

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, February 1, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolwing

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Rev. David Edge, Zion Lutheran Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolwing, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, January 19, 2016, at 4 p.m.

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City Council Meeting of Tuesday, January 19, 2016, at 7 p.m.

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#### COMMUNICATIONS

1. Approval of contracts/agreements on the January 28, 2016, memo.
2. Approval of the notice of surplus property on the December 31, 2015, memo.

Request for Quotes for Fuel dated January 15, 2016; Unleaded Ethanol and #1 Dyed Diesel and #2 Dyed Diesel Fuel; 4,000 Gallons Unleaded/2,000 Gallons Each #1 & #2 Diesel; Harms Oil (\$1.2817 Unleaded/\$1.2146 #1 Diesel/\$1.0346 #2 Diesel); Stern Oil (\$1.2954 Unleaded/\$1.2129 #1 Diesel/\$1.0392 #2 Diesel); Howes Oil (\$1.2840 Unleaded/\$1.2440 #1 Diesel/\$1.0440 #2 Diesel); Cole's Petroleum (\$1.3160 Unleaded/\$1.3070 #1 Diesel/\$1.0650 #2 Diesel); CHS, Inc., Olson Oil, and Midway (Vollan), all no bid. Bid awarded to: Harms Oil.

4. Request for Quotes for Fuel dated January 19, 2016; #1 & #2 Dyed Diesel Fuel; 3,750 Gallons Each (Total 7,500 Gallons); Harms Oil (\$1.1080 #1 DM & \$0.9699 #2 DM); Cole's Petroleum (\$1.1885 #1 DM & \$1.0065 #2 DM); Howes Oil (\$1.2250 #1 DM & \$0.9720 #2 DM); CHS, Inc., Midwest Oil, Olson Oil, Midway Service (Vollan), and Stern Oil, all no bid. Bid awarded to: Harms Oil.

5. Report of Requests for Quotes for Fuel dated January 19, 2016; #2 Clear Diesel; 7,500 Gallons; CHS, Inc. (\$1.295); Howes Oil (\$1.258); Harms Oil (\$1.2738); Midwest Oil and Petroleum Traders Co., both no bid. Bid awarded to: Howes Oil.

6. Report of Requests for Quotes of Fuel dated January 21, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 Gallons; Cole's Petroleum (\$1.2222); Howes Oil (\$1.2225); Harms Oil (\$1.2300); Midway (Vollan) (\$1.2423); CHS, Inc. (\$1.2779); Olson Oil and Stern Oil, both no bid. Bid awarded to: Cole's Petroleum.

7. Request for Quotes for Fuel dated January 22, 2016; #1 & #2 Dyed Diesel Fuel; 3,750 Gallons Each (Total 7,500 Gallons); Stern Oil (\$1.1679 #1 DM & \$0.9379 #2 DM); Harms Oil (\$1.2674 #1 DM & \$1.0497 #2 DM); Howes Oil, CHS, Inc., Midwest Oil, Olson Oil, Midway Service (Vollan), Cole's Petroleum, all no bid. Bid awarded to: Stern Oil.

8. A communication was received from Charis Poppens requesting permission to consume, but not sell, liquor, wine and malt beverage at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, April 23, 2016, from 3 p.m. until 11 p.m. for a wedding reception.

9. A communication was received from Sen. Tim and Barbara Johnson and requesting permission to consume, but not sell, wine and liquor at the Old Courthouse Museum, 200 W. Sixth St., on Sunday, September 18, 2016, from 11 a.m. until 4 p.m. for a wedding reception.

#### APPLICATIONS

10. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for special events on the following dates in 2016: April 16, May 7, June 17, July 30, August 6 and September 24.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, February 16, 2016, at 7 p.m. on Items 11 through 17:

Transfer of 2015-16 Retail Malt Beverage License from Cobra Ventures LLC,  
11. Knights of Columbus, 315 North Summit Avenue, to Summit Events Hall Inc.,  
Summit Events Hall, 315 North Summit Avenue.

12. New 2016 Retail Wine License for Summit Events Hall Inc., Summit Events  
Hall, 315 North Summit Avenue.

Transfer of 2016 Package Liquor License from Freedom Valu Centers Inc.,  
13. Erickson Valu Center, 2601 West 12th Street, to Jay AMBE-3 LLC, Erickson  
Valu Center, 2601 West 12th Street.

Transfer of 2015-16 Package Malt Beverage License from Freedom Valu Centers  
14. Inc., Erickson Valu Center, 2601 West 12th Street, to Jay AMBE-3 LLC,  
Erickson Valu Center, 2601 West 12th Street.

Transfer of 2015-16 Retail Malt Beverage License from Kathy Elenkiwich,  
15. Backyard Grill, 3705 South Western Avenue, to BYG-SF, LLC, Backyard Grill,  
3705 South Western Avenue.

Special One-Day Wine License for Sioux Empire Safety Village to be operated  
16. at Vance Thompson Vision, 3101 West 57th Street, for a fundraiser on March  
3, 2016.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux  
17. Falls Jazz and Blues Society to be operated at Yankton Trail Park, 3901  
South Minnesota Avenue, for the Jazz Fest on July 14-16, 2016.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by  
Council Member Kenny Anderson Jr. to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex  
Rolfin, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson,  
Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

John Paulson thanked the City Council, staff, and the Administration for the  
way City Council Meetings are conducted.

Dennis Thomas expressed his appreciation for the ease of being able to  
participate in public input; his happiness to see Councilor Kermit L. Staggers  
doing well; and improving access for children to get safely to Drake  
Springs Pool.

UNFINISHED BUSINESS

18. New 2016 Package Liquor License for ICON Entertainment LLC, ICON Lounge,  
402 North Main Avenue.

New 2016 Retail Wine License for Oh My Word, LLC, Oh My Word Luxury  
19. Paperie, 328 South Phillips Avenue. Pending final inspection per Building Services.

New 2016 Retail Liquor License, including Sunday sales certificate and  
20. video lottery terminals, for Badlands Gaming Subsidiary, LLC, Badlands Gaming Subsidiary LLC, 1600 West Russell Street (CUP not required).

21. Rescind 2016 Retail Wine License for Badlands Gaming LLC, Badlands Gaming LLC to be operated at 1600 West Russell Street.

22. Rescind 2015-16 Retail Malt Beverage License for Badlands Gaming LLC, Badlands Gaming LLC to be operated at 1600 West Russell Street.

Special One-Day Liquor License for Realtors for Kids to be operated at  
23. Avera Prairie Center, 1000 East 23rd Street, for a fundraiser on February 5, 2016.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for  
24. Lutheran Social Services of South Dakota to be operated at TSP, 1112 North West Avenue, for a special event on February 9, 2016.

Special One-Day Liquor License for Ramkota Companies Inc., Best Western  
25. Ramkota Hotel, to be operated at Avera Prairie Center, 1000 East 23rd Street, for a Chamber Mixer on March 15, 2016.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for  
26. Lifescape, to be operated at Lifescape, 4100 South Western Avenue, for a Chamber Mixer on September 13, 2016.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to approve Items 18-26.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
27. THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION38.003  
PERTAINING TO ELECTION PRECINCTS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Ordinance 6-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, SETTING THE  
28. REGULAR CITY ELECTION DATE FOR TUESDAY, APRIL 12, 2016, AND AUTHORIZING A JOINT ELECTION WITH THE SIOUX FALLS SCHOOL DISTRICT NO. 49-5.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Ordinance 7-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
29. AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30; CITY COUNCIL.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Ordinance 8-16.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to amend by replacing Subsection (c) with the following: "The proposed agenda shall be posted at the city clerk's office and placed on the city's website. An email notice shall also be sent to all persons who have requested notice pursuant to law by the close of business on the Friday

preceding any meeting to take place on the following Tuesday. Proposed additions

to the agenda, in their complete and final format, including a signed agenda approval form, shall be delivered to the city clerk's office no later than Monday

at 12:00 p.m. before the Tuesday meeting the next day. These items shall be listed

as "Items added after agenda deadline" on a revised agenda which shall be posted

placed on the website and noticed at least 24 hours in advance of the Tuesday meeting to the council, the mayor, the directors and all persons who have requested notice pursuant to law."

Vote to amend: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle

Erpenbach, 8. Noes, 0.

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to amend by adding the following sentence to the end of Subsection (c) "A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted, if the public body complies with all other public notice requirements."

Vote to amend: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle

Erpenbach, 8. Noes, 0.

Motion Passed.

Vote to amend, the main motion: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF THE OUTDOOR AMPHITHEATER TO BE LOCATED AT FALLS PARK WEST TO  
30. "LEVITT SHELL SIOUX FALLS," AND AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS, FRIENDS OF LEVITT SHELL SIOUX FAL  
LS  
INC. AND MORTIMER & MIMI LEVITT FOUNDATION REGARDING THE LEVITT SHELL AT FAL  
LS  
PARK WEST.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance 9-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF W.41ST ST. AND WEST OF S. ELLIS RD. FROM THE AG AGRICULTURE AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICTS TO THE  
31. CNCONSERVATION, RSSINGLE-FAMILY RESIDENTIAL-SUBURBAN, AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICTS, PETITION NO. 2358-2015, AND AMEN  
DING  
THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.Planning Commission recommends approval.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to adopt said Ordinance 10-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Michelle Erpenbach, Christine M. Erickson, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHEAST CORNER OF S. HOSTA AVE. AND E. 57TH ST. FROM THE LW LIVE-WORK DISTRICT TO THE O OFFICE DISTRICT, PETITION NO.  
32. 3867-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance 11-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF N. MARION RD., EAST OF W. YUKON TRL., AND NORTH OF  
W.  
33. BENSON RD. FROM THE POPUD PEDESTRIAN-ORIENTED PLANNED UNIT DEVELOPMENT DISTRICT  
ICT  
TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 389

8-

2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance 12-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. SYCAMORE AVE. AND BETWEEN E. 61ST ST. AND E. 65TH ST. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN AND RD-1 TWIN HOME/DUPLEX 34. RESIDENTIAL-SUBURBAN DISTRICTS TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN, LW LIVE-WORK, AND CN CONSERVATION DISTRICTS, PETITION NO. 3938-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Ordinance 13-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, ESTABLISHING THE 35. CAR RENTAL CUSTOMER USE CHARGE AND AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR ECONOMIC DEVELOPMENT PROJECTS. This is a second reading of an ordinance that is expected to be withdrawn by the City Council.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to withdraw Item 35.

Vote to withdraw: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, February 16, 2016, for Item 36:

Deferred from the City Council Meeting on Tuesday, January 19, 2016:  
36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 2013 SHAPE PLACES ZONING ORDINANCE OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to remand Item 36 back to the Planning Commission.

Vote to remand: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex

Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

37. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WESTWOOD VALLEY II ADDITION. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolfing to adopt said Resolution 7-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 7-16

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [WESTWOOD VALLEY II ADDITION].

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

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

Date adopted: 02/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

38. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD, PURSUANT TO AN ANNEXATION AGREEMENT.

A motion was made by Council Member Greg Jamison and seconded by Council Member Rex Rolfing to adopt said Resolution 8-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 8-16

#### ANNEXATION

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS



OF THE CITY OF SIOUX FALLS, SD, PURSUANT TO AN ANNEXATION AGREEMENT.

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, the owners of the property proposed to be annexed have executed an Annexation Agreement specifying the conditions under which their property may be annexed for the City's consideration;

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 provisions for municipal utilities.

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

That the recitals set forth above are hereby made part of this resolution and incorporated herein as if fully set forth.

That the document attached to and part of this resolution entitled, "Annexation Agreement" is hereby approved and incorporated herein as if fully set forth.

That the Mayor is authorized to sign such agreement.

BE IT FURTHER RESOLVED:

Pursuant to terms and conditions of the attached Annexation Agreement, the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, SD, and the boundary of the city is hereby extended to include such territory described as:

The west 413' of the W1/2NW1/4 except Lots H-1, H-2, H-3, H-4, and except that part lying south of said Lot H-1 of Section 25, T102N, R50W of the 5th P.M., Minnehaha County, SD;

Tract 1 in the NE1/4 of Section 24, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD;

Tract 1A of McCrossan Addition in the SW1/4 and in the SE1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha, County, SD;

The W1/2SW1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha County, SD, except that part of Tract 1A and Tract 1B of McCrossan Addition in the SW1/4 and in the SE1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha County, SD, contained therein, and except Northwest Tower Addition in the SW1/4 of Section 24-102-50, contained therein;

The W1/2E1/2 of the SW1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha County, SD, except Tract 2 of McCrossan Addition in the SW1/4 and in the SE1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha County, SD, contained therein;

The E1/2E1/2 of the SW1/4 and the W1/2 of the SE1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha County, SD, except Tract 3 of McCrossan Addition in the SW1/4 and in the SE1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha County, SD, contained therein;

The East Half of the Southeast Quarter (E1/2 SE1/4) of Section 24, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD, except Lot H-1, and except the East 133 Feet of the South 183 Feet thereof and except Tract 4 of McCrossan Addition in the SW1/4 and in the SE1/4 of Section 24, T102N, R50W of the 5th P.M., Minnehaha County, SD, contained therein;

The North 2020.27' of the West 2766.61' of the N1/2 of Section 24, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD, lying South and West of Burlington Northern Railroad;

That part of the W1/2NW1/4 of Section 25, T102N, R50W of the 5th P.M., Minnehaha County, SD, lying south of Lot H1 of said W1/2NW1/4, except Lots H3 and H5 contained therein;

That part of the Northeast Quarter (NE1/4) of Section 24, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD, lying and being Northeasterly of Burlington Northern Railroad Right-of-Way, except County Auditor's Lot H-1 contained therein;

The West 774.29 feet of the East 1770.76 feet of the South 562.58 feet of the Southeast Quarter (SE1/4) of Section 13, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD;

The Southeast Quarter (SE1/4) except Lot H-1 and except the West 1730.46 feet of the East 1770.76 feet of the South 562.58 feet of Section 13, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD;

The West 956.47 feet of the East 996.47 feet of the South 562.58 feet of the Southeast Quarter (SE1/4) of Section 13, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD;

The Southwest Quarter (SW1/4) of Section 13, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD, except the Railroad Right of Way & except Tracts 1 and 6 of Wintersteen's Addition in the West Half (W1/2) of the Southwest Quarter (W1/2SW1/4) of Section 13, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD, according to the recorded plat therein and except Tracts 2, 3, 4, and 5 of Wintersteen's Addition in the Southwest Quarter (SW1/4) of Section 13, Township 102 North, Range 50 West of the 5th P.M. Minnehaha County, SD, according to the recorded plat, contained therein;

That part of the Northwest Quarter (NW1/4) of Section 24, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD, lying and being northeasterly of the Burlington Northern Railroad Right-of-Way; and

That part of N1/2 of Section 24, Township 102 North, Range 50 West of the 5th P.M., Minnehaha County, SD, lying and being Southwesterly of the Burlington Northern Railroad Right-of-Way, except the North 2020.27' of the West 2766.61' thereof and except the South 264' of the West 348' thereof and except County Auditor's Lot H-1 and except Tract 1 in the NE1/4 of said Section 24 contained therein.

BE IT FURTHER RESOLVED;

The City expressly accepts all property dedicated for public use in the annexed

area and rights-of-way thereto, including any streets, alleys, roads, parks, public grounds, sewers, culverts, bridges, water distribution lines, sidewalks, and other public improvements on or under the streets, alleys, roads, service roads, parks and public grounds.

BE IT FURTHER RESOLVED;

That the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 02/01/16.

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

39. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON N. GRADUATE AVE.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Resolution 9-16.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 9-16

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON N.GRADUATE AVE.

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

That it approves the establishment of diagonal parking on private property backing out on public right-of-way on the west side of N. Graduate Ave. from the south right-of-way line of W.Superior St. to the north right-of-way line of W. 54th St.

Date adopted: 02/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

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)

40. CHARTER REVISION COMMISSION SUMMARY REPORT.

41. REPORT OF THE JANUARY 28, 2016, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adjourn at 8:06 p.m.

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

Motion Passed.

Denise D. Tucker, MMC

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.

AS YOUR ELECTED REPRESENTATIVES, THE CITY COUNCIL VALUES YOUR INPUT AND FEEDBACK. WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING WHEN THAT ITEM IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS IN ANY MANNER SHOULD UNDERSTAND THAT THEIR COMMENTS MAY BECOME PART OF THE OFFICIAL RECORD AND SUBJECT TO REVIEW BY ALL PARTIES AND THE PUBLIC.

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 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 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT [WWW.SIOUXFALLS.ORG](http://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 A.M. ON THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.