

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West 10th Street
|| MEETING OF Tuesday, October 12, 2010 at 7:00 p.m.

ROLL CALL #7

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Litz	None.
Council Member Roling	
Council Member Aguilar	
Council Member Anderson Jr.	
Council Member Brown	
Council Member Entenman	
Council Member Erpenbach	
Council Member Jamison	
Mayor Mike T. Huether	

INVOCATION

A. PASTOR JULIUS BADIGO, FALLS COMMUNITY CHURCH

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, OCTOBER 4, 2010, AT 4:00 P.M.

Minutes

B. REGULAR COUNCIL MEETING OF MONDAY, OCTOBER 4, 2010, AT 7:00 P.M.

Minutes

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE WASHINGTON HIGH SCHOOL BAND BOOSTERS STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM OCTOBER 15, 2010 TO OCTOBER 25, 2010, FOR ONE IPOD NANO (APPROXIMATE VALUE IS \$150.00); FIVE PRIZE BASKETS (APPROXIMATE VALUE IS \$100.00 EACH); AND ONE WII GAME SYSTEM (APPROXIMATE VALUE IS \$200.00). TICKETS WILL BE \$1.00 FOR ONE OR \$5.00 FOR SIX. THE PROCEEDS ARE TO BE USED TO COVER BAND TRANSPORTATION EXPENSES FOR UPCOMING COMPETITIONS AND BAND PROGRAMS.
2. A COMMUNICATION WAS RECEIVED FROM GOODWILL INDUSTRIES STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM OCTOBER 30, 2010 TO JANUARY 1, 2011, FOR A VIETNAM WAR MEMORIAL PICTURE TITLED "SOUTH DAKOTA VIETNAM MEMORIAL DONOR" SIGNED BY GOVERNOR MIKE ROUNDS. TICKETS WILL BE \$5.00 EACH. THE PROCEEDS ARE TO BE USED TO SPONSOR POSSIBLY TWO WWII VETERANS TO GO ON AN HONOR FLIGHT TO WASHINGTON, D.C. (COST OF \$750.00 PER VETERAN).
3. A COMMUNICATION WAS RECEIVED FROM THE WASHINGTON PAVILION STATING ITS INTENT TO SELL RAFFLE TICKETS FROM NOVEMBER 1, 2010 TO DECEMBER 4, 2010, FOR VARIOUS PRIZE PACKAGES WITH VALUES RANGING FROM \$95.00-\$485.00. TICKETS WILL BE SOLD FOR \$10.00 EACH. THE PROCEEDS ARE TO BE USED TO BENEFIT THE VISUAL ARTS CENTER/PAVILION HOLIDAY.
4. A COMMUNICATION WAS RECEIVED FROM ST. THERESE CATHOLIC CHURCH REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, MALT BEVERAGES AT ST. THERESE CATHOLIC CHURCH, 901 N. TAHOE TRAIL, ON SATURDAY, OCTOBER 16, 2010, FROM 7:00 P.M. TO 11:00 P.M. FOR A FELLOWSHIP GATHERING OF ADULTS OVER THE AGE OF 21 TO INTERACT WITH MEMBERS OF THE CHURCH OUTSIDE OF WEEKLY MASS.

NOTICE OF HEARINGS

Set a hearing date for Monday, November 8, 2010, at 7:00 p.m. on Item 5:

5. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, CONCRETE SURFACING, WATER MAIN, WATER SERVICES, SANITARY SEWER MAIN, SANITARY SEWER SERVICES, AND STREETLIGHTS ON WEST MADISON STREET FROM NORTH MARION ROAD TO NORTH VALLEY VIEW ROAD.

Res. 1761

Assessment pdf

Exhibit

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Litz and seconded by Council Member

Anderson Jr. to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

PUBLIC INPUT

UNFINISHED BUSINESS

DOC: MEMO

6. SPECIAL ONE-DAY LIQUOR LICENSE FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, FOR A RECEPTION ON OCTOBER 17, 2010.
7. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR SMG, TO BE OPERATED AT THE SIOUX FALLS ARENA, 1201 NORTH WEST AVENUE, ON OCTOBER 17, 2010, FOR THE TIMBERWOLVES PRESEASON GAME, MARCH 29, 2011, FOR THE CENTRAL PLAINS DAIRY EXPO; ALL 2010-11 HOME SEASON GAMES FOR THE STAMPEDE, ALL 2010-11 HOME SEASON GAMES FOR THE SKYFORCE; INCLUDING STAMPEDE AND SKYFORCE POSSIBLE PLAYOFF GAMES BETWEEN APRIL 10 AND MAY 31, 2011.

A motion was made by Council Member Anderson Jr. and seconded by Council Member Entenman to approve Items 6 and 7 with one vote.

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

8. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING CHAPTER 2, ARTICLE XIII, OF THE REVISED ORDINANCES OF SIOUX FALLS, SD.

Ord. 1210

A motion was made by Council Member Brown and seconded by Council Member Roling to adopt said Ordinance 74-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar,

Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8.
Noes, 0.

Motion Passed

Set a hearing date for Monday, November 8, 2010, at 7:00 p.m. on Items 9 and 10:

9. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PERMANENT DRAINAGE EASEMENT IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 100 NORTH, RANGE 50 WEST OF THE 5TH P.M., LINCOLN COUNTY, SOUTH DAKOTA.

Ord. 0008

Exhibit

10. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A DECLARATION OF EASEMENT FOR A SANITARY SEWER FORCE-MAIN SYSTEM IN LANG PROPERTIES ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD, AND IN LOT 1, EXCEPT LOT H-1, FRIESSEN'S ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

Ord. 1217

Exhibit

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to approve set a hearing date for Monday, November 8, 2010, at 7:00 p.m. on Items 9 and 10.

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolfing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8.
Noes, 0.

Motion Passed

HEARINGS AND RESOLUTIONS

11. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, ASPHALT SURFACING, WATER MAIN, SANITARY SEWER MAIN, AND STREETLIGHTS ON E. 57TH ST. FROM S. CLIFF AVE. TO S. SYCAMORE AVE.

Res. 0012

Exhibit

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt said Resolution 85-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

RESOLUTION NO. 85-10

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, ASPHALT SURFACING, WATER MAIN, SANITARY SEWER MAIN, AND STREETLIGHTS ON E. 57TH ST. FROM S. CLIFF AVE. TO S. SYCAMORE AV E.

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

SECTION 1. That the special assessment roll for the assessment of the property a sssessable for

construction of grading, gravel, curb and gutter with driveway approaches, sidew alk, storm sewer,

asphalt surfacing, water main, sanitary sewer main, and streetlights on E. 57th St. from S. Cliff

Ave. to S. Sycamore Ave. pursuant to a contract entered into with T & R Contract ing on the 17th day

of March, 2008, be and the same is hereby approved and the assessment as set out in the special

assessment roll approved this date is hereby levied against the property describ ed therein and

becomes a lien against such property upon filing of the special assessment roll in the City

Accounting Office.

SECTION 2. The assessment may be paid in five annual installments and shall be c ollected under Plan

One---Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 10/12/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will b ecome due and

payable at the office of the County Treasurer in five installments, together wit h interest at 6

percent per annum in accordance with SDCL 9-43. The first installment, with inte rest, will become

due with general taxes and will be payable at the County Treasurer s Office on J

January 1, 2012; the remaining installments, with interest, will become due and payable annually at the County Treasurer's Office on January 1 of each following year until total assessment, with interest, is paid in full. Notice is further given that the special assessment roll approved in the above resolution was filed with the City Clerk's Office on the 13th day of October, 2010, and that the whole of said assessment, or any installment thereof, may be paid without interest to the City Accounting Office on or before 30 days after said filing.

Debra A. Owen

City Clerk

12. A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER MAIN ON E. 57TH ST. FROM S. CLIFF AVE. TO S. SYCAMORE AVE.

Res. 1511

Exhibit

A motion was made by Council Member Entenman and seconded by Council Member Rolwing to withdraw Item 12.

Vote to withdraw: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

13. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, ASPHALT SURFACING, WATER MAIN, WATER SERVICES, SANITARY SEWER MAIN, SANITARY SEWER SERVICES, AND STREETLIGHTS ON S. SYCAMORE AVE. FROM E. MISSION ST. TO 446' SOUTH OF E. 57TH ST.

Res. 0013

Exhibit

A motion was made by Council Member Erpenbach and seconded by Council Member Anderson Jr. to adopt said Resolution 87-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8.

Noes, 0.
Motion Passed

RESOLUTION NO. 87-10

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, ASPHALT SURFACING, WATER MAIN, WATER SERVICES, SANITARY SEWER MAIN, SANITARY SEWER SERVICES, AND STREETLIGHTS ON S. SYCAMORE AVE. FROM

E. MISSION ST. TO 446' SOUTH OF E. 57TH ST.

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

SECTION 1. That the special assessment roll for the assessment of the property assessable for

construction of grading, gravel, curb and gutter with driveway approaches, sidewalk, storm sewer,

asphalt surfacing, water main, water services, sanitary sewer main, sanitary sewer services, and

streetlights on S. Sycamore Ave. from E. Mission St. to 446' south of E. 57th St . pursuant to a

contract entered into with Loiseau Construction on the 6th day of June, 2007, be and the same is

hereby approved and the assessment as set out in the special assessment roll approved this date is

hereby levied against the property described therein and becomes a lien against such property upon

filing of the special assessment roll in the City Accounting Office.

SECTION 2. The assessment may be paid in five annual installments and shall be collected under Plan

One--Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 10/12/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen

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 five installments, together with interest at 6

percent per annum in accordance with SDCL 9-43. The first installment, with interest, will become

due with general taxes and will be payable at the County Treasurer's Office on January 1, 2012; the

remaining installments, with interest, will become due and payable annually at the County

Treasurer's Office on January 1 of each following year until total assessment, with interest, is

paid in full.

Notice is further given that the special assessment roll approved in the above r

resolution was filed with the City Clerk s Office on the 13th day of October, 2010, and that the whole of said assessment, or any installment thereof, may be paid without interest to the City Accounting Office on or before 30 days after said filing.
Debra A. Owen
City Clerk

14. A RESOLUTION APPROVING A HISTORIC MARKER ON CITY PROPERTY. (SPENCER PARK)

Res. 0011

RISE Marker

A motion was made by Council Member Rolwing and seconded by Council Member Erpenbach to adopt said Resolution 88-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

RESOLUTION NO. 88-10

A RESOLUTION APPROVING A HISTORIC MARKER ON CITY PROPERTY.

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

That it approves the placement of the following historic marker on City property by the Minnehaha

County Historical Society:

Historical Marker	Location
RISE AND THE BIG SIOUX RIVER	Spencer Park

Date adopted: 10/12/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen
City Clerk

15. A RESOLUTION AMENDING THE RESOLUTIONS TO VACATE NESMITH AVE. FROM BAILEY ST. TO MCCLELLAN ST.; FRANKLIN AVE. FROM NORTH ST. TO MCCLELLAN ST.; INDIANA AVE. FROM NORTH ST. TO MCCLELLAN ST.; BROOKINGS ST. FROM WEBER AVE. TO INDIANA AVE.; MCCLELLAN ST. FROM WEBER AVE. TO INDIANA AVE.; AND BAILEY ST. FROM NESMITH AVE. TO INDIANA AVE. IN THE CITY OF SIOUX FALLS, MINNEHAHA

COUNTY, SOUTH DAKOTA.

Res. 0010

Exhibit

A motion was made by Council Member Anderson Jr. and seconded by Council Member Entenman to adopt said Resolution 89-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 7. Noes Council Member Litz, 1.
Motion Passed

RESOLUTION NO. 89-10

A RESOLUTION AMENDING THE RESOLUTIONS TO VACATE NESMITH AVE. FROM BAILEY ST. TO MCCLELLAN ST.;
FRANKLIN AVE. FROM NORTH ST. TO MCCLELLAN ST.; INDIANA AVE. FROM NORTH ST. TO MCCLELLAN ST.;
BROOKINGS ST. FROM WEBER AVE. TO INDIANA AVE.; MCCLELLAN ST. FROM WEBER AVE. TO INDIANA AVE.; AND
BAILEY ST. FROM NESMITH AVE. TO INDIANA AVE. IN THE CITY OF SIOUX FALLS, MINNEHAWA COUNTY, SOUTH DAKOTA.

WHEREAS, a resolution to vacate above-listed streets was approved on the 28th day of July, 1924 and recorded by the Minnehaha County Register of Deeds in Volume V of Miscellaneous on pages 564-565 on the 7th day of August, 1924; and

WHEREAS, a resolution to vacate above listed streets was approved on the 20th day of October 1924 and filed by the Minnehaha County Register of Deeds in Volume W of Miscellaneous on pages 86-87 on the 24th day of December 1924; and

WHEREAS, a condition for the vacation was included in the resolutions stating that at the streets were

hereby declared vacated for and during such time as the property now occupied by the Sioux Falls Stockyards Company. . . shall be occupied for stockyards or packing house purposes ; and

WHEREAS, the condition for use of property as a stockyard or packing house no longer is relevant to the vacation of the streets;

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

That the public right-of-way on Nesmith Ave. from Bailey St. to McClellan St.; Franklin Ave. from North St. to McClellan St.; Indiana Ave. from North St. to McClellan St.; Brookings St. from Weber Ave. to Indiana Ave.; McClellan St. from Weber Ave. to Indiana Ave.; and Bailey St. from Nesmith Ave. to Indiana Ave. in the City of Sioux Falls, County, South Dakota, be and the same hereby is

declared vacated without conditions for use of the vacated rights of way, and th
at the City Clerk
shall cause to be filed with the Register of Deeds, County, South Dakota, a dul
y certified
transcript of this resolution.

Date adopted: 10/12/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen
City Clerk

16. A RESOLUTION CORRECTING THE HEADING AND THE LEGAL DESCRIPTION ON RESOLUTION
NO. 26-10, A RESOLUTION VACATING TRACTS B & C IN SEC. 23-101-50 AND A
PORTION OF S. VALLEY VIEW RD.

Res. 1757

Res. 26-10

Exhibit

A motion was made by Council Member Erpenbach and seconded by Council Member
Litz to adopt said Resolution 90-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member
Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar,
Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8.
Noes, 0.
Motion Passed

RESOLUTION NO. 90-10

A RESOLUTION CORRECTING THE HEADING AND THE LEGAL DESCRIPTION ON RESOLUTION NO.
26-10, A RESOLUTION
VACATING TRACTS B & C IN SEC. 23‑101‑50 AND A PORTION OF S. VALLEY V
IEW RD.
WHEREAS, on April 12, 2010, the City Council of the City of Sioux Falls adopted
Resolution 26-10
approving vacating Tracts B & C of Lot H4 E1/2 of Tr 4 NW1/4 NE1/4 & NE1/4 NW1/4
Sec. 23-101-50 and
a portion of S. Valley View Rd.
WHEREAS, the heading and legal description as set forth in Resolution 26-10 was
not accurate.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
That the heading and the legal description as set forth in Resolution 26-10 is h

ereby amended to
read as follows:

Vacation of the public right-of-way on Tracts B and C of Lot H4 of the E1/2 of Tract 4 in the NW1/4 of the NE1/4 and the NE1/4 of the NW1/4 of Sec. 23-101-50 and on a portion of S. Valley View Rd., as shown on attached exhibit.

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 10/12/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen
City Clerk

17. A RESOLUTION RESCINDING RESOLUTION NO. 76-10 AND ADOPTING A RESOLUTION OF INTENT TO ESTABLISH SIOUX FALLS CONVENTION AND VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT.

Res. 1771

Res. 76-10

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt said Resolution 86-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

RESOLUTION NO. 86-10

A RESOLUTION RESCINDING RESOLUTION NO. 76-10 AND ADOPTING A RESOLUTION OF INTENT TO ESTABLISH SIOUX FALLS CONVENTION AND VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT.

WHEREAS, on September 13, 2010, the City Council of the City of Sioux Falls was presented and adopted Resolution 76-10 stating the intent to establish the Sioux Falls Convention and Visitors Bureau Business Improvement District; and
WHEREAS, Resolution No. 76-10 is hereby rescinded and replaced by this resolution; and
WHEREAS, pursuant to SDCL Ch. 9-55, the City of Sioux Falls is authorized to cre

ate business

improvement districts; and

WHEREAS, pursuant to SDCL 9-55-2, upon formation of a business improvement district, the city may

impose a tax on businesses and users of space within the district, or both; and

WHEREAS, pursuant to SDCL 9-55-3, money generated may be used for a variety of purposes, including,

but not limited to, the development of any activities and promotion of events in the district area;

and

WHEREAS, in accordance with SDCL 9-55-9, the owners of a majority of the rentable lodging rooms

subject to a proposed occupation tax within the incorporated limits of the city of Sioux Falls have

submitted a petition to the Sioux Falls City Council to hold a hearing on the proposed creation of

the Sioux Falls Convention and Visitors Bureau Business Improvement District (the CVB Business

Improvement District); and

WHEREAS, if approved by the City Council, the proposed CVB Business Improvement District will be

created for the purposes allowed by SDCL 9-55-3; and

WHEREAS, the method for raising revenue for the CVB Business Improvement District will be fair and

equitable.

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

1. Proposed District. The City Council hereby expresses its intent to create the CVB

Business Improvement District within the city of Sioux Falls. The boundaries of the proposed

district will include all hotels with forty or more rooms situated within the incorporated limits

of the city of Sioux Falls.

2. Public Hearing. The city shall hold a public hearing on the proposed establishment of the

CVB Business Improvement District on Monday, November 15, 2010, at 7 p.m., in the Carnegie Town

Hall, 235 West Tenth Street, Sioux Falls, South Dakota. The City Clerk is hereby authorized and

directed to (A) publish notice of the hearing in the official newspaper of the city not less than

30 days prior to the hearing date, and (B) mail a complete copy of the resolution of intent and the

notice of hearing not less than 30 days prior to the hearing date to (i) each owner of taxable

property as shown on the property tax roll for the proposed district, and (ii) the occupant of each

address located in the proposed district. Such notice shall be substantially in the form attached

hereto.

3. Proposed Use of Funds. In accordance with SDCL Ch. 9-55 of the South Dakota Codified

Laws, it is proposed that the proposed CVB Business Improvement District would impose an

occupational tax of two dollars (\$2.00) per night per rented room for all lodging rooms within the

CVB Business Improvement District, and that the proceeds of such occupation tax would be remitted

to the Sioux Falls Convention and Visitors Bureau to market and promote the visitor industry in the

city of Sioux Falls and increase the room night sales of lodging facilities with in the CVB Business Improvement District.

4. Estimated Costs of Activities. The activities described in Paragraph 3 above will be ongoing, and will be outlined in the annual budget developed each year by the CV B Business Improvement District Board of Directors, subject to the approval of the Sioux Falls City Council.

It is estimated that the cost of such activities will be \$1,200,000 for calendar year 2011.

BE IT FURTHER RESOLVED:

The boundaries of the Sioux Falls Convention and Visitors Bureau Business Improvement District

shall be congruent with the corporate limits of the City of Sioux Falls, SD.

Date adopted: 10/12/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

Set a hearing date for Monday, November 8, 2010, at 7:00 p.m. on Items 18 through 21:

18. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON ALLEY ON TRACT 14 COUNTY AUD. SUBD. SW1/4 SECTION 16-101-49 SOUTH OF E. EIGHTH ST. AS SHOWN ON ATTACHED EXHIBIT.

Res. 0019

Exhibit

Petition

19. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON SECTION LINE RIGHT-OF-WAY ON LOT 5 BLOCK 7 BENNETT'S 1ST ADDITION AS SHOWN ON EXHIBIT A.

Res. 0021

Exhibit

20. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N 10' OF E. TENTH ST. ADJACENT TO LOT 6 FRED ASSAM MEMORIAL ADDITION.

Res. 0023

Exhibit

Petition

21. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON E. NINTH ST. FROM N. MAPLE AVE. TO N. BLAUVELT AVE.

A motion was made by Council Member Litz and seconded by Council Member Entenman to set a hearing date for Monday, November 8, 2010, at 7:00 p.m. on Items 18 through 21.

Vote to set a hearing date: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

Res. 1532

Exhibit

Petition

ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adjourn at 7:42 p.m.

Vote to adjourn: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

Denise D. Tucker, CMC
Assistant City Clerk