

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, December 19, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Roling

Council Member James Entenman

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Mayor Mike T. Huether

INVOCATION

Pastor Bill Mitchell, Abiding Savior Free Lutheran Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Monday, December 12, 2011, at 4:00 p.m.

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City Council Meeting of Monday, December 12, 2011, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on December 12, 2011 memo.

Sponsor: Mayor/Finance

2. Notice of Change Orders on December 12, 2011 memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: December 9, 2011; Winter Mix 50/50 #1 & #2 Dyed Diesel; 250 gallons; Midway Service (837.50); Howes Oil (897.12); and Midwest Oil (949.75. Bid awarded to: Midway Service.

Sponsor: Mayor/Finance

4. Report of Requests for Quotes for Fuel: December 9, 2011; Unleaded Ethanol; 8,500 gallons; CHS, Inc. (\$2.8210); Harms Oil (\$2.8346); Howes Oil (\$2.8705); and Olson Oil, no bid. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Finance

5. A communication was received from the School Family Organization at St. Lambert School, stating its intent to have students and their families sell raffle tickets from January 21, 2012, through February 5, 2012, for several themed gift baskets (approximate value of each basket is \$100.00 to \$200.00). Tickets cost \$1.00 each. Proceeds will go towards purchasing equipment for the school.

Sponsor: SDCL 22-25-25

APPLICATIONS

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

Sponsor: Mayor/Attorney

NOTICE OF HEARINGS

Set a date of hearing of hearing for Tuesday, January 3, 2012, at 7:00 p.m. for Items 7 through 9:

7. New 2011-12 Retail Malt Beverage License for JLB-SF Inc., JL Beers, to be operated at 323 South Phillips Avenue, Main Floor, Suite A, with the Conditional Use Permit (2011-10-02) being approved on 11-02-11.

Sponsor: Mayor/Attorney

8. Special One-Day Liquor License for Avera McKennan to be operated at the Avera Prairie Center, 1000 East 23rd Street, for a Chamber Mixer on February 2, 2012.

Sponsor: Mayor/Attorney

9. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Avera Behavioral Health Center, 4400 West 69th Street, for a Fundraiser on February 11, 2012.

Sponsor: Mayor/Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

Jerry Erickson, spoke on behalf of an organization called Govern Sioux Falls Locally, regarding the International Council for Local Government Initiatives-Agenda 21 and its planned encroachment on our local government.

Daniel R. Daily spoke about a lawsuit he won against the City of Sioux Falls.

PETITIONS

10. Conditional Use Permit Revocation (2009-05-05): 601 W. 10th St. The Conditional Use Permit was for allowing motor vehicle sales, display and service in the C-2, General Commercial District. (The Planning Commission recommends revocation.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Greg Jamison to approve a Conditional Use Permit Revocation.

A substitute motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to amend the Conditional Use Permit to allow for vehicle sales and display, and the owner is to allow fire inspection to come in and inspect at any time.

Vote to substitute: Roll Call: Yeses, Dean Karsky, Rex Roling, Kenny Anderson Jr., 3. Noes, Michelle Erpenbach, Greg Jamison, Sue Aguilar, Vernon Brown, 4.

Motion Failed.

Vote to approve the main motion: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Sue Aguilar, Vernon Brown, 4. Noes, Dean Karsky, Rex Roling, Kenny Anderson Jr., 3.

Motion Passed.

UNFINISHED BUSINESS

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

Sponsor: Mayor/Attorney

12. 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

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to approve Items 11 and 12 with one vote.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

13. 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

A motion was made by Council Member Vernon Brown and seconded by Council Member Rex Roling to defer Gregor's Eastside Liquor to Tuesday, January 3, 2012.

Vote to defer: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

A motion was made by Council Member Greg Jamison and seconded by Council Member Sue Aguilar to approve Item 13.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

At 8:50 p.m.,
Mayor Huether recessed the meeting for a 5 minute break.

At 8:55 p.m. the
meeting reconvened.

INTRODUCTION AND ADOPTION OF ORDINANCES

14. 2ndReading: 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 Michelle Erpenbach and seconded by Council Member Sue Aguilar to adopt said Ordinance 95-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
15. AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING THE MONTHLY VACATION ACCRUAL SCHEDULE AND ESTABLISHING A NEW MAXIMUM BALANCE FOR EMPLOYEES HIRED AFTER DECEMBER 31, 2011.

Sponsor: Mayor/Human Resources

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Vernon Brown to adopt said Ordinance 96-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 3, 2012, at 7:00 p.m., for Item 16:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-11-02, TO CHAPTER 15.45.070, PLANNED
16. DEVELOPMENT DISTRICTS, AT 111 N. WEST AVE. AMENDING THE SIOUX FALLS PLAZA PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for Tuesday, January 3, 2012, at 7:00 p.m. for Item 16.

Vote to set a date: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 3, 2012, at 7:00 p.m., for Item 17:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
17. THE REVISED ORDINANCES OF THE CITY BY AMENDING MINIMAL AMENDMENTS FOR PARKING. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

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, January 3, 2012, at 7:00 p.m. for Item 17.

Vote to set a date: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean

Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7.
Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 3, 2012, at 7:00 p.m., for Item 18:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
18. APPENDIX B, THE ZONING ORDINANCE, OF THE REVISED ORDINANCES OF THE CITY
BY ADDING STREET LEGAL ATVS TO THE DEFINITION OF PERSONAL PASSENGER
VEHICLES. (The Planning Commission recommends approval.)

Sponsor: City Council/Jamison and Aguilar

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, January 3, 2012, at 7:00 p.m. for Item 18.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 3, 2012, at 7:00 p.m., for Item 19:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING
19. ARTICLE XIX. PHOTO MONITORING SYSTEMS FOR ENFORCEMENT OF TRAFFIC CONTROL
SIGNALS, SECTIONS 40-400 THROUGH 40-405 OF THE REVISED CODE OF
ORDINANCES OF SAID CITY.

Sponsor: City Council/Aguilar and Erpenbach

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, January 3, 2012, at 7:00 p.m. for Item 19.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, January 23, 2012, at 7:00 p.m., at the Joint City Council/Lincoln County Commission Meeting, for Item 20:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
RESCINDING ORDINANCE NO. 83 11 AND AMENDING APPENDIX F OF THE CODE OF
ORDINANCES OF SAID CITY BY REZONING PROPERTY AT N330' OF W660' OF
20. NORTHWEST QUARTER SOUTHWEST QUARTER (NW1/4 SW1/4) OF SECTION 12,
TOWNSHIP 100N, RANGE 51W LINCOLN COUNTY, SOUTH DAKOTA FROM THE A-
1 AGRICULTURAL DISTRICT TO THE S & J PLANNED DEVELOPMENT DISTRICT. (The
Joint Sioux Falls/Lincoln County Planning Commissions recommend denial.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for Monday, January

23, 2012, at 7:00 p.m., at the Joint City Council/Lincoln County Commission Meeting, for Item 20.

Vote to set a date: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

21. A RESOLUTION APPROVING THE 2012 AUDIT PLAN.

Sponsor: City Council/Aguilar and Erpenbach

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to adopt said Resolution 109-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 109-11

A RESOLUTION [APPROVING THE 2012 AUDIT PLAN].

WHEREAS, [the Audit Committee shall develop and submit to the City Council for approval an annual audit plan pursuant to Ordinance No. 120-05]; and

WHEREAS, [the Audit Committee has developed and approved such a plan for 2012];

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

That [the document attached to and part of this resolution entitled "2012 Audit Plan, City of Sioux Falls," is hereby approved.That the Lead Internal Auditor is authorized to carry out the audits and other projects as described in the 2012 Audit Plan].

Date adopted: 12/19/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

22. A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITIONS OF LEAD INTERNAL AUDITOR AND INTERNAL AUDITOR COMMENCING ON JANUARY 9, 2012.

Sponsor: City Council/Aguilar and Roling

A motion was made by Council Member Vernon Brown and seconded by Council Member Sue Aguilar to adopt said Resolution 110-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolfling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 110-11

A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITIONS OF LEAD INTERNAL AUDITOR AND INTERNAL AUDITOR COMMENCING ON JANUARY 9, 2012.

WHEREAS, Section 2.10 of the Charter of the City of Sioux Falls provides for an independent annual audit of all City accounts and may provide for more frequent audits as necessary; and

WHEREAS, the City Council shall supervise and appraise the performance of the Lead Internal Auditor and Internal Auditor and maintain a market-competitive salary range and a pay-for-performance program for such positions;

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

1. The 2012 biweekly salary range for the appointive exempt Lead Internal Auditor position shall be as follows: minimum-\$1,994.40, maximum-\$2,828.80.
1. The 2012 hourly salary range for the appointive nonexempt Internal Auditor shall be as follows: minimum-\$19.58, maximum-\$27.22.
1. A pay-for-performance program is not a substitute for competitive market-based pay ranges. The salary program for Lead Internal Auditor and Internal Auditor shall be reviewed annually to determine adjustments necessary to keep pace with the labor market and inflation adjustments.
2. The Lead Internal Auditor and Internal Auditor's salaries will be modified on the first pay period of the calendar year to reflect the adopted inflation adjustment to the assigned salary range.
3. Pay-for-performance evaluations shall be conducted by the Audit Committee with a recommendation for any pay performance increase to the City Council Chair for approval. The performance increase shall be in addition to any inflation adjustment applied to the Lead Internal Auditor and Internal Auditor's salary.
4. Performance shall be assessed based on the following three-level scale of performance: exceeds performance expectations, meets expectations, and failed to meet expectations. A Lead Internal Auditor and/or Internal Auditor who fails to meet performance expectations shall receive 0 percent performance pay.
5. Evaluative criteria will address any or all of the following key competencies when determining the level of performance: demonstrated leadership and teamwork, effective performance management of subordinate staff, if applicable, effective fiscal and operational management of defined responsibilities, effective communication, and City business knowledge.
6. The Director of Human Resources shall assist the Council in administering the salary and pay-for-performance program and for the purposes of advising market-based pay recommendations and adherence to federal,

state, and City employment practices.

7. The City Council may modify the provisions relating to the merit pay guidelines in any one calendar year based on budgetary reasons or at their discretionary authority.

Date adopted: 12/19/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

23. A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITION OF BUDGET ANALYST COMMENCING ON JANUARY 9, 2012.

Sponsor: City Council/Aguilar and Roling

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 111-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 111-11

A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITION OF BUDGET ANALYST COMMENCING ON JANUARY 9, 2012.

WHEREAS, Section 2.10 of the Charter of the City of Sioux Falls authorizes the City Council to provide for an independent audit of all City accounts and may provide for more frequent audits as necessary; and

WHEREAS, the City Clerk/Chief of Council Operations shall supervise and appraise the performance of the Budget Analyst, and the City Council shall maintain a market-competitive salary range and a pay-for-performance program;

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

1. The 2012 biweekly salary range for the appointive exempt Budget Analyst shall be as follows: minimum range- \$1,936.00; maximum- \$2,727.20.
2. A pay-for-performance program is not a substitute for competitive market-based pay ranges. The salary program shall be reviewed annually to determine adjustments necessary to keep pace with the labor market and inflation adjustments.
3. The Budget Analyst's salary will be modified on the first pay period of the calendar year to reflect the adopted inflation adjustment to the assigned salary range.
4. Pay-for-performance evaluations shall be conducted by the City Clerk/Chief of Council Operations. Increases shall be determined by the policy established by the City Council. The performance increase shall be in addition to any inflation adjustment applied to the Budget Analyst's

salary.

5. Performance shall be assessed based on the following three-level scale of performance: exceeds performance expectations, meets expectations, and failed to meet expectations. Failure to meet performance expectations shall receive 0 percent performance pay.
6. Evaluative criteria will address any or all of the following key competencies when determining the level of performance: demonstrated leadership and teamwork, effective performance management of subordinate staff, effective fiscal and operational management of defined responsibilities, effective communication, and City business knowledge.
7. The Director of Human Resources shall assist the Council in administering the salary and pay-for-performance program and for the purposes of advising market-based pay recommendations and adherence to federal, state, and City employment practices.
8. The City Council may modify the provisions relating to the merit pay guidelines in any one calendar year based on budgetary reasons or at their discretionary authority.

Date adopted: 12/19/11 .

Mike T.
Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

24. A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS LEGISLATIVE PRIORITIES FOR THE 2012 STATE LEGISLATIVE SESSION.

Sponsor: City Council/Aguilar and Roling

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Vernon Brown to adopt said Resolution 112-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 112-11

A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS LEGISLATIVE PRIORITIES FOR THE 2012 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; and

WHEREAS, the Sioux Falls City Council serves on the South Dakota Municipal League's policy committees and supports the League's 2012 Statements of Policy;

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

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.

The Sioux Falls City Council, in conjunction with the South Dakota Municipal League, supports expanding the base for the 911 surcharge to include all means of communicating with a 911 system, and encourages legislation to increase this surcharge.

The Sioux Falls City Council supports legislation giving municipalities the authority to revoke liquor licenses for establishments with underage sales violations.

The Sioux Falls City Council, in conjunction with the South Dakota Municipal League, supports exempting all municipal projects, facilities, and equipment from sales and use taxes, so long as the municipality retains ownership and control, regardless of who installs or operates the facility or equipment.

The Sioux Falls City Council supports legislation giving municipalities the authority to establish voting centers for their elections and allow citizens to vote at any voting center.

Date adopted: 12/19/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

25. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Sponsor: Mayor

A motion was made by Council Member Sue Aguilar and seconded by Council Member Dean Karsky to adopt said Resolution 113-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 113-11

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Ron Helwig	Board of Museum Trustees	Appointed for a term from January 2012 to January 2015 (to replace Dianne Metli).

Joshua Schorzmann	Board of Historic Preservation	Appointed for a term from January 2012 to January 2015 (to replace Austin Buhta).
Megan Myers	Public Transit Advisory Board	Appointed for a term from January 2012 to January 2015 (to replace Kate Heligas).
Debra Nelson	Public Transit Advisory Board	Reappointed for a term from January 2012 to January 2015.
Katrina Lehr-McKinney	Orpheum Theater Advisory Board of Directors	Appointed for a term from January 2012 to January 2015 (to replace Sylvia Henkin).
Mark Lindell	Orpheum Theater Advisory Board of Directors	Appointed for a term from January 2012 to January 2015.
Martin Gallanter	Orpheum Theater Advisory Board of Directors	Appointed for a term from January 2012 to January 2015.

Date adopted: 12/19/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

26. A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER THIRTEEN, CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Resolution 114-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 114-11

A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER THIRTEEN, CITY OF SIOUX FALLS.

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

WHEREAS, the City of Sioux Falls has the authority, pursuant to SDCL Section/Chapter 11-9-2 (1), to create the District and define its boundaries; and

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

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 the District 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 the District.

2. Findings of Blight. The City Council finds that more than twenty five percent (25%) of the property in the District 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 the District, 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 13. TIF13 is hereby created on the day this resolution becomes effective which shall be 20 days after publication.

5. Designation of District boundaries. The District shall have boundaries as shown and described on Exhibit A.

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

Date adopted: 12/19/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

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

Sponsor: Mayor/Community Development

A motion was made by Council Member Rex Rolwing and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 115-11.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 115-11

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

WHEREAS, the City Planning Commission recommended approval of the project plan for Tax Incremental District Number Thirteen, City of Sioux Falls (the "District"), which identifies certain development activities and public improvements to be undertaken by the City or private developers and 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 19, 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: 12/19/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adjourn at 9:25 p.m.

Vote to adjourn: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 7. Noes, 0.

Motion Passed.

Denise D. Tucker, CMC

Assistant City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8081 (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.