

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, November 1, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Roling

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Mayor Mike T. Huether

INVOCATION

Jeanne Omland, Prayer Partner for Direct Line Prayer Center

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Pancreatic Cancer Awareness Month - November, 2016

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A request was made by Council Member Greg Neitzert to move the retail liquor license renewal for TNT Entertainment, Wiley's Tavern, 330 N. Main Avenue., #201 from Agenda Item 8, Exhibit B, to the Regular Agenda for discussion purposes.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to approve the Consent Agenda.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to amend Agenda Item 1 by replacing "Facilities Management, Furnish Cleaning Services at HHW, Environmental and Oakview Library, B&B Cleaning \$34,996" with "Facilities Management - Cleaning at HHW, Environmental and Oakview Library - Service Master - \$33,212".

Vote to amend: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Monday, October 17, 2016, at 4 p.m.

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City Council Meeting of Monday, October 17, 2016, at 7 p.m.

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Informational Meeting of Tuesday, October 25, 2016, at 4 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the October 28, 2016, memo.

Report of Requests for Quotes for Fuel dated: October 14, 2016; #1 Dyed

2. Diesel Fuel; 15,000 Gallons; Harms Oil (\$1.8217); Coles Petroleum (\$1.8925); Stern Oil (\$1.9227); CHS, Inc., Howes Oil, Midwest Oil, Midway Service (Vollan) and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: October 14, 2016; E-10

3. Unleaded Ethanol/87 Octane; 8,500 Gallons; Coles Petroleum (\$1.7005); Harms Oil (\$1.7101); Stern Oil (\$1.7175); CHS, Inc., Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Coles Petroleum.

Report of Requests for Quotes for Fuel dated: October 21, 2016; Unleaded Ethanol and E85; 7,000 Gallons Unleaded/1,500 Gallons E85; Midway Service

4. (\$1.6333 Unleaded and \$.9889 E-85); Stern Oil (\$1.6661 Unleaded and \$1.4674 E-85); CHS, Inc. (\$1.7200 Unleaded and \$1.2750 E-85); Coles Petroleum, Howes Oil, Harms Oil and Olson Oil, all no bid. Bid awarded to: Midway Service.

Report of Requests for Quotes for Fuel dated: October 25, 2016; #2 Clear

5. Diesel; 9,000 Gallons; CHS, Inc. (\$1.968); Harms Oil (\$1.955); Howes Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.

APPLICATIONS

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

6. America Inc., to be operated at The Old Courthouse Museum, 200 West 6th Street, for a holiday party on December 2, 2016.

Special One-Day Liquor Licenses for Washington Pavilion Management Inc., to
7. be operated at the Washington Pavilion of Arts & Science, 301 South Main
Avenue, for special events on November 2 and 15, December 1, 2016, and
September 2, 2017.

Various Retail Liquor, Package Liquor, and Retail Wine License renewals for
8. 2017 to be operated at various locations in the City of Sioux Falls, SD,
identified as Exhibit B.

A motion was made by Council Member Michelle Erpenbach and seconded by Council
Member Christine M. Erickson to approve Item 8.

Council Member Pat Starr called for a Point of Order. Starr asked if
Public Input would be taken on this item; it was not.

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach,
Rick Kiley, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa
Stehly, 7. Noes, Pat Starr, 1.

Motion Passed.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, November 15, 2016, at 7 p.m. for Items 9
through 20:

9. New 2017 Retail Wine License for Libation Station LLC, Libation Station,
2904 West Russell Street (CUP not required).

10. New 2016-17 Retail Malt Beverage License for Libation Station LLC, Libation
Station, 2904 West Russell Street (CUP not required).

New 2016-17 Retail Malt Beverage License for Commonwealth Gaming & Holdings
11. Co., Deuces Casino 6.5, 510 South Valley View Road, Suite 2 (CUP not
required).

Request to include video lottery terminals with the New 2016-17 Retail Malt
12. Beverage license for Commonwealth Gaming & Holdings, Deuces Casino 6.5, 510
South Valley View Road, Suite 2.

Transfer of 2016 Retail Liquor License, including video lottery terminals
13. and Sunday sales certificate, from KBJ Gaming Inc, Deuces Casino, 4709 East
26th Street, to Commonwealth Gaming & Holdings Co., Deuces Casino 7, 4709
East 26th Street (CUP not required).

14. Renewal of 2017 Retail Liquor License for Commonwealth Gaming & Holdings
Co., Deuces Casino 7, 4709 East 26th Street.

15. Renewal of 2017 Retail Liquor License for Commonwealth Gaming & Holdings
Co., Deuces Casino 7, 4709 East 26th Street.

Transfer of 2016-17 Retail Malt Beverage License, including video lottery
16. terminals, from Harms Oil Company, Friendly's Fuel Stop, 3700 North Potsdam
Avenue, Suite 300, to CC&F Retail, Inc., Friendly's Fuel Stop, 3700 North
Potsdam Avenue, Suite 300.

Transfer of 2016-17 Package Malt Beverage License from Harms Oil Company,
17. Friendly's Fuel Stop, 3700 North Potsdam Avenue, Suite 100, to CC&F Retail,
Inc., Friendly's Fuel Stop, 3700 North Potsdam Avenue, Suite 100.

- Transfer of 2016 Retail Wine License from BYG-SF LLC, Backyard Grill
18. Phillips, 323 South Phillips Avenue, Apt B, to BYG-Phillips, Backyard Grill Phillips, 323 South Phillips Avenue Apt B.
 19. Renewal of 2017 Retail Wine License for BYG-Phillips, Backyard Grill Phillips, 323 South Phillips Avenue Apt B.

- Special One-Day Liquor License request for Hy-Vee, Inc., All Occasions by
20. Hy-Vee to be operated at Raven Industries, 205 East 6th Street, for a Christmas Party on December 8, 2016.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Brenley Masur spoke regarding learning about government at her school and she invited Mayor Huether to come to her school for a visit.

Jay Masur spoke regarding mutual aid agreements with the ambulance service in Sioux Falls.

David Zokaites spoke regarding decorum and related issues.

Sierra Broussard spoke regarding Wiley's Tavern, law enforcement behavior, and bars continuing to serve alcohol to customers who are noticeably under the influence.

NoelShroeder thanked the City Council for taking action in his backyard regarding a cement pile.

PETITIONS

CONDITIONAL USE PERMIT APPEAL (5631-2016): 235 N. PRAIRIE AVE., PETTIGREW'S SUBD. LOTS 1, 3 & 4 LOTS 1 THRU LOT 4 BLK 26 BENNETT'S 2ND ADDN TO CITY OF S IOUX

21. FALLS. THE REQUEST FOR THE CONDITIONAL USE PERMIT WAS FOR AN ELECTRONIC MESSAGE SIGN IN A RESIDENTIAL ZONING DISTRICT. (Denied at the October 5, 2016,

Planning Commission Meeting with a vote of 0-Yes, 7-No).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve Item 21.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Michelle Erpenbach to amend Item 21 by adding the following stipulations: 1) The sign shall be a monument style sign; 2) The electronic message center shall be turned off between the hours of 10 p.m. and 6 a.m. seven days per week; 3) The electronic message center shall not be more than 12 sq. feet per side of the sign face; 4) The electronic message center shall be

directed perpendicular to Prairie Avenue; 5) The electronic message center shall not make use of animation; 6) The electronic message center shall change its message in intervals no less than ten seconds; 7) The sign shall be located on the east side of the church abutting N. Prairie Avenue.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine Erickson to make a friendly amendment by changing the ten seconds to no less than six seconds.

Vote to amend: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Item 8 was discussed at this time. See item for action taken.

UNFINISHED BUSINESS

- Transfer of 2016 Retail Liquor License, including Sunday sales certificate
22. and video lottery terminals, from IJK LLC, The Copper Lounge, 136 South Phillips Avenue, to Speak E-Z, LLC, Speak E-Z LLC, 130 South Phillips Avenue.
 23. Renewal of 2017 Retail Liquor License for Speak E-Z, LLC, Speak E-Z LLC, 130 South Phillips Avenue.
 24. New 2016-17 Package Malt Beverage/South Dakota Farm Winery License for MCA Market LLC, MCA Market, 1038 North Minnesota Avenue.
 25. Rescind 2016 Retail Wine License for JSM Investments, Inc., Benji's Casino, 5422 East Arrowhead Parkway.
 26. Rescind 2016-17 Retail Malt Beverage License for JSM Investments, Inc., Benji's Casino, 5422 East Arrowhead Parkway.
 27. Rescind 2016-17 Package Malt Beverage/South Dakota Farm Winery License for Hair & Hair Inc., Hampton Inn, 2417 South Carolyn Avenue.
 28. New 2016-17 Package Malt Beverage/South Dakota Farm Winery License for Hari Har Inc., Hampton Inn, 2417 South Carolyn Avenue.
- Special One-Day Liquor License for Ramkota Companies Inc., Best Western
29. Ramkota Hotel, to be operated at Avera Prairie Center, 1000 East 23rd Street, for a conference on October 27, 2016.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Marshall Selberg to defer Item 29 to the end of this meeting (after Item 41).

Vote to defer: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to approve Item 29.

Vote to approve: Roll Call: Yeses, 0. Noes, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8.

Motion Failed.

Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee to 30. be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for a wedding on November 5, 2016.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to approve Items 22-28 and Item 30.

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF E. 57TH ST. AND WEST OF S. SYCAMORE AVE. FROM THE RD-31. 2 TOWNHOME RESIDENTIAL-SUBURBAN, CN CONSERVATION, AND LW LIVE-WORK DISTRICTS TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN, CN CONSERVATION, AND LW LIVE-WORK DISTRICTS, PETITION NO. 5329-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Ordinance No. 110-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1200 E. 3RD ST. FROM THE S-1 GENERAL INSTITUTIONAL DISTRICT TO THE C-32. 3 COMMERCIAL-COMMUNITY DISTRICT, PETITION NO. 5397-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends denial (4-3).

A motion was made by Council Member Theresa Stehly and seconded by Council Member Pat Starr to defer this item to the City Council Meeting on Tuesday, December 6, 2016, at 7 p.m.

Vote to defer: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 7820 S. BRANDE AVE. FROM THE AG AGRICULTURE DISTRICT TO THE RS 33. SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 5555-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Ordinance No. 111-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

34. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY REGARDING UTI FORMS-MICROCELL TOWERS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 112-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

35. A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY. (1800 South Southeastern Avenue).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 107-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 107-16

A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.

WHEREAS, pursuant to SDCL 9-12-5.2 if the governing body decides to lease any municipally owned property for a term exceeding one hundred twenty (120) days and for an amount exceeding five hundred dollars (\$500) annual value to any private person, it shall adopt a Resolution of Intent to enter into such a lease;

WHEREAS, the City contemplates entering into a lease municipally owned or about to be municipally owned real property located in the County of Minnehaha, State of South Dakota, described as follows:

Lots 1 and 16, except Lot H-1 of Lot 1, in Block 1 of Klondike Addition to the City of Sioux Falls, Minnehaha County, SD. Commonly known as 1800 South Southeastern Avenue, Sioux Falls, 57103.

WHEREAS, Notice of Hearing on this Resolution of Intent was published in the official newspaper of the city of Sioux Falls once at least ten days prior to hearing;

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

1. That the City Council hereby expresses its intent to lease municipally owned or about to be municipally owned real property located in the County of Minnehaha, State of South Dakota, described as follows:

Lots 1 and 16, except Lot H-1 of Lot 1, in Block 1 of Klondike Addition to the City of Sioux Falls, Minnehaha County, SD. Commonly known as 1800 South Southeastern Avenue, Sioux Falls, 57103.

for a term exceeding one hundred twenty (120) days and for an amount exceeding five hundred dollars (\$500) annual value, provided said terms and conditions are authorized by the City Council and all other acts required by law are satisfied.

Date adopted: 11/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

36. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND DAN AND DONNA GOEDE.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Theresa Stehly to adopt said Resolution No. 108-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 108-16

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND DAN AND DONNA GOEDE.

WHEREAS, the City of Sioux Falls and Don and Donna Goede desire to enter into a Lease Agreement;

WHEREAS, Dan and Donna Goede will lease City-owned property with legal description: Lot 1, except Lots H-1 and H-2 contained therein, and Lot 16, Block 1 of Klondike Addition to the City of Sioux Falls, Minnehaha County, SD, commonly known as 1800 South Southeastern Avenue, Sioux Falls, SD 57103, pursuant to the terms and conditions set forth in the attached Lease Agreement;

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

That the document attached to and part of this resolution entitled "Lease

Agreement" is hereby approved.

That the Mayor is authorized to sign such agreement.

BE IT FURTHER RESOLVED;

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

Date adopted: 11/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

37. ARESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY. (Elevated Water Storage Tank Space).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Theresa Stehly to adopt said Resolution No. 106-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 106-16

A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.

WHEREAS, SDCL 9-12-5.2 requires that any governing body intending to lease municipally owned property for a term exceeding one hundred twenty (120) days and for an amount exceeding five hundred dollars (\$500) annual value to any private person must adopt a Resolution of Intent to enter into such a lease;

WHEREAS, the City contemplates entering into nonexclusive leases with communications companies for space atop City-owned water towers and tanks located in the County of Minnehaha, State of South Dakota, for leased space described as follows:

57th Street Elevated Water Storage Tank Space located within Lot 1 of Bakker Tract No. 1 in Government Lots 2 and 3 of Section 12-T100N-R50W of the 5th P.M., Lincoln County, SD (2201 E. 57th St.);

Menlo Avenue Elevated Water Storage Tank Space located within Block 23, Sage's Subdivision of Blocks 7, 10, and 23, of Park Addition to Sioux Falls, Minnehaha County, SD (1200 S. Menlo Ave.);

Melanie Lane Elevated Water Storage Tank located within Tract 2, Sycamore Hill Addition to the City of Sioux Falls, Minnehaha County, SD (1900 S. Melanie Ln.); and

Western Heights Elevated Water Storage Tank located within Lot A in Tract 1 of Public School Addition to the City of Sioux Falls, Minnehaha County, SD (3201 S. Kuehn Park Rd.);

WHEREAS, Notice of Hearing on this Resolution of Intent was published in the official newspaper of the city of Sioux Falls once at least ten days prior to hearing;

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

That the City Council hereby expresses its intent to lease space atop the following described municipally owned real property at various times when space is available:

57th Street Elevated Water Storage Tank Space located within Lot 1 of Bakker Tract No. 1 in Government Lots 2 and 3 of Section 12-T101N-R50W of the 5th P.M., Lincoln County, SD (2201 E. 57th St.);

Menlo Avenue Elevated Water Storage Tank Space located within Block 23, Sage's Subdivision of Blocks 7, 10, and 23, of Park Addition to Sioux Falls, Minnehaha County, SD (1200 S. Menlo Ave.);

Melanie Lane Elevated Water Storage Tank located within Tract 2, Sycamore Hill Addition to the City of Sioux Falls, Minnehaha County, SD (1900 S. Melanie Ln.); and

Western Heights Elevated Water Storage Tank located within Lot A in Tract 1 of Public School Addition to the City of Sioux Falls, Minnehaha County, SD (3201 S. Kuehn Park Rd.);

for a term exceeding one hundred twenty (120) days and for an amount exceeding five hundred dollars (\$500) annual value and upon such terms and conditions as are authorized by the City Council by ordinance and all other acts required by law are satisfied. Approval of said leases is contingent on availability of space on said water tanks.

Date adopted: 11/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE 38. CITY OF SIOUX FALLS AND THE ZOOLOGICAL SOCIETY OF SIOUX FALLS FOR THE MANAGEMENT OF THE GREAT PLAINS ZOO & DELBRIDGE MUSEUM.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Resolution No. 109-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 109-16

A RESOLUTION [AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE ZOOLOGICAL SOCIETY OF SIOUX FALLS FOR THE MANAGEMENT OF THE GREAT PLAINS ZOO & DELBRIDGE MUSEUM].

WHEREAS, [the City of Sioux Falls (the "City") and the Zoological Society of Sioux Falls (the "Society") find that it is in the best interest of the people of the city of Sioux Falls, the Society, and the Great Plains Zoo & Delbridge Museum of Natural History (the "Zoo and Museum") that an agreement be continued between the City and Society, whereby the Society shall continue to operate, manage, maintain, plan, and develop the Zoo and Museum]; and

WHEREAS, [by virtue of its purpose and interests, the Society is best qualified to the overall management and operation of the Zoo and Museum]; and

WHEREAS, the Society and the City find that it is in both parties best interest that a five-year contract be now executed and subsequently entered into;

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

That the document attached to and part of this resolution entitled "Agreement Between the City of Sioux Falls, SD, and the Zoological Society of Sioux Falls for Management of the Great Plains Zoo & Delbridge Museum," being a five-year agreement for the Society to manage the Great Plains Zoo & Delbridge Museum, is hereby approved.

That the Mayor is authorized to sign such agreement after it is ratified and executed by the Zoological Society of Sioux Falls.

Date adopted: 11/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE WEGNER ARBORETUM SOCIETY FOR THE MANAGEMENT OF 39. THE MARY JO WEGNER ARBORETUM AND EAST SIOUX FALLS HISTORIC SITE, INCLUDING THE MABLE AND JUDY JASPER EDUCATIONAL CENTER, THE JASPER FAMILY GARDENS, AND ALL OTHER AMENITIES CONSISTENT WITH THE MASTER PLAN.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution No. 110-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 110-16

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE WEGNER ARBORETUM SOCIETY FOR THE MANAGEMENT OF THE MARY JO WEGNER ARBORETUM AND EAST SIOUX FALLS HISTORIC SITE, INCLUDING THE MABLE AND JUDY JASPER EDUCATIONAL CENTER, THE JASPER FAMILY GARDENS, AND ALL OTHER AMENITIES CONSISTENT WITH THE MASTER PLAN.

WHEREAS, the City of Sioux Falls (the "City") and the Wegner Arboretum Society (the "Society") find that it is in the best interest of the people of the city of Sioux Falls, the Society, and the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site, that it enter into an agreement between the City and Society, whereby the Society will operate, manage, maintain, and develop the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site; and

WHEREAS, the Society is best qualified to manage the operation of the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site; and

WHEREAS, the Society and the City find that it is in both parties' best interest that a three-year agreement be now executed and subsequently entered into;

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

That the document attached to and part of this resolution entitled, "Management Agreement for the Operation of the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site" being a three-year agreement for the Society to manage the Mary Jo Wegner Arboretum and East Sioux Falls Historic Site, is hereby approved.

That the Mayor is authorized to sign such agreement after it is ratified and executed by the Society.

Date adopted: 11/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 111-16.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 111-16

A RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING

THE EXECUTION AND SUBMITTAL OF THE APPLICATIONS, 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, Primary Digester Mixing System Improvements and the Implementation of Non-Point Source Measures (the "Projects"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Projects 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 Projects;

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 \$11,000,000 for the Primary Digester Mixing System Improvements and \$559,125 for Non-Point Source Measures to the Board for the Projects.
2. That the City is hereby authorized to execute the application and submit it to the Board 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 Director of Public Works or the Public Works Business Operations 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 Projects.

Date adopted: 11/01/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

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

Item 29 was heard at this time. See Item for action taken.

ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adjourn the meeting at 9:13 p.m. Mayor Huether took a voice vote. All members voted yes.

Motion Passed.

Tamara Jorgensen, MMC

Assistant City Clerk

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

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

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

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. 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, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO "CITYLINK" AT WWW.SIOUXFALLS.ORG FOR SPECIFIC PROGRAMMING TIMES.