

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, July 15, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rex Roling

Council Member Kermit L. Staggers

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

Mayor Mike T. Huether

INVOCATION

Councilor Michelle Erpenbach

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, July 8, 2014, at 4:00 p.m.

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City Council Meeting of Tuesday, July 8, 2014, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the July 10, 2014 memo.

A communication was received from Tefay Anday requesting permission to

2. consume, but not sell, wine and malt beverages at the Multi-Cultural Center, 515 North Main Avenue, on Saturday, August 2, 2014, from 8:00 a.m. to 12:00 p.m. for a wedding reception pursuant to SDCL 35-1-5.5.

A communication was received from Sedia Nayou requesting permission to

3. consume, but not sell, wine and malt beverages at the Multi-Cultural Center, 515 North Main Avenue, on Saturday, July 19, 2014, from 5:00 p.m. to midnight for a wedding reception pursuant to SDCL 35-1-5.5.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 5, 2014, at 7:00 p.m. for Items 4 through 10:

New 2014-15 Retail Malt Beverage License for GL Management, LLC, Woodlake

4. Athletic Club, to be operated at 4600 South Tennis Lane (CUP not required; accessory alcohol).

New 2014 Retail Wine License for GL Management, LLC, Woodlake Athletic Club

5. to be operated at 4600 South Tennis Lane (CUP not required; accessory alcohol).

Transfer of 2013-14 Retail Malt Beverage License, including video lottery

6. terminals, from Sim & Sim Enterprises, Inc., J's Wild Casino, 904 South Cliff

Avenue, to Quan Holdings, Inc., Crown Casino on Cliff, 904 South Cliff Avenue

with Conditional Use Permit (2010-02-05) being approved on March 3, 2010.

7. Renewal of 2014-15 Retail Malt Beverage License for Quan Holdings, Inc., Crown Casino on Cliff, 904 South Cliff Avenue.

New 2014 Retail Wine License, including video lottery terminals, for Quan

8. Holdings, Inc., Crown Casino on Cliff, to be operated at 904 South Cliff Avenue, with Conditional Use Permit (2010-02-05) being approved on March 3, 2010.

Transfer of 2014 Retail Liquor License, including Sunday Sales certificate an

9. d video lottery terminals, from Shenanigan's Pub, Inc., Shenanigan's Pub, 4001 West 41st Street #502, to Shenanigan's Pub, Inc., Shenanigan's Pub, 1903 South Ellis

Road, effective September 1, 2014 or upon completion of construction (CUP not required; full service restaurant).

Transfer of 2014 Retail Liquor License, including Sunday Sales certificate,

10. from GMRI, Inc., Red Lobster Restaurant #305, 3901 West 41st Street, to Red Lobster Hospitality, LLC, Red Lobster #305, 3901 West 41st Street (CUP not

required; full service restaurant).

Set a date of hearing for Tuesday, August 12, 2014, at 7:00 p.m. for Items 11 through 15:

A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REPAIR OR
11. DEMOLITION OF REAL PROPERTY IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

12. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR LITTER REMOVAL IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

13. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR SNOW REMOVAL IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

14. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR TREE TRIMMING IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MOWING
15. OF WEEDS AND GRASSES IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to approve the Regular Agenda.

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

Motion Passed.

PUBLIC INPUT

Dan Daily presented a series of slides showing the siding of the Events Center. He suggested pending final payment until the siding issue is resolved.

Cathy Brechtelsbauer addressed the issue of bus fares as recently presented by the Transit Task Force and asked that the fares not be raised.

UNFINISHED BUSINESS

New 2014-15 Retail Malt Beverage License for Ice Sports Association,
16. SCHEELS IcePlex, 4300 North Bobhalla Avenue (CUP not required).
Pending final inspections per Fire, Health and Building Services.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to defer Item 16 to Tuesday, August 5, 2014, at 7:00 p.m.

Vote to approve: Roll Call: Yeses, Rex Roling, Kenny Anderson Jr., 2. Noes, Kermit L. Staggers, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6.

Motion Failed.

New 2014-15 Retail Malt Beverage License for PPC Sioux Falls, Noodles &

17. Company, 5216 East Arrowhead Parkway with Conditional Use Permit (2014-05-02) being approved on June 4, 2014. Pending final inspections per Fire, Health and Building Services.

New 2014 Retail Wine License for PPC Sioux Falls, Noodles & Company, 5216

18. East Arrowhead Parkway with Conditional Use Permit (2014-05-02) being approved on June 4, 2014.

New 2014-15 Retail Malt Beverage License, including video lottery

19. terminals, for Wesley Brandis, The Brass Rail, 1213 North Cliff Avenue (CUP not required).

Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to

20. be operated at The Point is to Serve Church, 506 North Kiwanis Avenue for weddings on the following dates in 2014: August 9, August 23, September 6, September 13, September 20 and September 27.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee

21. Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue for wedding on August 16, 2014.

Special One-Day Liquor License for TSK, Inc., Stogeez Cigar Lounge to be

22. operated on Phillips Avenue between 10th & 11th Streets for the Stogeez Steakout on July 26, 2014.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to approve Items 16 through 22.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 23:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING

23. THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 95.071 (B) ICE RINK FEES OF CHAPTER 95: PARKS AND RECREATION OF TITLE IX: GENERAL REGULATIONS.

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 23.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 19, 2014, at 7:00 p.m. for Item 24:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING

24. PROPERTY AT 50 N. KNOLL DR. FROM THE AG AGRICULTURE DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 2014-06-02, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Planning Commission unanimously recommends denial.

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, August 19, 2014, at 7:00 p.m. for Item 24.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 25:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF E. 69TH ST. AND WEST OF S. SOUTHEASTERN AVE. FROM THE RD-1, TWIN HOME/DUPLEX RESIDENTIAL & RS, SINGLE-FAMILY RESIDENTIAL DISTRICTS TO THE RA-1, APARTMENT RESIDENTIAL & RD-2, TOWNHOME RESIDENTIAL DISTRICTS, INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS 25. ON WHICH FORM CAN BE USED WITHIN THE RD-2, TOWNHOME RESIDENTIAL DISTRICT, PETITION NO. 2014-05-20 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval with the following condition: 1) A minimum of one row of lots utilizing the AD1 form (twin home or duplex uses) are required along the entire length of the north property line.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 25.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING 26. THE CODE OF ORDINANCES OF THE CITY BY REVISING PLANNING AND ZONING APPLICATION FEES. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 26.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS SD, AMENDING THE 27. CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING, SUBCHAPTER FEES. Planning Commission recommends approval.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 27.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF E. 57TH ST. AND S. SYCAMORE AVE. FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR AND RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICTS TO THE C-3 COMMERCIAL-COMMUNITY, RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY, AND RD-2 TOWNHOME RESIDENTIAL-SUBURBAN DISTRICTS, PETITION NO. 2014-06-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF

SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 28.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF W. 85TH ST. AND S. TALLGRASS AVE. FROM THE AGRICULTURE DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR, C-3 COMMERCIAL-COMMUNITY, O OFFICE, RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY, AND RD-2 TOWNHOME RESIDENTIAL-SUBURBAN DISTRICTS, PETITION NO. 2014-06-06, 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 Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 29.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHWEST CORNER OF S. PURDUE AVE. AND W. LOBELIA ST. FROM 30. THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/ DUPLEX RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 2014-06-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 30.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST AND WEST OF N. MARLOW AVE. AND NORTH OF E. FAIRWAY DR. FROM TH E AG 31. 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 Rex Rolwing and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, August 5, 2014, at 7:00 p.m. for Item 31.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

32. A RESOLUTION APPOINTING AN AUDIT COMMITTEE MEMBER TO THE CITY COUNCIL AUDIT COMMITTEE.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Resolution No. 78-14.

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

Motion Passed.

RESOLUTION NO. 78-14

A RESOLUTION APPOINTING AN AUDIT COMMITTEE MEMBER TO THE CITY COUNCIL AUDIT COMMITTEE.

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

That the City Council appoints the following member to serve on the Audit Committee pursuant to Ordinance 74-10, General Duties, Section 32.022 of the Code of Ordinances of Sioux Falls, SD:

Name	Committee	Term
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Jason Forbes	Audit Committee	Appointed for a term from July 2014 to May 2017.
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Date adopted: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

Mayor Huether excused himself from the meeting at this time and City Council Chair Dean Karsky presided for Item 33.

A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND 33. ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 79-14.

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

Motion Passed.

RESOLUTION NO. 79-14

A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

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

Section 1. It is necessary to levy and there shall be levied a frontage assessment upon each and every lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls for the purpose of creating a fund to be used in maintaining, planting, and otherwise improving and caring for the center parkways and boulevard on 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls.

Section 2. There shall be an assessment against each lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls, the sum of eighty-five cents (\$.85) per front foot for

the year 2015.

Section 3. That the City Clerk's Office shall certify such frontage assessments to the County Auditor of Minnehaha County, South Dakota, and the same shall be collected in and as municipal taxes for general purposes.

Date adopted: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

Mayor Mike Huether returned to the meeting at this time.

34. A RESOLUTION EXTENDING THE OPEN VIDEO SYSTEM LICENSE OF KNOLOGY OF THE PLAINS, INC. D/B/A WOW! INTERNET, CABLE AND PHONE.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Resolution No. 80-14.

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

Motion Passed.

RESOLUTION NO. 80-14

RESOLUTION EXTENDING THE OPEN VIDEO SYSTEM LICENSE OF KNOLOGY OF THE PLAINS, INC. D/B/A WOW! INTERNET, CABLE AND PHONE.

WHEREAS, the City of Sioux Falls, South Dakota ("City"), a home-ruled chartered municipality, has consented to the transfer of control of an Open Video System (OVS) License No. 05-0013 ("License") currently held by Knology of the Plains, Inc. d/b/a WOW! Internet, Cable and Phone ("WOW!" or "Licensee") from Knology, Inc, to WideOpenWest Finance, LLC; and

WHEREAS, WOW! has furnished a written request to the City requesting that the current License term be extended as provided for and in accordance with the requirements in the License; and

WHEREAS, the License provides in Section III, Duration of License, that the License "shall expire on December 31, 2014, unless renewed, revoked, or terminated sooner. This License shall be extended for an additional five (5) years upon a determination by the City that the Licensee has complied with its obligations with regard to system upgrades, customer services, gross revenue fee payment, access requirements, and FCC technical standards;" and

WHEREAS, the City provided a written request to WOW! for information dated March31, 2014, required by the License, SectionIII; and, such request was responded to in writing by WOW! on April29, 2014, and by written communication dated May28, 2014, all of which are made part of this Resolution as a record of information supporting the WOW! request for License extension; and

WHEREAS, the City finds the information provided by WOW! to the City as described above and made part of the records of the City and support for adoption of this Resolution is sufficient for the City to determine that WOW! has complied with its obligations as outlined under Section III of its License; and

WHEREAS, the City finds that WOW! has further been in compliance with Open Video Systems, Sections 123.425-123.430 of Chapter 123, Cable Service of the Code of Ordinances of Sioux Falls, South Dakota; and

WHEREAS, the City notes that WOW!'s area of service is limited and does not currently plan to expand, and that in accordance with Section C2 Build Out, Paragraphs 82-91 of the Federal Communications Commission's First Report and Order, released March 2007, applicable to new entrants and cable providers, the City finds that requiring WOW! to build out facilities to the entire community at this time would be unreasonable; and

WHEREAS, WOW! has not received any requests from either the City or City residents to expand the area currently served by its OVS; and

WHEREAS, based upon the foregoing, the City is willing to extend the term of License No. 05-0013 to December 31, 2019, with the understanding that WOW! will provide its written acceptance and assure continued compliance with the License and all applicable laws with the understanding that written acceptance from WOW! to the extension be delivered to the City within ten (10) days of receipt of notice of adoption of this Resolution.

WHEREAS, based on Knology of the Plains, Inc. being the holder of the License, it will provide its written acceptance and assure thereby continued compliance by it with the License and all applicable law with the understanding that its written acceptance shall be delivered to the City within ten (10) days of receipt of notice of adoption of this Resolution;

NOW, THEREFORE, be it resolved by the City of Sioux Falls, SD:

1. That the License to provide OVS services in the City between the City and Knology of the Plains, Inc. shall be extended until the expiration date of December 31, 2019.
2. The City Clerk is hereby directed to provide notice to Knology of the Plains, Inc. with an official copy of this Resolution, requesting that it provide its written acceptance of this OVS License Extension within ten (10) days of receipt of the notice from the City Clerk.

Date adopted: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

35. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

A motion was made by Council Member Rick Kiley and seconded by Council Member

Rex Rolwing to adopt said Resolution No. 81-14.

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

Motion Passed.

RESOLUTION NO. 81-14

A RESOLUTION [OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY].

WHEREAS, [the Sioux Falls Visual Arts Commission encourages and recommends the outdoor exhibition of public art in Sioux Falls, SD]; and

WHEREAS, a City-owned steel sculpture known as "Getting The Net" was designed and constructed by sculpture artist Osamede Obazee; and

WHEREAS, the sculpture depicts a basketball player and measures approximately 10' in height, 5' in width; and

WHEREAS, the proposed site placement for the "Getting The Net" sculpture to be prominently displayed is in the south landscaped walkway entry to the Denny Sanford PREMIER Center; and

WHEREAS, the Sioux Falls Visual Arts Commission reviewed the proposed "Getting The Net" sculpture on June 17, 2014, and unanimously recommended approval for the placement of the sculpture;

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

That the "Getting the Net" sculpture and its placement at the Denny Sanford PREMIER Center be approved as recommended.

Date adopted: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE 36. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2014-05-21-10TH ST. AND SIX MILE RD.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Greg Jamison to adopt said Resolution No. 82-14.

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

Motion Passed.

RESOLUTION NO. 82-14

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

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;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
3. There is access to the major street network and adequate provision for municipal utilities when the following occur:
 - a. Sanitary sewer is extended from N. Six Mile Rd.
 - b. Water will be available after a new water main is constructed along Six Mile Rd., tentatively scheduled for 2015.

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 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 the proposed Tract 2 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: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF 37. DAWLEY FARM ADDITION (2014-06-01). Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 83-14.

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

Motion Passed.

RESOLUTION NO. 83-14

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [DAWLEY FARM ADDITION].

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

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

Date adopted: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

38. A RESOLUTION AUTHORIZING USE OF CONSTRUCTION MANAGER AT RISK SERVICES FOR THE CONSTRUCTION OF THE INDOOR AQUATICS FACILITY AT SPELLERBERG PARK.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Resolution No. 84-14.

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

Motion Passed.

RESOLUTION NO. 84-14

A RESOLUTION AUTHORIZING USE OF CONSTRUCTION MANAGER AT RISK SERVICES FOR THE CONSTRUCTION OF THE INDOOR AQUATIC FACILITY AT SPELLERBERG PARK.

WHEREAS, in order to have an integrated team approach to the planning, design, and construction of the indoor aquatic facility at Spellerberg Park, to help control schedule and budget, and to help ensure quality for the City, the City's Director of Public Works recommends the project be accomplished using the Construction Manager at Risk delivery method.

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

That it is in the best interest of the public to utilize the Construction Manager at Risk project delivery method for the indoor aquatic facility at Spellerberg Park and that the construction manager be allowed to submit bids on portions of the work.

Date adopted: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

39. A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS' PROVISIONAL LEGISLATIVE PRIORITIES FOR THE 2015 STATE LEGISLATIVE SESSION.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Resolution No. 85-14.

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Kenny Anderson Jr. to amend Item 4 by deleting the term "income-based."

A substitute motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to change Item 4 to read as follows:
"The Sioux Falls City Council supports legislation that expands affordable housing opportunities in South Dakota."

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

Motion Passed.

A motion was made by Council Member Kermit L. Staggers to amend by adding Item 8 to read as follows: "The Sioux Falls City Council supports legislation that would allow municipalities the authority to exempt food from city sales tax." Motion died for lack of a second.

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

Motion Passed.

RESOLUTION NO. 85-14

A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS' PROVISIONAL LEGISLATIVE PRIORITIES FOR THE 2015 STATE LEGISLATIVE SESSION.

WHEREAS, the City Charter states that the Sioux Falls City Council is the policy making and legislative body of the City of Sioux Falls.

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

1. That the Sioux Falls City Council, in conjunction with the South Dakota Municipal League, opposes any legislation which would inhibit municipalities from providing services requested by citizens in whatever form the citizens approve and opposes any legislation that restricts local control over taxation and spending.
2. The Sioux Falls City Council supports legislation allowing municipalities

alternative publication options.

3. The Sioux Falls City Council opposes any legislation that would reduce, remove, repeal, or reallocate the municipal sales tax, liquor tax reversion, or any other municipal revenues to any other unit of government or that would expand the power to impose a sales or use tax to any other unit of government.
4. The Sioux Falls City Council supports legislation that expands affordable housing opportunities in South Dakota.
5. The Sioux Falls City Council supports legislation to raise the threshold for requiring a performance bond to \$50,000.
6. The Sioux Falls City Council strongly encourages the legislature to direct that any available water development funds be used to support completion of the Lewis & Clark Regional Water System in South Dakota.
7. The Sioux Falls City Council supports legislation appropriating funds from the state general fund for the purpose of providing advance of federal funds on a zero interest reimbursable basis for construction for Lewis & Clark Rural Water System facilities in South Dakota.

Date adopted: 7/15/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

40. Consideration of Travel Request for Councilor Kermit L. Staggers to attend the American Dream Coalition Conference in Denver, Colorado.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to approve said travel request.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Greg Jamison, Dean Karsky, 4. Noes, Rex Rolfin, Michelle Erpenbach, Rick Kiley, 3. Council Member Kermit L. Staggers was present at the meeting, but excused from the vote on this item.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Christine M. Erickson to adjourn the meeting at 8:41 p.m.

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

Lorie Hogstad

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.