

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, December 5, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Vernon Brown

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolwing

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Pastor Timothy Fountain, Church of the Good Shepherd

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PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

The V.L. Crusinberry Award was presented to Janson Exner.

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The Jeanne Fullenkamp Management Excellence Award was presented to
* Richard Miller.

The Safety Award was presented to Bob Kappel and Matthew Gedney.

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Sue Aguilar and seconded by Council Member

Kenny Anderson Jr. to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Informational Meeting of Monday, November 21, 2011, at 4:00 p.m.

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Joint City Council/Minnehaha County Meeting of Monday, November 21, 2011, at 5:30 p.m.

City Council Meeting of Monday, November 21, 2011, at 7:00 p.m.

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Informational Meeting of Monday, November 28, 2011, at 4:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on November 28, 2011 memo.

Sponsor: Mayor/Finance

2. Report of Requests for Quotes for Fuel dated: November 15, 2011: Diesel #2 Clear; 7500 Gallons; Harms Oil (3.7900); CHS, Inc., Howes Oil and Midwest Oil, all no bids. Bid awarded to Harms Oil.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: November 17, 2011: Unleaded Ethanol; 400 Gallons; Midway Service (3.0450); Howes Oil (3.1090); Midwest Oil, no bid. Bid awarded to Midway Service. Winter Mix 50/50 #1 & #2 Dyed Diesel; 500 Gallons; Midway Service (3.76); Howes Oil (3.8490); Midwest Oil (3.849). Bid awarded to Midway Service.

Sponsor: Mayor/Finance

4. Report of Requests for Quotes for Fuel dated: November 21, 2011; Diesel (#1 and #2 Blend); 700 Gallons; Midway Service (\$2684.50); Howe's Oil and Palisades Oil, no bids. Bid awarded to: Midway Service.

Sponsor: Mayor/Finance

5. A communication was received from the Sioux Empire Baseball Association stating their intent to sell raffle tickets from January 2, 2012 until May 14, 2012 for one grand prize of \$1000.00 or 20 individual prizes of \$50.00 each. Tickets will be sold for \$5.00 each. The proceeds will benefit the Sioux Empire Baseball Association in providing a quality youth baseball program in Sioux Falls.

Sponsor: SDCL 22-25-25

APPLICATIONS

- Special One-Day Liquor License request for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for a wedding reception on December 17, 2011.
- 6.

Sponsor: Mayor/Attorney

7. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2012 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.

Sponsor: Mayor/Attorney

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

8. James Madsen, 2605 E. 12th Street, for 2010 property taxes in the amount of \$657.97. The amount requested is the difference between the elderly freeze and non elderly freeze.

Sponsor: Attorney/SDCL 10-18-1

9. Augustana College Association, for 2010 property taxes in the amount of \$2099.27. The Minnehaha County Commissioners granted this parcel tax exempt status during the 2011 County Board process. Taxpayer is now requesting an abatement for the time owned in 2010.

Sponsor: Attorney/SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Monday, December 19, 2011, at 7:00 p.m. on Items 10 through 12:

10. New 2012 Retail Liquor License for Empire Restaurants Inc., The Encore at Empire Place, to be operated at 4200 West Empire Place, including Sunday Sales, effective January 1, 2012, with the Conditional Use Permit (2011-09-05) being approved on 10-05-11.

Sponsor: Mayor/Attorney

11. Special One-Day Liquor License request for MDC Boosters (nonprofit organization) to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a Dance Club Fundraiser on February 11, 2012.

Sponsor: Mayor/Attorney

12. Various Package Liquor License renewals for 2012 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit D, which includes those with underage sales violations in the past 12 months.

Sponsor: Mayor/Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to approve the Regular Agenda.

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

Motion Passed.

PUBLIC INPUT

Theresa Stehly spoke about the recent Neighborhood Summit and the Urban Agriculture Task Force.

John Michaels spoke about the Urban Agriculture Task Force.

UNFINISHED BUSINESS

13. Transfer of a 2011-12 Retail Malt Beverage License from Coco Palace LLC, Coco Palace, 2530 South Louise Avenue, to Li Zhu Xiu Ying LLC, Coco Palace Two, to be operated at 2530 South Louise Avenue (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

14. Transfer of a 2011 Retail Wine License from Coco Palace LLC, Coco Palace, 2530 South Louise Avenue, to Li Zhu Xiu Ying LLC, Coco Palace Two, to be operated at 2530 South Louise Avenue (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to approve Items 13 and 14, with one vote.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

15. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 611 S. DAKOTA AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT TO THE RA-2, RESIDENTIAL DISTRICT, PETITION NO. 2011-10-09 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to adopt said Ordinance 91-11.

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

Motion Passed.

16. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-10-05 TO CHAPTER 15.45.070, PLANNED

DEVELOPMENT DISTRICTS, AT THE NE CORNER OF 60TH ST. N. AND N. GRANITE LANE. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adopt said Ordinance 93-11.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. WESTERN AVE. AND W. 95TH ST. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT; THE S, INSTITUTIONAL DISTRICT; AND THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2011-10-06 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Dean Karsky to adopt said Ordinance 92-11.

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

Motion Passed.

Councilor Anderson Jr. left the meeting at this time.

Set a date of hearing and 2nd Reading for Monday, December 12, 2011, at 7:00 p.m. on Item 18:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING CHAPTER 14 "ELECTIONS" BY PROVIDING A RUNOFF ELECTION THREE WEEKS AFTER THE ANNUAL CITY ELECTION.

Sponsor: City Council/Aguilar and Anderson Jr.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Monday, December 12, 2011, at 7:00 p.m. on Item 18.

Vote to set a date: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Councilor Anderson Jr. returned to the meeting at this time.

Set a date of hearing and 2nd Reading for Monday, December 19, 2011, at 7:00 p.m. on Item 19:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING ONE LEGAL DESCRIPTION TO

SECTION 39-82A, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Monday, December 19, 2011, at 7:00 p.m. on Item 19.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

20. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF THE HARRISBURG SCHOOL'S ADDITION. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to adopt said Resolution 101-11.

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

Motion Passed.

RESOLUTION NO. 101-11

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF THE HARRISBURG SCHOOL'S ADDITION.

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

That the preliminary plan of the Harrisburg School Addition to the City of Sioux Falls, Lincoln 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: 12/05/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

City Clerk

21. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Sponsor: Mayor/Community Development

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adopt said Resolution 102-11.

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

Motion Passed.

RESOLUTION NO. 102-11

A RESOLUTION [APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.]

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

Section 1. That the special assessment roll for the Main Street Business Improvement District in the City of Sioux Falls, South Dakota, is hereby approved, and the assessment as set out in said special assessment roll approved this date is hereby levied against the property described therein and becomes a lien against such property upon filing of said special assessment roll in the City Finance Office.

Section 2. Said assessment may be paid in one annual installment based on the assessed valuations of the property adjusted each year and shall be collected under Plan One-Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 12/5/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will become due and payable at the office of the County Treasurer in one installment, together with interest for the quarterly rate each year in accordance with SDCL9-43. The first installment, with interest, will become due with general taxes and will be payable at the County Treasurer's Office on January1,2013.

Notice is further given that the special assessment roll approved in the above resolution was filed with the City Finance Office on the 5th day of December2011, and that the whole of said assessment may be paid without interest to the City Finance Office on or before 30 days after said filing.

Sue Roust

Interim City Clerk

22. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 519 OF THE AMERICAN FEDERATION OF STATE,

COUNTY, AND MUNICIPAL EMPLOYEES.

Sponsor: Mayor/Human Resources

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to adopt said Resolution 103-11.

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

Motion Passed.

RESOLUTION NO. 103-11

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

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

1. That the Collective Bargaining Agreement between the City of Sioux Falls and Local 519 of the American Federation of State, County, and Municipal Employees providing for terms and conditions of employment for general nonmanagement employees for the period from January 1, 2012, through December 31, 2013, is hereby approved by the City Council.

2. That the terms and conditions of the Collective Bargaining Agreement shall become effective January 1, 2012.

Date adopted: 12/5/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

23. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND POLICE OFFICERS AND SERGEANTS SIOUX FALLS FRATERNAL ORDER OF POLICE LODGE NO. 1 L.C.

Sponsor: Mayor/Human Resources

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to adopt said Resolution 104-11.

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

Motion Passed.

RESOLUTION NO. 104-11

A RESOLUTION [APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF

SIOUX FALLS AND POLICE OFFICERS AND SERGEANTS SIOUX FALLS FRATERNAL ORDER OF POLICE LODGE NO. 1 L.C].

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:

1. That the Collective Bargaining Agreement between the City of Sioux Falls and Lodge No. 1 L.C., Sioux Falls Fraternal Order of Police, providing for terms and conditions of employment for all Police Officers and Police Sergeants for the period from January 1, 2012, through December 31, 2013, is hereby approved by the City Council.
1. That all terms and conditions of the Collective Bargaining Agreement shall become effective January 1, 2012.

Date adopted: 12/5/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

24. A RESOLUTION NAMING THE WESTSIDE BRANCH LIBRARY THE "PRAIRIE WEST BRANCH LIBRARY."

Sponsor: Mayor/Siouxland Libraries

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 105-11.

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

Motion Passed.

RESOLUTION NO. 105-11

A RESOLUTION [NAMING THE WESTSIDE BRANCH LIBRARY] THE "PRAIRIE WEST BRANCH LIBRARY."

WHEREAS, [the Sioux Falls Parks and Recreation Board approved the Library and Memorial Park Master Plan on October 18, 2011]; and

WHEREAS, [the Siouxland Libraries Board of Trustees appointed a selection committee to solicit name suggestions for the new westside branch library]; and

WHEREAS, public input was solicited at all branch locations, through public input gatherings, and on the Siouxland Libraries website; and

WHEREAS, the selection committee recommended to the Siouxland Libraries Board the names of Prairie West Branch Library and Memorial Park Branch Library; and

WHEREAS, on November 9, 2011, the Siouxland Libraries Board unanimously approved a recommendation to the City Council to name the westside branch

Prairie West Branch Library; and

WHEREAS, pursuant to Section 2-71 of the Revised Ordinances of Sioux Falls, South Dakota, the following criteria shall be considered: (1) whether the name is suitable; (2) if any benefit to the City; and (3) the subject of the naming; and

WHEREAS, the City desires, based on all of the criteria listed above, that the westside branch library be named Prairie West Branch Library;

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

That the westside branch library located at 7630 W. 26th St. is hereby named Prairie West Branch Library.

Date adopted: 12/5/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GRATUITOUSLY
25. TRANSFER TO THE ZOOLOGICAL SOCIETY THE LIVE ANIMAL COLLECTION LOCATED AT
THE GREAT PLAINS ZOO & DELBRIDGE MUSEUM.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Resolution 106-11.

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

Motion Passed.

RESOLUTION NO. 106-11

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GRATUITOUSLY TRANSFER TO THE ZOOLOGICAL SOCIETY THE LIVE ANIMAL COLLECTION LOCATED AT THE GREAT PLAINS ZOO & DELBRIDGE MUSEUM.

WHEREAS, the Great Plains Zoo & Delbridge Museum of Natural History (the "Zoo and Museum"), which is managed by the Zoological Society of Sioux Falls (the "Society") pursuant to a Management Agreement between the City of Sioux Falls (the "City") and the Society (the "Management Agreement"), is accredited by the Association of Zoos and Aquariums (the "AZA");

WHEREAS, the Society has agreed to maintain such accreditation during the length of the Management Agreement;

WHEREAS, the AZA has detailed accreditation requirements and policies, including the AZA Animal Acquisition-Disposition Policy (attached), which requires that all live animal acquisitions and dispositions be done in

accordance with detailed rules requiring expertise in animal management and that all acquisitions and dispositions be under the final authority of the chief executive officer or director of the managing institution;

WHEREAS, the Society, in conjunction with its zoo colleagues through the AZA, holds the professional expertise to determine the logistical, medical, and conservation program outcomes for the animals;

WHEREAS, the South Dakota state surplus laws do not make it practical for the City to maintain ownership of the live animal collection while the Society manages the Zoo and Museum given its requirements to have the governing body approve each live animal transfer before an exchange can be made;

WHEREAS, the number, complexity, and industry-specific nature of these transactions would become burdensome to the City to execute in a timely and appropriate manner;

WHEREAS, the City of Sioux Falls declares as surplus the live animal collection located at the Zoo and Museum as it exists on the date of this Resolution to assist the Society's ability to comply with AZA accreditation standards and policies; and

WHEREAS, the Society finds it desirable to acquire and own the above existing live animal collection during the time that the Society manages the Zoo and Museum;

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

That the gratuitous transfer of the live animal collection as it exists on the date of this Resolution by the City of Sioux Falls to the Society, to be held and managed by the Society pursuant to the terms of the Management Agreement during the time the Society manages the Zoo and Museum, is hereby approved.

Date adopted: 12/5/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

26. A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER TWELVE, CITY OF SIOUX FALLS, AND TERMINATING TAX INCREMENTAL DISTRICT NUMBER EIGHT, CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to adopt said Resolution 107-11.

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

Motion Passed.

RESOLUTION NO. 107-11

A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER TWELVE, CITY OF SIOUX FALLS, AND TERMINATING TAX INCREMENTAL DISTRICT NUMBER EIGHT, CITY OF SIOUX FALLS.

WHEREAS, the City Planning Commission has recommended the creation of Tax Incremental District Number Twelve, City of Sioux Falls ("TIF 12"), and has submitted a proposed project plan for TIF 12; and

WHEREAS, the City of Sioux Falls has the authority, pursuant to SDCL Section/Chapter 11-9-2

(1), to create TIF 12 and define its boundaries; and

WHEREAS, the property within TIF 12 meets the qualifications and criteria set forth in SDCL 11-9; and

WHEREAS, the City of Sioux Falls created Tax Incremental District Number Eight, City of Sioux Falls ("TIF 8"), on April 2, 2007; and

WHEREAS, the City of Sioux Falls has the authority, pursuant to SDCL 11-9-46, to dissolve TIF 8 after making provision for payment of all project costs, grants, and all tax incremental bonds of TIF 8; and

WHEREAS, the City of Sioux Falls is making provision for payment of all project costs, grants, and tax incremental bonds of TIF 8, if any, through the creation and project plan of TIF 12;

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

That:

1. Declaration of Necessity and Enhancement. The City Council declares the necessity for the creation of TIF 12 pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in TIF 12.

2. Findings of Blight. The City Council finds that more than twenty-five percent (25%) of the property in TIF 12 is a blighted area as defined in SDCL 11-9.

3. Findings of Maximum Percentage of Tax Incremental Districts. The aggregate assessed value of the taxable property in TIF 12, plus all other tax incremental districts, does not exceed ten percent (10%) of the total assessed valuation of the city.

4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, TIF 12. TIF 12 is hereby created on the day this resolution becomes effective, which shall be 20 days after publication.

5. Designation of District Boundaries. TIF 12 shall have boundaries as shown and described on Exhibit A.

6. Compliance with Comprehensive Plan. Projects within TIF 12 must comply with the City's adopted 2035 Growth Management Plan and all other appropriate plans and regulations.

7. Termination of TIF 8. The existence of TIF 8 is hereby terminated concurrently with the creation of TIF 12. Termination of TIF 8 will only become

effective upon creation of TIF12.

Date adopted: 12/5/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

27. A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER TWELVE, CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 108-11.

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

Motion Passed.

RESOLUTION NO. 108-11

A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER TWELVE, CITY OF SIOUX FALLS.

WHEREAS, the City Planning Commission recommended approval of the project plan for Tax Incremental District Number Twelve, City of Sioux Falls (the "District"), which identifies certain development activities and public improvements to be undertaken by the City or private developers and which will be paid for, in whole or in part, from the collection of tax increment revenues derived from the District; and

WHEREAS, the tax increment project plan is both economically feasible and in conformity with the adopted 2015 Downtown Plan and the adopted Sioux Falls 2035 Growth Management Plan; and

WHEREAS, it is anticipated that project costs, less the finance costs, in the plan will be expended prior to December 5, 2016, unless amended by proper City approval;

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

That the project plan for the District is hereby approved.

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

That pursuant to SDCL 11-9-34, the Mayor is authorized to enter into and execute all necessary tax incremental bonds, contracts, and agreements for the implementation of the District project plan.

Date adopted: 12/5/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim 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)

28. REPORT OF THE NOVEMBER 28, 2011, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

NEW BUSINESS

29. EXTENSION OF CONTRACT 06-0071MANAGEMENT AND OPERATING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS, SOUTH DAKOTA AND WASHINGTON PAVILION MANAGEMENT, INC.

Sponsor: Mayor/Community Development

A motion was made by Council Member James Entenman and seconded by Council Member Vernon Brown to approve said Extension of Contract 06-0071.

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

Motion Passed.

30. AGREEMENT BETWEEN THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AND THE ZOOLOGICAL SOCIETY OF SIOUX FALLS FOR MANAGEMENT OF THE GREAT PLAINS ZOO & DELBRIDGE MUSEUM.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Vernon Brown and seconded by Council Member Sue Aguilar to approve said Agreement.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Vernon Brown to amend by striking the comma immediately following the word Society in subsection 3.4(d).

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

Motion Passed.

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

Motion Passed.

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to adjourn at 9:35 p.m.

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

Motion Passed.

Jamie L. Palmer, 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) 367-8081 (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 16: CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD MONDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE THIRD MONDAY 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 MEETINGS'S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK 16.

CITYLINK 16 REBROADCAST: CITY COUNCIL MEETINGS AT 10:00 A.M. ON WEDNESDAYS, 1:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 10:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.