

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

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

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Roling

Council Member Kermit L. Stagers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Council Member Kermit L. Stagers asked to move: the 2014 Water Model Update, agreement for engineering services, APEX Engineering, \$25,000 (Public Works/Water); the Falls Community Health Physician Medical Services, agreement for services, Center for Family Medicine, to establish pricing (Health); and the After School Programs, agreement for after school programs, YMCA, \$136,000 (Parks/Rec), from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes.

Andy Berg, Public Works, asked to remove the 2014 Digital Aerial

Orthophotography Services, agreement for services, Pictometry International, \$122,143 (Engineering), from Item 1 (Contracts and Agreements).

Council Member Michelle Erpenbach called point of order, regarding Berg's request.

Council Member Sue Aguilar asked to remove the 2014 Digital Aerial Orthophotography Services, agreement for services, Pictometry International, \$122,143 (Engineering), from Item 1 (Contracts and Agreements).

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

Motion Passed.

Council Member James Entenman read a statement regarding pulling items from the Consent Agenda.

Council Member Kermit L. Staggars offered additional information regarding why council members would want to remove an item from the Consent Agenda.

MINUTES

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

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

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COMMUNICATIONS

1. Approval of Contracts/Agreements on December 12, 2013 memo.

Sponsor: Mayor/Finance

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the 2014 Water Model Update, APEX Engineering, \$25,000 (Public Works/Water), from Item 1 (Contracts and Agreements).

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

Motion Passed.

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to approve the Falls Community Health Physician Medical Services, Center for Family Medicine, to establish pricing, (Health), from Item 1 (Contracts and Agreements).

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

Motion Passed.

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to approve the After School Programs, YMCA, \$136,000, (Park/Rec), from Item 1 (Contracts and Agreements).

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

Motion Passed.

2. Approval of Change Orders on December 12, 2013 memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: December 5, 2013; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.7841); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

4. Report of Requests for Quotes for Fuel dated: December 6, 2013; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Howes Oil (\$2.6270); Harms Oil (\$2.7041); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fleet

5. A communication was received from Siouxland Heritage Museums requesting permission to consume, but not sell, beer/malt beverages at The Old Courthouse Museum, 200 W. Sixth St., on Thursday, January 9, 2014, from 5:00 p.m. until 7:00 p.m. for a museum gallery exhibit opening.

Sponsor: SDCL 35-1-5.5

APPLICATIONS

6. Amend new 2013 Retail Liquor License, including Sunday Sales and video lottery terminals, approved on 10-15-13, for QSL Sioux Falls, LLC, Quaker Steak and Lube, 6401 South Louise Avenue, by changing the date of the license to 2014 (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

7. Special One-Day Liquor Licenses for Washington Pavilion Management Inc., Washington Pavilion of Arts & Science to be operated at 301 South Main Avenue for an Eide Bailey Holiday Party on January 11, 2014; and an Avera Medical-Dental Annual Meeting on January 14, 2014.

Sponsor: Mayor/City Attorney

8. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2014 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit D.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, January 7, 2014, at 7:00 p.m. on Items 9 through 13:

New 2014 Retail Liquor License, including Sunday Sales and video lottery

9. terminals, for Sandtrap, Inc, business name to be determined, 5213 West 12th Street, with Conditional Use Permit (2013-11-06) being approved on December 4, 2013.

Sponsor: Mayor/City Attorney

10. New 2014 Retail Wine License for Top Shelf Entertainment, Wine and Canvas to be operated at 5031 South Louise Avenue, with the Special Use Permit (2013-11-10) being approved on December 4, 2013.

Sponsor: Mayor/City Attorney

11. New 2013-14 Retail Malt Beverage License for Top Shelf Entertainment, Wine and Canvas to be operated at 5031 South Louise Avenue, with the Special Use Permit (2013-11-10) being approved on December 4, 2013.

Sponsor: Mayor/City Attorney

12. Special One-Day Liquor License for the Home Builders Association of the Sioux Empire to be operated at 6904 South Lyncrest Place, for a Membership Meeting on January 23, 2014.

Sponsor: Mayor/City Attorney

13. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for the Gourmet Guys Fundraiser, on April 6, 2014.

Sponsor: Mayor/City Attorney

Set a date of hearing for Tuesday, January 7, 2014, at 7:00 p.m. on Items 14:

14. A PROPOSED RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON W. 41ST ST., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Sponsor: Mayor/Public Works

Set a date of hearing for Tuesday, January 7, 2014, at 7:00 p.m. on Items 15:

15. A PROPOSED RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SANITARY SEWER ON W. 41ST ST. FROM S. SERTOMA AVE. TO S. ELLIS ROAD, AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Sponsor: Mayor/Public Works

Set a date of hearing for Tuesday, January 7, 2014, at 7:00 p.m. on Items 16:

16. A PROPOSED RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT WATER MAIN ON W. 41ST ST. FROM S. SERTOMA AVE. TO S. ELLIS ROAD, AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Sponsor: Mayor/Public Works

Set a date of hearing for Tuesday, January 7, 2014, at 7:00 p.m. on Items 17:

17. A PROPOSED RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON E. 10TH ST., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Sponsor: Mayor/Public Works

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Greg Jamison and seconded by Council Member James Entenman to approve the Regular Agenda.

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

Motion Passed.

PUBLIC INPUT

Tim Stanga spoke regarding entertainment at the Pentagon versus the Events Center, TIF's, change of lifestyles, and flags on cell towers.

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

UNFINISHED BUSINESS

18. New 2014 Package Liquor License for Grevco Inc., Shop N Cart North to be operated at 1029 North Minnesota Avenue.

Sponsor: Mayor/City Attorney

19. New 2013-14 Retail Malt Beverage/South Dakota Farm Winery License for Prairie Berry LLC, Prairie Berry Winery, 322 East 8th Street with Conditional Use Permit (2013-10-17) being approved on November 6, 2013. Pending final inspections per Fire, Health and Building Services.

Sponsor: Mayor/City Attorney

20. New 2013-14 Retail Malt Beverage License for Relic Revivals Ltd. Co., Relic Revivals Ltd. Co., 5015 South Western Avenue, Suite 260 with Special Use Permit (2013-10-07) being approved on October 1, 2013.

Sponsor: Mayor/City Attorney

21. New 2014 Retail Wine License for Relic Revivals Ltd. Co., Relic Revivals Ltd. Co., 5015 South Western Avenue, Suite 260 with Special Use Permit (2013-10-07) being approved on October 1, 2013.

Sponsor: Mayor/City Attorney

22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's, to be operated at the Avera Prairie Center, 1000 East 23rd Street for an Avera Medical Group event on December 19, 2013.

Sponsor: Mayor/City Attorney

23. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2014 to be operated at various locations in the City of Sioux Falls,

SD, identified as Exhibit E.

Sponsor: Mayor/City Attorney

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to pull the Sudanese General Store and place it on the Tuesday, January 7, 2014, City Council Meeting.

Vote to pull: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Sue Aguilar, James Entenman, 4. Noes, Dean Karsky, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 4. Mayor Mike Huether broke the tie by voting no.

Motion Failed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to approve Items 18 through 23.

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

Motion Passed.

Protest Petition Filed. (Pursuant to SDCL 11-4-5 and City Ordinance Section 160.653(c), the action already approved by the Council must be reconsidered and approved by two-thirds majority vote, or six Council members before it becomes effective.) AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-24. 07-07 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, AT NORTHWEST CORNER OF W. 85TH STREET AND S. WESTERN AVE. AMENDING THE THREE FOUNTAINS PLAZA PLANNED DEVELOPMENT DISTRICT REGULATIONS AND SUBAREA MAP. Planning Commission recommends approval. On November 5, 2013, the Council approved by a 5-2 vote, with Councilor Entenman absent.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve Item 24.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 6. Noes, Greg Jamison, Dean Karsky, 2.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 223N. FRANKLIN AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO.2013-08-02 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Ordinance 80-13.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky,

Rex Roling, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 12TH ST. AND N. ELLIS RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE C 4, PLANNED COMMERCIAL AND RA-1, MULTIFAMILY RESIDENTIAL DISTRICT, PETITION NO. 2013-10-09 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for Tuesday, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3216 S. O'GORMAN DR. FROM THE RD, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2013-11-01 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The 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 set a date of hearing and 2nd Reading for Tuesday, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SIX MILE RD. AND E. TENTH ST. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2013-11-05 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The 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, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NE CORNER OF E. 41ST. AND S. SYCAMORE AVE. FROM SUBAREA 29. C AND D OF MANIFOLD ACRES PD DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2013-11-11 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT N. REID ST. UNDER E. TENTH ST. FROM THE UNZONED AND RC, 30. RECREATION CONSERVATION DISTRICT TO THE RC, RECREATION CONSERVATION AND C-3, CENTRAL BUSINESS DISTRICT, PETITION NO. 2013-11-13 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The 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, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 85TH ST. BETWEEN TALLGRASS AVE. AND LOUISE AVE. FROM THE AG, 31. AGRICULTURAL DISTRICT TO THE RS-2, RD, RA-1, Residential and O, OFFICE DISTRICT, PETITION NO. 2013-11-14 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 32:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NW CORNER OF E. 14TH ST. AND S. SECOND AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT TO C-3 CENTRAL BUSINESS DISTRICT, PETITION NO. 2013-11-15 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for Tuesday, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 33:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 310 S. WESTERN AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2013-11-16 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 34:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. OF HIGHWAY 11 AND S. OF E. 26TH ST. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2013-11-17 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The 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, January 7, 2014.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 7, 2014 for Item 35:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY N. OF 5760 E. RED OAK DR. FROM THE RS-2, RESIDENTIAL AND DAWLEY FARM VILLAGE PLANNED DEVELOPMENT DISTRICT TO THE RA-1, MULTIFAMILY RESIDENTIAL DISTRICT, PETITION NO. 2013-11-20 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, January 7, 2014.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

36. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Sponsor: Mayor/Community Development

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to adopt said Resolution 101-13.

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 resolution to state "This applies only to those property owners who voluntarily want to participate in the BID."

Vote to amend: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., 2. Noes, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, James Entenman, 6.

Motion Failed.

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

Motion Passed.

RESOLUTION NO. 101-13

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

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

Section 1. That the 2013 special assessment roll for the Main Street Business Improvement District in the city of Sioux Falls, South Dakota, is hereby approved, and the assessment as set out in said special assessment roll approved this date is hereby levied against the property described therein and becomes a lien against such property upon filing of said special assessment roll in the City Finance Office.

Section 2. Said assessment may be paid in one annual installment based on the assessed valuations of the property adjusted each year and shall be collected under Plan One-Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 12/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will become due and payable at the office of the county treasurer in one installment, together with 5.25percent interest for the quarterly rate each year in accordance with SDCL9-43. The first installment, with interest, will become due with general taxes and will be payable at the county treasurer's office on January1,2015.

Notice is further given that the special assessment roll approved in the above resolution was filed with the City Finance Office on the 17th day of December2013, and that the whole of said assessment may be paid without interest to the City Finance Office on or before 30 days after said filing.

Lorie Hogstad

City Clerk

37. A RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Greg Jamison and seconded by Council Member Rex Roling to adopt said Resolution 102-13.

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

Motion Passed.

RESOLUTION NO. 102-13

A RESOLUTION [AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS].

WHEREAS, [the City of Sioux Falls (the "City") has determined it is beneficial to proceed with improvements to its park system recycling program including, but not limited to, solid waste management within the Sioux Falls park system]; and

WHEREAS, [the City has determined that seeking financial assistance to undertake the project is advantageous to the City, and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and]

WHEREAS, it is necessary to designate an authorized representative to execute and submit the application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the project;

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:

1. That it hereby approves the submission of an application for financial assistance in an amount not to exceed \$20,000 to the South Dakota Board of Water and Natural Resources for the project.
2. That Don Kearney, Director of Parks and Recreation, is authorized to enter into, execute, and deliver the application to the South Dakota Board of Water and Natural Resources, and any other such documents as may be deemed necessary, and perform all acts necessary to effectuate the application for financial assistance.
3. That Don Kearney, Director of Parks and Recreation, is authorized to certify, enter into, and execute payment requests in the event financial assistance is awarded for the project.

Date adopted: 12/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution 103-13.

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

Entenman, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 103-13

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

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

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

Name	Board	Term
Jesus Ramirez	City Naming Committee	Appointed for a term from December 2013 to December 2014.
Jeff Wilkes	City Naming Committee	Appointed for a term from December 2013 to December 2016.
Mark Young	City Naming Committee	Appointed for a term from December 2013 to December 2015.
Dr. Michael Mullin	Siouxland Heritage Museum Board of Trustees	Appointed for a term from December 2013 to December 2016 (to replace Glenda Schmid).

Date adopted: 12/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

39. A RESOLUTION APPROVING THE 2014 AUDIT PLAN.

Sponsor: City Council/Internal Auditor's Office

A motion was made by Council Member Rex Rolwing and seconded by Council Member Greg Jamison to adopt said Resolution 104-13.

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

Motion Passed.

RESOLUTION NO. 104-13

A RESOLUTION [APPROVING THE 2014 AUDIT PLAN].

WHEREAS, [THE AUDIT COMMITTEE SHALL DEVELOP AND SUBMIT TO THE CITY COUNCIL FOR APPROVAL AN ANNUAL AUDIT PLAN PURSUANT TO ORDINANCE NO. 120-05]; and

WHEREAS, [THE AUDIT COMMITTEE HAS DEVELOPED AND APPROVED SUCH A PLAN FOR 2014];

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 "2014 Audit Plan, City of Sioux Falls," is hereby approved. That the Internal Audit Manager is authorized to carry out the audits and other projects as described in the 2014 Audit Plan].

Date adopted: 12/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

40. A RESOLUTION ABATING STORM DRAINAGE FEE ASSESSMENTS AT PARCEL NO. 53472.

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 105-13.

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

Motion Passed.

RESOLUTION NO. 105-13

A RESOLUTION ABATING STORM DRAINAGE FEE ASSESSMENTS AT PARCEL NO.53472.

WHEREAS, the Minnehaha County Historical Society owns Tract 4 of the SE1/4 of Section 4, Township-101-North, Range-49-West of the 5th P.M., Sioux Falls, Minnehaha County, South Dakota (Parcel No. 53472); and

WHEREAS, the property consists of Parcel No. 53472; and

WHEREAS, Section 51.100 of the Code of Ordinances of Sioux Falls, South Dakota, authorizes the City of Sioux Falls to establish a charge against real property within the city for the operation, maintenance, and capital expenses of the storm sewer and drainage system; and

WHEREAS, at all relevant times herein, the City has established and charged a fee against real property for the operation, maintenance, and capital expenses of the storm sewer and drainage system; and

WHEREAS, Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees were

assessed against Parcel No. 53472 for the 2009 taxes due in 2010; and

WHEREAS, Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees were assessed against Parcel No. 53472 for the 2010 taxes due in 2011; and

WHEREAS, Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees were assessed against Parcel No. 53472 for the 2011 taxes due in 2012; and

WHEREAS, Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees were assessed against Parcel No. 53472 for the 2012 taxes due in 2013; and

WHEREAS, Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees were assessed against Parcel No. 53472 for the 2013 taxes due in 2014; and

WHEREAS, Section 37.150 of the Code of Ordinances of Sioux Falls, South Dakota, authorizes the City Council to abate or refund any part of a tax if the City Council is satisfied beyond a doubt that the assessment of real property described in the application for abatement or refund is invalid, inequitable, or unjust, if the request is filed no later than the first day of November of the fourth year after which such assessment would have been delinquent;

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

The City Council is satisfied beyond a doubt that the storm drainage fee imposed against Parcel No. 53472 was invalid, inequitable, or unjust for the tax years 2009 due in 2010; 2010 due in 2011; 2011 due in 2012; 2012 due in 2013; and 2013 due in 2014; and

Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees for Parcel No. 53472 for the 2009 taxes due in 2010 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees for Parcel No. 53472 for the 2010 taxes due in 2011 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees for Parcel No. 53472 for the 2011 taxes due in 2012 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees for Parcel No. 53472 for the 2012 taxes due in 2013 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Eighteen Dollars and Nine Cents (\$18.09) in storm drainage fees for Parcel No. 53472 for the 2013 taxes due in 2014 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

A total abatement of Ninety Dollars and Forty-Five Cents (\$90.45) assessed to the Minnehaha County Historical Society for Parcel No. 53472 shall be abated pursuant to Section 37.150 of the Code of Ordinances of Sioux Falls, South Dakota, because the aforementioned assessments were invalid, inequitable, or unjust.

Date adopted: 12/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

41. A RESOLUTION ABATING FRONT FOOT ASSESSMENTS FOR STREET MAINTENANCE FEES AT PARCEL NO. 53472.

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 106-13.

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

Motion Passed.

RESOLUTION NO. 106-13

A RESOLUTION ABATING FRONT FOOT ASSESSMENTS FOR STREET MAINTENANCE FEES AT PARCEL NO. 53472.

WHEREAS, the Minnehaha County Historical Society owns Tract 4 of the SE1/4 of Section 4, Township-101-North, Range-49-West of the 5th P.M., Sioux Falls, Minnehaha County, South Dakota (Parcel No. 53472); and

WHEREAS, the property consists of Parcel No. 53472; and

WHEREAS, Two Hundred and Twenty Feet (220') of the property fronts N. North Dr. which is a City-maintained road; and

WHEREAS, Section 96.033 of the Code of Ordinances of Sioux Falls, South Dakota, authorizes the City Council to annually levy for the purpose of maintaining or repairing street surfacing or pavement a special front foot assessment not to exceed \$1 per front foot upon the lots fronting and abutting the street; and

WHEREAS, at all relevant times herein, the City Council has levied a special front foot assessment of \$1 per front foot upon the lots fronting and abutting the streets; and

WHEREAS, Three Hundred Dollars (\$300) in front foot assessments were assessed against Parcel No. 53472 for the 2009 taxes due in 2010; and

WHEREAS, Three Hundred Dollars (\$300) in front foot assessments were assessed against Parcel No. 53472 for the 2010 taxes due in 2011; and

WHEREAS, Two Hundred and Twenty Dollars (\$220) in front foot assessments were assessed against Parcel No. 53472 for the 2011 taxes due in 2012; and

WHEREAS, Two Hundred and Twenty Dollars (\$220) in front foot assessments were assessed against Parcel No. 53472 for the 2012 taxes due in 2013; and

WHEREAS, Two Hundred and Twenty Dollars (\$220) in front foot assessments were assessed against Parcel No. 53472 for the 2013 taxes due in 2014; and

WHEREAS, Section 37.150 of the Code of Ordinances of Sioux Falls, South Dakota, authorizes the City Council to abate or refund any part of a tax if the City

Council is satisfied beyond a doubt that the assessment of real property described in the application for abatement or refund is invalid, inequitable, or unjust, if the request is filed no later than the first day of November of the fourth year after which such assessment would have been delinquent;

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

The City Council is satisfied beyond a doubt that the front foot assessment imposed against Parcel No. 53472 was invalid, inequitable, or unjust for the tax years 2009 due in 2010; 2010 due in 2011; 2011 due in 2012; 2012 due in 2013; and 2013 due in 2014; and

Three Hundred Dollars (\$300) in front foot assessments for Parcel No. 53472 for the 2009 taxes due in 2010 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Three Hundred Dollars (\$300) in front foot assessments for Parcel No. 53472 for the 2010 taxes due in 2011 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Two Hundred and Twenty Dollars (\$220) in front foot assessments for Parcel No. 53472 for the 2011 taxes due in 2012 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Two Hundred and Twenty Dollars (\$220) in front foot assessments for Parcel No. 53472 for the 2012 taxes due in 2013 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

Two Hundred and Twenty Dollars (\$220) in front foot assessments for Parcel No. 53472 for the 2013 taxes due in 2014 charged to the Minnehaha County Historical Society that have been assessed but remain unpaid are to be abated; and

A total abatement of One Thousand Two Hundred and Sixty Dollars (\$1,260) assessed to the Minnehaha County Historical Society for Parcel No. 53472 shall be abated pursuant to Section 37.150 of the Code of Ordinances of Sioux Falls, South Dakota, because the aforementioned assessments were invalid, inequitable, or unjust.

Date adopted: 12/17/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

Council Member James Entenman announced that he will be absent from the Tuesday, January 7, 2014, City Council Meeting, due to a business function. He said he polled the Council and they excused him from the meeting.

Council Member Rex Rolwing wished everyone a Merry Christmas and Happy New Year.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adjourn at 9:55 p.m.

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

Motion Passed.

Denise D. Tucker, 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.