

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, September 2, 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 Rick Kiley

Council Member Kermit L. Staggers

Council Member Rex Rolfing

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Mayor Mike T. Huether

Council Member Kermit L. Staggers arrived at 7:01 p.m.

INVOCATION

Pastor Wade Mobley, Living Word Free Lutheran Church

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PLEDGE OF ALLEGIANCE

Mayor Mike Huether announced that it was Council Member Greg Jamison's 50th Birthday and led the City Council and audience in singing Happy Birthday to him.

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Council Member Kermit L. Staggers asked to move the following change order from Item 2 to the Regular Agenda for discussion purposes: 1). Parks/Rec, Lyon Park Improvements, contract change order for added landscaping around drinking

fountain and picnic shelter, Splitrock Landscaping & Nursery, \$1,380. And the following two contract/agreements from Item 1: 1). Transit, four fixed route transit buses, to award a bid, Gillig, \$399,843/ each; 2). Finance, review taxability of certain capital equipment & services purchased for 3rd party managed facilities, amendment to agreement for engineering services - establish a rate, Davenport Evans.

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

Motion Passed.

MINUTES

City Council Meeting of Tuesday, August 19, 2014, at 7:00 p.m.

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Informational Meeting of Tuesday, August 26, 2014, at 4:00 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,
* August 26, 2014, at 5:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 28, 2014 memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the contracts/agreements for Transit, four fixed route transit buses, to award a bid, Gillig, \$399,843/each.

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

Motion Passed.

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to approve the contracts/agreements for Finance, review taxability of certain capital equipment & services purchased for 3rd party managed facilities, amendment to agreement for engineering services - establish a rate, Davenport Evans.

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

Motion Passed.

Approval of notice of change orders on the August 28, 2014 memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to approve the change order for Parks/Rec,
2. Lyon Park Improvements, contract change order for added landscaping around drinking fountain and picnic shelter, Splitrock Landscaping & Nursery,

\$1,380.

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

Motion Passed.

Report of Requests for Quotes for Fuel dated: August 18, 2014; #2 Dyed
3. Diesel Fuel; 7,500 gallons; Howes Oil (\$2.9895); Harms Oil (\$3.0025); CHS, Inc. (\$3.0431); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: August 21, 2014; Diesel (#1
4. and #2 blend); 1,146 gallons; Howes Oil (\$4,011.28); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: August 21, 2014; Unleaded; 770
5. gallons; Howes Oil (\$2,537.15); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: August 21, 2014; E-10 Unleaded
6. Ethanol/87 Octane; 8,500 gallons; CHS, Inc. (\$2.9023); Harms Oil, Howes Oil and Olson Oil, all no bid. Bid awarded to: CHS, Inc.

Report of Requests for Quotes for Fuel dated: August 25, 2014; #2 Dyed
7. Diesel Fuel; 7,500 gallons; Harms Oil (\$2.9965); CHS, Inc., Howes Oil, Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.

APPLICATIONS

Special One-day Malt Beverage and Special One-day Wine Licenses for Thurston

8. Inc., Botski's to be operated at the Coliseum, 515 North Main Avenue, for a wedding on November 8, 2014.

The following abatement was 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:

Diann M. Burwell, 1623 S. Campbell Trl., for 2013 property taxes in the
9. amount of \$585.20. The system listed \$100 as owner-occupied, when it should have been 100% owner-occupied.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 16, 2014, at 7:00 p.m. on Items 10 through 20:

Transfer of 2014 Retail Liquor License, including Sunday sales certificate and video lottery terminals, from SRS Inc., Wild Willies, 4200 North Cliff
10. Avenue, to SRS Inc., Sandbar, to be operated at Lot 2A, Block 1 Lake Lorraine addition (general location 2200-2400 South Marion Road) with Conditional Use Permit (2014-03-11) being approved on April 2, 2014.

New 2014-15 Retail Malt Beverage License, including video lottery
11. terminals, for The BarCode Bar & Grill LLC, The BarCode Bar & Grill to be operated at 4200 North Cliff Avenue (CUP not required).

New 2014 Retail Wine License, including video lottery terminals, for The
12. BarCode Bar & Grill LLC, The BarCode Bar & Grill to be operated at 4200
North Cliff Avenue (CUP not required).

New 2014-15 Retail Malt Beverage License for Pappy's The Original Inc.,
13. Pappy's The Original to be operated at 101 South Phillips Avenue, Suite 101
(CUP not required).

New 2014 Retail Wine License for Pappy's The Original Inc., Pappy's The
14. Original to be operated at 101 South Phillips Avenue, Suite 101 (CUP not
required).

15. Special One-Day Liquor License for Sertoma Butterfly House and Marine Cove,
4320 South Oxbow Avenue for a fundraiser on September 23, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for The
16. Banquet to be operated at Cliff Avenue Greenhouse & Garden Center, 2101
East 26th Street for a Supply Our Students fundraiser on September 25,
2014.

Special One-Day Wine Licenses for Downtown Sioux Falls, Inc., to be operated
at

the following locations: 8th & Railroad Center Lobby, 401 East 8th
Street, Bead Co., 319 South Phillips Avenue, CH Patisserie, 309 South Philli

ps
Avenue, Chelsea's Boutique, 321 South Phillips Avenue, Cliff Hangers Gallery

,
126 South Phillips Avenue, Great Outdoor Store, 201 East Tenth Street,
17. Lillian's, 311 South Phillips Avenue, Rehfeld's Art & Framing, 210 South
Phillips Avenue, Simply Perfect, 401 East 8th Street #108, Sticks and Steel,

401 East 8th Street Suite 118, Young & Richard's, 222 South Phillips Avenue,
Zandbroz Variety, 209 South Phillips Avenue, Exposure Gallery & Studios, 401

North Phillips Avenue, Sun Flower Photography, 400 North Main Avenue, and Lo

t
2029, 333 South Phillips Avenue, for the First Friday Art & Wine Walk on
October 3, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Oglala
18. Pet Project to be operated at the 8th & Railroad Center parking lot and
back deck, 401 East 8th Street, for a fundraiser on October 4, 2014.

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

19. America Inc., Chef Dominique's Catering to be operated at Avera At Home, 511
6

South Solberg Avenue, for a Board Member Tour on October 7, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for The
20. Feisty Fighters to be operated at Landscape Garden Center, 7201 South
Minnesota Avenue, for a fundraiser on November 18, 2014.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council

Member Kenny Anderson Jr. to approve the Regular Agenda.

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

Motion Passed.

PUBLIC INPUT

Scott Ehrisman wished Jamison a Happy Birthday. He also spoke about membership ticket sales at the Washington Pavilion; and what a living wage is for Sioux Falls.

Bob Kolbe congratulated Jamison on his birthday; and then spoke about public transportation.

Items 1 and 2 were discussed at this time. See items for action taken.

UNFINISHED BUSINESS

New 2014-15 Retail Malt Beverage License, including video lottery terminals, for Kevin Severson, Jackpot Casino, 2401 West 12th Street (CUP not required).

New 2014-15 Malt Beverage License for Fierro LLC, Fiero Pizza, 212 South Phillips Avenue (CUP not required). Pending final inspections per Fire, Health and Building Services.

23. New 2014 Package Liquor License for Cubby's Inc., Cubby's West 12th Truck Stop, 4700 West 12th Street (CUP not required).

Transfer of 2014-15 Retail Malt Beverage License, including video lottery terminals, from OFS Benson Road, LLC, Pump 'N Pak, 3700 North Potsdam Avenue, Suite 300, to Harms Oil Company, Friendly Fuel Stop, 3700 North Potsdam Avenue, Suite 300.

Transfer of 2014-15 Package Malt Beverage License from OFS Benson Road, LLC, Pump 'N Pak, 3700 North Potsdam Avenue, Suite 100, to Harms Oil Company, Friendly Fuel Stop, 3700 North Potsdam Avenue, Suite 100.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's Catering, to be operated at Canfield Business Interiors, 402 West 9th Street, for an open house on September 9, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's Catering, to be operated at Avera Medical Group of Internal Medicine Women's Clinic, 116 West 69th Street, for a ribbon cutting on September 25, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for KAK, Inc., K to be operated at First National Bank, 100 South Phillips Avenue,

for a Tallgrass Recovery fundraiser on September 26, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera
29. McKennan Foundation to be operated at Perspective, 196 East 6th Street, for
the Paint the Night Pink fundraiser on October 17, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior
30. Citizen Services, Inc., Active Generations, 2300 West 46th Street, for a
barbeque and dance on October 24, 2014.

A motion was made by Council Member Dean Karsky and seconded by Council Member
Rick Kiley to approve Items 21 through 30 with one vote.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Deferred from the City Council Meetings of Tuesday, August 5, 2014 and
Tuesday, August 19, 2014. 2nd Reading: AN ORDINANCE OF THE CITY OF
SIOUX FALLS, SD, REZONING PROPERTY EAST AND WEST OF N. MARLOW AVE. AND NORT

H

31. OF E. FAIRWAY DR. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY
RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 2014-06-03, AND AMENDING THE
OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission
recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council
Member Greg Jamison to adopt said Ordinance.

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

Motion Failed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
32. OF ORDINANCES OF THE CITY BY REVISING CHAPTER 32: CITY ORGANIZATIONS, AUDIT
COMMITTEE, OPERATION TO CLARIFY THE APPOINTMENT OF THE AUDIT COMMITTEE
CHAIR.

A motion was made by Council Member Dean Karsky and seconded by Council Member
Christine M. Erickson to adopt said Ordinance No. 61-14.

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

Motion Passed.

33. 2nd 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 Dean Karsky to adopt said Ordinance No. 62-14.

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

Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
AT 4324 S. MINNESOTA AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN
34. DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 2014-07-06, AND AMENDING TH
E
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 No. 63-14.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
AT 1709 AND 1715 S. CLEVELAND AVE. FROM THE RA-1 APARTMENT RESIDENTIAL-LOW
35. DENSITY DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 2014-07-07, AND
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning
Commission recommends approval.

A motion was made by Council Member Rex Rolwing and seconded by Council Member
Rick Kiley to adopt said Ordinance No. 64-14.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
AT
111 W. 17TH ST. FROM THE RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY DISTRICT T
O
36. THE S-1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 2014-07-08, AND AMENDI
NG
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 Coun
cil
Member Dean Karsky to adopt said Ordinance No. 65-14.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY

37. AT VARIOUS LOCATIONS AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning staff recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 66-14.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 9, 2014, at 7:00 p.m. on Item 38:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF 38. ORDINANCES OF THE CITY BY AMENDING CHAPTER 95 "PARKS AND RECREATION," SUBSECTION (a) OF SECTION 95.029 "ALCOHOLIC BEVERAGES" TO INCLUDE TOWER PARK AND VAN EP S PARK AS ALCOHOL-FREE PARKS.

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, September 9, 2014, at 7:00 p.m.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 9, 2014, at 7:00 p.m. on Item 39:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING 39. SUPPLEMENTAL APPROPRIATIONS. (Entertainment Venues-Washington Pavilion, \$25,000.00)

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, September 9, 2014, at 7:00 p.m.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION AMENDING THE 2014-2018 CAPITAL PROGRAM. (Public Works- 40. Engineering, \$315,000.00; Entertainment Venues-Events Center, \$236,000.00; Police, \$80,000.00)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 102-14.

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

Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr.,
Christine M. Erickson, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 102-14

A RESOLUTION AMENDING THE 2014-2018 CAPITAL PROGRAM.

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

That the 2014-2018 Capital Program shall be amended as follows:

Public Works-Engineering

Amend Capital Improvements Program Project No. 11015, Collector Street Expansion, Brande Avenue from 85th Street to the south, by increasing the amount of funding for engineering by \$40,000 and construction by \$275,000 for a total increase of appropriation in 2014 of \$315,000. The additional funding will require an increase in appropriation that will be funded by the Brande Avenue adjacent property owners.

Entertainment Venues-Events Center

Amend Capital Improvements Program Project No. 13008, Events Center, by increasing the amount of funding by \$236,000 in 2014. The additional funding will require an increase in appropriations that will be funded by contributions from Ovations.

Police

Amend the Capital Improvements Program by adding a new project, Security Fence and Electric Gate, in 2014. The estimated cost is \$45,000. This project will not require an increase in appropriations as it will be funded by the Sales/Use Tax Fund, with remaining funds in Capital Improvement Program Project No. 10002, Law Enforcement Center Generator.

Amend the Capital Improvements Program by adding a new project, Lighting Upgrades, in 2014. The estimated cost is \$35,000. This project will not require an increase in appropriations as it will be funded by the Sales/Use Tax Fund, with remaining funds in Capital Improvement Program Project No. 10002, Law Enforcement Center Generator.

Date adopted: 09/02/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

41. A RESOLUTION APPROVING THE SIOUX FALLS CONVENTION & VISITORS BUREAU
BUSINESS IMPROVEMENT DISTRICT'S BUDGET.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 103-14.

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

Motion Passed.

RESOLUTION NO. 103-14

A RESOLUTION APPROVING THE SIOUX FALLS CONVENTION & VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT'S BUDGET.

WHEREAS, pursuant to Resolution 86-10, the City of Sioux Falls adopted a resolution of intent to establish the Sioux Falls Convention & Visitors Bureau Business Improvement District; and

WHEREAS, in accordance with SDCL Chapter Ch. 9-55 of the South Dakota Codified Laws, the CVB Business Improvement District has imposed an occupational tax of two dollars (\$2.00) per night per rented room for all lodging rooms within the CVB Business Improvement District to market and promote the visitor industry in the city of Sioux Falls and increase the room night sales of lodging facilities within the CVB Business Improvement District; and

WHEREAS, the CVB Business Improvement District Board of Directors has developed an annual budget which is subject to City Council approval;

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

That the budget dated October 1, 2014, through September 30, 2015, which is attached hereto and made a part of this Resolution, is hereby approved.

Date adopted: 09/02/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 82-14. (ANNEXATION 2014-05-21-10TH ST. AND SIX MILE RD.)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 104-14.

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

Motion Passed.

RESOLUTION NO. 104-14

ANNEXATION 2014-05-21-10TH ST. AND SIX MILE RD.

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 82-14.

WHEREAS, on July 15, 2014, the City Council of the City of Sioux Falls adopted Resolution No.82-14 to include certain contiguous territory within the corporate limits of the city of Sioux Falls, South Dakota; and

WHEREAS, on July 15, 2014, the City Council of the City of Sioux Falls adopted Resolution No.82-14 to correct an error in the legal description; and

WHEREAS, the annexation map boundaries have been approved by the City Council; and

WHEREAS, the legal description as set forth in Resolution82-14 was not accurate;

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

That the legal description as set forth in Resolution 82-14 hereby is amended to read as follows:

Tract 1 Nelson's Addition in the W1/2 of the SE1/4 of Section 18-101-48, plus the SE1/4 of the SE1/4 including that portion of Tract 2 Nelson's Addition in the W1/2 of the SE1/4 of 18-101-48, except Tracts 1 and 2 Rolling Hills Addition and except Tract 3 Anderson's Addition in the SE1/4 of the SE1/4 of Section 18-101-48, 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: 09/02/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

43. A RESOLUTION APPROVING ANGLE PARKING ON 2ND ST. (Between Phillips Ave. and Main Ave.)

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution No. 105-14.

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

Motion Passed.

RESOLUTION NO. 105-14

A RESOLUTION APPROVING ANGLE PARKING ON 2ND ST.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with

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

That it approves the establishment of angle parking on 2nd St. between Phillips Ave. and Main Ave.

Date adopted: 09/02/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

44. A RESOLUTION APPROVING ANGLE PARKING ON 2ND ST. (Between Western Ave. and West Ave.)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Resolution No. 106-14.

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

Motion Passed.

RESOLUTION NO. 106-14

A RESOLUTION APPROVING ANGLE PARKING ON 2ND ST.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the establishment of angle parking on 2nd St. between Western Ave. and West Ave.

Date adopted: 09/02/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

45. A RESOLUTION APPROVING ANGLE PARKING ON INDIANA AVE. (Between 8th St. and 10 St.)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Resolution No. 107-14.

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

Motion Passed.

RESOLUTION NO. 107-14

A RESOLUTION APPROVING ANGLE PARKING ON INDIANA AVE.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the establishment of angle parking on Indiana Ave. between 8th St. and 10th St.

Date adopted: 09/02/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION APPROVING THE CHANGE OF CONTROL OF THE OPEN VIDEO LICENSE, NO. 46. 05-0013, HELD BY KNOLOGY OF THE PLAINS INC. D/B/A WIDE OPEN WEST FINANCE, LLC (WOW!) TO CLARITY TELECOM, LLC.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 108-14.

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

Motion Passed.

RESOLUTION NO. 108-14

A RESOLUTION APPROVING THE CHANGE OF CONTROL OF THE OPEN VIDEO LICENSE, NO. 05-0013, HELD BY KNOLOGY OF THE PLAINS INC. D/B/A WIDE OPEN WEST FINANCE, LLC (WOW!) TO CLARITY TELECOM, LLC.

WHEREAS, Knology of the Plains Inc. d/b/a Wide Open West Finance, LLC (WOW!) ("Licensee"), is duly authorized to operate and maintain an Open Video System ("OVS") in the City of Sioux Falls, South Dakota ("City"), pursuant to a License (the "License") granted by the City; and

WHEREAS, pursuant to an Asset Purchase Agreement, Licensee will transfer control of the License to Clarity Telecom, LLC ("Transferee"), ("the Transaction"); and

WHEREAS, FCC Form 394 and supplemental information in response to the City's inquiry with respect to the Transaction has been filed with the City; and

WHEREAS, the Licensee and Transferee have requested consent by the City to the Transaction; and

WHEREAS, the Licensee has provided supplemental information in support of the

Transaction, including representations that the terms of the Transaction do not require an increase in OVS subscriber rates in the City, change in management, personnel, office, locations, or a reduction in the quality of customer service of OVS service in the City; and

WHEREAS, after review of FCC Form 394 and the Exhibits, which were attached, and additional information requested by City and evaluation of a report prepared by consultants for the City working together with City Staff Committee, it is recommended the City consent to the Transaction subject to Transferee furnishing City the written Acknowledgment and Acceptance and filing an executed copy of the Acknowledgment and Acceptance with the City within 30 days of the closing of the Transaction. The Acknowledgment and Acceptance is attached and is part of this Resolution.

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

Section 1. It hereby consents to and approves the Transaction, subject to execution of the attached written Acknowledgment and Acceptance by Transferee and Licensee and filing the same with the City within 30 days of closing of the Transaction.

Section 2. This Resolution is conditioned on Transferee obtaining FCC certification as an OVS provider and all required federal and state approvals, licenses, and permits as required with respect to the Transaction and as required for it to provide OVS in the City.

Section 3. The approval granted by this Resolution is limited to the change of control resulting from the Transaction. Any subsequent change of control of transfer to another entity shall be subject to the transfer provisions in the License and applicable state and federal law.

Section 4. This Resolution shall be deemed effective in accordance with applicable law, and upon receipt by the City from Licensee within 30 days after the closing of the Transaction, an executed copy of the Acknowledgment and Acceptance, attached and which is made part of this Resolution by reference.

Section 5. The City Clerk shall mail a certified copy of this Resolution and the attached draft Acknowledgment and Acceptance to Licensee and Transferee the next day after passage of this Resolution.

Date adopted: 09/02/14 .

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)

47. REPORT OF THE AUGUST 28, 2014, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Greg Jamison to adjourn at 9:40 p.m.

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

Motion Passed.

Denise D. Tucker, CMC

Assistant City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. LINKS TO EACH MEETING'S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.