

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, September 6, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Sue Aguilar

Mayor Mike T. Huether

INVOCATION

Pastor Eric McCandless, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Suicide Prevention Week, September 4-10, 2011

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The Sioux Falls Woman's Alliance 100th Year of Service to Women and

* Girls, September 10, 2011

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member James Entenman and seconded by Council Member Vernon Brown to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James

Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

MINUTES

Budget Hearings Meeting of Monday, August 1, 2011, at 3:00 p.m.

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Budget Hearings Meeting of Monday, August 15, 2011, at 3:00 p.m.

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Joint City Council/Minnehaha County Meeting of Monday, August 15, 2011, at 5:30 p.m.

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City Council Meeting of Monday, August 15, 2011, at 7:00 p.m.

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Budget Hearings Meeting of Monday, August 29, 2011, at 3:00 p.m.

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COMMUNICATIONS

1. A memorandum was received on August 16, 2011, declaring a surplus on a plotter that will be traded in for another asset.

Sponsor: Mayor/Finance

2. A memorandum was received on August 25, 2011, declaring a surplus on an van that will be disposed of as junk.

Sponsor: Mayor/Finance

3. A communication was received from Mount Marty College, Inc., requesting permission to consume, but not sell beer at the Mount Marty College Sioux Falls Campus, 5001 W. 41st Street, Sioux Falls, on Tuesday, October 4, 2011, from 2:00 p.m. until 10:00 p.m. celebrating 75 years as Mount Marty College.

Sponsor: SDCL 35-1-5.3

4. A communication was received from Washington High School Class of 2012 stating their intent to sell raffle tickets for a 50/50 raffle at all football, basketball, volleyball games and other activities until May 2012. Half of the money raised at each 50/50 raffle will be awarded as a prize with the other half being used for the 2012 Senior Class Party which will be held after graduation in May 2012.

Sponsor: SDCL 22-25-25

APPLICATIONS

5. Special One-Day Liquor License for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for a wedding reception on October 8, 2011.

Sponsor: Mayor/Attorney

NOTICE OF HEARINGS

Set a date of hearing for Monday, September 19, 2011, at 7:00 p.m. on Items 6 through 12:

6. Transfer of a 2011-12 Retail Malt Beverage License from Bosselman Inc. of SD, Grandma Max's Restaurant, 5301 North Cliff Avenue, to Bosselman Food Services Inc., Grandma Max's Restaurant, to be operated at 5301 North Cliff Avenue, including video lottery terminals (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

7. Transfer of a 2011-12 Retail Malt Beverage License from Interactive Holdings Inc., VIP Gaming II, 3600 West 41st Street, to Wallmark Foods Inc., The Parliament Casino, to be operated at 3600 West 41st Street, including video lottery terminals (CUP not required; this is an existing license which predates the ordinance).

Sponsor: Mayor/Attorney

8. Transfer of a 2011 Retail Wine License from Interactive Holdings Inc., VIP Gaming II, 3600 West 41st Street, to Wallmark Foods Inc., The Parliament Casino, to be operated at 3600 West 41st Street, including video lottery terminals (CUP not required; this is an existing license which predates the ordinance).

Sponsor: Mayor/Attorney

9. Special One-Day Wine License for the Affordable Housing Solutions, to be operated at the Old Courthouse Museum, 200 West Sixth Street, for the 2011 Trivia Challenge Fundraiser on September 29, 2011.

Sponsor: Mayor/Attorney

10. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Children's Home Society, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for their annual dinner meeting on October 6, 2011.

Sponsor: Mayor/Attorney

11. Special One-Day Malt Beverage and Special One-Day Wine Licenses 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.

Sponsor: Mayor/Attorney

12. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Compass Center, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the "It's in the Bag" Fundraiser on February 9, 2012.

Sponsor: Mayor/Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to approve the Regular Agenda.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend the main motion and Regular Agenda by deferring Items 20 and 32 until Monday, September 19, 2011, at 7:00 p.m.

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

Motion Passed.

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to amend the main motion and Regular Agenda by deferring Item 18 until Monday, October 3, 2011.

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

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

William Hartman spoke about a recent program held at the Washington Pavilion.

Miriam Green spoke about the city ordinance for parking of recreational vehicles.

Robert Kolbe spoke about the second hand goods ordinance.

Tim Stanga spoke about the proposed Events Center.

UNFINISHED BUSINESS

13. New 2011-12 Retail Malt Beverage License for Tokyo Sushi and Hibachi LLC, Tokyo Sushi & Hibachi, to be operated at 3202 East Tenth Street (full service restaurant; CUP not required). Pending final inspections per Health, Fire, and Building Services.

Sponsor: Mayor/Attorney

14. New 2011 Retail Wine License for Tokyo Sushi and Hibachi LLC, Tokyo Sushi & Hibachi, to be operated at 3202 East Tenth Street (full service restaurant; CUP not required). Pending final inspections per Health, Fire and Building Services.

Sponsor: Mayor/Attorney

15. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Home Builders Association of the Sioux Empire to be operated at Home Builders Association of the Sioux Empire, 6904 South Lyncrest Place, for

the General Membership Meeting on September 29, 2011.

Sponsor: Mayor/Attorney

16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Avera McKennan Foundation to be operated at Perspective, 196 East Sixth Street, on October 21, 2011, for the "Paint the Night Pink" Fundraiser.

Sponsor: Mayor/Attorney

17. Special One-Day Malt Beverage License for the Sioux Falls Jazz & Blues Society to be operated at the Sioux Falls Convention Center, 1211 North West Avenue, for the Expo for Her on October 14-15, 2011.

Sponsor: Mayor/Attorney

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to approve Items 13 through 17.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

18. 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

Action on Item 18 was taken at the approval of the Regular Agenda.

19. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 26TH ST. AND S. CANYON AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2011-06-11 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 James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance for Item 19.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

20. 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, 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

Action on Item 20 was taken at the approval of the Regular Agenda.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. BENSON ROAD AND N. MARION ROAD FROM THE RA-1, RESIDENTIAL DISTRICT AND O, OFFICE DISTRICT TO THE RS-2, RESIDENTIAL AND THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO.2011-07-10 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 Michelle Erpenbach to adopt said Ordinance for Item 21.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. MADISON STREET AND N. VALLEY VIEW ROAD FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO.2011-07-11 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 James Entenman and seconded by Council Member Rex Roling to adopt said Ordinance for Item 22.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-07-13 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 1000 S. SYCAMORE AVE. AMENDING THE CELEBRATE COMMUNITY CHURCH PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission recommends approval. 5-1)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to adopt said Ordinance for Item 23.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR CIP NO. 148014, RIGHT-OF-WAY ACQUISITION FOR PUBLIC WORKS. (\$512,075.00)

Sponsor: Mayor/Public Works

A motion was made by Council Member Sue Aguilar and seconded by Council Member Rex Rolwing to adopt said Ordinance for Item 24.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, 8. Noes, 0.

Motion Passed.

25. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PERMANENT 40-FOOT UTILITY EASEMENT IN LOT 1A IN BLOCK 5 OF GRAND ARBOR VILLAGE ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adopt said Ordinance for Item 25.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, 8. Noes, 0.

Motion Passed.

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT EASEMENTS IN LOT 2, BLOCK 1, THE EDGES ADDITION TO THE CITY OF SIOUX FALLS; TRACT 1, EXCEPT LOT H-1, THE EDGES ADDITION TO THE CITY OF SIOUX FALLS; AND LOT 1, EXCEPT LOT H-1, BLOCK 6, INTERSTATE CROSSING BUSINESS PARK ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SOUTH DAKOTA.

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 26.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, 8. Noes, 0.

Motion Passed.

27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PERMANENT STORM SEWER AND DRAINAGE EASEMENT IN TRACT A OF REDROCK PARK 2ND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member Vernon Brown and seconded by Council Member Greg Jamison to adopt said Ordinance for Item 27.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, 7. Council Member Kenny Anderson Jr. was excused from the meeting and the vote on this item. Noes, 0.

Motion Passed.

28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PORTION OF PERMANENT WATER AND SANITARY SEWER EASEMENTS IN LOT 1, FRIESSEN'S ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance for Item 28.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

29. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE CITY TO ENTER INTO AN INTEREST-FREE LOAN AGREEMENT WITH SOUTH DAKOTA HOUSING DEVELOPMENT AUTHORITY FOR THE PURPOSE OF REHABILITATING RENTAL HOUSING PROPERTIES WITHIN THE CORE INCENTIVE AREA. (Up to \$500,000.00)

Sponsor: Mayor/Community Development

A motion was made by Council Member Vernon Brown and seconded by Council Member Rex Roling to adopt said Ordinance for Item 29.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, September 19, 2011, at 7:00 p.m. on Item 30:

30. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING ARTICLE III OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY REGARDING THE ORPHEUM THEATER ADVISORY BOARD OF DIRECTORS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Monday, September 19, 2011, at 7:00 p.m. on Item 30.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

31. PUBLIC HEARING FOR PUBLIC INPUT FOR A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2012, AND THE 2012-2016 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

32. 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

Action on Item 32 was taken at the approval of the Regular Agenda.

33. A RESOLUTION SUPPORTING THE CANDIDACY OF TRACY D. TURBAK FOR A POSITION ON THE BOARD OF DIRECTORS OF THE SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE (SDPAA).

Sponsor: Mayor/Finance

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adopt said Resolution for Item 33.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

A RESOLUTION SUPPORTING THE CANDIDACY OF TRACY D. TURBAK FOR A POSITION ON THE BOARD OF DIRECTORS OF THE SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE (SDPAA).

WHEREAS, the City of Sioux Falls is a member of the SDPAA, which is a risk-sharing pool composed primarily of South Dakota cities and counties; and

WHEREAS, the City of Sioux Falls appointed Tracy D. Turbak as Director of Finance; Turbak currently holds a position on the Board of Directors of the SDPAA, which term is soon to expire; and

WHEREAS, it is in the best interest of the City of Sioux Falls to maintain representation on the Board of Directors of the SDPAA; and

WHEREAS, the SDPAA board member eligibility rules require the candidacy of an appointed official to be supported by a resolution of the governing board.

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

That the City Council hereby supports the candidacy of the Director of Finance, Tracy D. Turbak, for a position on the Board of Directors of the SDPAA.

Mayor Huether excused himself from the meeting and the vote on Item 34. Council Chair Aguilar chaired the meeting for Item 34.

34. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND BANCROFT PARTNERS, LLC.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to adopt said Resolution for Item 34.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND BANCROFT PARTNERS, LLC.

WHEREAS, on May 16, 2011, the City Council adopted Resolution No. 38-11 to approve the Project Plan for Tax Incremental District Number 11; and

WHEREAS, the City of Sioux Falls (the "City") and Bancroft Partners, LLC ("Developer") find it in their best interest to enter into a Development Agreement for Implementation of the Tax Incremental District 11 Project Plan;

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

That it hereby approves the Development Agreement, which is in substantially the same form attached hereto, and that the Mayor is authorized to sign such Agreement after it is ratified and executed by Bancroft Partners, LLC.

Mayor Huether returned to chair the remainder of the meeting.

35. A RESOLUTION AMENDING THE 2011-2015 CAPITAL PROGRAM TO INCREASE FUNDING FOR CIP NO. 148014, RIGHT-OF-WAY ACQUISITION FOR PUBLIC WORKS.

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Resolution for Item 35.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

A RESOLUTION AMENDING THE 2011-2015 CAPITAL PROGRAM TO INCREASE FUNDING FOR CIP NO. 148014, RIGHT-OF-WAY ACQUISITION FOR PUBLIC WORKS.

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

That the 2011-2015 Capital Program shall be amended as follows:

Public Works-Engineering

Amend Capital Improvements Program Project No. 148014, Right-of-Way Acquisition for Public Works, by increasing the amount of funding for right-of-way acquisition by \$512,075 in 2011. The additional funding will require an increase in appropriations that will be funded by Surface Transportation Program (STP) funds.

36. A RESOLUTION OF THE CITY COUNCIL DESIGNATING EIDE BAILLY LLP TO PROVIDE AN INDEPENDENT AUDIT OF ALL CITY ACCOUNTS FOR THE YEARS ENDING ON DECEMBER 31, 2011, 2012, AND 2013.

Sponsor: City Council/Jamison and Karsky

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 36.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James

Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

A RESOLUTION [OF THE CITY COUNCIL DESIGNATING EIDE BAILLY LLP TO PROVIDE AN INDEPENDENT AUDIT OF ALL CITY ACCOUNTS FOR THE YEARS ENDING ON DECEMBER 31, 2011, 2012, AND 2013].

WHEREAS, Section 2.10 of the City Charter states, "The City Council shall provide for an independent annual audit of all City accounts and may provide for more frequent audits as it deems necessary"; and

WHEREAS, the independent auditor of the City shall communicate with the Audit Committee prior to the beginning of the City's annual audit and any subsequent audits performed. If additional audits are necessary for the City, the independent auditor shall discuss additional fees with the Audit Committee prior to incurrence; and

WHEREAS, Section 2.10 of the City Charter states, "Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the City government or any of its officers."

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

That [the accounting firm of Eide Bailly LLP is designated by the City Council to conduct the annual audit of all City accounts and report to the Audit Committee for the years ending on December 31, 2011, 2012, and 2013. The annual audit shall be subject to approval by the State Department of Legislative Audit.]

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)

37. REPORT OF AUGUST 29, 2011, 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 Sue Aguilar to adjourn at 8:06 p.m.

Vote to adjourn: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. 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.