

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, October 3, 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 Sue Aguilar

Council Member Rex Rolfing

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member James Entenman

Mayor Mike T. Huether

INVOCATION

Rev. Randy Rasmussen, Emmanuel Baptist Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Mental Illness Awareness Week, October 2-8, 2011

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Domestic Violence Awareness Month, October, 2011

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Monday, September 19, 2011, at 4:00 p.m.

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City Council Meeting of Monday, September 19, 2011, at 7:00 p.m.

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Informational Meeting of Monday, September 26, 2011, at 4:00 p.m.

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COMMUNICATIONS

A communication was received from Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and malt beverages at Avera Medical Group Ophthalmology, Plaza 2, 1301 South Cliff Avenue, Suite 220 on Wednesday, October 5, 2011, from 4:30 p.m. to 7:00 p.m. for the purpose of a Sioux Falls Chamber of Commerce ribbon cutting ceremony.

1.

Sponsor: SDCL 35-1-5.3

A communication was received from the Great Plains Zoo and Delbridge Museum of Natural History requesting permission to consume, but not sell, beer and wine, at the Great Plains Zoo and Delbridge Museum of Natural History, 805 South Kiwanis Avenue on Friday, October 14, 2011, from 5:00 p.m. to 8:00 p.m. for a private event for a special donor.

2.

Sponsor: SDCL 35-1-5.3

A communication was received from the Washington High School Band Boosters stating their intent to sell raffle tickets from October 18, 2011 through October 24, 2011, for one of the following prizes: seven assorted gift baskets (valued at \$100.00 each); dorm room buddy shelving unit (valued at \$750.00); John Green print (valued at \$150.00); or miscellaneous small items (valued at less than \$20.00 each). Tickets will be sold for \$5.00 each or three tickets for \$10.00. Proceeds will benefit the Marching Band program.

3.

Sponsor: SDCL 22-25-25

A communication was received from NARAL Pro-Choice South Dakota Foundation requesting permission to consume, but not sell, wine at the Old Courthouse Museum, 200 West Sixth Street, on Wednesday, October 26, 2011, from 7:00 p.m. to 10:00 p.m. for the purpose of a fundraising event.

4.

Sponsor: SDCL 35-1-5.3

A communication was received from Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, liquor, wine, and malt beverages at The Prairie Center, 1000 E. 23rd Street, on Thursday, November 17, 2011, from 4:00 p.m. to 8:00 p.m. following a board meeting for the Sioux Falls Symphony Gala.

5.

Sponsor: SDCL 35-1-5.3

#### APPLICATIONS

6. Special One-Day Liquor License for Ovations Food Services L.P., to be operated at the Avera Central Office, 3900 West Avera Drive, for a Holiday Event on December 9, 2011.

Sponsor: Mayor/Attorney

7. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for a wedding reception on November 11, 2011, and a Christmas Party on December 12, 2011.

Sponsor: Mayor/Attorney

#### REGULAR AGENDA ITEMS

##### APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to amend the main motion and Regular Agenda by withdrawing Item 12.

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to amend the main motion and Regular Agenda moving Items 24 and 25 to be heard before Item 13.

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

Motion Passed.

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

Motion Passed.

#### PUBLIC INPUT

I.L. Wiederman spoke regarding a phone call he received from an unknown party.

Tim Stanga spoke regarding the proposed Events Center.

#### UNFINISHED BUSINESS

8. New 2011-12 Package Malt Beverage/Farm Winery License for Casey's Retail Company, Casey's General Store #3019, to be operated at 1901 East Tenth

Street. Pending final inspections per Fire, Health, and Building Services

Sponsor: Mayor/Attorney

9. New 2011-12 Package Malt Beverage/Farm Winery License for Casey's Retail Company, Casey's General Store #3049, to be operated at 3236 South Sycamore Avenue. Pending final inspections per Fire, Health, and Building Services

Sponsor: Mayor/Attorney

10. Special One-Day Liquor License for the South Dakota Symphony Orchestra to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the South Dakota Symphony Orchestra Gala on November 5, 2011.

Sponsor: Mayor/Attorney

- Amend Special One-Day Malt Beverage and Special One-Day Wine Licenses approved on 9/19/11 for Avera McKennan Foundation, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the "Paint the Night Pink" Fundraiser on October 21, 2011, amending this request to be for the "Pink Fashionista" Event on October 1, 2011.

Sponsor: Mayor/Attorney

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to approve Items 8 through 11, with one vote.

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

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for the meeting of Monday, October 17, 2011, at 7:00 p.m. on Item 12:

- DEFERRED (from meetings of July 18, 2011 and August 1, 2011)  
1stReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
12. PROPERTY AT 124 S. ELMWOOD AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2011-05-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends denial.)

Sponsor: Mayor/Planning and Building Services

Item 12 was withdrawn with the approval of the Regular Agenda.

Items 24 and 25 were heard at this time. See items for action taken.

- Deferred Action (from the meeting of September 6, 2011)  
13. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING

THE REVISED ORDINANCES OF THE CITY BY AMENDING THE PROCESS FOR THE APPROVAL OF CONTRACTS.

Sponsor: City Council/Jamison and Erpenbach

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to adopt said Ordinance as it was presented at first reading.

A motion was made by Council Member Vernon Brown and seconded by Council Member Greg Jamison to amend by substituting the main motion with document 3.3 posted on SIRE (listed as Ord Contract Authorization 3.3).

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

Motion Passed.

A motion was made by Council Member Vernon Brown and seconded by Council Member Greg Jamison to amend by striking all references in Section 34 1/2-1 of \$25,000 or \$50,000 and replacing with "state bid limits".

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

Motion Passed.

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance, as amended, for Item 13.

Vote to adopt substitute motion, as amended: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 6. Noes, James Entenman, 1.

Motion Passed.

Deferred Action (from meeting of September 6, 2011 and September 19, 2011) 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S.GRANGE AVE. AND W. VILLAGE DR. FROM THE RA-2, 14. RESIDENTIAL DISTRICT, THE C-4, PLANNED COMMERCIAL DISTRICT, AND THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE RA-2, RESIDENTIAL DISTRICT, THE C-4, PLANNED COMMERCIAL DISTRICT, AND THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO.2011-07-06 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (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 Vernon Brown to adopt said Ordinance for Item 14.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 73RD ST. AND S. EL DORADO AVE. FROM THE DIAMOND

15. VALLEY PLANNED DEVELOPMENT DISTRICT AND THE RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2011-07-12 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to defer Item 15 to the meeting of Monday, October 17, 2011, at 7:00 p.m.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1208 W. ELKHORN ST. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2011-08-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)
- 16.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member Vernon Brown to adopt said Ordinance for Item 16.

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

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 124 S. ELMWOOD AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE ELMWOOD PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2011-08-10 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)
- 17.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adopt said Ordinance for Item 17.

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

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 18 "GARBAGE AND RECYCLING" OF THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS.
- 18.

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Ordinance for Item 18.

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

Motion Passed.

A five minute recess was taken at 9:12 pm. The meeting resumed at 9:17 p.m.

Set a date of hearing and 2nd Reading for the meeting of Tuesday, October 11, 2011, at 7:00 p.m. on Item 19:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING  
19. APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING  
DECEMBER 31, 2012.

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 the meeting of Tuesday, October 11, 2011, at 7:00 p.m. on Item 19.

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

Motion Passed.

Set a date of hearing and 2nd Reading for the meeting of Tuesday, October 11, 2011, at 7:00 p.m. on Item 20:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE  
20. REVISED ORDINANCES OF THE CITY BY AMENDING CERTAIN ANIMAL CONTROL AND  
LICENSING ORDINANCES OF THE CITY.

Sponsor: Mayor/Health

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 the meeting of Tuesday, October 11, 2011, at 7:00 p.m. on Item 20.

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

Motion Passed.

Set a date of hearing and 2nd Reading for the meeting of Tuesday, October 11, 2011, at 7:00 p.m. on Item 21:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE  
21. REVISED ORDINANCES OF THE CITY BY AMENDING ARTICLE VIII, MAIN STREET  
BUSINESS IMPROVEMENT DISTRICT OF CHAPTER 39 BY CLARIFYING EXEMPTIONS  
SUBJECT TO ANNUAL SPECIAL ASSESSMENTS.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to refer Item 21 to the Public Services Committee or Land Use Committee for further review.

Vote to refer: Roll Call: Yeses, Kenny Anderson Jr., 1. Noes, Michelle Erpenbach, Greg Jamison, Dean Karsky, Sue Aguilar, Vernon Brown, James Entenman, 6.

Motion Failed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for the meeting of Tuesday, October 11, 2011, at 7:00 p.m. on Item 21.

Vote to set a date: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Sue Aguilar, Vernon Brown, James Entenman, 6. Noes, Kenny Anderson Jr., 1.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

22. Deferred Action (from meeting of September 6, 2011 and September 19, 2011): A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WILLIAMS ADDITION. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 22.

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

Motion Passed.

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [WILLIAMS ADDITION ].

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

That the preliminary plan of [Williams Addition ] to the City of Sioux Falls, [Minnehaha ] County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

23. Deferred Action (from meeting of September 19, 2011): A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE REVISED PRELIMINARY PLAN OF TIMBER OAK ESTATES ADDITION. (The Planning Commission recommends denial.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to defer Item 23 to the meeting of Tuesday, January 17, 2011, at 7:00 p.m.

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



Motion Passed.

Deferred Action (from meeting of September 19, 2011): A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN SERVICES AGREEMENT BETWEEN THE CITY AND SINK COMBS DETHLEFS, P.C. FOR THE PROPOSED SIOUX FALLS EVENTS CENTER, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

Sponsor: Mayor/Public Works

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 24.

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

Motion Passed.

A RESOLUTION [AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN SERVICES AGREEMENT BETWEEN THE CITY AND SINK COMBS DETHLEFS, P.C. FOR THE PROPOSED SIOUX FALLS EVENTS CENTER], ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

WHEREAS, [on October 15, 2010, the City of Sioux Falls (the "City") requested proposals for professional architectural and engineering design services for the proposed Sioux Falls Events Center]; and

WHEREAS, [as a result of the request for proposal process, the City selected Sink Combs Dethlefs, P.C., Denver, Colorado, to provide professional architectural and engineering design services for the proposed Sioux Falls Events Center];

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:

Section 1.That [the documents for Professional Architectural and Engineering Design Services between the City and Sink Combs Dethlefs, P.C. (the "Agreement"), substantially in the form attached hereto and made a part of this resolution, are hereby approved].

Section 2.That the Mayor is authorized to sign such Agreement after it is ratified and executed by Sink Combs Dethlefs, P.C.

Section 3.In connection with the authorization of the Agreement, the Mayor, City Clerk, Finance Director, Public Works Director, City Attorney, and other officers of the City shall be authorized to enter into, execute, and deliver the Agreement and the following documents, instruments, and agreements as may be deemed necessary by the parties, consistent with the terms of the Agreement, which do not exceed the authorized Project Budget:

A.Amendments, Change Orders, and Change Directives to the Agreement;

B.Insertion of Exhibits into the Agreement which are mutually agreed upon by the parties; and

C. Other required documents or instruments which are mutually agreed upon by the parties pursuant to the Agreement.

The execution and delivery of all such amendments, change orders, change directives, exhibits, documents, and instruments is hereby authorized and directed to be in such form and to contain such terms, consistent with this Resolution, as the officers of the City designated herein shall determine to be necessary and desirable.

Section 4. The City shall publish this resolution, without attachments, after its passage. The attachments are on file and available for inspection in the office of the City Clerk.

Deferred Action (from meeting of September 19, 2011): A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT-RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND M. A. MORTENSON COMPANY  
25. FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE PROPOSED SIOUX FALLS EVENTS CENTER, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

Sponsor: Mayor/Public Works

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to adopt said Resolution for Item 25.

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

Motion Passed.

A RESOLUTION [AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT-RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND M. A. MORTENSON COMPANY FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE PROPOSED SIOUX FALLS EVENTS CENTER], ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

WHEREAS, [on November 19, 2010, the City of Sioux Falls (the "City") requested proposals for construction manager at-risk services for the proposed Sioux Falls Events Center]; and

WHEREAS, [as a result of the request for proposal process, the City selected M. A. Mortenson Company, Minneapolis, Minnesota, to provide construction manager at-risk services];

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:

Section 1. That [the documents for Construction Manager At-Risk Services between the City and M.A. Mortenson Company (the "Agreement"), substantially in the form attached hereto and made a part of this resolution, are hereby approved].

Section 2. That the Mayor is authorized to sign such Agreement after it is ratified and executed by M.A. Mortenson Company.

Section 3. In connection with the authorization of the Agreement, the

Mayor, City Clerk, Finance Director, Public Works Director, City Attorney, and other officers of the City shall be authorized to enter into, execute, and deliver the Agreement and the following documents, instruments, and agreements as may be deemed necessary by the parties, consistent with the terms of the Agreement, which do not exceed the authorized Project Budget.

A. Amendments, Change Orders, and Change Directives to the Agreement;

B. Insertion of Exhibits into the Agreement which are mutually agreed upon by the parties; and

C. Other required documents or instruments which are mutually agreed upon by the parties pursuant to the Agreement.

The execution and delivery of all such amendments, change orders, change directives, exhibits, documents, and instruments is hereby authorized and directed to be in such form and to contain such terms, consistent with this Resolution, as the officers of the City designated herein shall determine to be necessary and desirable.

Section 4. That the City shall publish this resolution, without attachments, after its passage. The attachments are on file and available for inspection in the office of the City Clerk.

26. A RESOLUTION APPROVING THE APPOINTMENT OF SUE ROUST AS INTERIM CITY CLERK EFFECTIVE UPON PASSAGE AND PUBLICATION.

Sponsor: Council/Karsky and Erpenbach

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 26.

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

Motion Passed.

A RESOLUTION APPROVING THE APPOINTMENT OF SUE ROUST AS INTERIM CITY CLERK EFFECTIVE UPON PASSAGE AND PUBLICATION.

WHEREAS, [Section 2.08 of the Charter of the City of Sioux Falls authorizes the City Council to appoint an officer of the City who shall have the title of Interim City Clerk];

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

That [it approves the following City Council appointment:]

Sue Roust, Interim City Clerk

Pursuant to SDCL 9-19-13, this Resolution is made in support of the municipal government and its existing public institutions, and shall become effective upon passage and publication.

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

Sponsor: Mayor

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 27.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, 6. Noes, Greg Jamison, 1.

Motion Passed.

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
Kathy Knobloch	Human Relations Commission	Appointed for a term from October 2011 to May 2013 (to fill the unexpired term of Clinton Waara).
Ruth Krystopolski	Airport Authority Board	Appointed for a term from October 2011 to October 2016.
Julie Schnaible	Airport Authority Board	Appointed for a term from October 2011 to October 2016.

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)

28. REPORT OF THE SEPTEMBER 26, 2011, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to adjourn at 9:44 p.m.

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

Motion Passed.

Jamie L. Palmer, 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.