

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, April 16, 2012, 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 Rolwing

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member James Entenman

Mayor Mike T. Huether

INVOCATION

Pastor Wade Mobley, Living Word Free Lutheran Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Jacob Herrmann Day, April 17, 2012

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National Volunteer Week, April 15 - April 21, 2012

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Municipal Clerks Week, April 29 - May 5, 2012

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Volunteers of America, Dakotas Day, May 3, 2012

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Soroptimist Day, May 4, 2012

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0. James Entenman was excused from the meeting and the vote on this item.

Motion Passed.

MINUTES

Informational Meeting of Monday, April 9, 2012, at 4:00 p.m.

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City Council Meeting of Monday, April 9, 2012, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on April 11, 2012 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on April 11, 2012, memo.

Sponsor: Mayor/Finance

3. A memorandum dated April 4, 2012, declaring surplus capital items that will be traded in for another asset.

Sponsor: Mayor/Finance

4. Report of Request for Quotes for Fuel: March 21, 2012; Diesel (#1 and #2 blend); 600 gallons; Howes Oil (\$2,154.20); Palisades Oil and Midway Service, both no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

5. Report of Request for Quotes for Fuel: April 9, 2012; Unleaded; 650 gallons; Howes Oil (\$2,256.48); Palisades Oil and Midway Service, both no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

6. Report of Request for Quotes for Fuel: April 9, 2012; Diesel (#1 and #2 blend); 500 gallons; Howes Oil (\$1,785.00); Palisades Oil and Midway Service, both no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

7. A communication was received from the Minnehaha County Democratic Party requesting permission to consume, but not sell, wine and beer at The Old Courthouse Museum, 200 W. 6th Street, on Friday, April 20, 2012, from 5:00 p.m. to 9:00 p.m. for a fundraising dinner for the Minnehaha and

Lincoln County Democratic Parties.

Sponsor: SDCL 35-1-5.3

- A communication was received from the Mary Chilton DAR Foundation requesting permission to consume, but not sell, wine at
8. the Pettigrew Home & Museum, 131 N. Duluth, on Monday, April 23, 2012, from 5:30 p.m. to 8:00 p.m. for their Annual Board dinner.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

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 9-22: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

9. Phyllis Wise, Parcel 32804, 821 N. Cliff Avenue, for 2011 property taxes in the amount of \$237.43.

Sponsor: Attorney/SDCL 10-18-1

10. Richard Bonrud, Parcel 34099, 609 S. Duluth Avenue, for 2011 property taxes in the amount of \$634.65.

Sponsor: Attorney/SDCL 10-18-1

11. Jean Dumdei, Parcel 34486, 1405 W. 38th Street, for 2011 property taxes in the amount of \$830.20.

Sponsor: Attorney/SDCL 10-18-1

12. David Petersen, Parcel 35964, 3409 E. 20th Street, for 2011 property taxes in the amount of \$1,242.19.

Sponsor: Attorney/SDCL 10-18-1

13. Cletus Jackels, Parcel 37445, 722 N. Indiana Avenue, for 2011 property taxes in the amount of \$763.75

Sponsor: Attorney/SDCL 10-18-1

14. Iona Anderson, Parcel 40852, 1629 E. 34th St. N., for 2011 property taxes in the amount of \$509.22.

Sponsor: Attorney/SDCL 10-18-1

15. Viola Buhler, Parcel 46102, 5328 Pritchard Drive, for 2011 property taxes in the amount of \$1,116.37.

Sponsor: Attorney/SDCL 10-18-1

16. Harold Simkins, Parcel 47670, 1115 S. Van Eps Avenue, for 2011 property taxes in the amount of \$856.94.

Sponsor: Attorney/SDCL 10-18-1

17. Geneva Kluck, Parcel 52986, 920 S. Garfield Avenue, for 2011 property taxes in the amount of \$551.06.

Sponsor: Attorney/SDCL 10-18-1

18. Jeanne Richardson, Parcel 34269, 704 E. 33rd Street, for 2011 property taxes in the amount of \$1,324.62.

Sponsor: Attorney/SDCL 10-18-1

19. Nila (Smith) Nelson, Parcel 47641, 1101 S. Blauvelt Avenue, for 2011 property taxes in the amount of \$714.63.

Sponsor: Attorney/SDCL 10-18-1

20. Grace Vanden Hevel-Dayton, Parcel 48649, 5115 E. 15th Street, for 2011 property taxes in the amount of \$309.87.

Sponsor: Attorney/SDCL 10-18-1

21. Sharon Robinson, Parcel 49000, 933 S. Bahnson Avenue, for 2011 property taxes in the amount of \$319.96.

Sponsor: Attorney/SDCL 10-18-1

22. Karolina Blake, Parcel 51088, 909 S. Wayland Avenue, for 2011 property taxes in the amount of \$1,102.02.

Sponsor: Attorney/SDCL 10-18-1

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 1, 2012, at 7:00 p.m.  
for Items 23 through 25:

23. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sanford Health to be operated at the Sanford Center, 2301 East 60th Street North, for the Chamber Mixer to be held on May 15, 2012.

Sponsor: Mayor/Attorney

24. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Almost Home Canine Rescue to be operated at the 8th and Railroad Parking Lot, 401 East 8th Street, for the 605 Summer Classic to be held on June 22-23, 2012.

Sponsor: Mayor/Attorney

25. Special One-Day Wine License for Senior Citizens Services Inc. to be held at Active Generations, 2300 West 46th Street, for a fundraising concert on May 10, 2012.

Sponsor: Mayor/Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council

Member Michelle Erpenbach to approve the Regular Agenda.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to amend the Regular Agenda by hearing Items 29 and 30 after Item 33.

Vote to amend: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, 8. Noes, 0.

Motion Passed

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

Motion Passed

#### PUBLIC INPUT

There was none.

#### UNFINISHED BUSINESS

26. New 2012 Package Liquor License for Ovations Food Services LP, Sioux Falls Convention Center, to be operated at 1211 North West Avenue.

Sponsor: Mayor/Attorney

27. New 2012-13 Retail Malt Beverage License for Tazito World Burrito LLC, Tazito Burrito, to be operated at 1504 West Russell Street #1, effective 7/1/12, with the Conditional Use Permit (2003-10-15) being approved in 2003.

Sponsor: Mayor/Attorney

28. Transfer of the 2012 Retail Liquor License from Goldrush Casino Inc., Goldrush Casino, 2701 West 41st Street, Suite B, to CPAG LLC, The Rush, to be operated at 2701 West 41st Street, Suite B, including Sunday Sales and video lottery terminals (CUP not required; this is an existing license which predates the ordinance).

Sponsor: Mayor/Attorney

29. Special One-Day Liquor License for Sanford Health Foundation to be operated at the Sanford Center, 2301 East 60th Street North, for the 2012 Sanford Children's Gala, on August 4, 2012.

Sponsor: Mayor/Attorney

30. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Area Community Foundation to be operated at the Sanford Center, 2301 East 60th Street North, for a fundraiser on May 3, 2012.

Sponsor: Mayor/Attorney

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the El Riad Shriners, El Riad Mosque, to be operated on Dakota Avenue from 11th Street south one block up to Lutheran Church lot driveway; Main

31. Avenue from 10th to 13th Streets; Phillips Avenue from 9th to 14th Streets; 1st Ave from 11th to 13th Streets; 10th Street from Main to Mall Avenues; 11th Street from Dakota to Mall Avenues; 12th Street from Main to First Avenues; and 13th Street from Dakota to 1st Avenues, for Automania on June 29, 2012.

Sponsor: Mayor/Attorney

32. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sertoma Butterfly House and Marine Cove to be operated at the Sertoma Butterfly House and Marine Cove, 4320 South Oxbow Avenue, for a fundraiser on April 19, 2012.

Sponsor: Mayor/Attorney

33. Special One-Day Malt Beverage License for Avera McKennan to be operated at the Avera McKennan Fitness Center, 3400 South Southeastern Avenue, for the Fun Run, on April 20, 2012.

Sponsor: Mayor/Attorney

A motion was made by Council Member Vernon Brown and Council Member Jim Entenman to approve Items 26-28 and Items 31-33.

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

Motion Passed

Items 29 and 30 were heard at this time.

A motion was made by Council Member Michelle Erpenbach and Council Member Dean Karsky to approve Items 29 and 30.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0. James Entenman was excused from the meeting and the vote on this item.

Motion Passed

#### INTRODUCTION AND ADOPTION OF ORDINANCES

DEFERRED FROM THE CITY COUNCIL MEETING OF MONDAY, APRIL 2, 2012:

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NORTHEAST CORNER OF S. MINNESOTA AVE. AND W. 85TH ST. FROM THE C-4, PLANNED COMMERCIAL DISTRICT; O, OFFICE DISTRICT; RA-1, RD, AND RS-2, RESIDENTIAL DISTRICTS; AND THE RC, RECREATION CONSERVATION DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT; O, OFFICE DISTRICT; RA-1 AND RD, RESIDENTIAL DISTRICTS; AND THE RC, RECREATION CONSERVATION DISTRICT, PETITION NO.2012-02-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)
- 34.

Sponsor: Mayor/Planning & Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Ordinance 29-12.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
35. AMENDING THE REVISED ORDINANCES OF THE CITY BY IMPLEMENTING A LODGING ESTABLISHMENT TAX WITHIN THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Vernon Brown to adopt said Ordinance 30-12.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
36. PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR CIP NO. 148014, RIGHT-OF-WAY ACQUISITION FOR PUBLIC WORKS. (Engineering - \$580,000.00)

Sponsor: Mayor/Public Works

A motion was made by Council Member Sue Aguilar and seconded by Council Member Rex Roling to adopt said Ordinance 31-12.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 1, 2012, at 7:00 p.m. for Item 37:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
37. REZONING PROPERTY AT W.77TH ST. AND S. BEAL AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2 AND RD, RESIDENTIAL DISTRICTS, PETITION NO.2012-03-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval).

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, May 1, 2012, at 7:00 p.m. for Item 37.

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

Motion Passed

Set a date of hearing and 2nd Reading for Tuesday, May 1, 2012, at 7:00 p.m. for Item 38:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO.2012-03-18, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT THE SOUTHWEST CORNER OF E. 57TH ST. AND S. SYCAMORE AVE. AMENDING THE VILLAGE AT SYCAMORE AND 57TH STREET PLANNED DEVELOPMENT DISTRICT REGULATIONS. (The Planning Commission recommends approval).

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, May 1, 2012, at 7:00 p.m. for Item 38.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 1, 2012, at 7:00 p.m. for Item 39:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NORTHEAST CORNER OF THE INTERSECTION AT S. CLIFF AVE. AND E.69TH ST. FROM THE O, OFFICE DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO.2012-02-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval).

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, May 1, 2012, at 7:00 p.m. for Item 39.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

40. A RESOLUTION AMENDING THE 2012-2016 CAPITAL PROGRAM. (Public Works/Engineering - \$580,000.00 and Public Works/Water Reclamation - \$513,000.00).

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Resolution 21-12.

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

Motion Passed.

RESOLUTION NO. 21-12



A RESOLUTION AMENDING THE 2012-2016 CAPITAL PROGRAM.

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

That the 2012-2016 Capital Program shall be amended as follows:

Public Works-Engineering

Amend Capital Improvements Program Project No. 148014, Right-of-Way Acquisition for Public Works, by increasing the amount of funding for right-of-way acquisition by \$580,000 in 2012. The additional funding will require an increase in appropriations that will be funded by State Transportation Program (STP) funds.

Public Works-Water Reclamation

Amend the Capital Improvements Program by adding a new project, Water Reclamation Facility Disinfection System Improvements, in 2012. The estimated cost is \$80,000 for engineering and \$433,000 for construction, totaling \$513,000. The additional funding will not require an increase in appropriations as it will be funded by user fees.

Date adopted: 04/16/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION DECLARING THE RESULTS OF THE CITY OF SIOUX FALLS MUNICIPAL/  
41. SCHOOL BOARD ELECTION HELD IN THE CITY OF SIOUX FALLS, SD, ON TUESDAY,  
THE 10TH DAY OF APRIL, 2012.

Sponsor: City Council

A motion was made by Council Member Sue Aguilar and seconded by Council Member James Entenman to adopt said Resolution 22-12.

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

Motion Passed.

RESOLUTION NO. 22-12

A RESOLUTION DECLARING THE RESULTS OF THE CITY OF SIOUX FALLS MUNICIPAL/SCHOOL BOARD ELECTION HELD IN THE CITY OF SIOUX FALLS, SD, ON TUESDAY, THE 10TH DAY OF APRIL, 2012.

On Tuesday, the 10th day of April 2012, a City of Sioux Falls Municipal/School Board Election was held. The purpose of this election was to elect four Council Members for the City of Sioux Falls, South Dakota and to vote on three amendments to the Charter for the City of Sioux Falls.

The City Council of the City of Sioux Falls met as the Canvassing Board pursuant to law on Monday, April 16, 2012, at the Carnegie Town Hall, 235 West 10th Street, Sioux Falls, South Dakota, at 7 p.m., to canvass the votes cast for City offices at said Municipal Election.

Pursuant to the Canvassing Board's report, candidates for the positions of one At-Large position; one Southwest District position; one Northwest District position; and one Northeast District position; received the following votes:

For the At-Large, four-year term Council Member position: Kermit L. Staggers - 6,793; De Knudson - 5,171; Cory E Buttemeier - 1,510.

For the Southwest District, four-year term Council Member position: Kyle Vanderlinden - 329; Lyndsay E. DeMatteo - 414; Greg Jamison - 1,406.

For the Northwest District, four-year term Council Member position: James Ysbrand - 527; Dean Karsky - 1,552.

For the Northeast District, four-year term Council Member position: Kenny Anderson Jr. - 1,399; Nicole Wilson - 400.

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

That pursuant to the Canvassing Board's report, Kermit Staggers received 50.42 percent of the votes cast at said election and is hereby declared elected to the position of Council Member At-Large for a four-year term.

That pursuant to the Canvassing Board's report, Greg Jamison received 65.43 percent of the votes cast at said election and is hereby declared elected to the position of Council Member for the Southwest District for a four-year term.

That pursuant to the Canvassing Board's report, Dean Karsky received 74.65 percent of the votes cast at said election and is hereby declared elected to the position of Council Member for the Northwest District for a four-year term.

That pursuant to the Canvassing Board's report, Kenny Anderson Jr. received 77.77 percent of the votes cast at said election and is hereby declared elected to the position of Council Member for the Northeast District for a four-year term.

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

That pursuant to the Canvassing Board's report, amendments to the Sioux Falls City Charter, B and C, were approved by the electorate, each having received a majority of affirmative votes cast for said amendments:

Charter Amendment AAmending Section 1.01

Powers of the  
City 46.02 percent of the vote

Charter Amendment BAmend Sections 5.05(c) and (d)

And deleting Section 5.06

Adopting Appropriations Ordinance

74.03 percent of the vote

Charter Amendment CAmend Section 7.01(b)

Board of Ethics  
69.52 percent of the vote

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

That, due to the fact that one candidate in each of the four races received  
over 34% of the votes, it will not be necessary to hold a Secondary (Runoff)  
Election.

This resolution will become effective upon first publication.

Date adopted: 04/16/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

42. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN  
OF WHISPERING WOODS PHASE 2 ADDITION.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Dean Karsky to adopt said Resolution 23-12.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky,  
Rex Rolfing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, 8.  
Noes, 0.

Motion Passed.

RESOLUTION NO. 23-12

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [WHIS  
PERING WOODS PHASE 2 ADDITION].

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

That the preliminary plan of [Whispering Woods Phase 2 Addition] to the City of  
Sioux Falls, [Lincoln ] County, SD, is hereby approved, and the Cit  
y Clerk of the  
City of Sioux Falls is hereby directed to endorse on such plan a copy of this r  
esolution and certify the same thereon.

Date adopted: 04/16/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

43. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2011-11-01 MAPLE STREET SCHOOL SITE.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to adopt said Resolution 24-12.

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

Motion Passed.

RESOLUTION NO. 24-12

ANNEXATION 2011-11-01 MAPLE STREET SCHOOL SITE

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; and

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, and it has been zoned R Residential in Minnehaha County.
3. There is adequate provision for municipal utilities and access to the major street network once the following occurs:

- a. The Sioux Falls School District will be responsible for the cost of the installation of all frontage sanitary sewer on Maple Street from Valley View Road east to the interceptor sewer. The Sioux Falls School District may choose to file a private cost recovery for parties benefiting from the sanitary sewer from Maple Street to Valley View Road.
- b. In 2013, the City will extend a 16-inch water main from Marion Road to 3/4 of a mile to the west.
- c. Maple Street from Marion Road to 1/2 mile west and all annexation collector roads will be completed by the City of Sioux Falls by August of 2014.
- d. Maple Street is a priority one arterial street with access restricted to the 1/4 mile locations.
- e. Maple Street is a rural asphalt section road. There are no scheduled improvements in the next five years to completely reconstruct Maple Street to a four-lane concrete urban section.
- f. In 2013, water and sanitary sewer will be extended out to the proposed school site. In 2014, a left turn lane will be added on Maple Street for the collector street adjacent to the school property.
- g. The collector streets adjacent to the school property will be constructed in 2014.

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

That the following described properties be 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.

The Northeast Quarter of the Northwest Quarter of Section 11, T101N, R50W, and the unincorporated portion of Maple Street right-of-way from the existing city limits to a point 3/4 of a mile west of the centerline of Marion Road, Sections 2 and 11, T101N, R50W, Minnehaha County, South Dakota

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

Date adopted: 04/16/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Resolution 25-12.

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

Motion Passed.

RESOLUTION NO. 25-12

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

WHEREAS, the City of Sioux Falls, SD (the "City"), has determined it is necessary to proceed with improvements to its clean water system, including, but not limited to, Sioux River South Interceptor Phase 2 Replacement Project and Pipe Lining for Various Locations (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

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

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

1. That the City hereby approves the submission of an application for financial assistance in an amount not to exceed \$12,464,000 to the South Dakota Board of Water and Natural Resources for the Project.
2. That the City is hereby authorized to execute the application and submit it to the South Dakota Board of Water and Natural Resources and to execute and deliver such other documents and perform all acts necessary to effectuate the application for financial assistance.
3. That the Mayor and/or Public Works Director or Public Works Business Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

Date adopted: 04/16/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

45. A motion to appoint Jim David as Legislative/Operations Manager

effective May 7, 2012.

Sponsor: City Council

A motion was made by Council Member Sue Aguilar and seconded by Council Member Dean Karsky to approve Item 45.

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

Motion Passed.

#### ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adjourn at 9:00 p.m.

Vote to adjourn: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, 8. Noes, 0.

Motion Passed.

Tamara Jorgensen, CMC

Assistant City Clerk