

City of Sioux Falls Council Meeting
Minutes
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, October 1, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

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

ABSENT

Council Member Rex Rolwing

INVOCATION

- Pastor Nick Collins, Hope Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Domestic Violence Awareness Month, October, 2013

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

A motion was made by Council Member Kermit L. Staggers to amend the Consent Agenda by moving the following two items from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes: Core Facade Revitalization for the vendor Phillips Redevelopment (\$100,000.00) and Core Facade Revitalization for the vendor Larson Square, LLC (\$100,000.00).

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to amend the Consent Agenda by correcting the September 17, 2013, City Council Meeting minutes as follows: Item 26 - Amendment AB: Replace \$75,000 with \$97,500 and replace Funds will come from the Code Enforcement - Consultation on amendments \$50,000, Multimedia Support - customer service letter content review of \$25,000 with Funds will come from the Museum annual

storage expense of \$97,500.

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

Motion Passed.

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

Motion Passed.

MINUTES

- Informational Meeting of Tuesday, September 17, 2013, at 4:00 p.m.
- City Council Meeting of Tuesday, September 17, 2013, at 7:00 p.m.
- Informational Meeting of Tuesday, September 24, 2013, at 4:00 p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on September 25, 2013 memo.
Sponsor: Mayor/Finance

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to approve the following two items from Item 1 (Contracts and Agreements): Core Facade Revitalization for the vendor Phillips Redevelopment (\$100,000.00) and Core Facade Revitalization for the vendor Larson Square, LLC (\$100,000.00).

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

Motion Passed.

2. Notice of change orders on September 25, 2013 memo.
Sponsor: Mayor/Finance
3. A memorandum dated September 19, 2013, declaring surplus capital items that were sold at the September 21, 2013 auction.
Sponsor: Mayor/Finance
4. A memorandum dated September 19, 2013 declaring surplus a capital item that was totaled in an accident.
Sponsor: Mayor/Finance

5. A communication was received from Shane Gilbertson requesting permission to consume, but not sell, beer and wine at the Old Courthouse Museum, 200 West 6th Street on Saturday, October 19, 2013, from 6:00 p.m. to 12:00 a.m. for the purpose of celebrating a wedding.
Sponsor: SDCL 35-1-5.3
6. A communication was received from Lyndsey Megan Costantini requesting permission to consume, but not sell, liquor, wine and beer at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, November 9, 2013, from 5:00 p.m. to 11:00 p.m. for the purpose of a wedding celebration.
Sponsor: SDCL 35-1-5.3
7. Report of Requests for Quotes for Fuel dated: September 13, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$3.2519); Midwest Oil (\$3.3300); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil. .
Sponsor: Mayor/Public Works
8. Report of Requests for Quotes for Fuel dated: September 13, 2013; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$3.0585); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
9. Report of Requests for Quotes for Fuel dated: September 19, 2013; #2 Clear Diesel Fuel; 7,500 Gallons; Harms Oil (\$3.4100); CHS, Inc. (\$3.4200); Midwest Oil, Howes Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.
Sponsor: Mayor/Planning and Building Services
10. Report of Requests for Quotes for Fuel dated: September 19, 2013; Unleaded Ethanol; 8,500 Gallons; Howes Oil (\$2.9355); Harms Oil (\$2.9465); CHS, Inc. (\$2.9600); Olson Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works

APPLICATIONS

11. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at the Old Courthouse Museum for an Ophthalmology Educational Event on October 26, 2013.
Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, October 15, 2013, at 7:00 p.m. for Items 12 through 19:

12. New 2013 Retail Liquor License, including Sunday Sales and video lottery terminals, for QSL Sioux Falls, LLC, Quaker Steak and Lube, 6401 South Louise Avenue (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

13. New 2013 Package Liquor License for Cubby s Inc., Cubby s West to be operated at 2101 West 49th Street (CUP not required).
Sponsor: Mayor/City Attorney
14. New 2013-14 Package Malt Beverage License for Cubby s Inc., Cubby s West 12th to be operated at 1900 West 12th Street (CUP not required).
Sponsor: Mayor/City Attorney
15. New 2013-14 Package Malt Beverage License for Cubby s Inc., Cubby s North Cliff to be operated at 3420 North Cliff Avenue (CUP not required).
Sponsor: Mayor/City Attorney
16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at Spring Center Apartments, 512 South Spring Avenue, for a ribbon cutting on October 23, 2013.
Sponsor: Mayor/City Attorney
17. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at Johnson, Heidepriem, & Abdallah, LLP, 101 South Main Ave, Suite 100, for a Law Enforcement Reception on November 13, 2013.
Sponsor: Mayor/City Attorney
18. Special One-Day Liquor License for Sanford Health to be operated at the Sanford Health Pentagon, 2210 Pentagon Place for a NCAA Basketball Game between the University of South Dakota and Northern State University on November 2, 2013.
Sponsor: Mayor/City Attorney
19. Special One-Day Liquor Licenses for Sanford Health to be operated at the Sanford Health Pentagon, 2210 Pentagon Place for all 2013-14 Home Season games for the Skyforce between November 22, 2013 and April 5, 2014, and for possible playoff games between April 6 and May 31, 2014.
Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Sue Aguilar and seconded by Council Member James Entenman to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.
Motion Passed.

PUBLIC INPUT

There was none.

Item 1 was discussed at this time. See item for action taken.

UNFINISHED BUSINESS

20. New 2013-14 Retail Malt Beverage License for Hy-Vee, Inc., Hy-Vee Food Store #3, 3000 South Minnesota Avenue with Conditional Use Permit (2007-07-18) being approved on August 1, 2007.
Sponsor: Mayor/City Attorney

21. Special One-Day Wine License requests for Downtown Sioux Falls Inc., for the First Friday Artwalk to be held on October 4, 2013, at the following locations: Great Outdoor Store, 201 East Tenth Street, Young & Richards, 222 South Phillips Avenue, 8th & Railroad Center Lobby, 401 East 8th Street, Bead Co., 319 South Phillips Avenue, Zandbroz, 209 South Phillips Avenue, Sticks and Steel, 401 East 8th Street Suite 118, Rehfeld s Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street Suites 112/114, Book Shop, 223 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue, Cliff Hangers Gallery, 126 South Phillips Avenue, Coffea Roasterie, 200 South Phillips Avenue, EmBe, 300 West 11th Street, Home Porch, 217 South Phillips Avenue, NV Salon Studio, 106 West 11th Street, Say Anything Jewelry, 524 N. Main Avenue, #104, Simply Perfect, 401 East 8th Street #108, and Orpheum Theatre, 315 North Phillips Avenue.
Sponsor: Mayor/City Attorney

22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at Nordic Venture Partners, 221 South Phillips Avenue, Suite 202, for a client social on October 10, 2013.
Sponsor: Mayor/City Attorney

23. Special One-Day Off-Sale Package Wine License for Prairie Berry, LLC to be operated at the Sioux Falls Convention Center, 1211 North West Avenue, for the Expo for Her on October 18 and 19, 2013.
Sponsor: Mayor/City Attorney

24. Special One-Day Off-Sale Package Wine License for the White Headed Robin Winery to be operated at the Sioux Falls Convention Center, 1211 North West Avenue, for the Expo for Her on October 18 and 19, 2013.
Sponsor: Mayor/City Attorney

25. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at Vance Thompson Vision/Artisan 57 Skin & Laser Center, 3101 West 57th Street for an open house on October 15, 2013.
Sponsor: Mayor/City Attorney

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to approve Items 20 through 25.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.
Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-07 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, AT NORTHWEST CORNER OF W. 85TH STREET AND S. WESTERN AVE. AMENDING THE THREE FOUNTAINS PLAZA PLANNED DEVELOPMENT DISTRICT REGULATIONS AND SUBAREA MAP. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to defer this item to the City Council Meeting on Tuesday, November 5, 2013, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.
Motion Passed.

27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 801 AND 823 N. HARLEM AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2013-08-08 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 No. 62-13.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.
Motion Passed.

28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. DIKE DR. AND N. QUARRY AVE. FROM THE GRANITE VALLEY PLANNED DEVELOPMENT DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2013-08-15 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 Sue Aguilar and seconded by Council Member Dean Karsky to defer this item to the City Council Meeting on Tuesday, November 5, 2013, at 7:00 p.m.

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

Motion Passed.

29. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 600 W. 81ST ST. FROM THE RS-2, RESIDENTIAL AND GARDEN VILLAGE II PD DISTRICT TO THE RC, RECREATION/CONSERVATION AND RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2013-08-11 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 Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Ordinance No. 61-13.

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

Motion Passed.

30. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1801 S. KATIE AVE. FROM THE A-1, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2013-08-05 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 Dean Karsky and seconded by Council Member James Entenman to adopt said Ordinance No. 63-13.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

31. A RESOLUTION OF SUPPORT FOR THE CREATION OF THE 2025 DOWNTOWN PLAN.

Sponsor: Mayor/Community Development and Planning & Building Services

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to adopt said Resolution 75-13.

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

Motion Passed.

RESOLUTION NO. 75-13

A RESOLUTION OF SUPPORT FOR THE CREATION OF THE 2025 DOWNTOWN PLAN.

WHEREAS, the creation of the 2025 Downtown Plan is to accomplish the following:

1. To create a vision that will stimulate the development of a vibrant downtown, which will feature a variety of amenities that will lead to a safe, prosperous, culturally diverse, and attractive downtown;
2. To develop a plan designed to guide community leaders in implementation of this vision; and

WHEREAS, the process will include communitywide public meetings, additional opportunities to seek citizen input at public events and other locations the public may frequent, and utilizing professional services to establish a vision for the desired future of downtown Sioux Falls and a plan designed to implement the vision; and

WHEREAS, a citizen advisory committee will be utilized to consider, at a minimum, parks, public parking, economic development, health and wellness, land use, streets, infrastructure, traffic, design, transit, commuting, housing, public safety, historic preservation, arts, and entertainment; and

WHEREAS, the 2025 Downtown Plan Citizen Advisory Committee is hereby established and will include the following individuals:

Brendan Reilly	Jennifer Schmidtbauer	Michelle Erpenbach
Daniel Doyle	Jerry Nachtigal	Paul Ten Haken
Eric McDonald	Jessie Schmidt	Terri Schuver
Gene McGowan	Joe Kirby	
Glen Koch	Larry Toll	

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

That it supports the creation of the 2025 Downtown Plan.

Date adopted: 10/01/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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)

32. REPORT OF THE SEPTEMBER 24, 2013, NOTICE OF TRANSFER OF APPROPRIATIONS WITH MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to adjourn the meeting at 7:40 p.m.

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

Motion Passed.

Tamara Jorgensen, 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. LINKS TO EACH MEETING S 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.