

\*\*NOTE: These minutes are considered DRAFT until approved by the committee at the next Public Services Committee meeting.

MINUTES

Monday, December 12, 2011

\* 5:21 PM

Public Services Committee Carnegie Town Hall

235 West 10th Street

Members Present: Council Member Sue Aguilar, Council Member Kenny Anderson Jr., Council Member Vernon Brown, and Council Member Michelle Erpenbach

Members Absent: None

Staff Present: Sue Roust, Interim City Clerk and Tamara Jorgensen, CMC, Assistant City Clerk

Guests: Rex Rolwing, Greg Jamison, Jim Entenman, Don Kearney, Mike Cooper, David Pfeifle, Karen Leonard, and Cheryl Rath

1. Call To Order

Committee Chair Anderson Jr. called the meeting to order at 5:21p.m.

2. Review and approval of minutes dated November 14, 2011

A motion was made by Council Member Vernon Brown and seconded by Council Member Sue Aguilar to approve the minutes. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

3. Alarm Ordinance - Update

Deferred Item: Chief Doug Barthel will present an update on the Alarm Ordinance at the Public Services Committee Meeting scheduled for Monday, January 9, 2012.

Review Naming Rights Ordinance by Darrin Smith, Director of Community Development

4.

Smith distributed copies of Ordinance 44-97 and City Ordinances Section 2-90 (most recently modified by Ordinance No. 76-03) which address naming of city facilities and placement of statues, monuments, and memorials.

Smith has been reviewing management contracts with different facilities and feels the city's naming rights ordinances would benefit from review and possible amendments. Smith reviewed Section 2-70 of Ordinance No. 44-97 and requested that a change be made to specify "all city-owned buildings" and remove the terminology referencing "used for civic, cultural or recreational purposes". Smith asked if the terminology "city-owned building" could be clarified to indicate whether that means the outside of the building, the inside of the building, or both.

Smith reviewed the proposed language distributed on the last page of his

handouts. This information has been discussed with Larry Toll and others at the Washington Pavilion. Smith is requesting feedback from the committee and would prefer an aggressive timeline on this ordinance. He noted that other city departments are working on agreements and suggested that simple but universal terminology be used on all agreements with facilities. Smith stated that some past agreements appear to have been done "in perpetuity", that this should not be allowed, and that all agreements should be in writing. Discussion followed.

Cooper stated he felt the original intent of the 1997 ordinance was referring to the name of the building. He agreed that this ordinance needs to be reviewed again because of the questions that have been received regarding naming spaces or rooms in a building.

Pfeifle stated that these proposed changes could affect millions of dollars and may require additional time to review. Pfeifle suggested that we move a little slower and find examples of other legislation for review at the January meeting. Pfeifle recommended having another discussion to determine exactly what is needed before legislation is drafted for naming rights. After discussion, Pfeifle clarified that the City Attorney's Office would come forward at the January meeting with examples of legislation from other cities for review; but they would not have proposed legislation drafted at that time. Anderson Jr. agreed.

Discussion was held regarding listing the names of the facilities in the ordinance. The suggestion was made to remove any listings. Brown asked Smith if he would have a draft of the ordinance prior to the next meeting so they could review the proposed changes. Smith said this information would be available by the next meeting. Anderson Jr. stated this item would be on the Public Services Meeting agenda for Monday, January 9, 2012.

##### 5. Review an Ordinance for Transferring Monday City Council Meetings to Tuesdays

Pfeifle reviewed the proposed ordinance revisions to Chapter 2, Administration, to change the day when Council Meetings are held. By Charter, the City Council can choose the night for their meetings, with one of the meetings being designated as the Regular Meeting. Pfeifle stated that the existing deadline for items to be submitted to an agenda is 10:00 a.m. the Monday before a Council Meeting.

Pfeifle stated that one of the advantages of moving the Council Meetings to Tuesdays is that it gives additional time for the Administration to revise an agenda without negatively impacting the 24-hour rule regarding notice to the public. Another advantage is that contract approval items can be added to the agenda in a timelier manner.

Pfeifle briefly reviewed the past days and times that the City Commissioners used to meet. He stated that a lot of the meetings are available for watching online and he asked the City Council to review whether or not they would want to change the start time for the City Council meetings. He stated that employers in Sioux Falls may be willing to release their employees from work if they wish to add something to Public Input. Erpenbach stated that she would not be supporting changing the time of the meeting. She stated that employers block access to this kind of information and also that a time change would preclude people from serving on the City Council.

The following items were discussed:

Section 2-3(b). Council Meetings; Section 2-5(b). Informational meetings and

working sessions of the city council; and Section 2-9(b). Presiding officer; duties: Change City Council Meetings from Monday nights to Tuesday nights.

This would also include changing the Committee meetings to Tuesdays.

Section 2-7. Minutes; and Section 2-8. Journal of Proceedings: Discontinue keeping separate minutes for Executive Sessions.

Keeping Executive Session minutes are not required by law. Pfeifle is going to make a suggestion to the Charter Revision Commission to change the term "Journal" to "Minutes".

Section 2-9(d). Presiding Officer; duties: Removing "and shall serve as the parliamentarian for meeting of the city council".

Pfeifle stated that Roberts Rules of Order stipulates that the presiding officer makes the determination of what the procedures are but the governing body can override that with a majority vote. Council Member Jamison stated he felt there should be strict adherence to the code on how meetings should proceed. He stated that rather than the body determining how the procedures should go, there should be adherence to Roberts Rules of Order to control order during a meeting. Roust responded to Jamison by stating that she did not know that this was just put in the ordinance in July, 2011. She stated that the parliamentarian advises the presiding officer on procedure and the presiding officer rules on the item. She stated the City Clerk's Office works closely with the City Attorney's Office on these items. Anderson Jr. asked if this could be re-worded in the ordinance so that the Clerks could provide advice. Roust stated that is how it works now with the Chair having the final decision.

Section 2-14(f) Orders of business: Adding (f) as "Other".

Adds another subject line for items under the Consent Agenda that may not 'fit' in any of the other categories.

Section 2-15 Agenda: Changing the deadline days and times for items to be submitted to the City Clerk's Office.

Additional information provided on the timeline for posting the information to the city's website. Pfeifle stated these recommendations were made by Roust and the City Clerk's office staff. Roust displayed a chart which illustrates the proposed revised deadline days and times. The chart was reviewed and discussed.

(b) References removing an item from the Consent Agenda.

Erpenbach requests removal of the proposed final sentence in that section which addresses items being removed from the Consent Agenda for discussion. Aguilar agreed with the removal of this sentence.

(c) References posting updated Agendas on the Monday before the City Council Meeting.

Erpenbach stated she would prefer that items that are added to an Agenda are done so with the vote of six Council Members vs. the suggested change to a majority of Council Members present. Aguilar and Jamison agreed. Roust explained that this would only apply to items added in time for the 24-hour public notice. Walk-ins could still be done and would require six

votes if that wording stays in the ordinance.

(d) Removes verbiage regarding the ability to add something to the Agenda after the

deadline by a vote of six City Council members.

Pfeifle discussed concerns that municipal attorneys have regarding the Open Meeting laws in reference to 'Walk In Items' that require action taken on an item the same night it is added to an Agenda. Aguilar is in agreement that walk-in items are not allowed. Anderson Jr. felt that walk-in items should be allowed but only for special items. Council Member Jamison stated he likes the idea of the Council having the authority to walk in items.

Section 2-16. Addressing the council; time limit: Adding a new section (a) which specifies what items can be discussed at public input. Also, direction given to Council Members about engaging in dialogue with citizens during public input.

Pfeifle stated it is a current practice to follow these procedures, but should be added to ordinance. Erpenbach would appreciate latitude during Public Input. If a person has come to give input on an item that is listed on the Regular Agenda and they have a scheduling conflict, can that person be allowed to give input on an item during Public Input. Aguilar asked if it was up to the presiding officer to have latitude to allow this to happen. Anderson Jr. asked how this would affect the flow of the Council Meetings, jumping around from one item to another. He recommended that the Agenda be amended to move the item up for review earlier in the meeting.

Section 2-23. Ordinances, resolutions, motions, and other documents requiring council approval: (b) amended to add that a sponsor should provide written or oral explanations regarding an item; (e) eliminate this section regarding distribution information; (new e): updating timeline for committee reports.

Section 2-35. Powers of the Mayor. Eliminating filing Executive Orders with the City Clerk and stating they will be maintained on InSite and as otherwise prescribed by the Mayor.

Pfeifle stated that this was at the request of the Clerk's Office. These items are maintained on InSite and are also maintained by the Human Resources Office.

Roust stated that the proposed changes would allow more consistency in the meeting dates and improve office efficiency. Releasing the agenda and attachments later ensures that only the most updated version of the attachment is available for review. Roust stated that some of the directors had expressed concerned about the 'no walk-in feature'. Pfeifle reminded the directors that the walk-in feature could be used for emergencies or a special meeting could be called if the topic warranted immediate action.

Roust reminded the City Council that Election days are held on Tuesdays. If this ordinance is adopted, the City Council may wish to consider rescheduling the April 10 meeting to another night. Roust stated that, if approved, this item could take effect for the first meeting in February, 2012. Council Member Jamison stated he agrees with moving meetings to Tuesdays and feels it will improve efficiency.

A motion was made by Council Member Erpenbach and seconded by Council Member Aguilar to recommend this item for presentation to the City Council. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

6. Open Discussion

There was none.

7. Adjournment

A motion was made by Council Member Aguilar and seconded by Council Member Erpenbach to adjourn the meeting at 6:26 p.m. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

Tamara Jorgensen, CMC

Assistant City  
Clerk