

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, September 4, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach Council Member Kermit L. Staggers

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Mayor Mike T. Huether

INVOCATION

City Council Member Michelle Erpenbach

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Suicide Prevention Week, September 9 - 15, 2012

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Informational/Budget Meeting of Tuesday, August 14, 2012, at 3:00 p.m.

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Informational Meeting of Tuesday, August 21, 2012, at 4:00 p.m.

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City Council Meeting of Tuesday, August 21, 2012, at 7:00 p.m.

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Informational Meeting of Tuesday, August 28, 2012, at 4:00 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,  
\* August 28, 2012, at 5:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 30, 2012,memo.

Sponsor: Mayor/Finance

2. Notice of change orders on the August 30, 2012,memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: August 15, 2012; #2 Dyed Diesel; 1,000 gallons; Midway Service (\$3.4135); Howes Oil (\$3.5690); Midwest Oil (\$3.5890). Bid awarded to: Midway Service.

Sponsor: Mayor/Public Works

4. Report of Requests for Quotes for Fuel dated: August 16, 2012; Unleaded Ethanol & E85; 7,000 gallons Unleaded/1,000 Gallons E85 (8,000 total); Harms Oil (\$3.3220 Unleaded/\$2.9700 E85); CHS, Inc. (\$3.3500 Unleaded/\$3.0500 E85); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

5. Report of Requests for Quotes for Fuel dated: August 17, 2012; #2 Dyed Diesel Fuel; 3,000 gallons; Harms Oil (\$3.4100); CHS, Inc. (\$3.4100); Howes Oil, Midwest Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

6. Report of Requests for Quotes for Fuel dated: August 20, 2012; Unleaded; 700 gallons; Howes Oil (\$2,299.50); Midway Service (\$2,334.50); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

7. Report of Requests for Quotes for Fuel dated: August 20, 2012; Diesel (#1 and #2 blend); 550 gallons; Howes Oil (\$2,001.58); Midway Service (\$1,995.66); Palisades Oil, no bid. Bid awarded to: Midway Service.

Sponsor: Mayor/Fire Rescue

8. Report of Requests for Quotes for Fuel dated: August 22, 2012; Diesel (#1 and #2 blend); 650 gallons; Howes Oil (\$2,359.66); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

9. Report of Requests for Quotes for Fuel dated: August 23, 2012; #2 Dyed Diesel Fuel; 7,500 gallons; CHS, Inc. (\$3.3800); Howes Oil (\$3.3925); Harms Oil (\$3.4150); Midwest Oil and Olson Oil, both no bid. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Public Works

10. A communication was received from the South Dakota Symphony Orchestra stating their intent to sell raffle tickets from September 21, 2012, to November 3, 2012, for a Judith Lieber Handbag or a Man's Watch (valued at \$5,500.00) with tickets being sold for \$20.00 each. The second prize is a wine package including a wine cooler and bottles of wine (valued at \$3,000.00) with tickets being sold for \$100.00 each. The proceeds are to be used for the South Dakota Symphony Orchestra General Operations.

Sponsor: SDCL 22-25-25

11. A communication was received from the Sioux Falls Green Project requesting permission to consume, but not sell, beer and wine at the Sioux Falls Design Center, 108 W. 11th Avenue, on Friday, September 7, 2012, from 6:00 p.m. to 9:00 p.m. for hosting a Pecha Kucha Night.

Sponsor: SDCL 35-1-5.3

12. A communication was received from Erin McCord and Michael Green requesting permission to consume, but not sell wine and/or malt beverages at the Old Courthouse Museum, 200 W. 6th Street on Sunday, September 23, 2012, from 1:00 p.m. to 5:00 p.m. for a wedding reception.

Sponsor: SDCL 35-1-5.3

13. A communication was received from the Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and/or malt beverages at the Prairie Center, 1000 E. 23rd Street on Tuesday, September 25, 2012, from 6:00 p.m. to 7:30 p.m. for a dinner event for their physicians.

Sponsor: SDCL 35-1-5.3

14. A communication was received from Mindy Rima requesting permission to consume, but not sell, wine at the Old Courthouse Museum, 200 W. 6th Street on Saturday, November 24, 2012, from 1:00 p.m. to 4:00 p.m. for a 20th wedding anniversary party for her parents.

Sponsor: SDCL 35-1-5.3

#### APPLICATIONS

15. Special One-Day Liquor License request for TSK LLC, Stogeez, to be operated at the Old Courthouse Museum, 200 West 6th Street for a wedding on October 6, 2012.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 18, 2012, at 7:00 p.m. for Items 16 through 24:

16. New 2012 Retail Wine License for Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

17. New 2012-2013 Retail Malt Beverage License for Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

18. New 2012-2013 Package Malt Beverage License for Kum & Go LC, Kum & Go #620, to be operated at 412 North Sycamore.

Sponsor: Mayor/City Attorney

19. New 2012-2013 Package Malt Beverage License for Kum & Go LC, Kum & Go #631, to be operated at 1400 North Cliff Avenue.

Sponsor: Mayor/City Attorney

20. New 2012 Package Liquor License for Kum & Go LC, Kum & Go #631, to be operated at 1400 North Cliff Avenue.

Sponsor: Mayor/City Attorney

21. Transfer of 2012 Retail Wine License from Utopia, LLC, Falls Overlook Caf, 825 North Weber to Capo, LLC, Acoustic, 196 East 6th Street, Suite 101, effective October 21, 2012.

Sponsor: Mayor/City Attorney

22. Transfer of 2012-13 Retail Malt Beverage License from Utopia, LLC Falls Overlook Caf, 825 North Weber to Capo, LLC, Acoustic, 196 East 6th Street, Suite 101, effective October 21, 2012.

Sponsor: Mayor/City Attorney

23. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Point is to Serve Church, 506 North Kiwanis Avenue, for wedding on October 20, 2012.

Sponsor: Mayor/City Attorney

- Special One-Day Wine License requests for Downtown Sioux Falls Inc., for the First Friday Wine Walk to be held on October 5, 2012, at the following locations: 8th & Railroad Center Lobby, 401 East 8th Street, Bead Co., 31

South Phillips Avenue, Cookie Jar, 125 West 10th Street, East Bank Yoga,  
401  
24. East 8th Street #220, Great Outdoor Store, 201 East 10th Street, Kaladi's  
, 200  
South Phillips Avenue, Lillian's Shoppe, 311 South Phillips Avenue, Suite  
101,  
Oh My Cupcakes, 524 North Main Avenue #106, Rehfeld's Art & Framing, 210  
South  
Phillips Avenue, Rug & Relic, 401 East 8th Street #114, Sticks & Steel, 4  
01 East  
8th Street, #118, Young & Richards, 222 South Phillips Avenue, Zandbroz,  
209  
South Phillips Avenue.

Sponsor: Mayor/City Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to amend the main motion by withdrawing Item 41.

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

Motion Passed.

The main motion, as amended, was voted on at this time.

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

Motion Passed.

#### PUBLIC INPUT

Charles Santee stated he would like to see proposed ordinances listed on the website with hyperlinks to other related parts of the city ordinances. He also stated that the previous manager for Sioux Falls Transit, had discussed setting up a website that contained GPS information so citizens could see in "real time" where their buses are. Santee suggested that this system be set up and to include applications for "smart phones" so citizens can monitor bus locations.

#### UNFINISHED BUSINESS

25. Transfer of a 2012 Retail Liquor License from Dakota Billiards Inc, Bigs Sports Bar & Casino, 3100 West 12th Street, to D & K Enterprises, LLC, Bigs Sports Bar & Billiards, 3100 West 12th Street, with Conditional Use Permit (2012-07-02) being approved on August 1, 2012.

Sponsor: Mayor/City Attorney

26. New 2012 Retail Wine License for WR Golf Management Inc., Willow Run Golf Course, 8000 East Highway 42 (CUP not required; this is addition to an existing license which predates the ordinance).

Sponsor: Mayor/City Attorney

27. New 2012-13 Retail Malt Beverage License for Sid's Crown Liquor, LLC, Sid's Crown Liquor, 330 South 1st Avenue with the Conditional Use Permit (2012-07-03) being approved on 08-01-12.

Sponsor: Mayor/City Attorney

28. New 2012 Retail Wine License for Sid's Crown Liquor, LLC, Sid's Crown Liquor, 330 South 1st Avenue with the Conditional Use Permit (2012-07-03) being approved on 08-01-12.

Sponsor: Mayor/City Attorney

29. New 2012-13 Retail Malt Beverage License for Starz, LLC, Starz, 2209 West 57th Street, with the Conditional Use Permit (2012-07-06) being approved on August 1, 2012. Pending final inspections per Building Services.

Sponsor: Mayor/City Attorney

30. New 2012 Retail Wine License for Starz, LLC, Starz, 2209 West 57th Street, with the Conditional Use Permit (2012-07-06) being approved on August 1, 2012. Pending final inspections per Building Services.

Sponsor: Mayor/City Attorney

31. New 2012-13 Package Malt Beverage for B&D Group Investments LLC, Nutty's Pub & Casino, 3400 West 49th Street (CUP not required; this is an addition to an existing license which predates the ordinance).

Sponsor: Mayor/City Attorney

32. New 2012 Retail Wine License for B&D Group Investments LLC, Nutty's Pub & Casino, 3400 West 49th Street (CUP not required; this is an addition to an existing license which predates the ordinance).

Sponsor: Mayor/City Attorney

33. New 2012-13 Package Malt Beverage License for Hy-Vee, Inc., Hy-Vee Gas #4, 5201 West 26th Street with Conditional Use Permit (2012-04-01) being approved on May 2, 2012. Pending final inspections per Building Services.

Sponsor: Mayor/City Attorney

34. Special One-Day Wine License request for Senior Citizens Services Inc., to be held at Active Generations, 2300 West 46th Street, for the

Cocktails and Canvas Art Class on September 25, 2012.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to approve Items 25, 26, and Items 29 through 34.

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to approve Items 27 and 28.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, 6. Noes, 0. Council Member Greg Jamison was excused from the meeting and the vote on these items.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

DEFERRED (from the meeting of 08/21/12): 2nd Reading: AN ORDINANCE  
35. OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 40 TO RESTRICT THE USE OF WIRELESS COMMUNICATION DEVICES AND AMENDING THE ESTABLISHMENT OF SPEED ZONES.

Sponsor: City Council

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 73-12.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to amend the main motion by making the following changes: in Section 40-1. Definitions: deleting the words "GPS systems, navigational systems," from the "Electronic communication device" paragraph; adding the words

"the use of global positioning or navigation systems or" in the "Electronic message"

paragraph after "An electronic message does not include a"; and to make the following

amendment in Section 40-236 (a). Prohibition on use of electronic message: adding the

word "handheld" after the words "while using a"

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

Motion Passed.

The main motion,  
as amended, was voted on at this time.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING  
36. SUPPLEMENTAL APPROPRIATIONS TO PERFORM MARKETING SERVICES FOR THE NEW  
EVENTS CENTER AND THE SIOUX FALLS ARENA AND CONVENTION CENTER.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Ordinance No.69-12.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
PROPERTY AT 18TH ST. AND 22ND ST., BETWEEN MENLO AVE. AND PRAIRIE AVE.,  
37. FROM THE RS-2 AND RD, RESIDENTIAL DISTRICTS TO THE SANFORD USD MEDICAL  
CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2012-06-17, AND  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning  
Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No.70-12.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend the main motion by "removing properties labeled 11 and 12 on the exhibits".

Vote to amend: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.  
Council Member James Entenman was excused from the meeting and the vote on this item.

Motion Passed.

The main motion,  
as amended, was voted on at this time.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.  
Council Member James Entenman was excused from the meeting and the vote on this item.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR  
AMENDMENT, PETITION NO. 2012-07-08, TO CHAPTER 15.45.070, PLANNED  
38. DEVELOPMENT DISTRICTS, AT W. 58TH ST. AND S. ROLLING GREEN AVE. ALLOWING  
CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning  
Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services



A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Ordinance No.71-12.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
39. ARTICLE II OF CHAPTER 23 AND ARTICLE VII OF CHAPTER 26 OF THE REVISED  
ORDINANCES OF SIOUX FALLS, SD.

Sponsor: Mayor/Police

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Ordinance No.72-12.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 11, 2012, at 7:00 p.m. for Item 40:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
40. PROVIDING APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE FISCAL YEAR  
ENDING DECEMBER 31, 2013.

Sponsor: Mayor/Finance

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, September 11, 2012, at 7:00 p.m. for Item 40.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

DEFERRED (from the meetings of 07/10/12 and 08/07/12): A RESOLUTION  
41. INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE  
CITY  
OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2012-05-01-85TH ST. AND I-29-LEM  
ME

Sponsor: Mayor/Planning and Building Services

Item Withdrawn.

PUBLIC HEARING FOR PUBLIC INPUT FOR A RESOLUTION ADOPTING THE BUDGET FOR  
42. THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND THE 2013-2017 CAPITAL  
PROGRAM.

Sponsor: Mayor/Finance

43. A RESOLUTION APPROVING A JOINT COOPERATIVE AGREEMENT WITH THE MOODY COUNTY CONSERVATION DISTRICT.

Sponsor: Mayor/Public Works

A motion was made by Council Member Greg Jamison and seconded by Council Member James Entenman to adopt said Resolution No.69-12.

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

Motion Passed.

RESOLUTION NO. 69-12

A RESOLUTION APPROVING A JOINT COOPERATIVE AGREEMENT WITH THE MOODY COUNTY CONSERVATION DISTRICT.

WHEREAS, the City of Sioux Falls has an interest in improving the water quality of the Big Sioux River; and

WHEREAS, the City of Sioux Falls believes that providing assistance to landowners and operators in planning and installing recommended soil and water conservation Best Management Practices will assist in improving water quality in the Big Sioux River;

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

That pursuant to SDCL 1-24-3, the City of Sioux Falls approves the document titled "Central Big Sioux River Water Quality State of South Dakota Joint Power Agreement" between the City of Sioux Falls and the Moody County Conservation District related to improving the water quality of the Big Sioux River. The agreement is attached to and hereby made a part of this agreement.

That the Mayor is authorized to sign such agreement after it is ratified and executed by the Moody County Conservation District.

Date adopted: 09/04/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Resolution No.70-12.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James

Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 7.  
Noes, 0.

Motion Passed.

RESOLUTION NO. 70-12

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
D. Scott Bartlett	Board of Health	Appointed for a term from September 2012 to September 2015.
Mary Greenlee	Board of Health/Falls Community Health Center Board	Appointed for a term from September 2012 to September 2015 (to replace Kathleen Larson).
Sandra Hoglund Hanson	Civil Service Board	Appointed for a term from September 2012 to June 2016 (to fill the unexpired term of Cammy Theeler).
Mark Reichelt	Commission on Human Relations	Appointed for a term from September 2012 to May 2016 (to fill the unexpired term of Maggie Owens).
Samuel Gayetaye	Falls Community Health Center Board	Appointed for a term from September 2012 to May 2013 (to fill the unexpired term of Belen Madrigal).

Date adopted: 09/04/12 .

Tracy D. Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

45. A RESOLUTION ADOPTING THE CONCERTED WHITTIER HEIGHTS NEIGHBORHOOD  
REDEVELOPMENT/REVITALIZATION PLAN.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Dean Karsky to adopt said Resolution No. 68-12.

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

Motion Passed.

RESOLUTION NO. 68-12

A RESOLUTION ADOPTING THE CONCERTED WHITTIER HEIGHTS NEIGHBORHOOD REDEVELOPMENT/REVITALIZATION PLAN.

WHEREAS, it is the City's goal is to enhance the public's health, safety, and welfare by reducing conditions of blight and underutilization of the subject area, indicated in Exhibit A, and support decent, safe, and sanitary affordable housing in the core of the municipality; and

WHEREAS, the Redevelopment Plan, attached as Exhibit B, acknowledges the City's goals to optimize neighborhood quality of life through a compatible and balanced development including more conducive land uses, functional site layout, differentiated housing materials and design, street and pedestrian connectivity to adjacent neighborhoods, and provided green space; and

WHEREAS, anticipated outcomes of the plan exceed minimum development standards and will afford maximum opportunity consistent with the sound needs of the municipality as a whole for redevelopment of the project area and conforms to the general plan of the municipality; and

WHEREAS, it is the City's intent that the Whittier Heights Neighborhood Redevelopment Plan qualify as a Concerted Community Revitalization Plan, defined by the South Dakota Housing Development Authority, and provide direction for the revitalization efforts identified therein;

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

That the Whittier Heights Redevelopment Plan is hereby adopted.

Date adopted: 09/04/12 .

Tracy D. Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor/Community Development

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Resolution No. 71-12.

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

Motion Passed.

RESOLUTION NO. 71-12

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

WHEREAS, the City Planning Commission has recommended the creation of Tax Incremental District Number Sixteen, 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. Improvements to the District are likely to add millions of dollars of assessed valuation to the District and will significantly and substantially enhance the value of all 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, the District. The District 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: 09/04/12 .

Tracy D. Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor/Community Development

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No.72-12.

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

Motion Passed.

RESOLUTION NO. 72-12

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

WHEREAS, the City Planning Commission recommended approval of the project plan for Tax Incremental District Number Sixteen, City of Sioux Falls (the "District"), which identifies certain development activities and public improvements to be undertaken by the City or private developers and 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 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 August 27, 2017, 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, including transfer of positive tax increment revenues to the developer or developers of the District property up to a maximum of \$1,850,000 plus interest.

Date adopted: 09/04/12 .

Tracy D. Turbak

For Mayor

ATTEST:

Lorie Hogstad

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION

BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED  
IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

48. REPORT OF THE AUGUST 28, 2012, NOTICE OF TRANSFERS OF  
APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council  
Member Kenny Anderson Jr. to adjourn the meeting at 10:36 p.m.

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

Motion Passed.

Tamara Jorgensen, CMC

Assistant City Clerk