.
35. Council member Pat Starr told me he did request, as required, the following be available for questioning: Health Director Dr. Chima for sub item 7 and someone from the police department to discuss sub item 12, exhibit C, DCK, LLC for discussion and separate vote.
36. In preparation for the meeting, I contacted the Sioux Falls Police department on the prior Friday, November 12, 2021, to get a copy of the incident call logs for David's Bar.
37. I picked up the incident call log records at the police station on Tuesday November 16th, 2021 at 7:45am.
38. Councilor Pat Starr stated during a conversation that he had requested a copy of the call logs for David's Bar.
39. Minutes before the November 16th, 2021 City Council regular meeting, I asked Council member Pat Starr if he had received a copy of the police logs and he told me he hadn't, so I gave him a copy of it for his use during the process.
40. Due to consistent video failures of the Sioux Falls city website, I will reference video timestamps from an independent 3rd party website www.siouxfall.org, archived on www.youtube.com.

41. A complete archived video for the November 16th, 2021 meeting in question, *2021-11-16 Sioux Falls City Council Meeting*, is <https://youtu.be/-bSgqDzUyMo>.
42. The City Council met as scheduled on November 16th, 2021 at 6:00pm with Mayor Paul TenHaken as chair or presiding officer.
43. All City Council members were in attendance
- Council member Curt Soehl – Chair
 - Council member Alex Jensen – Vice Chair
 - Council member Greg Neitzert – former Chair of City Council
 - Council member Marshall Selberg – former Chair of City Council
 - Council member Christine Erickson – former Chair of City Council
 - Council member Council Member Rick Kiley – former Chair of City Council
 - Council member Janet Brekke
 - Council member Patrick Starr
44. City Clerk Tom Greco and Council parliamentarian was in attendance on the dais documenting the proceedings.
45. City Attorney Stacy Kooistra was in attendance on the dais to answer legal questions or legality of issues that might arise.
46. At 6:26 minutes (<https://youtu.be/-bSgqDzUyMo?t=386>) into the meeting, the Chair turned to Council member Starr so he could request separate discussion on two items he wishes placed on regular agenda.
47. Council member Pat Starr did place the Consent Agenda sub item 7 vaccines and sub item 12 exhibit C DCK, LLC. from the consent agenda to the regular agenda. <https://youtu.be/-bSgqDzUyMo?t=372>
48. The City Council voted and passed the Consent Agenda without the noted sub items.
49. Excerpt from the Clerk’s posted minutes:
5. [APPROVAL OF THE CONSENT AGENDA](#)
- A motion was made by Council Member Selberg and seconded by Council Member Jensen to approve the Consent Agenda.*
- A request was made by Council Member Starr to place Sub-Item 18 from Agenda Item 7 and DCK, LLC from Exhibit C to Agenda Item 12. on the Regular Agenda for Council Discussion (Health; Agreement to provide process and impact evaluation of the City Covid-19 vaccination efforts; University of South Dakota; Not to Exceed \$23,863.00 * DCK, LLC; David's; 212 W. Tenth St.). See Agenda Items 7 and 12 for actions taken.*
- Roll call vote to approve. 8 Yes: Starr, Brekke, Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). **Motion Passed.***
50. At 7:58 minutes into the meeting, meeting chair Paul TenHaken read the rules for public input (<https://youtu.be/-bSgqDzUyMo?t=478>):

- a. *“before we move on with our meeting just a reminder how public input works for our meetings uh for any item that we're reviewing comments are limited to three (3) minutes unless it's for final adoption in that case uh public input comments are limited to five (5) minutes uh items are also limited to the agenda item under consideration only for the comments and at the end of the meeting at general public input uh people will be allowed three minutes per person for input”*

51. At 8:23 minutes into the meeting (<https://youtu.be/-bSgqDzUyMo?t=503>), sub item 18 is called for discussion by the Chair and Clerk
52. Questioning and discussion of sub item 18 ends when presiding officer TenHaken calls for a motion at 12:24 (<https://youtu.be/-bSgqDzUyMo?t=503>) without allowing the public to comment in the required public input.
53. The Council votes on the sub item 18 without public input.
54. I was prepared to speak in the vaccine issue but not given an opportunity.
55. My rights were violated by the persons responsible for conducting the meeting under the laws of the state of South Dakota, city of Sioux Falls ordinances, procedures and Robert's Rules of the body by the presiding officer (the mayor), the City Clerk (as parliamentarian required to guide the body to follow laws and rules cited), City Attorney (required to guide the body to follow laws cited) and the City Council Chair (required to use the laws cited) to maintain a lawful meeting.
56. At 12:50 minutes (<https://youtu.be/-bSgqDzUyMo?t=770>) the Clerk reads the item for DCK, LLC from Exhibit C sub agenda Item 12 and discussion and questioning starts.
57. Questioning and discussion of sub item 12 DCK, LLC from Exhibit C to Agenda ends when presiding officer TenHaken calls for a motion at 20:55 minutes (<https://youtu.be/-bSgqDzUyMo?t=1255>) without allowing public input.
58. I was not allowed to express my concerns on this issue as required under the rules of the body, state law or ordinance of Sioux Falls.
59. I was one of three members of the public who attended the meeting to speak on this issue.
60. The city knew of our concerns for this issue by virtue of my explicit requests to the administration of Paul TenHaken through Jamie Palmer, the licensing specialist.
61. Councilor Pat Starr had the item moved from the consent agenda specifically due to my personal request to him.
62. My rights were violated by the persons responsible for conducting the meeting under the laws of the state of South Dakota, city of Sioux Falls ordinances, procedures and Robert's Rules of the body by the presiding officer (the mayor), the City Clerk (as parliamentarian required to guide the body to follow laws and rules cited), City Attorney (required to guide the body to follow laws cited) and the City Council Chair (required to use the laws cited) to maintain a lawful meeting.
63. I contacted Jamie Palmer, city of Sioux Falls Licensing Specialist who presented the item at the meeting for procedures on how I could to speak to my issues now that the Council had voted immediately after the vote concluded.
64. I began to SMS text messages informing others including City Council members of my intention to speak at the item public input about my concerns regarding the bar's license.

65. The list of people I informed via SMS text messaging include:
- a. Council member Curt Soehl – Chair of City Council
 - b. Bridgett Meyers
 - c. Council member Greg Neitzert – former Chair of City Council
 - d. SD Rep. Greg Jamison – former Chair of City Council
 - e. Council member Marshall Selberg – former Chair of City Council
 - f. Council member Patrick Starr
 - g. Randa Heller
 - h. Scott Ehrisman – publisher, www.southdacola.com
 - i. Bruce Danielson – publisher, www.siouxfall.org
66. Near the end of the meeting, during the general public input portion of the agenda, I informed the official dais and viewing public of the violations to the open meetings laws at 3:39:36 (<https://youtu.be/-bSgqDzUyMo?t=13172>).
67. While I was giving my public input on the violations and why I would be filing an open meetings complaint, the presiding officer Mayor Paul TenHaken started laughing at my comments.
68. I nearly called him out as I was speaking, but rules of the body do not allow us to call out the actions of members of the dais.
69. I notified the above list of dais members, people on the above SMS list and others of my intention to file this affidavit documenting the open meetings violations with the proper authorities on the evening of November 16th, 2021.
70. I spoke to agenda items during the general public input portion of the meeting because my rights were neglected during the item discussions and prior to the voting.
71. My rights were violated at least twice by the persons responsible for conducting the meeting under the laws of the state of South Dakota, city of Sioux Falls ordinances, procedures and Robert’s Rules of the body by the presiding officer (the mayor), the City Clerk (as parliamentarian required to guide the body to follow laws and rules cited), City Attorney (required to guide the body to follow laws cited) and the City Council Chair (required to use the laws cited) to maintain a lawful meeting.
72. On November 19th, 2021 I filed a forms compiling with notice required under SDCL 3-21-3(3) LIABILITY OF PUBLIC ENTITIES AND PUBLIC OFFICIALS with the City of Sioux Falls informing the city of my claim of harm.
73. With this Affidavit of Sierra Broussard, I have attached a SDCL 3-21 Notice of Harm, a November 16th, 2021 Sioux Falls City Council meeting minutes, applicable City of Sioux Falls Charter sections and ordinances, South Dakota Constitution Article IX – Home Rule. The Sioux Falls City Council has separate rules and procedures not readily accessible to the public not included.
74. Stacy Kooistra should have recused himself as has been his policy and practice on other issues involving the Sioux Falls Police Department due to a close family connection as his brother is a senior officer with the department.
75. I ask that Daniel Hagger, Minnehaha County States Attorney recuse himself from any involvement with this Open Meetings violation due to his recent employment and associations

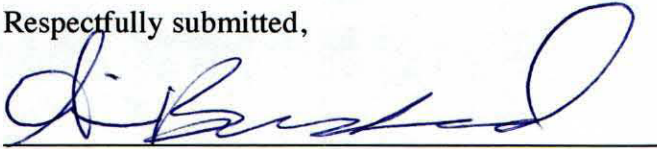
with the Sioux Falls City Attorney Office.

76. I ask that the Minnehaha County States Attorney Office recuse in its entirety, due to potential conflicts involving personnel with recent employment and associations with the Sioux Falls City Attorney Office.

As required under SDCL 23A-2-1, I Sierra Broussard, declare and affirm under the penalties of perjury that this complaint or summons has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

Dated: November 22, 2021.

Respectfully submitted,




Sierra Broussard
PO Box 2913
Sioux Falls, SD 57101

Notary Public statement:

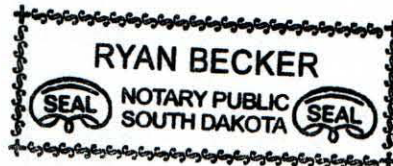
Sioux Falls, Minnehaha County, South Dakota

On this, the 22 day of November, 2021, before me, the undersigned officer, personally appeared, Sierra Broussard, known to me or satisfactorily proven to be the person whose name is subscribed to the within instrument and acknowledged that he executed the foregoing instrument for the purposes therein contained.

In witness whereof, I hereunto set my hand and official seal.


Notary Public – South Dakota

My Commission Expires 10/29/2027



CERTIFICATE OF SERVICE

I, Sierra Broussard, do hereby certify that on 22nd day of November, 2021, I caused copies of the foregoing **Affidavit of Sierra Broussard** to be served upon via USPS 1st Class mail except where noted:

Minnehaha County States Attorney Office – Personal Service
415 N Dakota Ave
Sioux Falls, SD 57104

Office of the Attorney General
1302 E Hwy 14
Suite 1
Pierre SD 57501-8501

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Sierra Broussard", written over a horizontal line.

Sierra Broussard
PO Box 2913
Sioux Falls, SD 57101

EXHIBITS:

Sign Both copies and retain this page for your records

NOTICE OF CLAIM

Mayor Paul TenHaken
224 West Ninth Street
Sioux Falls, SD 57117

Dated: November 19th, 2021

To: The City of Sioux Falls and all its departments and employees, including, but not limited to, the Mayor and Finance Director, the Sioux Falls City Council and its employees:

Please be advised that pursuant to SDCL Chapter 3-21, this is to serve as

WRITTEN NOTICE by providing notice to you on behalf of:

Sierra Broussard, a citizen and voter of the city of Sioux Falls, SD

The above named suffered damages in Sioux Falls, South Dakota which occurred on or about the day of November 16th, 2021 as a result of

No Public input on two consent agenda items moved for discussion as required under the Home Rule Charter, Sioux Falls Ordinance & SDCL during City Council meeting

We / I believe that the City of Sioux Falls may have acted maliciously and / or negligently, including but not limited to:

Mayor Paul Paul TenHaken, City Clerk Tom Greco, City Attorney Stacy Kooistra, City Council Chair Curt Soehl

This notice is being provided pursuant to SDCL §§ 3-21 -2 and 3-21 -3. This is intended as service upon you, and written notice to you, and to the City of Sioux Falls, by:

First Class Mail (postage prepaid)

Hand Delivery to Office of Mayor:

Name: Sierra Broussard

Address: PO Box 2913

City, State, Zip: Sioux Falls, SD 57101

Signed: 

IMPORTANT

This is an important legal notice. Failure to respond to this Notice is likely to result in loss of your opportunity to view the scene and may result in the destruction of evidence necessary to any subsequent investigation or defense of the claim identified herein above, The above information is offered solely to provide notice of this claim and should not be construed as legal advice. You are urged to consult your own legal counsel to answer any questions about this Notice or the above-reference claim.



CITY OF
SIOUX FALLS

CITY COUNCIL

MINUTES

City Council Meeting

Tuesday, November 16, 2021 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 Pat Starr, Council Member Janet Brekke, Council Member Christine M. Erickson, Council Member Alex Jensen, Council Member Rick Kiley, Council Member Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Mayor Paul TenHaken

Absent: None

2. INVOCATION

Council Vice Chair Alex Jensen provided the invocation.

3. PLEDGE OF ALLEGIANCE

4. AWARDS & RECOGNITIONS

- [2021 Complex of the Year Presentation by USA Softball Association of South Dakota](#)

CONSENT AGENDA

5. APPROVAL OF THE CONSENT AGENDA

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

A request was made by Council Member Starr to place Sub-Item 18 from Agenda Item 7 and DCK, LLC from Exhibit C to Agenda Item 12. on the Regular Agenda for Council Discussion (Health; Agreement to provide process and impact evaluation of the City Covid-19 vaccination efforts; University of South Dakota; Not to Exceed \$23,863.00 * DCK, LLC; David's; 212 W. Tenth St.). See Agenda Items 7 and 12 for actions taken.

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

6. APPROVAL OF MINUTES

- [Informational Meeting of Tuesday, November 9, 2021](#)

[City Council Meeting of Tuesday, November 9, 2021](#)

COMMUNICATIONS

7. [Approval of contracts/agreements on the memorandum dated November 12, 2021.](#)
A motion was made by Council Member Starr and seconded by Council Member Jensen to approve Sub-Item 18 from Agenda Item 7.
Roll call vote to approve. 8 Yes: Starr, Brekke, Erickson, Jensen, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). **Motion Passed.**
8. [Notice of change orders on the memorandum dated November 12, 2021.](#)
9. [Report of Requests for Quotes for Fuel dated: November 5, 2021; Dyed Diesel # 1\(3,000 Gallons\) and Unleaded \(7,500 Gallons\); Cole's Petroleum \(\\$2.6207 Dyed Diesel & \\$2.5865 Unleaded\); Olson Oil and CHS, both no bid. Bid awarded to: Coles Petroleum.](#)
10. [Report of Requests for Quotes for Fuel dated: November 9, 2021: Unleaded \(7,000 Gallons\). 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 \\$2.5988.](#)

APPLICATIONS

11. [Special One-Day Licenses for Washington Pavilion Management Inc., 301 South Main Avenue, for special events on November 17, 21, 26, 27, 28 and December 4 and 10, 2021.](#)
12. [Various Retail Liquor, Package Liquor, Package Delivery and Retail Wine License renewals for 2022 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.](#)

A motion was made by Council Member Jensen and seconded by Council Member Soehl to approve DCK, LLC from Exhibit C.

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

NOTICE OF HEARINGS

13. **Set a date of hearing for Tuesday, December 7, 2021.** [New 2021-22 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine License for Grevco Inc., Shop 'N Cart Casino #2, 2707 East 6th Street.](#)
14. **Set a date of hearing for Tuesday, December 7, 2021.** [Request to add video lottery terminals with the New 2021-22 Retail Malt Beverage/SD Farm Wine License.](#)
15. **Set a date of hearing for Tuesday, December 7, 2021.** [Transfer of 2022 Retail Liquor License, including video lottery terminals, from GSP Inc., Scarlett O'Hara's, 3201 South Carolyn Avenue, to SC Dining Services LLC, Scarlett O'Hara's, 3201 South Carolyn Avenue.](#)
16. **Set a date of hearing for Tuesday, December 7, 2021.** [Transfer of 2022 Package Liquor License from Wang Enterprises Inc, King's Liquor Mart, 3725 North Cliff Avenue, to AKSH LLC, 3725 North Cliff Avenue.](#)
17. **Set a date of hearing for Tuesday, December 7, 2021.** [Special One-Day Liquor License for KJT LLC to be operated at The Social, 301 South Thompson Avenue, for a wedding on December 11, 2021.](#)
18. **Set a date of hearing for Tuesday, December 7, 2021.** [Special One-Day Liquor License for Tslat Inc., to be operated at The State Theatre, 316 South Phillips Avenue, for a private event on December 15, 2021.](#)

19. **Set a date of hearing for Tuesday, December 7, 2021.** [Various Retail Liquor, Package Liquor, Package Delivery and Retail Wine License renewals for 2022 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.](#)

REGULAR AGENDA

20. **APPROVAL OF THE REGULAR AGENDA**

A motion was made by Council Member Soehl and seconded by Council Member Jensen to approve the Regular Agenda.

A motion was made by Council Member Soehl and seconded by Council Member Jensen to amend by placing Item 40 before Item 21 and Item 46 after Item 29.

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

Roll call vote to approve, as amended. 7 Yes: Starr, Brekke, Erickson, Jensen, Neitzert, Selberg, Soehl; 0 No: (None). **Motion Passed.** Kiley was not present for the vote on this motion.

Sub-Item 18 from Agenda Item 7 and DCK, LLC from Exhibit C to Agenda Item 12 were heard at this time. See Agenda Items 7 and 12 for actions taken.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

Agenda Item 40 was heard at this time. See Agenda Item 40 for action taken.

21. **2nd Reading: Deferred from the Meeting of Tuesday, November 9, 2021; [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF W. 41ST ST. AND WEST OF S. ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN DISTRICT, RD-2 TOWNHOME RESIDENTIAL—SUBURBAN DISTRICT, AND RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY DISTRICT, NO. 15101-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.](#)** The Planning Commission recommends approval (6-0).

Private Applicant(s): Empire Homes-Brady Hyde

A motion was made by Council Member Neitzert and seconded by Council Member Starr to remand Agenda Item 21 to the Planning Commission.

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

22. **2nd Reading: [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 INTERNATIONAL BUILDING CODE AND AMENDMENTS THERETO.](#)**

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Ordinance No. 138-21.

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

23. **2nd Reading: [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 INTERNATIONAL EXISTING BUILDING CODE AND AMENDMENTS THERETO.](#)**

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Ordinance No. 139-21.

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

24. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 INTERNATIONAL MECHANICAL CODE AND THE 2021 INTERNATIONAL FUEL GAS CODE AND AMENDMENTS THERETO.](#)

Sponsor: Mayor

A motion was made by Council Member Kiley and seconded by Council Member Erickson to adopt Ordinance No. 140-21.

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

25. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS THERETO.](#)

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Ordinance No. 141-21.

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

26. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE INTERNATIONAL SWIMMING POOL AND SPA CODE.](#)

Sponsor: Mayor

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Ordinance No. 142-21.

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

27. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2021 INTERNATIONAL FIRE CODE AND AMENDMENTS THERETO.](#)

Sponsor: Mayor

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Ordinance No. 143-21.

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

28. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE OF ITS WASTEWATER SYSTEM REVENUE BOND, IN ONE OR MORE SERIES, TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BOND, FIXING THE TERMS OF SUCH WASTEWATER SYSTEM REVENUE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT NOT TO EXCEED \\$123,000,000.](#)

Sponsor: Mayor

A motion was made by Council Member Neitzert and seconded by Council Member Soehl to adopt Ordinance No. 144-21.

A motion was made by Council Member Neitzert and seconded by Council Member Soehl to amend by inserting "Water reclamation improvements project as outlined in the Facilities Plan dated June 2019" under "Exhibit A" AND labeling the Loan Agreement as "Exhibit B".

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

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

29. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. \(Highways and Streets, \\$3.3M\)](#)

Sponsor: Mayor

A motion was made by Council Member Jensen and seconded by Council Member Neitzert to adopt Ordinance No. 145-21.

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

Agenda Item 46 was heard at this time. See Agenda Item 46 for action taken.

30. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 57: GARBAGE AND RECYCLING OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO THE COLLECTION REGULATIONS.](#)

Sponsor: Mayor

A motion was made by Council Member Jensen and seconded by Council Member Kiley to adopt Ordinance No. 147-21.

A motion was made by Council Member Neitzert and seconded by Council Member Brekke to amend Section 57.023 by substituting the contents of paragraph "(b), Collection day placement—location" with "All containers shall be placed adjacent to the structure by the owner, occupant, or manager in an inconspicuous place that is reasonably accessible to the licensed commercial garbage hauler. It is the commercial garbage hauler's responsibility to retrieve the containers from and return the containers to this inconspicuous and readily accessible place on collection day." AND by striking paragraphs "(c)" and "(d)".

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

A motion was made by Council Member Kiley and seconded by Council Member Jensen to amend by entitling Section 57.024 as "LEVELS OF COLLECTION SERVICE REQUIRED" with the following section text: "All commercial garbage haulers, as a condition of licensure under § 57.065, must offer a minimum of two levels of service, as follows:" (a) Curbside Service. Under curbside service, collection service occurs at the place designated for collection in § 57.023(b) above. It is the owner, occupant, or manager's responsibility to move or cause to be moved all containers to and from this designated place in accordance with § 57.023. (b) Valet Service. Under valet service, collection service occurs at the structure. The owner, occupant, or manager places all containers directly adjacent to the structure in a place reasonably accessible to the commercial garbage hauler. It is the commercial garbage hauler's responsibility to retrieve the containers from and return the containers to this location on collection day. At the owner, occupant, or manager's discretion, placement of containers for collection may be the same as their non-collection day placement, so long as the containers are adjacent to the structure and reasonably accessible to the hauler.

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

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

31. **2nd Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING, SUBCHAPTER DEFINITIONS. The Planning Commission recommends approval \(7-0\).](#)

Sponsors: Council Members Kiley and Erickson

A motion was made by Council Member Kiley and seconded by Council Member Erickson to adopt Ordinance No. 146-21.

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

ORDINANCE FIRST READINGS

32. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 111: ALCOHOLIC BEVERAGES.](#)

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Sponsor: Mayor

A motion was made by Council Member Jensen and seconded by Council Member Erickson to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 32.

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

33. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 720 E. MAPLE ST. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN DISTRICT, NO. 15134-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.](#) The Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Private Applicant(s): Galtell Properties LLC – Vincent Purtell

A motion was made by Council Member Selberg and seconded by Council Member Erickson to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 33.

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

34. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PORTION OF PROPERTY LOCATED AT 4501 W. 85TH ST. FROM THE LW LIVE-WORK, RA-3 APARTMENT RESIDENTIAL—HIGH DENSITY, RA-1 APARTMENT RESIDENTIAL—LOW DENSITY, AND RD-2 TOWNHOME RESIDENTIAL—SUBURBAN DISTRICTS TO THE RA-3 APARTMENT RESIDENTIAL—HIGH DENSITY AND CN CONSERVATION DISTRICTS, NO. 15194-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.](#) The Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Private Applicant(s): Advanced Engineering & Environmental Services (AE2S)

A motion was made by Council Member Kiley and seconded by Council Member Neitzert to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 34.

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

35. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF MADISON ST. AND VETERANS PKWY. FROM THE C-3 COMMERCIAL—COMMUNITY DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, NO. 15196-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.](#) The Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Private Applicant(s): Advanced Engineering & Environmental Services (AE2S)

A motion was made by Council Member Erickson and seconded by Council Member Selberg to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 35.

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

36. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PORTION OF PROPERTY LOCATED AT 7500 S. AUDIE AVE. FROM THE LW LIVE-WORK AND C-3 COMMERCIAL—COMMUNITY DISTRICTS TO THE LW LIVE-WORK AND CN CONSERVATION DISTRICTS, NO. 15251-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.](#) The Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Private Applicant(s): Schulte Real Estate LLC - Mike Schulte

A motion was made by Council Member Selberg and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 36.

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

37. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 100 S. GRANGE AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL—TRADITIONAL DISTRICT TO THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT, NO. 15272-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.](#) The Planning Commission recommends approval (6-0).

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Private Applicant(s): Koch Hazard Architects – Keith Thompson

A motion was made by Council Member Neitzert and seconded by Council Member Brekke to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 37.

Roll call vote to set a date of 2nd Reading. 7 Yes: Starr, Brekke, Erickson, Jensen, Kiley, Neitzert, Selberg; 0 No: (None). **Motion Passed.** Soehl was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

38. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING OFFER TO PURCHASE REAL ESTATE FROM THE CITY.](#)

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Private Applicant(s): Connelly Properties, LLC

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 38.

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

39. **1st Reading:** [AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING OFFER TO PURCHASE REAL ESTATE FROM THE CITY.](#)

Recommendation: Set a date of 2nd Reading for Tuesday, December 7, 2021.

Private Applicant(s): First Avenue Partners, LLC

A motion was made by Council Member Soehl and seconded by Council Member Jensen to set a date of 2nd Reading for Tuesday, December 7, 2021 for Item 39.

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

HEARINGS AND RESOLUTIONS

40. **Deferred from the Meeting of Tuesday, November 9, 2021;** [A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF 41ELLIS ADDITION \(14832-2021\). The Planning Commission recommends approval \(6-0\).](#)

Private Applicant(s): 41Ellis, LLC

A motion was made by Council Member Selberg and seconded by Council Member Jensen to adopt Agenda Item 40.

A motion was made by Council Member Neitzert and seconded by Council Member Starr to amend by adding the condition that a collector street be developed along or between the property line.

Roll call vote to amend. 4 Yes: Starr, Brekke, Neitzert, Soehl; 3 No: Erickson, Jensen, Selberg. **Motion Passed.** Kiley was not present for the vote on this motion.

Roll call vote to adopt, as amended. 0 Yes: (None); 7 No: Starr, Brekke, Erickson, Jensen, Neitzert, Selberg, Soehl. **Motion Failed.** Kiley was not present for the vote on this motion.

41. [A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A BRIDGE IMPROVEMENT GRANT \(BIG\) APPLICATION RESOLUTION FOR THE PRESERVATION OR REHABILITATION OF VARIOUS BRIDGES IN SIOUX FALLS.](#)

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Kiley to adopt Resolution No. 131-21.

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

RESOLUTION NO. 131-21

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN A BRIDGE IMPROVEMENT GRANT (BIG) APPLICATION RESOLUTION FOR THE PRESERVATION OR REHABILITATION OF VARIOUS BRIDGES IN SIOUX FALLS.

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

Structure No. 50-203-195 located on North Drive, West of Phillips Ave. and over the BNSF Railroad Line

Structure No. 50-205-192 located on North Drive, West of N. Fourth Ave. and over the Big Sioux River Diversion

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 "Bridge Improvement Grant Program" is hereby approved and that the Mayor is authorized to sign such resolution.

Date 11/16/21 .
adopted:

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

42.

[A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE COMMEMORATIVE NAMING DESIGNATION, "CHRIS KAYL MEMORIAL FAMILY DOCK," LOCATED IN AN OUTDOOR AREA ON PUBLIC PROPERTY AT FAMILY PARK.](#)

Sponsor: Mayor

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Resolution No. 132-21.

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

RESOLUTION NO. 132-21

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE COMMEMORATIVE NAMING DESIGNATION, "CHRIS KAYL MEMORIAL FAMILY DOCK," LOCATED IN AN OUTDOOR AREA ON PUBLIC PROPERTY AT FAMILY PARK.

WHEREAS, application 2021-08-21 was submitted by numerous City of Sioux Falls employees and the family of Chris Kayl to commemoratively name a fishing dock within Family Park located at 300 N. Ellis Rd.; and

WHEREAS, the commemorative naming of the "Chris Kayl Memorial Family Dock" does not change the name of Family Park, but rather respectfully honors Chris Kayl for his dedication and commitment to his family, fellow employees, and the City of Sioux Falls through 23 years of service as an employee of the City of Sioux Falls; and

WHEREAS, the City of Sioux Falls Parks and Recreation Board considered the commemorative naming application on September 15, 2021. Additionally, the Visual Arts Commission met on September 20, 2021, to review the application. The City of Sioux Falls Parks and Recreation Board and the Visual Arts Commission unanimously recommended approval of the commemorative naming designation; and

WHEREAS, an engraved design on a quartzite stone approved by the Sioux Falls Parks and Recreation Board and the Visual Arts Commission is proposed for installation at the fishing

dock in Family Park to bring recognition and meaning to the “Chris Kayl Memorial Family Dock;”

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

That in accordance with Chapter 30 of the Code of Ordinances of Sioux Falls, SD, the City approves the commemorative name, “Chris Kayl Memorial Family Dock,” located at the entrance to the fishing dock at Family Park.

That the commemorative naming quartzite stone and its placement within the Family Park outdoor area described above be approved as recommended.

That the commemorative quartzite stone shall not be made and installed until payment is received from the applicant.

Date 11/16/21
adopted:

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

43.

[A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT CERTAIN SURPLUS PROPERTY TO MCCROSSAN BOYS RANCH.](#)

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Brekke to adopt Resolution No. 133-21.

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

RESOLUTION NO. **133-21**

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT CERTAIN SURPLUS PROPERTY TO MCCROSSAN BOYS RANCH.

WHEREAS, the City of Sioux Falls Parks and Recreation department has declared as surplus the following property:

Five (5) bleachers consisting of five (5) rows each (the “Property”)

WHEREAS, McCrossan Boys Ranch is a South Dakota nonprofit corporation; and

WHEREAS, the City desires to surplus and gift the Property to McCrossan Boys Ranch, who desires to acquire the Property for public use in an outdoor arena on their property; and

WHEREAS, the Parks and Recreation Board met on October 20, 2021, and recommended that the City Council approve the surplus and gift of the Property to McCrossan Boys Ranch to support their operations;

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

Section 1. That the recitals above are adopted and are incorporated herein by this reference as if set out in full.

Section 2. That the hereinafter-described surplus Property is no longer necessary, useful, or suitable for the purpose for which it was acquired and is about to be abandoned for public purposes.

Section 3. That the City is hereby directed to transfer by gift the Property to McCrossan Boys Ranch, a South Dakota nonprofit corporation, to be used for public, charitable, or humanitarian purposes and accommodation.

Date 11/16/21 .
adopted:

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

44.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE WEGNER ARBORETUM SOCIETY FOR THE MANAGEMENT OF THE MARY JO WEGNER ARBORETUM AND EAST SIOUX FALLS HISTORIC SITE, INCLUDING THE MABLE AND JUDY JASPER EDUCATIONAL CENTER, THE JASPER FAMILY GARDENS, AND ALL OTHER AMENITIES CONSISTENT WITH THE MASTER PLAN.

Sponsor: Mayor

A motion was made by Council Member Brekke and seconded by Council Member Soehl to adopt Resolution No. 134-21.

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

RESOLUTION NO. **134-21**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE WEGNER ARBORETUM SOCIETY FOR THE MANAGEMENT OF THE MARY JO WEGNER ARBORETUM AND EAST SIOUX FALLS HISTORIC SITE, INCLUDING THE MABLE AND JUDY JASPER EDUCATIONAL CENTER, THE JASPER FAMILY GARDENS, AND ALL OTHER AMENITIES CONSISTENT WITH THE MASTER PLAN.

WHEREAS, the City of Sioux Falls (the "City") and the Wegner Arboretum Society (the "Society") find that it is in the best interest of the people of the city of Sioux Falls, the Society, and the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site that it enter into an agreement between the City and Society, whereby the Society will operate, manage, maintain, and develop the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site; and

WHEREAS, the Society is best qualified to manage the operation of the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site; and

WHEREAS, the Society and the City find that it is in both parties' best interest that a three-year agreement be now executed and subsequently entered into;

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

That the document attached to and part of this resolution entitled "Management Agreement for Operation of the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site," being a three-year agreement for the Society to manage the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site, is hereby approved.

That the Mayor is authorized to sign such agreement after it is ratified and executed by the Society.

Date 11/16/21 .
adopted:

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

45.

[A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE ZOOLOGICAL SOCIETY OF SIOUX FALLS FOR THE MANAGEMENT OF THE GREAT PLAINS ZOO & DELBRIDGE MUSEUM.](#)

Sponsor: Mayor

A motion was made by Council Member Selberg and seconded by Council Member Kiley to adopt Resolution No. 135-21.

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

RESOLUTION NO. 135-21

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE ZOOLOGICAL SOCIETY OF SIOUX FALLS FOR THE MANAGEMENT OF THE GREAT PLAINS ZOO & DELBRIDGE MUSEUM.

WHEREAS, the City of Sioux Falls (the "City") and the Zoological Society of Sioux Falls (the "Society") find that it is in the best interest of the people of the city of Sioux Falls, the Society, and the Great Plains Zoo & Delbridge Museum of Natural History (the "Zoo and Museum") that an agreement be continued between the City and Society, whereby the Society shall continue to operate, manage, maintain, plan, and develop the Zoo and Museum; and

WHEREAS, by virtue of its purpose and interests, the Society is best qualified to the overall management and operation of the Zoo and Museum; and

WHEREAS, the Society and the City find that it is in both parties' best interest that a five-year contract be now executed and subsequently entered into;

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

That the document attached to and part of this resolution entitled "Agreement Between the City of Sioux Falls, South Dakota, and the Zoological Society of Sioux Falls for Management of the Great Plains Zoo & Delbridge Museum," being a five-year agreement for the Society to manage the Great Plains Zoo & Delbridge Museum, is hereby approved.

That the Mayor is authorized to sign such agreement after it is ratified and executed by the Zoological Society of Sioux Falls.

Date 11/16/21 .
adopted:
Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

46.

[A RESOLUTION AMENDING THE 2021–2025 CAPITAL PROGRAM. \(Highways and Streets, \\$3,300,000\)](#)

Sponsor: Mayor

A motion was made by Council Member Erickson and seconded by Council Member Brekke to adopt Resolution No. 136-21.

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

RESOLUTION NO. 136-21

A RESOLUTION AMENDING THE 2021–2025 CAPITAL PROGRAM.

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

That the 2021–2025 Capital Program shall be amended as follows:

Public Works—Highways and Streets

Amend Capital Improvements Program Project No. 11006, Arterial Street Improvements, by increasing the amount of funding for Arterial Street Platting Fees by \$3,300,000 in 2021. The additional funding will require an increase in appropriations that will be funded by platting fees collected.

Date 11/16/21 .
adopted:

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

47. [A RESOLUTION ESTABLISHING REPORTING STRUCTURES, PAY SCALES, AND EVALUATIONS FOR CITY COUNCIL-APPOINTED STAFF.](#)

Sponsors: Council Members Soehl and Jensen

A motion was made by Council Member Soehl and seconded by Council Member Jensen to adopt Resolution No. 137-21.

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

RESOLUTION NO 137-21

A RESOLUTION ESTABLISHING REPORTING STRUCTURES, PAY SCALES, AND EVALUATIONS FOR CITY COUNCIL-APPOINTED STAFF.

WHEREAS, Section 2.08 of the Charter of the City of Sioux Falls authorizes the City Council to appoint an officer of the City who shall oversee the operations of the City Clerk’s Office and therefore shall carry the title City Clerk; and

WHEREAS, Section 2.10 of the Charter of the City of Sioux Falls authorizes the City Council to provide for an independent audit of all City accounts and may provide for more frequent audits as necessary; and

WHEREAS, the Internal Audit Manager and the Internal Auditor will have structural reporting authority to the City Council’s Audit Chair; and

WHEREAS, the City Clerk, Budget Analyst, and Chief of Legislation and Policy will have structural reporting authority to the City Council’s Operations Chair; and

WHEREAS, the City Council will maintain market-competitive salary ranges for the positions of Budget Analyst, City Clerk, Internal Audit Manager, Internal Auditor, and Chief of Legislation and Policy; and

WHEREAS, the City Council shall determine the scope and nature of the work of the Budget Analyst, City Clerk, Internal Audit Manager, Internal Auditor, and Chief of Legislation and Policy;

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

1. Each City Council-appointed position shall have a designated nine-step pay scale from minimum to maximum.

a. The 2022 biweekly salary scale for the Budget Analyst shall be as follows:

| Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| \$2,428.00 | \$2,558.40 | \$2,680.00 | \$2,803.20 | \$2,925.60 | \$3,052.00 | \$3,176.80 | \$3,300.00 | \$3,421.60 |

b. The 2022 biweekly salary scale for the City Clerk shall be as follows:

| Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| \$2,877.60 | \$3,035.20 | \$3,192.00 | \$3,351.20 | \$3,508.00 | \$3,666.40 | \$3,828.00 | \$3,981.60 | \$4,141.60 |

c. The 2022 biweekly salary scale for the Chief of Legislation and Policy shall be as follows:

| Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| \$2,973.60 | \$3,141.60 | \$3,308.80 | \$3,475.20 | \$3,643.20 | \$3,805.60 | \$3,976.00 | \$4,142.40 | \$4,310.40 |

d. The 2022 biweekly salary scale for the Internal Audit Manager shall be as follows:

| Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| \$2,638.40 | \$2,780.00 | \$2,921.60 | \$3,061.60 | \$3,204.80 | \$3,345.60 | \$3,484.80 | \$3,628.00 | \$3,769.60 |

e. The 2022 hourly salary scale for Internal Auditor shall be as follows:

| Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Step 6 | Step 7 | Step 8 | Step 9 |
|---------|---------|---------|---------|---------|---------|---------|---------|---------|
| \$28.81 | \$30.12 | \$31.41 | \$32.82 | \$34.33 | \$35.85 | \$37.47 | \$39.09 | \$40.88 |

2. City Council employees shall progress through the applicable nine-step salary scale as follows:

| From Step | To Step | Waiting Period in Months |
|-----------|---------|--------------------------|
| 1 | 2 | 12 |
| 2 | 3 | 12 |
| 3 | 4 | 12 |
| 4 | 5 | 12 |
| 5 | 6 | 24 |
| 6 | 7 | 24 |
| 7 | 8 | 24 |
| 8 | 9 | 24 |

3. Employee progression through the pay scale is contingent upon satisfying the requisite waiting period as identified above and achieving satisfactory performance as documented utilizing applicable employee performance evaluation forms made available through the City's Human Resources department. An employee step advancement may be delayed or denied based upon documented performance.

4. Performance reviews shall be conducted according to the following table:

| Job Title | Immediate Supervisor/Reviewer | Council Authorization |
|---------------------------------|-------------------------------|-----------------------------|
| Auditor | Internal Audit Manager | Audit Chair |
| Internal Audit Manager | Audit Chair | Audit Chair |
| Assistant City Clerk | City Clerk | Council Chair or Vice-Chair |
| City Clerk | Operations Committee Chair | Council Chair or Vice-Chair |
| Budget Analyst | Operations Committee Chair | Council Chair or Vice-Chair |
| Chief of Legislation and Policy | Operations Committee Chair | Council Chair or Vice-Chair |

In the event of an emergency or absence of the immediate supervisor/reviewer, the Council Chair may designate a City Council member or Committee representative to conduct a particular performance review in order to maintain continuity of operations.

5. Any performance/step increase shall be in addition to any inflation adjustment and shall be effective on the employee's anniversary date.

6. The City Council's appointed employees' salary scales will be modified on the first full pay period of the calendar year to reflect any adopted inflation adjustment to the assigned salary range.
7. The Director of Human Resources shall assist the City Council in ensuring market-competitive salary ranges and adherence to federal, state, and City employment practices.
8. The City Council may modify these provisions in any one calendar year based on budgetary reasons or at their discretionary authority.

Date 11/16/21 .
 adopted:

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

48. [A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF THE CITY FROM THE SCHEDULED CITY COUNCIL MEETING FOR TUESDAY, FEBRUARY 1, 2022, TO MONDAY, JANUARY 31, 2022.](#)

Sponsors: Council Members Soehl and Jensen

A motion was made by Council Member Soehl and seconded by Council Member Jensen to adopt Resolution No. 138-21.

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

RESOLUTION NO. **138-21**

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF THE CITY FROM THE SCHEDULED CITY COUNCIL MEETING FOR TUESDAY, FEBRUARY 1, 2022, TO MONDAY, JANUARY 31, 2022.

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

That the business to be conducted at the City Council meeting scheduled for 6 p.m. on Tuesday, February 1, 2022, will be rescheduled to 6 p.m. on Monday, January 31, 2022.

This resolution is necessary as February 1, 2022, is the date of travel for City Council members and the start of events for the 2022 Municipal Government Day at the State Legislature in Pierre, SD.

The corresponding Informational Meeting will be rescheduled as noted above.

Date 11/16/21 .
 adopted:

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

49. [A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.](#)

Sponsor: Mayor

A motion was made by Council Member Jensen and seconded by Council Member Erickson to adopt Resolution No. 139-21.

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

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

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

That it gives its advice and consent to the following Mayoral appointments:

| Name | Board | Term |
|--------------------|---|---|
| Lee Jensen | Falls Community Health Center Governing Board | Reappointed for a term from November 2021 to November 2024. |
| Sylvia Smith | Falls Community Health Center Governing Board | Appointed for a term from November 2021 to November 2024 (to replace Dr. Bruce Vogt). |
| Andrew Berg | Infrastructure Review Advisory Board (IRAB) | Indefinite term representing Public Works (to replace Mark Cotter). |
| Kevin Smith | Infrastructure Review Advisory Board (IRAB) | Indefinite term representing Planning and Development Services (to replace Jeff Eckhoff). |
| Emmanuel Gutierrez | Public Transit Advisory Board | Appointed for a term from November 2021 to November 2024 (to replace Jeri Reed). |
| Erik Nelson | Public Transit Advisory Board | Reappointed for a term from November 2021 to November 2024. |
| Allen Svenes | Public Transit Advisory Board | Reappointed for a term from November 2021 to November 2024. |

Date adopted: 11/16/21 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

NEW BUSINESS

There was none.

GENERAL PUBLIC INPUT

David Zokaites spoke about smooth valley gutters on roads.

Sierra Broussard spoke about open meetings and police investigations.

Chad Bishop spoke about the need to adopt a position on vaccination requirements.

ADJOURNMENT

A motion was made by Council Member Jensen and seconded by Council Member Kiley to adjourn at 9:46 p.m.

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

Thomas M. Greco, City Clerk

(Sioux Falls City Council meeting minutes for the November 16th, 2021 transferred to MS Word for readability)

Background of Sioux Falls city government

The city of Sioux Falls is led by a mayor–council (strong mayor) form of government. Mayoral elections occur every four years. City council seats are also contested every four years. Not all councilmembers are elected in the same year, as the elections are staggered throughout even-numbered years. The council consists of five members elected to represent specific sections of the city and three additional seats that represent the city as a whole (At-Large). The councilmember position is designed to be part-time.

Sioux Falls is a political subdivision of the state of South Dakota operating under Article IX, Local Government § 2 Home rule, as permitted by the South Dakota constitution.

South Dakota’s constitution allows home rule governments to exercise any function not prohibited by the state constitution, the general laws of the state, or the charter of the home rule government.

Sioux Falls voted to be a Home Rule Charter community by public vote in 1994. Sioux Falls shall not make law less stringent than federal or state law and is allowed to pass ordinances more stringent.

South Dakota Constitution, Article IX, Local Government § 2 Home rule

§ 2. Home rule. Any county or city or combinations thereof may provide for the adoption or amendment of a charter. Such charter shall be adopted or amended if approved at an election by a majority of the votes cast thereon. Not less than ten percent of those voting in the last preceding gubernatorial election in the affected jurisdiction may by petition initiate the question of whether to adopt or amend a charter.

A chartered governmental unit may exercise any legislative power or perform any function not denied by its charter, the Constitution or the general laws of the state. The charter may provide for any form of executive, legislative and administrative structure which shall be of superior authority to statute, provided that the legislative body so established be chosen by popular election and that the administrative proceedings be subject to judicial review.

Powers and functions of home rule units shall be construed liberally.

History: Sections proposed by SL 1957, ch 300, rejected Nov., 1958; Art. X, §§ 4 and 5, proposed by SL 1961, ch 298, approved Nov. 6, 1962, effective July 1, 1963; amendment proposed by SL 1972, ch 3, approved Nov. 7, 1972.

Sioux Falls Home Rule Charter

- **Section 2.03 Mayor.**

The mayor shall serve as a member of the city council. In the absence of the mayor for purposes of city council meetings, the city council shall designate one (1) of its members as acting mayor, with the duties but not the powers of that office. In case of emergencies or for purposes of day-to-day administrative duties and functions if the mayor is temporarily unavailable, the mayor shall propose to designate an interim successor by executive order, listing not less than three (3) nor more than seven (7) interim successors. The selection of interim successors in the executive order shall be at the mayor’s discretion from among department heads or city employees; however, the number and order of proposed interim successor designees shall not be effective without the advice and consent of the city council.

4-13-04, § B

- **Section 2.08 City clerk.**

The city council shall appoint an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the minutes of its proceedings and perform such other duties as are assigned by this charter or by the council or by state law.

Code of Ordinances of Sioux Falls, SD

- **§ 30.008 PRESIDING OFFICER; DUTIES.**

(a) The presiding officer of the city council meetings shall be the mayor. In the absence of the mayor, the acting mayor shall act as the presiding officer at the city council meetings. The acting mayor may vote on all issues.

(b) (1) The city council shall elect a council chair and council vice chair to perform the duties of acting mayor pursuant to city charter § [2.03](#).

1992 Code, § 2-9

Ord. 50-95, passed 3-20-1995

Ord. 31-96, passed 3-18-1996

Ord. 76-99, passed 7-19-1999

Ord. 52-11, passed 7-11-2011

Ord. 24-12, passed 4-2-2012

Ord. 45-19, passed 4-9-2019

Ord. 43-20, passed 4-21-2020

- **§ 30.009 CALL TO ORDER FOR CITY COUNCIL MEETINGS.**

(a) The mayor shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the city council meeting to order.

(b) In the absence of the mayor, the city council chair, or in the chair's absence, the council vice chair, as acting mayor, shall call the city council meeting to order.

(c) Upon the arrival of the mayor, the acting mayor shall relinquish the position of presiding officer upon the conclusion of the business immediately before the city council.

1992 Code, § 2-10

Ord. 50-95, passed 3-20-1995 – changed

Ord. 31-96, passed 3-18-1996 – changed

Ord. 52-11, passed 7-11-2011 – changed

- **§ 30.012 RULES OF ORDER.**

Robert's Rules of Order Newly Revised (latest edition) shall govern the proceedings of the council in all cases, unless they are in conflict with this subchapter.

1992 Code, § 2-13

Ord. 50-95, passed 3-20-1995 – changed

- **§ 30.013 ORDER OF BUSINESS.**

The business of the council shall be considered in the following order:

- (a) Roll call;
- (b) Invocation;
- (c) Pledge;
- (d) Proclamations, recognitions, awards;
- (e) Approval of consent agenda:
 - (1) Approval of minutes;
 - (2) Communications;
 - (3) Council's internal departmental directives;
 - (4) Applications;
 - (5) Notice of hearings; and
 - (6) Other.
- (f) Approval of regular agenda;
- (g) Petitions;
- (h) Unfinished business;
- (i) Introduction and adoption of ordinances:
 - (1) Second readings; and
 - (2) First readings.
- (j) Hearings and resolutions;
- (k) Notice of hearings for street vacations;
- (l) Report of officers, boards, committees, commissions and transfers of unencumbered appropriation balances among programs within a department or organizational unit as provided in the city charter § [5.07](#)(d);
- (m) New business;
- (n) Items added after agenda deadline;
- (o) General public input;
- (p) Adjournment; and
- (q) Executive session.

1992 Code, § 2-14

Ord. 50-95, passed 3-20-1995 – changed
Ord. 51-98, passed 5-18-1998 – changed
Ord. 28-99, passed 3-15-1999 – changed
Ord. 68-02, passed 9-3-2002 – changed
Ord. 1-09, passed 1-5-2009 – changed
Ord. 24-12, passed 4-2-2012 – changed
Ord. 99-20, passed 11-10-2020 – changed

• **§ 30.014 AGENDA**

- (a) All materials related to an agenda item requiring council action will be delivered to the city clerk's office in its complete and final format.
- (b) At the request of any one council member, an item may be removed from the consent agenda and placed on the regular agenda whenever that council member believes additional discussion on the item is necessary.

(c) The proposed agenda shall be posted at the city clerk's office and placed on the city's website. An email notice shall also be sent to all persons who have requested notice pursuant to law by the close of business on the Friday preceding any meeting to take place on the following Tuesday. Proposed additions to the agenda, in their complete and final format, including a signed agenda approval form, shall be delivered to the city clerk's office no later than Monday at 12:00 p.m. before the Tuesday meeting the next day. These items shall be listed as "Items added after agenda deadline" on a revised agenda which shall be posted, placed on the website and noticed at least 24 hours in advance of the Tuesday meeting to the council, the mayor, the directors and all persons who have requested notice pursuant to law. The sponsor(s) of any item added after the agenda deadline shall provide an email notice to the city council members and the city clerk's office by 4:00 p.m. the day prior to consideration by the city council. The notice shall include a statement regarding the background and objective of the proposed item and shall be posted to the city's website by the city clerk's office upon its receipt. However, the provisions of this section do not apply to any information that is specifically exempt from disclosure under state public record laws in effect at the time. Additional printed material may be distributed to the governing body in accordance with SDCL 1-27-1.16. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted, if the public body complies with all other public notice requirements.

(d) During consideration of new business, the mayor or any two city council members may bring before the city council any business that person feels should be deliberated upon by the city council. These matters can be added to the agenda by a vote of six city council members and will be considered under new business. Formal action on these matters shall be deferred until a subsequent city council meeting, unless consideration is necessary for the immediate preservation of the public peace, health or safety of the municipal government. If the city council chooses to take immediate action on the newly calendared agenda item, an affirmative vote of six members of the council is required for approval.

1992 Code, § 2-15

Ord. 50-95, passed 3-20-1995 – changed

Ord. 52-11, passed 7-11-2011 – changed

Ord. 24-12, passed 4-2-2012 – changed

Ord. 8-16, passed 2-1-2016 – changed

Ord. 66-20, passed 8-11-2020 – changed

- **§ 30.015 ADDRESSING THE COUNCIL; TIME LIMIT.**

(a) Public input shall be allowed for any item on the regular agenda. Each person addressing the city council shall step up to the microphone in front of the rail, shall give his or her name in an audible tone of voice for the record, and unless further time is granted by the presiding officer, shall be limited to three minutes on any ordinance receiving a first reading; and on the date of final adoption by the city council, five minutes shall be allowed. The city council has the right to overrule the presiding officer's use of discretion pursuant to *Robert's Rules of Order Newly Revised* (latest edition).

(b) Notwithstanding division (a) above, the general public input portion of a city council meeting, held pursuant to § 30.001(b) will be limited to topics which do not involve those agenda items

appearing earlier in the regular agenda as public input shall be received when that agenda item is up for discussion. Each person addressing the city council during the general public input portion shall be limited to three minutes.

(c) No person shall address the city council without first securing the permission of the mayor, or acting mayor, to do so.

(d) Electronic presentations with audio and video embedded within the electronic presentation shall not be allowed. Electronic presentations without audio and video embedded within the electronic presentation are only permitted during regular agenda items on the date of final adoption. The city council may adopt standards that govern the use of electronic presentations. This provision shall not be construed to restrict electronic or hardcopy photos from being presented by the public during a regular meeting.

(e) All remarks shall be addressed to the city council as a body and not to any member thereof.

(f) No person, other than the city council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the city council without the permission of the mayor or acting mayor.

(g) No question shall be asked of a city council member except through the mayor or acting mayor.

(h) No person, except city council members, shall address the council after a motion is made and seconded unless requested by a city council member.

1992 Code, § 2-16

Ord. 50-95, passed 3-20-1995 – changed

Ord. 52-11, passed 7-11-2011 – changed

Ord. 24-12, passed 4-2-2012 – changed

Ord. 55-18, passed 7-3-2018 – changed

Ord. 115-18, passed 12-4-2018 – changed

Ord. 99-20, passed 11-10-2020 – changed

§ 31.001 CITY CLERK.

All personnel, functions and financial responsibility for operations of the office of the city clerk are assigned to the city council.

1992 Code, § 2-34

Ord. 55-95, passed 4-17-1995 – changed

Ord. 50-05, passed 5-9-2005 – changed

South Dakota Home Rule Charter communities per SD Municipal League as of 2021

- City of Aberdeen
- City of Beresford
- City of Brookings
- City of Elk Point
- City of Faith
- City of Fort Pierre
- City of Pierre - scroll to bottom of page
- City of Sioux Falls
- City of Springfield
- City of Watertown