

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, September 17, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Council Member Rex Rolfing

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PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

Operation Timber Strike! Appreciation Gifts Presentation by Mayor Mike T. Huether to City Councilors

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To be presented at a future meeting

VISITOR RECOGNITION

Pack 162, First Year Webelos-4th graders

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the Consent Agenda by moving the following two items from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes: 2013 Tenant Based Rental Assistance (\$193,000.00) and Events Center (\$152,750.00).

Vote to amend: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Vote to approve, as amended: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, September 10, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, September 10, 2013, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/agreements on September 12, 2013 memo.

Sponsor: Mayor/Finance

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to approve the following two items from Item 1 (Contracts and Agreements): 2013 Tenant Based Rental Assistance (\$193,000.00) and Events Center (\$152,750.00).

Vote to approve, as amended: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

2. Approval of change orders on September 12, 2013 memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: September 6, 2013; #2 Dyed Diesel; 1,000 gallons; Midway Service (\$3.350); Howes Oil (\$3.409); Midwest Oil (\$3.519). Bid awarded to: Midway Service.

Sponsor: Mayor/Public Works

4. Report of Requests for Quotes for Fuel dated: September 6, 2013; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$3.2252); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

- A communication was received from Avera McKennan Hospital requesting permission to consume, but not sell, wine and malt beverages at Avera Prince of Peace, 4500 S. Prince of Peace Place, on Thursday, October 10, 2013, from 3:00 p.m. to 6:00 p.m. for the purpose of celebrating breaking ground on a new facility.

Sponsor: SDCL 35-1-5.3

- A communication was received from Carmen Evenson and Jacob Bossman requesting permission to consume, but not sell, beer and wine at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, October 12, 2013, from 6:00 p.m. to 10:00 p.m. for the purpose of a wedding reception.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

- Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on October 6, 12, 17, and 19, 2013.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, October 1, 2013, at 7:00 p.m. for Items 8 through 13:

- New 2013-14 Retail Malt Beverage License for Hy-Vee, Inc., Hy-Vee Food Store #3, 3000 South Minnesota Avenue with Conditional Use Permit (2007-07-18) being approved on August 1, 2007.

Sponsor: Mayor/City Attorney

Special One-Day Wine License requests for Downtown Sioux Falls Inc., for the First Friday Artwalk to be held on October 4, 2013, at the following locations: Great Outdoor Store, 201 East Tenth Street, Young & Richard's, 222 South Phillips Avenue, 8th & Railroad Center Lobby, 401 East 8th Street, Bead Co., 319 South Phillips Avenue, Zandbroz, 209 South Phillips Avenue, Sticks and Steel, 401 East 8th Street Suite 118, Rehfeld's Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street Suites 112/114, Book Shop, 223 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue, Cliff Hangers Gallery, 126 South Phillips Avenue, Coffea Roasterie, 200 South Phillips Avenue, EmBe, 300 West 11th Street, Home Porch, 217 South Phillips Avenue, NV Salon Studio, 106 West 11th Street, Say Anything Jewelry, 524 N. Main Avenue, #104, Simply Perfect, 401 East 8th Street #108, and Orpheum Theatre, 315 North Phillips Avenue.

Sponsor: Mayor/City Attorney

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's, to be operated at Nordic Venture Partners, 221

South Phillips Avenue, Suite 202, for a client social on October 10, 2013

Sponsor: Mayor/City Attorney

11. Special One-Day Off-Sale Package Wine License for Prairie Berry, LLC to be operated at the Sioux Falls Convention Center, 1211 North West Avenue, for the 'Expo for Her' on October 18 and 19, 2013.

Sponsor: Mayor/City Attorney

12. Special One-Day Off-Sale Package Wine License for the White Headed Robin Winery to be operated at the Sioux Falls Convention Center, 1211 North West Avenue, for the 'Expo for Her' on October 18 and 19, 2013.

Sponsor: Mayor/City Attorney

13. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's, to be operated at Vance Thompson Vision/Artisan 57 Skin & Laser Center, 3101 West 57th Street for an open house on October 15, 2013.

Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve the Regular Agenda.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to amend the Regular Agenda by moving Item 26 before Item 18.

Vote to amend: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Greg Ellis spoke regarding relocating a weather ball located above the U.S. Bank sign at 33rd Street and Minnesota Avenue.

Tim Stanga spoke regarding the following subjects: the city budget; an article in the Sioux Falls Argus Leader regarding funds to the Convention and Visitors Bureau; and he asked how much money the outside attorney is getting paid to review the CVB fund request.

Brett Healy spoke regarding voting rights for Native Americans.

Steve Hildebrand spoke regarding street closures in the downtown area.

Item 1 was reviewed at this time. See item for action taken.

UNFINISHED BUSINESS

- Deferred (from the 2012 City Council Meetings of November 6, 14. 13, December 4, and February 5, 2013): Joint elections - agreement to share expenses.

Sponsor: City Council

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve the agreement and the addendum for Item 14.

Vote to approve: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

15. Special One-Day Liquor License request for the Avera Health to be operated at the Avera Prairie Center, 1000 East 23rd Street for a National Institutes of Health social event on October 29, 2013.

Sponsor: Mayor/City Attorney

16. Special One-Day Malt Beverage License request for Sports Zone Inc., Rookies Sports Bar & Grill to be operated at MidAmerica Motoplex, 4915 Northview Avenue for a special event on September 28, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to approve Items 15 and 16.

Vote to approve: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-16 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, AT THE 17. NW CORNER OF E. 73RD AND S. CLIFF AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA D BOUNDARIES 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 Dean Karsky and seconded by Council Member Rex Roling to adopt said Ordinance No. 58-13.

Vote to adopt: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg

Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Item 26 was reviewed at this time. See item for action taken.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
18. APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2014.

Sponsor: Mayor/Finance

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Ordinance No. 59-13.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to amend Ordinance No. 59-13 to reflect changes to Resolution 71-13 adopting the budget for fiscal year ending December 31, 2014, and the 2014-2018 Capital Program.

Vote to amend: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

19. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
SUPPLEMENTAL APPROPRIATIONS. (Engineering, \$853,000.00)

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Ordinance No. 60-13.

Vote to adopt: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m. for Item 20:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR
AMENDMENT, PETITION NO. 2013-07-07 TO CHAPTER 160.446, PLANNED
DEVELOPMENT DISTRICTS, AT NORTHWEST CORNER OF W. 85TH STREET AND S.
20. WESTERN AVE.AMENDING THE THREE FOUNTAINS PLAZA PLANNED DEVELOPMENT
DISTRICT REGULATIONS AND SUBAREA MAP. 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 set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m. for Item 21:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 801AND 823 N. HARLEM AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO.2013-08-08 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 James Entenman and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m. for Item 22:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E.DIKE DR. AND N. QUARRY AVE. FROM THE GRANITE VALLEY PLANNED DEVELOPMENT DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO.2013-08-15 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 James Entenman and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m. for Item 23:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 600W. 81ST ST. FROM THE RS-2, RESIDENTIAL AND GARDEN VILLAGE II PD DISTRICT TO THE RC, RECREATION/CONSERVATION AND RS-2, RESIDENTIAL DISTRICT, PETITION NO.2013-08-11 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 James Entenman and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m. for Item 24:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1801S. KATIE AVE. FROM THE A-1, AGRICULTURAL DISTRICT
24. TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO.2013-08-05 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 Rolwing and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 1, 2013, at 7:00 p.m. for Item 25:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 223N. FRANKLIN AVE. FROM THE RD, RESIDENTIAL DISTRICT
25. TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO.2013-08-02 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 Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to defer the 1st Reading to Tuesday, November 5, 2013, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

26. A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND THE 2014-2018 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to adopt said Resolution No. 71-13.

Amendment A:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the 2014 General Fund Expense Budget by deleting \$25,000 from Finance - International City/County Management (Survey).

Since there is no second, the motion is not before the meeting.

Amendment B:

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to amend the main motion by amending the Transit operating expense budget within the Transit Fund by adding \$200,000 to expand the weekday hours for fixed routes 3, 6, 7, 9 & 10 to 10:00 p.m.

Vote to amend: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

Amendment C:

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to amend the main motion by amending the 2014 Finance Budget by transferring \$25,000 International City/County Management (Survey) - to the 2014 City Council.

Vote to amend: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

Amendment D:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending the Capital Improvement Program, by moving Project No. 14030 Aquatics Facilities Development: \$114,000 from 2018 to 2014. Funding for the amendment to come from deleting \$401,755 from Project No. 14012, Lyon Park Improvements in 2014.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, 1. Noes, James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 6. Council Member Greg Jamison was excused from the meeting and the vote on this item.

Motion Failed.

Amendment E:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending the 2014 General Fund Revenue Budget by deleting \$1,020,647 of property tax increase (2.1% CPI

adjustment pursuant to SDCL 10-13-35).

Vote to amend: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Kermit L. Staggers, 1

Motion Passed.

Amendment F:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the 2014 General Fund Expense Budget by deleting \$200,000 from Engineering - Corridor Studies.

Since there is no second, the motion is not before the meeting.

Amendment G:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the 2014 General Fund Expense Budget by deleting \$160,000 from the Economic Development - Downtown Sioux Falls.

Since there is no second, the motion is not before the meeting.

Amendment H:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the 2014 General Fund Expense Budget by deleting \$33,600 for Library -Security Patrol - Main.

Since there is no second, the motion is not before the meeting.

Amendment I:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending the 2014 General Fund Expense Budget by deleting \$136,000 for Park/Recreation - Sioux Falls YMCA Middle School Program.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, 1. Noes, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7.

Motion Failed.

Amendment J:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the 2014 Entertainment Tax Fund Expense Budget by deleting \$347,782 for Washington Pavilion - Operating Support.

Since there is no second, the motion is not before the meeting.

Amendment K:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the 2014 General Fund Expense Budget by deleting \$334,048 Zoo/Delbridge Museum -Zoo Operating Agreement.

Since there is no second, the motion is not before the meeting.

Amendment L:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending the Capital Improvement Program, Project No. 14018, River Greenway Improvements, by deleting \$900,000 in 2017 for pedestrian bridge.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, 1. Noes, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 7.

Motion Failed.

Amendment M:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Greg Jamison to amend the main motion by amending the Capital Improvement Program, Project No. 14038, West Side Dog Park, by deleting \$497,000 in 2015; and Project No. 14042, East Side Dog Park, by deleting \$497,000 in 2015.

Vote to amend: Roll Call: Yeses, Greg Jamison, Dean Karsky, Kermit L. Staggers, Kenny Anderson Jr., 4. Noes, James Entenman, Michelle Erpenbach, Rex Roling, Sue Aguilar, 4.

Mayor Huether broke the tie with a "No" vote.

Motion Failed.

Amendment N:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the Capital Improvement Program, Project No. 14029, Veterans' Park Interpretive Center, by deleting \$439,420 in 2018.

Since there is no second, the motion is not before the meeting.

Amendment O:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the Capital Improvement Program, Project No. 14049, McKennan Park Band Shell, by deleting \$80,000 in 2018.

Since there is no second, the motion is not before the meeting.

Amendment P:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the Capital Improvement Program, Project No. 13001, Arena Building Improvements, by deleting \$833,785 in 2015 for HVAC system chiller replacement and miscellaneous electrical improvements; \$625,000 in 2018 for the replacement of lower seats and risers; replace "Arena" with "Events Center" after "Department;"

and replace "Arena" with "Events Center" under the Project Title.

Since there is no second, the motion is not before the meeting.

Amendment Q:

A motion was made by Council Member Kermit L. Staggars to amend the main motion by amending the Capital Improvement Program, Project No. 13007, Entertainment Venues/Washington Pavilion by deleting \$160,000 in 2016 and \$160,000 in 2018 for escalators.

Since there is no second, the motion is not before the meeting.

Amendment R:

A motion was made by Council Member Kermit L. Staggars to amend the main motion by amending the Capital Improvement Program, Project No. 13009, Cinedome Seat Refurbishment, by deleting \$86,000 in 2014.

Since there is no second, the motion is not before the meeting.

Amendment S:

A motion was made by Council Member Kermit L. Staggars to amend the main motion by amending the Capital Improvement Program, Project No. 17001, Core Façade Revitalization by deleting \$200,000 in 2014; \$200,000 in 2015; \$250,000 in 2016; \$250,000 in 2017; and \$250,000 in 2018 for the Core Façade Revitalization Program.

Since there is no second, the motion is not before the meeting.

Amendment T:

A motion was made by Council Member Kermit L. Staggars and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending the Capital Improvement Program, Project No. 22003, City Wide Water Main Replacement, by deleting \$123,500 in 2014; \$150,000 in 2015; \$150,000 in 2016; \$170,000 in 2017; and \$170,000 in 2018 from Funding Sources - Sales Tax.

Vote to amend: Roll Call: Yeses, Kermit L. Staggars, 1. Noes, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7.

Motion Failed.

Amendment U:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the Capital Improvement Program, by moving Project No. 13004, Washington Pavilion Building Improvements, by deleting \$800,000 in 2015; \$1,300,000 in 2016; and \$100,000 in 2017.

Since there is no second, the motion is not before the meeting.

Amendment V:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the 2014 General Fund Expense Budget by reclassifying five Full Time Health Department personnel expense to Professional Services.

Since there is no second, the motion is not before the meeting.

Amendment W:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the Capital Improvement Program, by moving Project No. 14040, Spencer Park Improvements, by deleting \$15,000 in 2014 and \$98,000 in 2015.

Since there is no second, the motion is not before the meeting.

Amendment X:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the Capital Improvement Program, by moving Project No. 14003, Falls Park Development, by deleting \$1,056,000 in 2015 and \$750,000 in 2016.

Since there is no second, the motion is not before the meeting.

Amendment Y:

A motion was made by Council Member Kermit L. Staggers to amend the main motion by amending the Capital Improvement Program, Project No. 23014, Dakota Avenue from Russell Street to 3rd Street, by deleting \$252,000 in 2016; \$140,000 in 2017; \$140,000 in 2018 from Funding Sources - Sales Tax.

Since there is no second, the motion is not before the meeting.

Amendment Z:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending the 2014 General Fund Expense Budget by deleting \$100,000 from the Economic Development - Incentive Match Program.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, 1. Noes, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7.

Motion Failed.

Amendment AA:

A motion was made by Council Member Michelle Erpenbach and seconded by Council Greg Jamison to amend the main motion Capital Improvement Program, by adding \$1,300,000 to Project No. 055011 in 2014, City County Archive Building. Funding for the amendment to come from Project No. 14030, Aquatic Facilities Development, by deleting \$1,300,000 in 2014. The Justification shall read as follows: "Appropriations shall be contingent on the sale of 20 acres of the 24.97 acres less additional acres necessary for streets, drainage or any other public improvements necessary for construction of the City/County Archive Building."

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to amend Amendment AA by stipulating that the contingency of selling the 20 acres results in a sale of a minimum of \$1.3 million dollars.

Vote to amend Amendment AA: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Vote to approve Amendment AA, as amended: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Amendment AB:

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to amend the main motion by amending the 2014 General Fund Expense Budget by adding \$75,000 to the Health Department - Professional Services/ Consultants for an independent consultant to assist with an ambulance service request for proposal (RFP) process. Funds will come from the Code Enforcement - Consultation on amendments \$50,000, Multimedia Support - customer service letter content review of \$25,000.

Vote to amend: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

The following action was taken at the City Council Meeting on Tuesday, October 1, 2013, at 7:00 p.m. at the Approval of the Consent Agenda:

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

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to amend the Consent Agenda by correcting the September 17, 2013, City Council Meeting minutes as follows: Item 26 - Amendment AB: Replace "\$75,000" with "\$97,500" and replace "Funds will come from the Code Enforcement - Consultation on amendments \$50,000, Multimedia Support - customer service letter content review of \$25,000" with "Funds will come from the Museum annual storage expense of \$97,500."

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

Motion Passed.

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

Motion Passed.

Amendment AC:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending the title by adding ", increasing property taxes" after the word, "appropriations" and before the word, "AND." The amended title shall read, "AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING APPROPRIATIONS, INCREASING PROPERTY TAXES AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014."

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, 1. Noes, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7.

Motion Failed.

Vote to adopt the main motion, as amended (with amendments A-AC): Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 6. Noes, Kermit L. Staggers, Kenny Anderson Jr., 2.

Motion Passed.

RESOLUTION NO. 71-13

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER31, 2014, AND THE 2014-2018 CAPITAL PROGRAM.

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

That the Mayor's 2014 Budget and 2014-2018 Capital Program as submitted to the City Council is hereby approved.

Date adopted: 09/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM. (Arterial Street
27. Platting Fees -\$725,000.00; Water Platting Fees - \$225,000.00; CIP
Project No. 51099 - \$103,000.00; CIP Project 453099 - \$25,000.00)

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 72-13.

Vote to adopt: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7.
Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 72-13

A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM.

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

That the 2013-2017 Capital Program shall be amended as follows:

Public Works-Engineering

Amend Capital Improvements Program Project No. 040088, Arterial Street Improvements, by increasing the amount of funding for Arterial Street Platting Fees by \$725,000 and Water Platting Fees by \$225,000 in 2013. The additional funding for Street Platting Fees will require an increase in appropriations that will be funded by platting fees collected.

Amend Capital Improvements Program Project No. 510099, Western Ave. from Timber Oak Trl. to County Highway 106, by increasing the amount of funding for construction by \$103,000. The additional funding will require an increase in appropriations that will be funded by the Sales/Use Tax Fund via contributions

from Lincoln County, Harrisburg School District, Delapre Township, and Springdale Township.

Amend Capital Improvements Program Project No. 453099, SDDOT Project Coordination, by increasing the amount of funding for design by \$25,000. The additional funding will require an increase in appropriations that will be funded by the Sales/Use Tax Fund via a contribution from the Convention & Visitors Bureau.

Date adopted: 09/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

9:33 p.m. The Mayor exited the meeting and turned the gavel and control of the meeting over to Council Chair James Entenman.

9:40 p.m. The Mayor returned to the meeting and resumed control of the gavel and the meeting.

28. A RESOLUTION APPROVING AN AMENDMENT TO THE ELECTRIC POWER SALES AGREEMENT BETWEEN HEARTLAND CONSUMERS POWER DISTRICT AND THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Resolution No. 73-13.

Vote to adopt: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolfig, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 73-13

A RESOLUTION [APPROVING AN AMENDMENT TO THE ELECTRIC POWER SALES AGREEMENT BETWEEN HEARTLAND CONSUMERS POWER DISTRICT AND THE CITY OF SIOUX FALLS].

WHEREAS, the City of Sioux Falls currently has an Electric Power Sales Agreement with Heartland Consumers Power District ("Heartland") that will expire on or about December 31, 2021; and

WHEREAS, the purpose of the amendment is to extend the existing agreement with minimal modified terms, in connection with the City of Sioux Falls' participation in a Heartland incentive program associated with serving the new Denny Sanford PREMIER Center in Sioux Falls; and

WHEREAS, Heartland and the City of Sioux Falls find that it is in both parties' best interest to extend the agreement.

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 [it approves the document titled, "Amendment Number 1 to Electric Power Sales Agreement," being an amendment to the agreement between Heartland Consumers Power District and the City of Sioux Falls, South Dakota], which is attached to and hereby made part of this resolution.

Date adopted: 09/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2013-09-01-PINEWOOD ADDITION TRACTS 4, 5, 6, AND ADJACENT RIGHT-OF-WAY.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 74-13.

Vote to adopt: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 74-13

ANNEXATION 2013-09-01-PINEWOOD ADDITION TRACTS 4, 5, 6, AND ADJACENT RIGHT-OF-WAY.

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality;

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

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
3. The Mayor and property owners signed Resolution No. 101-06 effective August 10, 2006.
 - a. Annexation would not occur before March 30, 2007, or after improvements to W.85th St.

- b. The City of Sioux Falls shall abide to Exhibits A [street design] and B [annexation description].
4. There is adequate provision for municipal utilities and access to the major street network.
- a. Road access will be on Brande Ave., 88th St. west of Brande Ave., or a future street east of Brande Ave.
 - b. Annual fees will be levied against properties within the city limits of Sioux Falls.
 - c. Water service will be available within Brande Ave. ROW.
 - d. Sanitary sewer service will be available within Brande Ave. ROW.
 - e. Storm drainage system will be constructed within Brande Ave. ROW.

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

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

Tracts 4, 5, and 6 of Pinewood Addition and adjacent right-of-way all in Section 22-T100N-R50W of the 5th P.M., Lincoln County, SD.

Date adopted: 09/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adjourn at 9:47 p.m.

Mayor Mike Huether called for a voice vote. All members voted yes. Motion Passed.

Tamara Jorgensen, CMC

Assistant 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.