

MINUTES	Monday, December 5, 2011	
Informational Meeting	4:00 PM at Carnegie Town Hall	
Sioux Falls City Council	235 West Tenth Street	

Members Present: Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Dean Karsky, and Rex Rolfing

Members Absent: Kenny Anderson Jr., Greg Jamison, and Mike T. Huether

Staff Present: Sue Roust, Interim City Clerk; and Tamara Jorgensen, CMC, Assistant City Clerk

1. Call To Order

Council Chair Aguilar called the meeting to order at 4:00 p.m.

4:02 p.m. Council Member Greg Jamison arrived at this time.

4:03 p.m. Council Member Kenny Anderson Jr. arrived at this time.

2. Staff Report

A. Sue Roust, Interim City Clerk

Roust gave updates on the final costs for the Special Election. The original budget was \$45,000 and the final total was \$53,000. The increase is due to processing the large number of absentee ballots, both in employee payroll expenses and in supply expenses. The budget line item assigned to elections will have a slight overage but there is enough money in other line items to cover the overage.

3. Land Use Committee

A. Report from meeting held on Monday, November 28, 2011

Rolfing stated that the Land Use Committee reviewed Tax Increment Financing district information presented by Community Development, and Zoning Board of Adjustment Notification information presented by Planning and Building Services.

Rolfing stated that the first Urban Agriculture Task Force Meeting held on December 2nd was well attended. The members were introduced and they set their agenda. The next meeting is scheduled for Friday, December 16, 2011, at 2:30 p.m. at the Carnegie Town Hall. Public input will be taken at that meeting.

4. City Council Open Discussion

Larry Toll, CEO of the Washington Pavilion of Arts and Sciences, spoke regarding adding a program in 2012 called "Nature Unleashed: Inside Natural Disaster" to their schedule. Toll reviewed their Capital Program Detail spreadsheet and explained how they would finance the project. Discussion followed.

Tracy Turbak, Director of Finance, gave an overview of the Entertainment Tax and how it is used.

Brown asked if Terry Torkildson, General Manager for the Sioux Falls Arena, could be invited to attend a future Informational meeting to discuss the Skyforce leaving the Arena. Brown asked that Torkildson provide information regarding what long-term impact this will have on the Arena. Aguilar asked staff to make the arrangements.

Entenman stated he has attended Task Force meetings and had spoken with Torkildson. Entenman stated that, all along, the Skyforce was adamant about not wanting to leave the Arena. They were not interested in the new Events Center because the Arena was built specifically for basketball. With all of the sports teams using the Arena, the availability of weekend dates is very limited. Entenman stated that the Sports Authority believes that this will open up additional flat floor space and will provide additional room for sports show expansion and home show expansion. Entenman stated that Sanford is making a significant investment in the community by building the Pentagon. He noted that this addition would enhance the opportunity for winter activities in Sioux Falls.

Jamison asked if any members of the City Council or the Administration knew, before the Special Election, that the Skyforce was going to leave the Arena. He stated that the Skyforce was always included in the AECOM report. Jamison stated that he was surprised to learn that we were losing a tenant at the Arena. He stated that this was a big piece of information that the Council should have known in advance instead of finding out about it through the local newspaper or seeing it on the news. Jamison asked if anyone knows if the Stampede and the Storm plan to stay at the Arena or move to the Events Center. With the Skyforce leaving, how will that affect the rent for the Stampede and the Storm? Jamison stated that, if they do not move to the Events Center, the value of the naming rights goes way down. He asked, "who will buy the suites? Jamison stated the Council should be concerned about these issues so when the Events Center is built there are no surprises, such as the Stampede and the Storm staying at the Arena. Jamison suggested that we address the issue by changing the timeline for the contracts with the Arena and the Convention Center and moving them up one year. Jamison asked who was responsible for renting out space at the new Events Center. Jamison stated it would be a good idea to have these issues in order before we borrow \$115M. Aguilar stated that there would be a presentation from the Administration at the Informational Meeting on Monday, December 12, giving an update on the Events Center. She recommended that these questions be brought forward at that time.

Erpenbach reminded the Council that it was time to review the listing of legislative priorities. Roust stated that the goal is to have a resolution ready for adoption at the December 19, 2011, City Council Meeting. This would occur prior to the "Breakfast Club" meeting on Wednesday, December 21, 2011 with the City, the School Board, the Counties and the Legislators. Erpenbach said that she had previously emailed a score sheet to the Council Members. In addition, a memorandum was received from City Attorney Pfeifle listing the proposed Legislative Priorities from the city departments. Roust reviewed the items on this listing and asked if the Council Members had any additional items they would like added to the list. Jamison stated that he would like the authority for liquor licenses to be reviewed. Karsky agreed that the City

should have more authority for liquor licenses. Erpenbach stated that this item is on the current listing.

Tracy Turbak, Director of Finance, reviewed the items submitted by the Finance Department. Discussion followed.

Entenman asked Erpenbach to review the existing list. After the review, Aguilar stated the original intent was to limit the list to four priorities. Erpenbach stated that some of the items are similar and could be combined into one. The listing could then be increased to five. Erpenbach is requesting input/feedback from the other Council Members regarding what they want for priorities on the list.

Roust suggested that the Council Members who still need to respond should send an email to Council leadership by the end of this week and complete their votes on the chart. Roust would then be able to draft a resolution for December 19th. The resolution could be reviewed at the Informational Meeting next week.

Erpenbach asked City Attorney Pfeifle to review the Appeals Court item in more detail. Pfeifle stated that the South Dakota Supreme Court expressed concerns raised in the recent Daily v. City of Sioux Falls case. The State Legislature needs to expand jurisdiction of courts to hear an appeal from a final decision rendered by the City's administrative appeal process.

Jamison asked if we could have collaboration and team up with other larger cities in the state to see if our major priorities match any of the items on their lists as well.

Roust stated that the Secretary of State has called for a meeting next Wednesday in Pierre, SD to discuss Voting Centers. He has invited the cities and counties to attend to discuss strategy for the proposed legislation to support the Voting Centers. Representatives of several municipalities will be attending.

Brown recommended that in the future, reviewing legislative priorities should start earlier in the year at a spring or summer work session. South Dakota Municipal League starts meeting in August, and it would be beneficial to have a priority listing completed by that time. He stated that the League adopts their priorities in October.

## 5. Presentations

A. Great Plains Zoo Accreditation by Ms. Kris Vehrs, Executive Director of the Association of Zoos and Aquariums

## 6. Executive Session

A. Consulting with Legal Counsel About Proposed or Pending Litigation pursuant to SDCL 1-25-2(3)

A motion was made by Jamison and seconded by Erpenbach to enter Executive Session at 5:10 p.m. to consult with legal counsel about proposed or pending litigation.  
Aguilar called for a voice vote on that motion and all members voted yes.  
Motion Passed.

A motion was made by Erpenbach and seconded by Entenman to exit Executive Session at 5:23 p.m.  
Aguilar called for a voice vote on that motion and all members voted yes.  
Motion Passed.

#### 7. Adjournment

Council Chair Aguilar adjourned the meeting at 5:23 p.m.

Tamara Jorgensen, CMC  
Assistant City Clerk