

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

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

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

ABSENT

INVOCATION

- Pastor Pat McClanahan, Common Ground Worship Center

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- National Library Week

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

- Informational Meeting of Monday, April 2, 2012, at 4:00 p.m.
- Regular City Council Meeting of Monday, April 2, 2012, at 7:00 p.m.

## COMMUNICATIONS

1. Approval of Contracts/Agreement on April 4, 2012 memo.  
Sponsor: Mayor/Finance
2. Notice of Change Orders on April 4, 2012 memo.  
Sponsor: Mayor/Finance
3. Report of Request for Quotes for Fuel: March 29, 2012; Unleaded Ethanol & E85; 7000 Gallons Unleaded/1000 Gallons E85 (8000 total); Harms Oil, \$3.4400 Unleaded/\$2.6800 E85; CHS, Inc., Howes Oil, and Olson Oil, all no bids. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Fleet
4. Report of Request for Quotes for Fuel: March 29, 2012; #2 Dyed Diesel Fuel; 7500 gallons; Harms Oil, \$3.3725; Howes Oil, \$3.3985; CHS, Inc., Midwest Oil, and Olson Oil, all no bids. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Fleet
5. A communication was received from Philanthropy Promotions, Inc., stating their intent to sell raffle tickets from April 15, 2012 until July 14, 2012 for a 2012 Harley-Davidson Super Glide Custom motorcycle (valued at \$13,599.00). Tickets will be sold for \$25.00 apiece. The proceeds will be donated to the Make-A-Wish Foundation of SD.  
Sponsor: SDCL 22-25-25

## REGULAR AGENDA ITEMS

### APPROVAL OF REGULAR AGENDA

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

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

### PUBLIC INPUT

Theresa Stehly spoke about voting, vote centers and neighborhood watch.

Tim Stanga spoke about the Events Center, road construction, tree trimming, and railroad switch yards.

INTRODUCTION AND ADOPTION OF ORDINANCES

6. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 10 OF THE REVISED ORDINANCES OF THE CITY DEALING WITH THE LICENSING AND REGISTRATION OF BICYCLES.

Sponsor: Mayor/Police Department

A motion was made by Council Member Sue Aguilar and seconded by Council Member James Entenman to adopt said Ordinance 27-12.

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

Motion Passed.

7. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 19, ARTICLE VIII, FAMILY DAY CARE HOMES.

Sponsor: Mayor/Health Department

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Ordinance 28-12.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to amend the main motion by amending Section 19-123.1. Insurance, by changing the minimum amount of \$1,000,000.00 to \$300,000.00 .

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

Motion Passed.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, April 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 BY IMPLEMENTING A LODGING ESTABLISHMENT TAX WITHIN THE MAIN STREET BUSINESS IMPROVEMENT DISTRICT.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Monday, April 16, 2012.

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

Motion Passed.

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

9. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR CIP NO. 148014, RIGHT-OF-WAY ACQUISITION FOR PUBLIC WORKS. (Engineering - \$580,000.00)  
Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Monday, April 16, 2012.

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

Set a date of hearing and 2nd Reading for Monday, April 16, 2012, at 7:00 p.m., for Item 10:

10. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Events Center Construction Fund - \$4,000,000.00)  
Sponsor: Mayor/Finance

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Monday, April 16, 2012.

A motion to amend the main motion was made by Council Member Rex Rolwing to set a date of hearing and 2nd Reading for Tuesday, May 15, 2012. Since there is no second, the motion is not before the meeting.

A motion to amend the main motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, May 1, 2012.

Council Member Dean Karsky withdrew his amendment. Council Member James Entenman withdrew his second.

A motion to amend the main motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, May 8, 2012.

Vote to amend: Roll Call: Yeses, James Entenman, Dean Karsky, Rex Rolwing, 3. Noes, Michelle Erpenbach, Greg Jamison, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 5.

Motion Failed.

Vote to set a date: Roll Call: Yeses, James Entenman, Rex Rolwing, 2. Noes, Michelle Erpenbach, Greg Jamison, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, 6.

Motion Failed.

#### HEARINGS AND RESOLUTIONS

11. Deferred Action (from the meeting of March 12, 2012): A RESOLUTION ABATING AND REFUNDING FRONT FOOT ASSESSMENTS FOR STREET MAINTENANCE FEES AT PARCEL NO. 53604.

Sponsor: Mayor/Public Works

A motion was made by Council Member Vernon Brown and seconded by Council

Member Kenny Anderson Jr. to adopt said Resolution 18-12.

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

RESOLUTION NO. 18-12

A RESOLUTION ABATING AND REFUNDING FRONT FOOT ASSESSMENTS FOR STREET MAINTENANCE FEES AT PARCEL NO. 53604.

WHEREAS, Marlyn E. and Geraldine M. Hanten own Tract A of Richmond Estates Second Addition to the City of Sioux Falls and the NE1/4 of the SE1/4 of Section 11-T101N-R49W of the 5th P.M. (except Hanten s Addition to the City of Sioux Falls contained therein), Minnehaha County, South Dakota (parcel No. 53604); and

WHEREAS, the property consists of parcel No. 53604; and

WHEREAS, 20' of the property fronts Sycamore Ave., which is a City-maintained road; and

WHEREAS, Section 38-31 of the Revised Ordinances of the City of Sioux Falls authorizes the City Council to annually levy for the purpose of maintaining or repairing street surfacing or pavement a special front foot assessment not to exceed \$1.00 per front foot upon the lots fronting and abutting the street; and WHEREAS, at all relevant times herein, the City Council has levied a special front foot assessment of \$1.00 per front foot upon the lots fronting and abutting the streets; and

WHEREAS, Two Hundred Twenty-Five Dollars (\$225) was assessed against parcel No. 53604 for the 2007 taxes due in 2008; and

WHEREAS, Five Hundred Eighty Dollars (\$580) was assessed against parcel No. 53604 for the 2008 taxes due in 2009; and

WHEREAS, Five Hundred Eighty Dollars (\$580) was assessed against parcel No. 53604 for the 2009 taxes due in 2010; and

WHEREAS, the error was corrected in 2010 and the appropriate front foot assessment of Twenty Dollars (\$20) has been assessed against the property starting with the 2010 taxes due in 2011; and

WHEREAS, Section 39-160 of the Revised Ordinances of the City of Sioux Falls authorizes the City Council to abate or refund any part of a tax if the City Council is satisfied beyond a doubt that the assessment of real property described in the application for abatement or refund is invalid, inequitable, or unjust if the request is filed no later than the 1st day of November of the fourth year after which such assessment would have been delinquent;

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

The City Council is satisfied beyond a doubt that the front foot assessments imposed against parcel No. 53604 were invalid, inequitable, or unjust for the tax year 2007 due in 2008, 2008 due in 2009, and 2009 due in 2010; and

Two Hundred Five Dollars (\$205) of the Two Hundred Twenty-Five Dollars (\$225) in front foot assessments paid for parcel No. 53604 for the 2007 taxes due in 2008 are to be refunded to Marlyn E. and Geraldine M. Hanten, owners; and

Five Hundred Sixty Dollars (\$560) of the Five Hundred Eighty Dollars (\$580) in front foot assessments paid for parcel No. 53604 for the 2008 taxes due in 2009 are to be refunded to Marlyn E. and Geraldine M. Hanten; and

Five Hundred Sixty Dollars (\$560) of the Five Hundred Eighty Dollars (\$580) in front foot assessments paid for parcel No. 53604 for the 2009 taxes due in 2010 are to be refunded to Marlyn E. and Geraldine M. Hanten; and

A total refund of One Thousand Three Hundred Twenty-Five Dollars (\$1,325) shall be refunded to Marlyn E. and Geraldine M. Hanten pursuant to Section 39-160 of the Revised Ordinances of the City of Sioux Falls because the aforementioned assessments were invalid, inequitable, or unjust.

Date adopted: 04/09/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

12. Deferred Action (from the meeting of March 12, 2012): A RESOLUTION ABATING AND REFUNDING STORM DRAINAGE FEE ASSESSMENTS AT PARCEL NO. 53604.

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to defer to the meeting of Tuesday, May 8, 2012, at 7:00 p.m.

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

Motion Passed.

13. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. NATIONAL AVE. FROM E. 54TH ST. N. TO THE SOUTH PROPERTY LINE OF TRACT 16 RALPH S TRACTS AND E. 52ND ST. N. FROM THE WEST PROPERTY LINE OF TRACT 16 RALPH S TRACTS TO N. JESSICA AVE.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Resolution 19-12.

Vote to adopt: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Vernon Brown, 1.

Motion Passed.

RESOLUTION NO. 19-12

A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. NATIONAL AVE. FROM E. 54TH ST. N. TO THE SOUTH PROPERTY LINE OF TRACT 16 RALPH S TRACTS AND E. 52ND ST. N. FROM THE WEST PROPERTY LINE OF TRACT 16 RALPH S TRACTS TO N. JESSICA AVE.

WHEREAS, a petition of the owners of

E164' Tract 15 (except E33') Ralph s Tracts;

Tract 15 (except N33' and except E164') Ralph s Tracts;

N600' Tract 16 (except E33' ROW) Ralph s Tracts;

Tract 5 Harris Addition SW1/4 Section 34-102-49;

Tract 4 (except E367.54' S328.5') Harris Addition SW1/4 Section 34-102-49;

Tract 3 Harris Addition

to the City of Sioux Falls, Minnehaha County, South Dakota, has been filed with

the City Clerk, asking that the aforesaid be vacated. Pursuant to SDCL, notice of hearing has duly been given, and said notice was properly published; and WHEREAS, the hearing was held on April 9, 2012, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition thereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has not been used for public travel in the last 20 years. NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the public right-of-way on N. National Ave. from E. 54th St. N. to the south property line of Tract 16 Ralph s Tracts and East 52nd St. N. from the west property line of Tract 16 Ralph s Tracts to N. Jessica Ave. to the City of Sioux Falls, Minnehaha County, South Dakota, be and the same hereby is declared vacated, subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property for gas mains as shown on Exhibit A, and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 04/09/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

14. 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 Michelle Erpenbach to adopt said Resolution 20-12.

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

Motion Passed.

RESOLUTION NO. 20-12

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
Diane de Koeyer	Planning Commission	Appointed for a term from May 2012 to May 2014 (to fill the unexpired term of Lynnette Olson).
Tim Fonder	Board of Appeals	Reappointed for a term from May 2012 to May 2014.
John Overby	Solid Waste Planning Board	Reappointed for a term from May 2012 to May 2015.
Debra Reinicke	Solid Waste Planning Board	Reappointed for a term from May 2012

to May 2015.

Date adopted: 04/09/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adjourn at 8:53 p.m.

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

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 16: INFORMATIONAL MEETINGS AIR LIVE THE FIRST, SECOND, THIRD, AND LAST MONDAYS OF EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND LAST MONDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. 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 5:30 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: INFORMATIONAL MEETINGS AT 9:00 A.M. ON WEDNESDAYS, 1:30 A.M ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 8:00 A.M. ON WEDNESDAYS, 12:30 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 10:00 A.M. ON WEDNESDAYS, 2:30 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 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.