

|| City of Sioux Falls Council Meeting  
|| Minutes  
|| Carnegie Town Hall, 235 West 10th Street  
|| MEETING OF Tuesday, October 9, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Greg Jamison  
Council Member Dean Karsky  
Council Member Rex Roling  
Council Member Kermit L. Staggers  
Council Member Sue Aguilar  
Council Member Kenny Anderson Jr.  
Council Member James Entenman  
Council Member Michelle Erpenbach  
Mayor Mike T. Huether

ABSENT

INVOCATION

- Pastor Barbara Wangsness, First Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- White Cane Day, October 13, 2012

VISITOR RECOGNITION

- Cub Scout Pack 225 from Robert Frost Elementary
- Multi-Cultural Center's English as a Second Language Class

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

- Informational Meeting of Tuesday, October 2, 2012, at 4:00 p.m.
- City Council Meeting of Tuesday, October 2, 2012, at 7:00 p.m.

#### COMMUNICATIONS

1. Approval of Contracts/Agreements on October 4, 2012 memo.  
Sponsor: Mayor/Finance
2. Notice of change orders on October 4, 2012 memo.  
Sponsor: Mayor/Finance
3. Report of Request for Quotes for Fuel: September 25, 2012; #2 Dyed Diesel; 1,000 Gallons; Midway Service (\$3.4065); Howes Oil (\$3.5500); Midwest Oil (\$3.6190). Bid awarded to: Midway Service.  
Sponsor: Mayor/Water Reclamation
4. Request for Quotes for Fuel: September 26, 2012; #2 Clear Diesel; 7,500 Gallons; CHS, Inc. (\$3.56); Harms Oil (\$3.536); Howes Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Sioux Area Metro
5. Report of Request for Quotes for Fuel: September 28, 2012; #2 Dyed Diesel Fuel; 7,500 Gallons; Howes Oil (\$3.3354); Harms Oil (\$3.3795); CHS, Inc., Midwest Oil and Olson Oil, all no bid. Bid awarded to: Howes Oil.  
Sponsor: Mayor/Fleet
6. Report of Request for Quotes for Fuel: October 2, 2012; Unleaded Ethanol; 8,500 Gallons; Harms Oil (\$3.5170); Howes Oil, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Fleet

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, November 13, 2012, at 7:00 p.m. for Item 7:

7. A PROPOSED RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER MAIN ON W. 69TH ST. FROM 1,600' EAST OF S. MEDICAL COURT TO S. TALLGRASS AVE., AND S. TALLGRASS AVE. FROM W. 69TH ST. TO 850' SOUTH.  
Sponsor: Mayor/Public Works

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council

Member Rex Roling to approve the Regular Agenda.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to amend the Regular Agenda by withdrawing agenda Item 10.

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

Motion Passed.

Vote to approve the Regular Agenda, as amended: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Wes Van Essen commended the Council for their work to make the City prosperous; and expressed his disappointment in the Council approving the sale of alcohol for the upcoming SDSU vs. NDSU football game at Howard Wood Field.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, October 16, 2012, at 7:00 p.m. for Item 8:

8. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY TO DEFINE AND PROHIBIT CERTAIN FORMS OF SOLICITATION.

Sponsor: Mayor/Police

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

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 16, 2012, at 7:00 p.m. for Item 9:

9. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF THE BOND, FIXING THE TERMS OF THE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT, AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT IN AN AMOUNT NOT TO EXCEED \$12,464,000.

Sponsor: Mayor/Public Works

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, October 16, 2012, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, 8. Noes, 0.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

10. A RESOLUTION DECLARING THE NECESSITY TO ADOPT THE COST RECOVERY ROLL FOR SANITARY SEWER IMPROVEMENTS CONSTRUCTED IN SECTION 12, T101N, R49W, MINNEHAHA COUNTY, SD, AND ASSESSING THE COST FOR THE IMPROVEMENTS TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.  
Sponsor: Mayor/Public Works

Item withdrawn

11. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SMG FOR THE MANAGEMENT OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, AND THE ORPHEUM THEATER.  
Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to adopt said Resolution 78-12.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, 8. Noes, 0.  
Motion Passed.

#### RESOLUTION NO. 78-12

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SMG FOR THE MANAGEMENT OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, AND THE ORPHEUM THEATER.

WHEREAS, the City is the owner of the Sioux Falls Arena, the Sioux Falls Convention Center, and the Orpheum Theater (collectively the Existing Facilities ); and is currently constructing a new Events Center to be connected to the Sioux Falls Arena and the Sioux Falls Convention Center, located in the city of Sioux Falls, with an approximate 12,000-seat capacity, named the Denny Sanford PREMIER Center ( Events Center ). The Events Center and Existing Facilities are collectively referred to in this Agreement as the Facilities ; and

WHEREAS, SMG is engaged, among other things, in the business of providing preopening and grand opening consulting services and management services, including operations and marketing services for public assembly facilities; and WHEREAS, the City desires to engage SMG, and SMG desires to accept the engagement, to provide preopening and grand opening consulting services for the Events Center and management services for the Facilities, including the Events

Center when open for events, on the terms and conditions set forth in this Agreement; and  
WHEREAS, the City and SMG intend to work in mutual accord in order to ensure provision of first-class management services, thereby enhancing the public s use and enjoyment of the Facilities; and  
WHEREAS, SMG and the City find that it is in both parties best interest that a five-year agreement be now executed and subsequently entered into; and  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
Section 1. The document attached hereto and made a part of this Resolution entitled, Facilities Management Agreement between the City and SMG, being a five-year Agreement for SMG to manage the Facilities is hereby approved.  
Section 2. The Mayor is authorized to sign the Facilities Management Agreement after it is ratified and executed by SMG.

Section 3. The City shall publish the Resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 10/09/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

12. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND OVATIONS FOOD SERVICES, L.P. FOR THE FOOD AND BEVERAGE SERVICES OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, AND THE ORPHEUM THEATER.  
Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Resolution 79-12.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 79-12

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND OVATIONS FOOD SERVICES, L.P. FOR THE FOOD AND BEVERAGE SERVICES OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, AND THE ORPHEUM THEATER.  
WHEREAS, the City is the owner of three facilities: the Sioux Falls Arena, the Sioux Falls Convention Center, and the Orpheum Theater (collectively the Existing Facilities ); and constructing a new Events Center to be located in the city of Sioux Falls with an approximate 12,000-seat capacity named the Denny Sanford PREMIER Center (the Events Center ). The Events Center and Existing Facilities are collectively referred to in this Agreement as the Facilities ; and  
WHEREAS, Ovations Food Services, L.P. ( Ovations ) is engaged in, among other things, the business of managing and operating food, beverage, novelty and

merchandise concessions services, and catering services at indoor and outdoor single and multipurpose facilities including convention centers, arenas, events centers, and theaters; and

WHEREAS, the City desires to engage Ovations, and Ovations desires to accept the engagement, to provide food, beverages, novelty and merchandise concession services, and catering services for the Facilities on the terms and conditions set forth in the Agreement; and

WHEREAS, the City and Ovations intend to work in mutual accord in order to ensure the provision of high-quality food, beverage, novelty and merchandise concession services, and catering services, thereby enhancing the public s use and enjoyment of the Facilities; and

WHEREAS, Ovations and the City find that it is in both parties best interest that a five-year Agreement be now executed and subsequently entered into; and NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

Section 1. That the document attached hereto and made a part of this Resolution entitled Food and Beverage Services Agreement between the City of Sioux Falls and Ovations Food Services, L.P., being a five-year Agreement for Ovations to operate the food and beverage service at the Facilities on behalf of the City is hereby approved.

Section 2. The Mayor is authorized to sign the Food and Beverage Services Agreement after it is ratified and executed by Ovations.

Section 3. The City shall publish the Resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 10/09/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adjourn at 8:06 p.m.

The Mayor called for a voice vote. All members voted yes.

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) 367-8080 (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: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND

THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY 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](http://WWW.SIOUXFALLS.ORG). LINKS TO EACH MEETINGS VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

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

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.