

City of Sioux Falls Council Meeting
Minutes
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, November 17, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Kenny Anderson Jr.
Council Member Christine M. Erickson
Council Member Michelle Erpenbach
Council Member Greg Jamison
Council Member Dean Karsky
Council Member Rick Kiley
Council Member Rex Roling
Mayor Mike T. Huether

ABSENT

Council Member Kermit L. Stagers

INVOCATION

- Senior Pastor Randy Gehring, Our Saviors Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- South Dakota Prematurity Awareness Day, November 17, 2015
- Great American Smokeout Day, November 19, 2015
- American Diabetes Month -- November 2015

RECOGNITION/AWARDS

- Recognition of All City Elementary for Receiving the National Blue Ribbon Award from the U.S. Department of Education presented by Council Member Christine M. Erickson

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolfing, 7.
Noes, 0.
Motion Passed.

MINUTES

- Informational Meeting of Tuesday, November 10, 2015, at 4 p.m.
- City Council Meeting of Tuesday, November 10, 2015, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the November 12, 2015, memo.
2. A communication was received from Kathy Peterson requesting permission to consume, but not sell, wine and/or malt beverages at The Old Courthouse Museum, 200 West Sixth Street, on Saturday, January 2, 2016, from 4 p.m. to midnight pursuant to SDCL 35-1-5.5, for a wedding celebration and reception.
3. Report of Requests for Quotes for Fuel dated November 4, 2015; #2 Clear Diesel, 7500 Gallons; CHS, Inc. (\$1.9779); Harms Oil (\$1.9801); Howes Oil, Midwest Oil, and Petroleum Traders Co., no bids. Bid awarded to: CHS, Inc.
4. Report of Requests for Quotes for Fuel dated November 4, 2015, Unleaded Ethanol; 5000 Gallons; Harms Oil (\$1.8789); CHS, Inc. (\$1.8870); Cole's Petroleum (\$1.8820); Howes Oil and Olson Oil, no bids. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated November 4, 2015; #1 Dyed Diesel, 3000 Gallons; Harms Oil (\$2.0455); CHS, Inc. (\$2.0550); Cole's Petroleum (\$2.0640); Howes Oil and Olson Oil, no bids. Bid awarded to: Harms Oil.
6. Report of Requests for Quotes for Fuel dated November 5, 2015; 50/50 Dyed Diesel, 3000 Gallons; Howes Oil (\$2.129); Midwest Oil (\$2.029); Midway Service (\$1.940). Bid awarded to: Midway Service.
7. Report of Requests for Quotes for Fuel dated November 9, 2015; E-10 Unleaded Ethanol-87 Octane, 8500 Gallons; Harms Oil (\$1.7850); Cole's Petroleum (\$1.8140); CHS, Inc., Howes Oil, and Olson Oil, no bids. Bid awarded to: Harms Oil.

APPLICATIONS

8. Special One-Day Malt Beverage License for Holy Spirit Knights of Columbus to

be operated at Holy Spirit Catholic Church, 3601 East Dudley Lane, for a fundraiser on January 30, 2016.

9. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2016 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 1, 2015, at 7 p.m. for Items 10 through 20:

10. Transfer of 2016 Retail Liquor License, including Sunday sales and video lottery terminals, from Pancakes and More, Inc., Original Pancake House, 2715 West 41st Street, to MF Spot Inc., MF Spot Inc., on Lot 2, Block 2, Brooks Crossing Addition to the City of Sioux Falls (general location east 54th Street and Hosta Avenue) (full service restaurant; CUP not required).
11. Transfer of 2015-16 Retail Malt Beverage License from Marquette Council, Knights of Columbus, 315 North Summit Avenue, to Cobra Ventures LLC, Knights of Columbus, 315 North Summit Avenue.
12. New 2015-16 Retail Malt Beverage License for The Bakery LLC, The Bakery, 910 North Main Avenue (CUP not required).
13. New 2016 Retail Wine License for The Bakery LLC, The Bakery, 910 North Main Avenue (CUP not required).
14. New 2016 Retail Wine License for Olive Destination Inc., Olive Destination, 720 South Highline Place (CUP not required).
15. Rescind 2015-16 Retail Malt Beverage License, effective January 1, 2016, for Dakotas Best East LLC, Dakotas Best Wine & Gifts, 4001 West 41st Street, Suite 20.
16. New 2015-16 Retail Malt Beverage/South Dakota Farm Wine License, effective January 1, 2016, for Sioux Falls Wine & Gift, LLC, Sioux Falls Wine & Gift, 4001 West 41st Street, Suite 20 (CUP not required).
17. Rescind 2015-16 Retail Malt Beverage License, effective January 1, 2016, for Catering America Inc., Chef Dominique s Catering & Banquet Carpenter Building Ballroom, 221 South Phillips Avenue, Suite 100.
18. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., to be operated at 3901 North Lewis Avenue, for an open house on December 10, 2015

19. Special One-Day Package Off-Sale Wine license for Rotary West, Rotary West, 4712 East Alpine Circle, for a fundraiser on December 18, 2015.
20. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., to be operated at The Carpenter Ballroom, 221 South Phillips Avenue, for a wedding on January 2, 2016.

Set a date of hearing for Tuesday, December 8, 2015, at 7 p.m. for Item 21:

21. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON N. 4TH AVE. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolfing, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

Bruce Danielson commented on the Neighborhood Summit held on November 14, 2015; Special Project Code Enforcement Internal Audit Report 08-17; Code Enforcement flow chart; and proposed ordinances regarding boulevards and food trucks. Sierra Broussard distributed reports to the City Council regarding Police calls at hotels and motels.

UNFINISHED BUSINESS

22. Transfer of 2015 Retail Liquor License, with Sunday sales and video lottery terminals, from Falls Landing Inc., Falls Landing, 200 East 8th Street, to Nelson Landing Inc., Falls Landing, 200 East 8th Street.
23. New 2015-16 Package Malt Beverage License for Davlon Inc., Shop N Cart 49er, 3501 West 49th Street.
24. New 2015 Package Liquor License for Davlon Inc., Shop N Cart 49er, 3501 West 49th Street.
25. New 2015 Package Liquor License for Shaen Haven Hospitality, Inc., Bogtrotter s Pub Grub & Tap, 201 East 11th Street.

26. Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for the History Club, 758 South Phillips Avenue, for a fundraiser on December 5, 2015.
27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for American Baptist Homes of the Midwest to be operated at Trail Ridge Retirement Community, 3408 West Ralph Rogers Road, Suite 100, for a Chamber Mixer on December 8, 2015.
28. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at Raven Industries, 205 East 6th Street, for an employee Christmas party on December 11, 2015.
29. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street, for Hearts in Healing fundraiser on February 6, 2016.
30. Special One-Day Liquor License for Avera McKennan Foundation to be operated at Avera Prairie Center, 1000 East 23rd Street, for the Big Grape fundraiser on April 8, 2016.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to approve Items 22 through 30.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7.
Noes, 0.
Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

31. Deferred from the City Council Meetings on 4/21/15, 6/2/15, 8/4/15, 10/6/15, and 10/19/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. AND W. OF N. MARLOW AVE. AND N. OF E. PADDINGTON ST. FROM THE AG, AGRICULTURE DISTRICT TO THE RS, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO.2249-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 109-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7.
Noes, 0.
Motion Passed.

32. Reconsideration from the City Council Meeting of 11/02/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTHWEST OF GREAT BEAR RECREATION AREA FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 3271-2015, 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 Dean Karsky to adopt said Ordinance No. 110-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING SECTIONS 51.081 AND 51.081.01 OF THE CODE OF ORDINANCES OF THE CITY BY ADDING SURCHARGE AND RATE SECTIONS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Ordinance No. 111-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING FOR A SURCHARGE FOR A PROJECT TO MAKE IMPROVEMENTS TO ITS WASTEWATER SYSTEM AND FOR NONPOINT SOURCE FACILITIES, IMPROVEMENTS, AND ACTIVITIES FOR PAYMENT OF REVENUE BONDS AND YEARLY REVIEW OF RATES.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Ordinance No. 112-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND PLEDGING A SURCHARGE FOR IMPROVEMENTS TO ITS WASTEWATER SYSTEM AND NONPOINT SOURCE IMPROVEMENTS.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 113-15.

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

Noes, 0.
Motion Passed.

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS; SECTION 39.036 APPLICATION TO APPOINTIVE OFFICERS.

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to defer action to Tuesday, December 1, 2015, at 7 p.m.

Vote to defer: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7.
Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED S. OF W. 85TH ST. AND W. OF S. WESTERN AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE DD2 FORM TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE DD2 FORM, PETITION NO. 3669-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rick Kiley and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 37.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 38:

38. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 700 N. FRENCH AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 3675-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 38.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 800 S. SYCAMORE AVE. FROM THE O OFFICE TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY, PETITION NO. 3676-2015, AND AMENDING 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 Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 39.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SW CORNER OF W. 12TH ST. AND S. DISCOVERY AVE. FROM THE CN CONSERVATION DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN AND RA-1 APARTMENT RESIDENTIAL LOW DENSITY, INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE AD1 AND MD1 FORM, PETITION NO. 3238-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval with the following condition: 1) Buildings shall be no more than one story in height.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 40.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SE CORNER OF W. 85TH ST. AND S. BRETT AVE. FROM THE AG, AGRICULTURE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT, PETITION NO. 3665-2015, AND AMENDING 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 Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 41.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 42.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY TO REGULATE MOBILE FOOD VENDORS.

A motion was made by Council Member Rick Kiley and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 43.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

HEARINGS AND RESOLUTIONS

44. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT-

RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND HENRY CARLSON COMPANY FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE SIOUX FALLS ADMINISTRATIVE OFFICE BUILDING, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

A motion was made by Council Member Rick Kiley and seconded by Council Member Rex Roling to adopt said Resolution No. 114-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

RESOLUTION NO. 114-15

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND HENRY CARLSON COMPANY FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR THE SIOUX FALLS ADMINISTRATIVE OFFICE BUILDING, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

WHEREAS, on July 24, 2015, the City of Sioux Falls (the City) requested proposals for Construction Manager at Risk services for the Sioux Falls administrative office building; and

WHEREAS, as a result of the request for proposal process, the City selected Henry Carlson Company to provide Construction Manager at Risk services;

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:

Section 1. That the documents for Construction Manager at Risk services between the City and Henry Carlson Company (the Agreement), substantially in the form attached hereto and made a part of this resolution, are hereby approved.

Section 2. That the Mayor is authorized to sign such Agreement after it is ratified and executed by Henry Carlson Company.

Section 3. In connection with the authorization of the Agreement, the Mayor, City Clerk, Finance Director, Public Works Director, City Attorney, and other officers of the City shall be authorized to enter into, execute, and deliver the Agreement and the following documents, instruments, and agreements as may be deemed necessary by the parties, consistent with the terms of the Agreement and consistent with the authorized project budget:

- A. Amendments, change orders, and change directives to the Agreement;
- B. Insertion of exhibits into the Agreement which are mutually agreed upon by the parties; and
- C. Other required documents or instruments which are mutually agreed upon by the parties pursuant to the Agreement.

The execution and delivery of all such amendments, change orders, change directives, exhibits, documents, and instruments is hereby authorized and directed to be in such form and to contain such terms, consistent with this resolution, as the officers of the City designated herein shall determine to be necessary and desirable.

Section 4. The City shall publish this resolution, without attachments, after its passage. The attachments are on file and available for inspection in the office of the City Clerk.

Date adopted: 11/17/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

45. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. ANNEXATION 3564-2015 3RD ST. AND LA MESA DR.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Resolution No. 115-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

RESOLUTION NO. 115-15

ANNEXATION 3564-2015 3RD ST. AND LA MESA DR.

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

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.

1. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
2. There is access to the major street network from N. Whitney Ave. and adequate provisions for municipal utilities once water and sewer is extended from the south.

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, Minnehaha County, and the boundary of the city is hereby extended to include such territory:

Tract 1 Mlady s Addition, SE1/4 of the NE1/4, Section 15-101-50, Minnehaha County, SD

And 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: 11/17/15 .

Mike T. Huether

Mayor
ATTEST:
Lorie Hogstad
City Clerk

46. A RESOLUTION AUTHORIZING SIOUXLAND LIBRARIES TO GIFT A BOOK DROP TO THE CITY OF HUDSON, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 116-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

RESOLUTION NO. 116-15

A RESOLUTION AUTHORIZING SIOUXLAND LIBRARIES TO GIFT A BOOK DROP TO THE CITY OF HUDSON, SD.

WHEREAS, the Siouxland Libraries has declared as surplus a book drop from its Humboldt, SD, branch; and

WHEREAS, the city of Hudson, SD, finds it desirable to acquire the above-described surplus property;

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

That the gifting by Siouxland Libraries to the city of Hudson, SD, of the following surplus property:

- Book Drop
- is hereby approved.

Date adopted: 11/17/15 .

Mike T. Huether

Mayor
ATTEST:
Lorie Hogstad
City Clerk

47. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT CERTAIN SURPLUS ASSETS TO MINNEHAHA COUNTY, SD.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 117-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT CERTAIN SURPLUS ASSETS TO MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls has declared as surplus the following property:

ASSET DESCRIPTION	DEPARTMENT
John Deere Pay Loader, Model #644-G, Asset #3002686	Fleet
White Board	Multimedia Support
File Cabinet	Finance
Chair	Affordable Housing
Document Sorter	City Council
Wall File	City Council
Monitor Holder	Landfill
Coffee Pot (2)	Landfill
Chair (4)	Police

WHEREAS, Minnehaha County, SD, finds it desirable to acquire the above-described surplus property;

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

That the gifting by the City of Sioux Falls to Minnehaha County, SD, of the following surplus property: John Deere Pay Loader, Model # 644-G, Asset # 3002686; White Board; File Cabinet; Chair; Document Sorter; Wall File; Monitor Holder; Coffee Pot (2); and Chair (4) is hereby approved.

Date adopted: 11/17/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

48. A RESOLUTION REMOVING UNCOLLECTIBLE, DELINQUENT ACCOUNTS FROM THE RECORDS.

A motion was made by Council Member Dean Karsky and seconded by Council Member Christine M. Erickson to withdraw action on Item No. 48.

Vote to withdraw: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7.

Noes, 0.

Motion Passed.

49. A RESOLUTION ABATING STORM DRAINAGE FEES FOR PORTIONS OF E. KNOLL DR., N. RANCH OAK PL., FAIRWAY PL., AND E. FAIRWAY DR. WITHIN MINNEHAHA COUNTY, SD. 2014-2015 in the amount of \$638.88.

A motion was made by Council Member Greg Jamison and seconded by Council Member Rex Roling to adopt said Ordinance No. 118-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

RESOLUTION NO. 118-15

A RESOLUTION ABATING STORM DRAINAGE FEES FOR PORTIONS OF E. KNOLL DR., N. RANCH OAK PL., FAIRWAY PL., AND E. FAIRWAY DR. WITHIN MINNEHAHA COUNTY, SD.

WHEREAS, Merton C., Susan K., and Richard T. Peterson, have, at all relevant times, owned property described in Minnehaha County, SD, tax records as follows:

Minnehaha County Parcel No. 84525 and legally described as Portion N1/2 SW1/4 12-101-49 platted as E. Knoll Dr., N. Ranch Oak Pl., Fairway Pl., and E. Fairway Dr. (Private Roadway Easements) lying within city limits and within Fairway Drive Addition to City of Sioux Falls, Minnehaha County, SD; and

WHEREAS, Section 51.100 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish storm drainage charges against real property within the city for the operation, maintenance, and capital expenses of the storm drainage system and the City has, in fact, established and charged such drainage system fees; and

WHEREAS, a total of Six Hundred Thirty-Eight Dollars and Eighty-Eight Cents (\$638.88) in storm drainage fees were charged by the City of Sioux Falls against Minnehaha County Parcel No. 84525 for collection along with property taxes for tax years 2014 and 2015 (\$358.73 and \$386.15, respectively) and remain uncollected; and

WHEREAS, Merton Peterson has now requested that the above-stated storm drainage fees (and interest and advertising fees) be abated on the claim that the above-described property consists of private roads, is surrounded by other properties that pay drainage fees, and no water from these streets flow directly onto any city street or drainageway but rather onto the adjacent properties;

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

The City Council is satisfied beyond a doubt that storm drainage fees imposed against Minnehaha County Parcel No. 84525 in the following amounts were invalid, inequitable, or unjust for the above-stated tax years; and

A total of Six Hundred Thirty-Eight Dollars and Eighty-Eight Cents (\$638.88) in storm drainage fees charged by the City of Sioux Falls against Minnehaha County Parcel No. 84525 is hereby abated for tax years 2014 and 2015 plus costs, leaving -0- storm drainage fees due and owing on said parcel for tax years 2014 and 2015.

Date adopted: 11/17/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

50. A RESOLUTION ABATING STREET MAINTENANCE FEES FOR PORTIONS OF E. KNOLL DR., N. RANCH OAK PL., FAIRWAY PL., AND E. FAIRWAY DR. WITHIN MINNEHAHA COUNTY, SD. 2012-2015 in the amount of \$212.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to adopt Resolution No. 119-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.
Motion Passed.

RESOLUTION NO. 119-15

A RESOLUTION ABATING STREET MAINTENANCE FEES FOR PORTIONS OF E. KNOLL DR., N. RANCH OAK PL., FAIRWAY PL., AND E. FAIRWAY DR. WITHIN MINNEHABA COUNTY, SD.

WHEREAS, Merton C., Susan K., and Richard T. Peterson, have, at all relevant times, owned property described in Minnehaha County, SD, tax records as follows:

Minnehaha County Parcel No. 84525 and legally described as Portion N1/2 SW1/4 12-101-49 platted as E. Knoll Dr., N. Ranch Oak Pl., Fairway Pl., and E. Fairway Dr. (Private Roadway Easements) lying within city limits and within Fairway Drive Addition to City of Sioux Falls, Minnehaha County, SD; and WHEREAS, Section 96.033 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish annual street maintenance charges against real property within the city for maintaining or repairing street surfacing or pavement and the City has, in fact, established and charged such street maintenance fees; and

WHEREAS, a total of Two Hundred Twelve Dollars (\$212.00) in street maintenance fees were charged by the City of Sioux Falls against Minnehaha County Parcel No. 84525 for collection along with property taxes for tax years 2012 2015 (\$53.00 per year) and remain uncollected; and

WHEREAS, Merton Peterson has now requested that the above-stated street maintenance fees (and interest and advertising fees) be abated on the claim that the above-described property consists of private roads and the City does not maintain said streets;

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

The City Council is satisfied beyond a doubt that street maintenance fees imposed against Minnehaha County Parcel No. 84525 in the following amounts were invalid, inequitable, or unjust for the above-stated tax years; and

A total of Two Hundred Twelve Dollars (\$212.00) in street maintenance fees charged by the City of Sioux Falls against Minnehaha County Parcel No. 84525 is hereby abated for tax years 2012 2015 plus costs, leaving -0- in street maintenance fees due and owing on said parcel for tax years 2012 2015.

Date adopted: 11/17/15 .

Mike T. Huether

Mayor
ATTEST:
Lorie Hogstad
City Clerk

ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adjourn at 9:04 p.m.

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

Lorie Hogstad, CMC
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. 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.