

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, May 7, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolwing

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Sr. Pastor Nick Collins, Hope Lutheran Church

*

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Motorcycle Safety and Awareness Month, May, 2013

*

Municipal Clerks Week, May 5-11, 2013

*

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing,

Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, 7. Noes, 0. Council Member James Entenman was excused from the meeting and the vote on this item.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, April 16, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, April 16, 2013, at 7:00 p.m.

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Informational Meeting of Tuesday, April 23, 2013 at 4:00 p.m.

*

Special City Council Meeting on Thursday, April 25, 2013, at 1:30 p.m.

*

COMMUNICATIONS

1. Approval of Contracts/Agreements on May 2, 2013 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on May 2, 2013 memo.

Sponsor: Mayor/Finance

3. A memorandum dated April 17, 2013, declaring surplus capital items that will be disposed of as junk.

Sponsor: Mayor/Finance

4. Ice Storm Vendor Agreement Listing dated May 2, 2013

Sponsor: Mayor/Purchasing

5. A communication was received from the Sioux Empire Community Theatre (SECT) stating their intent to sell raffle tickets from May 10, 2013, to May 19, 2013, for a 50/50 cash raffle. Tickets will be sold one ticket for \$1.00 and six tickets for \$5.00. The proceeds will be used for fundraising for SECT.

Sponsor: SDCL 22-25-25

6. A communication was received from the Siouxland Retired and Senior Volunteer Program stating their intent to sell raffle tickets from May 22, 2013, to June 7, 2013, for a golf driver (valued at \$250.00). The tickets will be sold for \$10.00 each. The proceeds will be used for volunteer travel reimbursement for Siouxland RSVP.

Sponsor: SDCL 22-25-25

7. A communication was received from the University of Sioux Falls stating their intent to sell raffle tickets from June 1, 2013, to October 31, 2013, for a five day trip for two to Cancun (lodging, transportation, and meals). The tickets will be sold for \$10.00 each. The proceeds will be used to defray the cost of

travel forUSF Choir students.

Sponsor: SDCL 22-25-25

- A communication was received from Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and malt beverages at the Prairie Center, 1000 East 23rd Street, on May 15, 2013, from 5:00 p.m. to 7:30 p.m. for the purpose of a retirement party for a physician.
- 8.

Sponsor: SDCL 10-18-1

- A communication was received from Kortnee Williamson requesting permission to consume, but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 West 6th Street on May 18, 2013, from 4:00 p.m. to 11:00 p.m. for the purpose of a wedding reception.
- 9.
- Note: This item was approved on the September 18, 2012, Agenda; Ms. Williamson is changing the start time from 5:00 p.m. to 4:00 p.m.

Sponsor: SDCL 35-1-5.3

- A communication was received from Anne Doshier and Kyle Cipperley requesting permission to consume, but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 West 6th Street on September 28, 2013, from 9:00 a.m. to 11:00 p.m. for the purpose of a wedding reception.
- 10.

Sponsor: SDCL 35-1-5.3

- Report of Requests for Quotes for Fuel dated: April 11, 2013; #2 Dyed Diesel Fuel; 15,000 gallons; Howes Oil (\$3.1465); Harms Oil (\$3.1600); CHS, Inc. (\$3.1867); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Howes Oil.
- 11.

Sponsor: Mayor/Public Works

- Report of Requests for Quotes for Fuel dated: April 12, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$3.0775); Harms Oil (\$3.0930); CHS, Inc. (\$3.1327); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Howes Oil.
- 12.

Sponsor: Mayor/Public Works

- Report of Request for Quotes for Fuel dated: April 15, 2013; Unleaded Ethanol and E85; 6,000 gallons unleaded/2,000 Gallons E85 (8,000 total); Harms Oil (\$2.9990 unleaded/\$2.7290 E85); Howes Oil (\$2.9760 unleaded/\$2.8480 E85); CHS, Inc. (\$3.000 unleaded/\$2.8750 E85); Olson Oil, no bid. Bid awarded to: Harms Oil.
- 13.

Sponsor: Mayor/Public Works

- Report of Requests for Quotes for Fuel dated: April 19, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$2.9780); Howes Oil (\$2.9830); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.
- 14.

Sponsor: Mayor/Public Works

- Report of Requests for Quotes for Fuel dated: April 22, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$2.9940); Harms Oil (\$2.9970);
- 15.

CHS, Inc. (\$3.0300); Midwest Oil and Olson Oil, both no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Public Works

16. Report of Request for Quotes for Fuel dated: April 22, 2013; Unleaded Ethanol; 8,500 gallons; CHS, Inc. (\$3.000); Howes Oil (\$3.0035); Harms Oil (\$3.0240); Olson Oil, no bid. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Public Works

17. Report of Requests for Quotes for Fuel dated: April 23, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$2.9950); Harms Oil (\$3.0100); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Public Works

18. Report of Requests for Quotes for Fuel dated: April 25 2013; Diesel (#1 and #2 blend); 500 gallons; Howes Oil (\$1,664.49); Midway Service (\$1,678.76); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

19. Report of Requests for Quotes for Fuel dated: April 25, 2013; Unleaded; 600 gallons; Howes Oil (\$1,827.03); Midway Service (\$1,857.30); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

20. Report of Requests for Quotes for Fuel dated: April 29 2013; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.0595); Harms Oil (\$3.0785); CHS, Inc. (\$3.0890); Olson Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Public Works

21. Report of Requests for Quotes for Fuel dated: May 2, 2013; Diesel (#1 and #2 blend); 700 gallons; Howes Oil (\$2,331.00); Midway Service (\$2,366.00); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

APPLICATIONS

22. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on May 15, June 1, June 8, June 21 and June 29, 2013.

Sponsor: Mayor/City Attorney

23. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2013-14 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

Sponsor: Mayor/City Attorney

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. The amounts requested are the differences between the elderly freeze and the non-elderly freeze.

24. Lawrence A. Jensen, 2501 S. Kiwanis Ave., #106, for 2012 property taxes in the amount of \$514.43.

Sponsor: SDCL 10-18-1

25. Lime H. Harris, 800 E. 3rd Street, for 2012 property taxes in the amount of \$746.18.

Sponsor: SDCL 10-18-1

26. Jessie M. Clauson, 3708 S. Bahnson Avenue, for 2012 property taxes in the amount of \$628.72.

Sponsor: SDCL 10-18-1

27. Michael A. Leyba, 2012 S. Melanie Lane, for 2012 property taxes in the amount of \$933.33.

Sponsor: SDCL 10-18-1

28. Dorothy H. Dvorak, 1708 E. Mulberry St., for 2012 property taxes in the amount of \$478.63.

Sponsor: SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 21, 2013, at 7:00 p.m. for Items 29 through 31:

29. 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 June 13, 2013.

Sponsor: Mayor/City Attorney

30. Special One-Day Liquor License for South Dakota National Guard Enlisted Association to be operated at J & L Harley Davidson, 2601 West 60th Street North, for the 2013 Enlisted Association of the National Guard of the United States 42nd Annual Conference All Area Night on August 20, 2013.

Sponsor: Mayor/City Attorney

31. Special One-Day Liquor License for Philanthropy Promotions Inc., J&L Harley Davidson, 2601 West 60th Street North, for the National Association of State Aviation Officials event on September 30, 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 Kenny Anderson Jr. to approve the Regular Agenda.

A motion, to amend the main motion, was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to move Item 52 before Item 39.

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

Motion Passed.

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

Motion Passed.

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

32. New 2013 Retail Wine License for Empire Casino Inc., Empire Casino, to be operated at 3908 West 41st Street (CUP not required; addition to existing license which predates the ordinance).

Sponsor: Mayor/City Attorney

33. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #118 to be operated at 4600 West 41st Street.

Sponsor: Mayor/City Attorney

34. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #120 to be operated at 3312 South Western Avenue.

Sponsor: Mayor/City Attorney

35. New 2012-13 Retail Malt Beverage License for Addabella Restaurants LLC, Kaladi's Coffee Legend & Bistro to be operated at 1716 South Minnesota Avenue with the Conditional Use Permit (2013-03-18) being approved on April 3, 2013.

Sponsor: Mayor/City Attorney

36. New 2013 Retail Wine License for Addabella Restaurants LLC, Kaladi's Coffee Legend & Bistro to be operated at 1716 South Minnesota Avenue with the Conditional Use Permit (2013-03-18) being approved on April 3, 2013.

Sponsor: Mayor/City Attorney

37. New 2012-13 Retail Malt Beverage License for PPC Sioux Falls, Noodles & Company to be operated at 5005 South Louise Avenue (CUP not required; full service restaurant). Pending final inspections by Building Services.

Sponsor: Mayor/City Attorney

38. New 2013 Retail Wine License for PPC Sioux Falls, Noodles & Company to be operated at 5005 South Louise Avenue (CUP not required; full service restaurant). Pending final inspections by Building Services.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to approve Items 32 through 38.

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

Motion Passed.

Item 52 was heard at this time. See Item for action taken.

INTRODUCTION AND ADOPTION OF ORDINANCES

39. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS.

Sponsor: Mayor/Human Resources

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 24-13.

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

Motion Passed.

40. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E.41ST ST. AND S. FAITH AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE RD-2, RESIDENTIAL DISTRICT, PETITION NO.2013-03-03, 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 Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to withdraw Item 40.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E.69TH ST. AND FUTURE S. BAHNSON AVE. FROM

41. THE RS-2, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO.2013-03-01, 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 withdraw Item 41.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1521E. 5TH ST. AND 511 N. HIGHLAND AVE. FROM
42. THE RD, RESIDENTIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO.2013-03-12, 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 Sue Aguilar and seconded by Council Member Dean Karsky to withdraw Item 42.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 600S. MAIN AVE. FROM THE C-2, GENERAL
43. COMMERCIAL, AND RA-1, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO.2013-03-14, 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 Kenny Anderson Jr. to adopt said Ordinance No. 25-13.

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

Motion Passed.

1st Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
44. PROVIDING SUPPLEMENTAL APPROPRIATIONS. (\$1,834,000.00.
Departments: Fire Rescue, Health, City Council, Transit, Engineering, and Street).

Sponsor: City Council

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, May 14, 2013, at 7:00 p.m.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
45. THE CODE OF ORDINANCES OF THE CITY REGARDING ALCOHOLIC BEVERAGES AT FALLS PARK OVERLOOK CAF.

Sponsor: Mayor/Parks and Recreation

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, May 14, 2013, at 7:00 p.m.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
46. PROPERTY AT SOUTHWEST CORNER OF W. 85TH ST. AND S. MINNESOTA AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE CN, CONSERVATION; O, OFFICE DISTRICT; C-2, COMMERCIAL DISTRICT; C-3, COMMERCIAL DISTRICT; AND C-4, COMMERCIAL DISTRICT, PETITION NO.2013-03-15, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to withdraw Item 46.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
47. TRANSFERRING REAL PROPERTY (1111 N. DULUTH AVE.) TO THE AFFORDABLE HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

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, May 21, 2013, at 7:00 p.m.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, TRANSFERRING
48. REAL PROPERTY (612 S. WILLOW AVE.) TO HABITAT FOR HUMANITY OF GREATER SIOUX FALLS, INC. PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
49. TRANSFERRING REAL PROPERTY (1020 S. SHERMAN AVE.) TO THE AFFORDABLE HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m.

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

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
50. TRANSFERRING REAL PROPERTY (821 N. SHERWOOD AVE.) TO THE AFFORDABLE HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

51. A RESOLUTION TO APPROVE THE RELOCATION OF ONE HISTORICAL MARKER ONTO CITY PROPERTY FROM ROWENA, SOUTH DAKOTA.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 31-13.

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

Motion Passed.

WHEREAS, in April 2011, Whittier Middle School students in Mrs. Lela Himmerich's eighth grade social studies class presented their hopes and dreams for a Neighborhood Revitalization Program that included development of an artistic neighborhood mural project;

WHEREAS, the Whittier Neighborhood Mural Project is coordinated by the Sioux Falls Arts Council and is supported by an "Our Town" grant from the National Endowment for the Arts;

WHEREAS, visiting artists Dave Loewenstein and Ashley Laird, and local apprentice artist, Nate Buchholz, collaborated with Whittier Neighborhood residents, Whittier Residents Association, students from Terry Redlin Elementary School, Whittier Middle School, Joe Foss and Washington High Schools, and the Sioux Falls Arts Council on the project's vision statement, conducted research for the mural, and created the neighborhood design team, in which over 30 community meetings were held with over 100 participants;

WHEREAS, this project exemplifies community collaboration, creative place making, neighborhood identity and pride, and colorful community-based public art within a city park;

WHEREAS, Whittier Neighborhood residents and students will help the artists paint the mural to be located along the west face of an existing water reservoir structure at Meldrum Park during the month of July 2013;

WHEREAS, on April 8, 2013, the Sioux Falls Arts Council reviewed and unanimously approved the attached Whittier Neighborhood Mural Project design and placement at Meldrum Park;

WHEREAS, on April 9, 2013, and on April 16, 2013, both citizen boards-the Sioux Falls Visual Arts Commission and the Sioux Falls Parks and Recreation Board-reviewed and unanimously approved the attached design for the Whittier Neighborhood Mural Project and placement at Meldrum Park;

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

That it approves and authorizes the attached design and placement of a painted mural on City-owned property at Meldrum Park.

Date adopted: 05/07/13

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

53. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE NATIVE AMERICAN COUNCIL OF TRIBES, INC. 5" OR GREATER DIAMETER TREE BRANCHES AND TRUNKS.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 33-13.

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

Motion Passed.

RESOLUTION NO. 33-13

A RESOLUTION [AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE NATIVE AMERICAN COUNCIL OF TRIBES, INC. 5" OR GREATER DIAMETER TREE BRANCHES AND TRUNKS].

WHEREAS, the City of Sioux Falls (the "City") has declared as surplus property 5" or greater diameter tree branches and trunks from the recent Operation Timber Strike; and

WHEREAS, the Native American Council of Tribes, Inc. (NACT) finds it desirable to acquire 5" or greater diameter tree branches and trunks to fulfill a critical shortage of firewood. This wood is used during Inipi (sweat lodge) ceremonies, which are a vital part of the cultural needs of the Native American and other inmates who participate in the ceremonies. These ceremonies serve a very important role in the rehabilitation of inmates in the South Dakota Department of Corrections (DOC) penitentiary system;

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

That the gifting by the City of 5" or greater diameter tree branches and trunks to the NACT is hereby approved;

That the City Public Works Environmental Division is authorized to coordinate with the NACT and the DOC for the collection and transfer of this surplus property to appropriate DOC facilities;

This is a one-time resolution to authorize this gifting during the City's current Operation Timber Strike.

Date adopted: 05/07/13

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

54. REPORT OF THE APRIL 30, 2013, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

NEW BUSINESS

55. Shape Places Petition Report

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adjourn the meeting at 8:20 p.m.

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

Motion Passed.

Mayor Huether called for a voice vote. All members present voted yes.

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.