

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, March 19, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Greg Jamison

Council Member Michelle Erpenbach

Mayor Mike T. Huether

Council Member Dean Karsky

Council Member Rex Rolwing

Council Member Kermit L. Staggers

INVOCATION

Paul Pankratz, Associate Pastor of Discipleship, Oak Hills Baptist
* Church

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, March 12, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, March 12, 2013, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on March 14, 2013 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on March 14, 2013 memo.

Sponsor: Mayor/Finance

3. Report of Request for Quotes for Fuel: March 8, 2013; #1 & #2 Dyed Diesel Fuel; 3000 Gallons #1 & 4500 Gallons #2; Harms Oil (#1, \$3.3831/#2, \$3.2431); Howes Oil (#1, \$3.4010/#2, \$3.2450); CHS Inc., Midwest Oil, and Olson Oil, no bids. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

4. A communication was received from Laura Eidsness requesting permission to consume, but not sell, wine and malt beverages at The Old Courthouse Museum, 200 West Sixth Street, on June 15, 2013, from 7:00 p.m. to 11:00 p.m. for a wedding reception.

Sponsor: SDCL 35-1-5.3

5. A communication was received from Jill Kerkvliet requesting permission to consume, but not sell, liquor, wine and beer at The Old Courthouse Museum, 200 West Sixth Street, on April 12, 2013, from 6:00 p.m. to 12:00 a.m. for a wedding reception.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

6. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on April 6, April 27, and May 4, 2013.

Sponsor: Mayor/Attorney

7. Special One-Day Liquor License requests for Boys & Girls Club of the Sioux Empire Inc., to be operated at Brennan Rock and Roll Academy, 900 West 11th Street, for their Grand Opening celebrations on March 26, March 27, March 28, March 29, and March 30, 2013.

Sponsor:

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

8. Lawrence Hecht, 1012 East 9th Street, for 2012 property taxes in the amount of \$435.60. The Elderly and Disabled Property Tax Freeze application was submitted on time, but was inadvertently submitted to the wrong office. Property owner is asking for an abatement of 2012 taxes payable in 2013.

Sponsor: SDCL 10-18-1

Francisco Madgrigal, Parcel 53727, Co. Aud. Sub Tract 1 NE1/4 W61.4'

9. E240' S1/2 4 15-101-49, Sioux Falls City Unplatted, for 2011 property taxes in the amount of \$444.91 and 2012 property taxes in the amount of \$416.93. The owner occupied status was removed in error for 2011 payable 2012 and 2012 payable 2013.

Sponsor: SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, April 2, 2013 at 7:00 p.m. on Item 10:

- Transfer of 2012-2013 Retail Malt Beverage License from Stag LLC, Grand Casino, 4211 West 12th Street to Isava Inc., Sneaky's Chicken, 4211 West 12th Street (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

11. New 2013 Package Liquor License for Fareway Stores, Inc., Fareway Stores #136, to be operated at 1431 West 41st Street. Pending final inspections by Fire, Health and Building Services.

Sponsor: Mayor/City Attorney

12. Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for Hy-Vee, Inc., Hy-Vee Food Store #5 to be operated at the Canterbury Village Clubhouse, 5500 East Eastbridge Place, for the Edith Sanford Breast Cancer Foundation Taste of Hope fundraiser on March 22, 2013.

Sponsor: Mayor/City Attorney

13. Special One-Day Wine License for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for a Cocktails and Canvas Art Class on March 26, 2013.

Sponsor: Mayor/City Attorney

14. Special One-Day Malt Beverage License for Avera McKennan Hospital to be operated at Avera McKennan Fitness Center, 3400 South Southeastern

Avenue, for the 5K Joker Run on April 1, 2013.

Sponsor: Mayor/City Attorney

15. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma Butterfly House and Marine Cove, to be operated at 4320 South Oxbow Avenue, for a fundraiser on April 19, 2013.

Sponsor: Mayor/City Attorney

16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma Butterfly House and Marine Cove, to be operated at 4320 South Oxbow Avenue, for a Siouxland Republican Women fundraiser on April 27, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to approve Items 11 through 16.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

17. Special One-Day Liquor License for Philanthropy Promotions Inc., J&L Harley Davidson, to be operated at Falls Park West (park area north of the Sioux Falls Park and Recreation Office leading to Falls Park along Phillips Avenue) with a north boundary of Falls Park Drive, south boundary to 8th Street, east boundary is to the chain link fence on the east side of the park (the street will be closed on 6th Street from Dakota to Weber Avenues), and the west boundary of Dakota Avenue, for Hot Harley Nights, on July 13, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to approve Item 17.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 6. Noes, 0. Council Member James Entenman was excused from the meeting and the vote on this item.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

18. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SIOUX FALLS, SD, BY ADOPTING THE SHAPE PLACES ZONING ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member James Entenman to adopt said Ordinance No. 9-13.

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the proposed official zoning map as

referenced in Section 160.011 (a) by rezoning the area outlined in Exhibit 1 from RD-1 to RS.

Vote to approve the amendment: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Kermit L. Staggers, 5. Noes, Dean Karsky, Rex Roling, 2.

Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Kermit L. Staggers to amend by deferring action to Tuesday, April 2, 2013, at 7:00 p.m.

Vote to approve the amendment: Roll Call: Yeses, Kenny Anderson Jr., Kermit L. Staggers, 2. Noes, Sue Aguilar, James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, 5.

Motion Failed.

The main motion, as amended, was voted on at this time. Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, None.

Council Chair Michelle Erpenbach called for a five-minute recess at 9:02 p.m. The meeting resumed at 9:07 p.m.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
19. THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES; SUBCHAPTER, STORM WATER DRAINAGE SYSTEM IMPROVEMENT COST RECOVERY. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Ordinance No. 10-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
20. THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES OF THE ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to adopt said Ordinance No. 11-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
21. THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 96: STREETS AND SIDEWALKS OF THE ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member and seconded by Council Member Rex Roling to adopt said Ordinance No. 12-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 2, 2013, at 7:00 p.m. on Item 22:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
22. THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 37 TAXATION OF THE ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to set a hearing date and 2nd Reading for Tuesday, April 2, 2013, at 7:00 p.m. on Item 22.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 2, 2013, at 7:00 p.m. on Item 23:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
23. PROPERTY AT 7100 W. SONGBIRD ST. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RD-1, RESIDENTIAL DISTRICT, PETITION NO. 2013-02-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a hearing date and 2nd Reading for Tuesday, April 2, 2013, at 7:00 p.m. on Item 23.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 2, 2013, at 7:00 p.m. on Item 24:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
24. PROPERTY AT THE NW CORNER OF W. 12TH ST. AND N. ELLIS RD. FROM THE A-1, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT AND RC, RECREATION CONSERVATION DISTRICT, PETITION NO. 2013-02-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning

Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to set a hearing date and 2nd Reading for Tuesday, April 2, 2013, at 7:00 p.m. on Item 24.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 25:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
25. APPROVING THE RELEASE OF A PERMANENT EASEMENT LOCATED IN LOT 11A OF BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to set a hearing date and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 25.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
26. APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 15 AND 16, BLOCK 12, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to set a hearing date and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 26.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
27. APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN LOTS 6A AND 7A, BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA

COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to set a hearing date and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 27.

Vote to set a date: Roll Call: Yeses, Rex Roling, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
28. APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 1A, 2A, 3A, 4A, 5A, 6A, AND 14A, BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to set a hearing date and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 28.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggars, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
29. APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 15 OF BLOCK 1, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS; AND IN LOT 2 OF BLOCK 12, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to set a hearing date and 2nd Reading for Tuesday, April 9, 2013, at 7:00 p.m. on Item 29.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggars, 7. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

30. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF CHERRY LAKE RESERVE ADDITION. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to adopt said Resolution No. 21-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggars, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 21-13

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [CHERRY LAKE RESERVE ADDITION].

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

That the preliminary plan of [Cherry Lake Reserve Addition]to the City of Sioux Falls, [Minnehaha] County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 03/19/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE WEGNER ARBORETUM SOCIETY FOR THE
31. 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/Parks and Recreation

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to adopt said Resolution No. 18-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggars, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 18-13

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 an approximately 3 1/2-year agreement be now executed and subsequently entered into;

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the document attached to and part of this resolution entitled, "Management Agreement for the Operation of the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site" being a three-plus-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 adopted: 03/19/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND GREAT BEAR RECREATION PARK, INC. FOR THE MANAGEMENT OF THE GREAT BEAR RECREATION PARK ("GREAT BEAR"), INCLUDING AN ALPINE SKIING FACILITY, GREAT BEAR LODGE, AND ALL OTHER GREAT BEAR FACILITIES.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to adopt said Resolution No. 19-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 19-13

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND GREAT BEAR RECREATION PARK, INC. FOR THE MANAGEMENT OF THE GREAT BEAR RECREATION PARK ("GREAT BEAR"), INCLUDING AN ALPINE SKIING FACILITY, GREAT BEAR LODGE, AND ALL OTHER GREAT BEAR FACILITIES.

WHEREAS, the City of Sioux Falls (the "City") and Great Bear Recreation Park, Inc. (the "Manager") find that it is in the best interest of the people of the city of Sioux Falls, the Manager, and Great Bear that an agreement be continued between the City and Manager, whereby the Manager shall continue to operate, manage, maintain, plan, and develop Great Bear Recreation Park, including the Alpine skiing facility owned by the City of Sioux Falls and management of a year-round public use of the Great Bear lodge and all other Great Bear facilities; and

WHEREAS, by virtue of its purpose and interests, the Manager is best qualified to the overall management and operation of Great Bear Recreation Park; and

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

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the documents attached to and part of this resolution entitled "Management Agreement for Operation of Great Bear Recreation Park," being a five-year agreement for the Manager to manage the Great Bear Recreation Park, is hereby approved.

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

Date adopted: 03/19/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL
33. DESCRIPTION OF ANNEXATION RESOLUTION NO. 7-13. CORRECTION TO 2012-
11-19 26TH ST. AND KATIE AVE., SOUTHWEST CORNER.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 20-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 20-13

ANNEXATION 2012-11-19-LEGAL DESCRIPTION CORRECTION

26TH ST. AND KATIE AVE., SOUTHWEST CORNER

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 7-13.

WHEREAS, on February 5, 2013, the City Council of the City of Sioux Falls adopted Resolution No.7-13 to include certain contiguous territory within the corporate limits of the city of Sioux Falls, South Dakota.

WHEREAS, the annexation map boundaries have been approved by the City Council.

WHEREAS, the legal description as set forth in Resolution No.7-13 was not accurate.

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

That the legal description as set forth in Resolution No. 7-13 hereby is amended to read as follows:

Tract 1 of Rejoice Lutheran Church Addition, including the abutting platted right-of-way on the east and west sides, in the N1/2 of the NE1/4 of Section 28-T101-R50W, all in Minnehaha County, SD.

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

Date adopted: 03/19/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to adjourn at 9:56 p.m.

Council Chair Erpenbach called for a voice vote. All members present voted yes.

Lorie Hogstad, CMC

City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE

MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. LINKS TO EACH MEETING'S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.