

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, May 6, 2014, 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

City Council Member Michelle Erpenbach

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Municipal Clerk's Week - May 4-10, 2014

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Women's Lung Health Week - May 11-17, 2014

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Council Member Kermit L. Stagers asked to move the following items from Item 1

Motion Passed.

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to approve to award a bid for Sump Pump Collection System, (\$82,500.00).

Vote to approve: 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.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Rolwing to approve to award a bid for Zoo Master Plan/HVAC Replacement, (\$198,500.00).

Vote to approve: 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.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to approve to award a bid for Family Park Improvements/Restroom & Main Utilities (\$535,766.00).

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.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to approve reimbursement for settlement payment for Insurance Liability, (\$69,500.00).

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. Notice of change orders on the May 1, 2014 memo.

3. A communication was received from Adam Nyhaug requesting permission to consume, but not sell, liquor, wine, and malt beverages at the Old Courthouse Museum, 200 West Sixth Street, on Saturday, May 17, 2014, from 11:00 a.m. to 6:00 p.m. for a 50th Wedding Anniversary celebration.

4. A communication was received from Angela Famestad and J.R. Anderson requesting permission to consume, but not sell, beer, liquor and wine at The Old Courthouse Museum, 200 W. 6th Street on Saturday, June 7, 2014 from 4:00 p.m. to 12:00 a.m. for the purpose of a wedding and reception.

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 Avera Prairie Center, 1000 E. 23rd Street on Thursday, June 19, 2014 from 5:30 p.m. to 7:00 p.m. The purpose is a reception for the employees and the public to come and listen to Kathleen Morris, author of Dakota speak as part of her summer book tour.

Report of Requests for Quotes for Fuel dated: April 3, 2014; Diesel (#1 and #2 blend); 524 gallons; Howes Oil (\$1,836.62); Midway Service (\$1,839.24); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: April 10, 2014; Diesel (#1 and #2 blend); 632 gallons; Howes Oil (\$2,244.07); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: April 22, 2014; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$3.456); Harms Oil (\$3.675); Howes Oil, Midwest Oil and Petroleum Traders Cor., all no bid. Bid awarded to CHS, Inc.

Report of Requests for Quotes for Fuel dated: April 28, 2014; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$3.1999); CHS, Inc. (\$3.2268); Howes Oil, Olson Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: April 28, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$3.0980); CHS, Inc. (\$3.1411); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: April 29, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$3.0680); Howes Oil (\$3.0895); CHS, Inc. (\$3.1090); Olson Oil, no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: April 29, 2014; Diesel (#1 and #2 blend); 550 gallons; Howes Oil (\$1,967.35); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: April 29, 2014; Unleaded; 693 gallons; Howes Oil (\$2,303.87); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

APPLICATIONS

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 2014-15 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

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:

Items 15 - 18: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

15. Vivian W. Brown, 2301 S. Mockingbird Circle, for 2013 property taxes in the amount of \$1,173.48.

16. Cynthia L. Gerleman, 2412 S. Center Ave., for 2013 property taxes in the amount of \$1,022.23.

17. Margo J. Dittman, 1709 W. 11th Street, for 2013 property taxes in the

amount of \$305.67.

18. Laverne H. Iverson, 4816 S. Equity Drive, for 2013 property taxes in the amount of \$320.96.

Items 19 - 36: City of Sioux Falls, 313 S. Foss Avenue, for 2013 taxes for additions to the City of Sioux Falls.

19. Parcel #11596 for taxes in the amount of \$204.58.

20. Parcel #11592 for taxes in the amount of \$2,368.19.

21. Parcel #80786 for taxes in the amount of \$80.13.

22. Parcel #83285 for taxes in the amount of \$152.88.

23. Parcel #83287 for taxes in the amount of \$454.20.

24. Parcel #83288 for taxes in the amount of \$555.48.

25. Parcel #58525 for taxes in the amount of \$480.05.

26. Parcel #62587 for taxes in the amount of \$91.09.

27. Parcel #70860 for taxes in the amount of \$58.59.

28. Parcel #71577 for taxes in the amount of \$54.81.

29. Parcel #79707 for taxes in the amount of \$261.47.

30. Parcel #81173 for taxes in the amount of \$175.97.

31. Parcel #80995 for taxes in the amount of \$307.59.

32. Parcel #46118 for taxes in the amount of \$2,049.30.

33. Parcel #54773 for taxes in the amount of \$100.19.

34. Parcel #54774 for taxes in the amount of \$64.74.

35. Parcel #55707 for taxes in the amount of \$83.85.

36. Parcel #84315 for taxes in the amount of \$1,667.05.

The following abatement was recommended for denial by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

DENIAL.SONIFI Solutions Inc. f/k/a LodgeNet Interactive Corporation, 3900 W. Innovation Street, for 2013 property taxes for the amount of \$67,067.40. Applicant is requesting an abatement because of an appraisal done on their property saying it is worth less than the county's assessment.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 20, 2014, at 7:00 p.m. for Items 38 through 49:

38. New 2013-14 Retail Malt Beverage License for Murray 5G Inc., Five Guys

Burgers & Fries, to be operated at 121 South Minnesota Avenue.

39. New 2013-14 Retail Malt Beverage License for Macho Nacho, LLC, Macho Nacho Mexican Grill to be operated at 3308 East 10th Street.

40. New 2014 Retail Wine License for Macho Nacho, LLC, Macho Nacho Mexican Grill to be operated at 3308 East 10th Street.

41. New 2014-15 Retail Malt Beverage License for Juan Padilla, El Jalapeno Mexican Grill to be operated at 2113 South Minnesota Avenue.

Transfer of 2014 Retail Liquor License, including Sunday Sales certificate,
42. from SFULL, LLC, City Centre Lounge, 100 West 8th Street to Lester Hospitality Sioux Falls, LLC, Holiday Inn Sioux Falls City Centre, 100 West 8th Street.

Transfer of 2014 Retail Wine License from Capo, LLC, Acoustic, 196 East 6th
43. Street, Suite 101 to The Market on Phillips, LLC, The Market on Phillips, 196 East 6th Street, Suite 101, effective June 2, 2014.

Transfer of 2013-14 Retail Malt Beverage License from Capo, LLC, Acoustic,
44. 196 East 6th Street, Suite 101 to The Market on Phillips, LLC, The Market on Phillips, 196 East 6th Street, Suite 101, effective June 2, 2014.

45. Renewal of 2014-15 Retail Malt Beverage License for The Market on Phillips, LLC, The Market on Phillips, 196 East 6th Street, Suite 101.

Transfer of 2014 Package Liquor License from The Market on Phillips, LLC,
46. The Market on Phillips, 204 South Phillips Avenue to The Market on Phillips, LLC, The Market on Phillips, 196 East 6th Street, Suite 101, effective June 2, 2014.

Transfer of 2014 Retail Liquor License, including Sunday Sales certificate,
47. from WR Golf Management, Willow Run Golf Course, 8000 East Highway 42 to GL Management, LLC, Willow Run Golf Course, 8000 East Highway 42.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sanford
48. Health Foundation to be operated at Yankton Trail Park, 3901 South Minnesota Avenue for the Sioux Glow 5K Run/Walk on August 23, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Boys &
49. Girls Club of the Sioux Empire Inc., to be operated at 8th & Railroad Center Parking Lot, 401 East 8th Street for the Grills Gone Wild fundraiser on May 24, 2014.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member James Entenman and seconded by Council Member Greg Jamison 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

Mark Lee, Public Affairs and Communications Director for the Sioux Falls Chamber of Commerce, provided an update on a recent "Chamber to Chamber" visit from representatives from the city of Billings, Montana.

Bruce Danielson spoke regarding a recent Ethics Board Meeting and city government.

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

UNFINISHED BUSINESS

50. New 2014 Package Liquor License for Wal-Mart Stores, Inc., Walmart, to be operated at 5200 West 60th Street North.

New 2014 Retail Wine License for Pure Bliss, LLC, A Perfect 10 Nail &

51. Beauty Bar, 2312 West 69th Street, Suite 140, with Conditional Use Permit (2014-03-03) being approved on April 2, 2014.

New 2014-15 Retail Malt Beverage License for Pure Bliss, LLC, A Perfect 10

52. Nail & Beauty Bar, 2312 West 69th Street, Suite 140, with Conditional Use Permit (2014-03-03) being approved on April 2, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for

53. Catering America Inc., Chef Dominique's Catering, to be operated at 2300 East 54th Street North, Suite 3, for a Chamber Mixer on May 13, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Almost

54. Home Canine Rescue to be operated in the east parking lot of 300 North Cherapa Place, for the 605 Summer Classic on June 20 & 21, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Almost

55. Home Canine Rescue to be operated at the Multi-Cultural Center, 515 North Main Avenue, to be used as an alternate location in the event of inclement weather, for the 605 Summer Classic on June 20 & 21, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux

56. Falls Sister Cities to be operated at Falls Park West, Falls Park Drive, for the Germanfest to be held on September 6, 2014.

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to approve Items 50-56.

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.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, May 13, 2014, at 7:00 p.m. for Item 57:

57. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Parks and Recreation - \$11,180,776.00).

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, May 13, 2014, at 7:00 p.m. for Item 57.

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, May 13, 2014, at 7:00 p.m. for Item 58:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS,
58. SD, APPROVING THE "ASSIGNMENT OF LEASE/SUBLEASE AGREEMENT" FOR THE
SERTOMA BUTTERFLY HOUSE.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, May 13, 2014, at 7:00 p.m. for Item 58.

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, May 13, 2014, at 7:00 p.m. for Item 59:

59. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
INTEREST RATES FOR SPECIAL ASSESSMENTS.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, May 13, 2014, at 7:00 p.m. for Item 59.

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.

HEARINGS AND RESOLUTIONS

AREOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON
60. S.SOLBERG AVE., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND
BENEFITING THEREBY.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 39-14.

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. Staggers, 1.

Motion Passed.

RESOLUTION NO. 39-14

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON S.SOLBERG
AVE., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

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

Section 1. It is necessary to CONSTRUCT SIDEWALK in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the City of Sioux Falls, SD, in front of and abutting upon the following described property to be assessed:

West Side of S. Solberg Ave. from W. 49th St. to W. 57th St.

Tract 3 Blk 1 Rettedal Park Addn., City of Sioux Falls

Tract A (ex. Lots H1, H2, & H3) First City Office Park Addn., City of Sioux Falls

Section 2. The cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Chapter 96.034 of the Code of Ordinances of Sioux Falls, SD and SDCL Chapter 9-46. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the number of front feet fronting or abutting, as provided by law.

Section 3. Notice. The City may waive or reduce special assessments levied against owner-occupied single-family dwellings where the head of the household is 65 years of age or older, or is disabled or where the annual household income is less than \$10,000. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, 224 W. 9th St., or call 367-7125, prior to the date of the 'Final Levy of the Assessment Roll' before the Sioux Falls City Council. Failure to make proper written application prior to this date will disqualify you from being eligible for waiving or reduction of the special assessment.

Section 4. The assessment may be paid in five (5) equal annual installments. If not paid within 30 days after the assessment roll has been filed in the City Accounting Office, the assessment or any installment shall be collected with interest in accordance with the procedure provided by SDCL9-43-76 through 9-43-113.

Interest on the assessment or installment will be charged and collected in accordance with law. The rate to be charged will be set by the City Council in the year of assessment.

Section 5. The estimated cost of the above-named improvements is as follows:

- Construct 4" Thick Sidewalk.....\$20.00 Per Front Foot
- Engineering Fee.....\$4.00 Per Front Foot

Section 6. The assessments will be levied on the above-described property pursuant to Section96.034 of the Code of Ordinances of Sioux Falls, SD.

Date adopted: 05/06/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION DECLARING THE NECESSITY TO GRADE, GRAVEL, CONSTRUCT CURB AND GUTTER WITH DRIVEWAY APPROACHES, STORM SEWER, ASPHALT SURFACING, 61. STREETLIGHTS, SANITARY SEWER, AND WATER MAIN ON N.VALLEY VIEW RD. AND ON N. EAGLES NEST AVE., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adopt said Resolution No. 40-14.

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. Staggers, 1.

Motion Passed.

RESOLUTION NO. 40-14

A RESOLUTION DECLARING THE NECESSITY TO GRADE, GRAVEL, CONSTRUCT CURB AND GUTTER WITH DRIVEWAY APPROACHES, STORM SEWER, ASPHALT SURFACING, STREETLIGHTS, SANITARY SEWER, AND WATER MAIN ON [N. VALLEY VIEW RD. AND ON N. EAGLES NEST AVE.], AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

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

Section 1. It is necessary to GRADE, GRAVEL, CONSTRUCT CURB AND GUTTER WITH DRIVEWAY APPROACHES, STORM SEWER, ASPHALT SURFACING, STREETLIGHTS, SANITARY SEWER, AND WATER MAIN in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the City of Sioux Falls, SD, fronting or abutting upon the following described property to be assessed:

type specific location of legal. if it appears as a title before the legal description(S), TYPE IT IN TITLE CASE AND UNDERLINED. THE DETAIL OF LEGALS THAT WOULD FOLLOW A SPECIFIC LEGAL LOCATION SHOULD BE TYPED IN TITLE CASE AND SPACING OF 1.5.

[N. Valley View Rd. and N. Eagles Nest Ave. from W. Maple St. to 1,320' south]

NE1/4 (ex. 50' Marion Rd. ROW) Section 11-T101N-R50W, Minnehaha County, SD

NW1/4 NW1/4 (ex. 3 acres) and S1/2 NW1/4, Section 11-T101N-R50W, Minnehaha County, SD

Section 2. The cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Section 96.034 of the Code of Ordinances of Sioux Falls, SD, and SDCL Chapter 9-43. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the number of front feet fronting or abutting, as provided by law. If any of the property assessed is outside of municipal boundaries, the amount levied and assessed may not be collected unless the property has been annexed into the municipality. Upon annexation, the delayed assessment will convert to a regular assessment and can be paid as outlined in Section 4.

Section 3. Notice. The City may waive or reduce special assessments levied

against

owner-occupied single-family dwellings where the head of the household is 65 years of age or older, or is disabled or where the annual household income is less than \$10,000. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, Carnegie Town Hall, 235W. 10th St., or call 367-7125, prior to the date of the 'Final Levy of the Assessment Roll' before the Sioux Falls City Council. Failure to make proper written application prior to this date will disqualify you from being eligible for waiving or reduction of the special assessment.

Section 4. The assessment may be paid in five (5) equal annual installments. If not paid within 30 days after the assessment roll has been filed in the City Finance Office, the assessment or any installment shall be collected with interest in accordance with the procedure provided by SDCL9-43-89.

Interest on the assessment or installment will be charged and collected in accordance with law. The rate to be charged will be set by the City Council in the year of assessment.

Section 5. The estimated cost of the above-named improvements is as follows:

(Type in upper and lower case)Grading...\$25 Per Front Foot

Gravel.....\$10 Per Front Foot

Curb and Gutter.....\$20 Per Front Foot

Streetlights.....\$5 Per Front Foot

Storm Sewer.....\$30 Per Front Foot

Asphalt Surfacing.....\$25 Per Front Foot

Driveways.....\$35 Per Square Yard

Sanitary Sewer Main.....\$30 Per Front Foot

Water Main.....\$30 Per Front Foot

Engineering Fee.....\$40 Per Front Foot

Section 6. The assessment will be levied on the above-described property pursuant to Section96.034 of the Code of Ordinances of Sioux Falls, SD.

Date adopted: 05/06/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Resolution No. 41-14.

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. 41-14

ANNEXATION 2014-03-13-BRANDT'S

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 generally consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
3. There is access to the major street network and adequate provision for municipal utilities.

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.

Lot 1 and H-1, Brandt's Subdivision in the N1/2 of the NW1/4 Section 17, T100-R50W; all in Lincoln County, South Dakota

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

Date adopted: 05/06/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SANFORD HEALTH AND UNITED NATIONAL CORPORATION ENTITLED "FIR

ST

63. AMENDED AND RESTATED TITLE SPONSORSHIP
AGREEMENT."

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to adopt said Resolution No. 42-14.

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. 42-14

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SANFORD HEALTH AND UNITED NATIONAL CORPORATION ENTITLED "FIRST AMENDED AND RESTATED TITLE SPONSORSHIP AGREEMENT."

WHEREAS, the City has undertaken the development and construction of an Events Center with a maximum capacity of approximately 12,000 seats (the "Events Center");

WHEREAS, the Events Center will be contiguous with the existing Sioux Falls Convention Center and Sioux Falls Arena;

WHEREAS, the City contemplates the Events Center to be the principal venue in Sioux Falls, South Dakota, for athletic events, musical performances, conventions, trade shows, and other entertainment activities;

WHEREAS, Sanford Health and United National Corporation became the Title Sponsors of the Events Center and Events Center Complex;

WHEREAS, Title Sponsors entered into a Title Sponsorship Agreement with the City of Sioux Falls on September 17, 2012;

WHEREAS, Since entering into the Title Sponsorship Agreement, the parties wish to provide the City with enhanced branding opportunities, and provide the City and the Events Center Complex Operator more flexibility in the City's marketing and advertising of events to be held at the Denny Sanford PREMIER Center, Sioux Falls Arena, and Sioux Falls Convention Center, all pursuant to the terms of this Agreement;

WHEREAS, the Events Center will be referred to as the "Denny Sanford PREMIER Center" or "PREMIER Center" and will refer to the Events Center Complex as the "Denny Sanford PREMIER Center." Individually, the existing Convention Center will be referred to as the "Sioux Falls Convention Center" or the "Convention Center" and the existing Arena will be referred to as the "Sioux Falls Arena" or the "Arena";

WHEREAS, the advertising of Center Events to be held in one or more of the facilities of the Events Center Complex will include the Events Center Complex name "Denny Sanford PREMIER Center" along with the name of the particular facility or facilities within which the Center Event will be held; and

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

The document attached to and part of this Resolution entitled, "First Amended

and Restated Title Sponsorship Agreement," referring to the Events Center as the "Denny Sanford PREMIER Center" or "PREMIER Center" and referring to the Events Center Complex as the "Denny Sanford PREMIER Center" and, individually, the existing Convention Center will be referred to as the "Sioux Falls Convention Center" or the "Convention Center" and the existing Arena will be referred to as the "Sioux Falls Arena" or the "Arena," is approved.

The Mayor is authorized to sign the First Amended and Restated Title Sponsorship Agreement after it is ratified and executed by Sanford Health and United National Corporation.

The City shall publish the Resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 05/06/14 .

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)

64. REPORT OF THE APRIL 29, 2014, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

Approve the Mayor's appointment of Trent Lubbers, Utilities Operations Administrator, for nominee for Director and Delegate, and Greg

65. Anderson, Water Superintendent, to serve as Alternate, to represent the City of Sioux Falls at official meetings for the Lewis and Clark Rural Water System.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to approve the Mayor's appointments.

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.

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adjourn the meeting at 8:25 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.