

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, August 1, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Rex Rolwing

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Pastor Alan Greene, Lifelight

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Monday, July 18, 2011, at 4:00 p.m.

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City Council Meeting of Monday, July 18, 2011, at 7:00 p.m.

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Informational Meeting of Monday, July 25, 2011, at 4:00 p.m.

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#### COMMUNICATIONS

A communication was received from the Sioux Falls Morning Optimist Club stating its intent to conduct a raffle from August 2, 2011, to August 21, 2011 for a variety of prizes, including: the Grand Prize, a \$1,000.00 savings bond from First Premier Bank and Premier Bankcard; First Prize, a 3-day weekend for up to 12 people at Camp Lakodia (approximate value \$1,250.00); Second Prize, a 12-month membership for one to the Sanford Wellness Center on Oxbow Avenue (approximate value \$695.00); and Third Prize, a Nintendo DSi with one game from Best Buy (approximate value \$390.00). Tickets will be sold for one for \$5.00, five for \$20.00, and 15 for \$50.00. The proceeds will be used to support the continued growth of Sanford Children's Camp Bring It On, the only residential camp in South Dakota for children with cancer.

Sponsor: SDCL 22-25-25

A communication was received from Junior Achievement of South Dakota, Inc., stating its intent to conduct a raffle from October 2011 to May 2012 for a 50/50 drawing. Tickets will be sold for \$1.00 each, \$5.00 for nose to waist, and \$10.00 for nose to toes. The proceeds will be used for Junior Achievement programming in Sioux Falls for the 2012/2013 school year.

Sponsor: SDCL 22-25-25

A communication was received from Avera Medical Group Dermatology Sioux Falls requesting permission to consume, but not sell, beer and wine at Avera Medical Group Dermatology Sioux Falls, 6701 S. Minnesota Ave., on Monday, August 22, 2011, from 3:30 p.m.-7:00 p.m., for a ribbon cutting of Avera Medical Group Dermatology Sioux Falls with employees, friends and family.

Sponsor: SDCL 35-1-5.3

A communication was received from the Great Plains Zoo & Delbridge Museum of Natural History requesting permission to consume, but not sell, beer and wine at the Great Plains Zoo & Delbridge Museum of Natural History, 805 S. Kiwanis Ave., on Wednesday, August 10, 2011, from 3:00 p.m.-7:00 p.m.; Thursday, August 11, 2011, from 4:00 p.m.-7:00 p.m.; Tuesday, August 16, 2011, Thursday, August 18, 2011, Tuesday, August 23, 2011, Tuesday, August 30, 2011, and Thursday, September 1, 2011, from 3:00 p.m.-7:00 p.m., for private events for special donors.

Sponsor: SDCL 35-1-5.3

NOTICE OF HEARINGS

Set a date of hearing for Monday, August 15, 2011, at 7:00 p.m. for Items 5 through 19:

5. New 2011-12 Retail Malt Beverage License for Guadalajara IV LLC, Guadalajara Mexican Restaurant, to be operated at 5309 West 41st Street, with the Conditional Use Permit (2011-04-07) being approved on 05-04-11.

Sponsor: Mayor/Attorney

6. New 2011 Retail Wine License for Guadalajara IV LLC, Guadalajara Mexican Restaurant, to be operated at 5309 West 41st Street, with the Conditional Use Permit (2011-04-07) being approved on 05-04-11.

Sponsor: Mayor/Attorney

7. New 2011-12 Retail Malt Beverage License for Ethan Ortega, New York Express Pizza, to be operated at 309 South Phillips Avenue, with the Conditional Use Permit (2007-09-09) being approved on 10-03-07.

Sponsor: Mayor/Attorney

8. New 2011 Retail Wine License for Ethan Ortega, New York Express Pizza, to be operated at 309 South Phillips Avenue, with the Conditional Use Permit (2007-09-09) being approved on 10-03-07.

Sponsor: Mayor/Attorney

9. New 2011-12 Retail Malt Beverage License for China Express Restaurant LLP, China Express Restaurant, to be operated at 2302 West 41st Street (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

10. New 2011-12 Retail Malt Beverage License for Francisco Resendiz, Tacos Lupe #3, to be operated at 802 East Tenth Street (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

11. New 2011 Package Liquor License for Kum & Go LC, Kum & Go #620, to be operated at 412 North Sycamore Avenue.

Sponsor: Mayor/Attorney

12. Rescind 2011-12 Package Malt Beverage License for Kum & Go LC, Kum & Go #620, 412 North Sycamore Avenue.

Sponsor: Mayor/Attorney

13. Special One-Day Liquor License requests for SMG, to be operated at the Sioux Falls Arena, 1201 North West Avenue, on October 19, 2011, for the Timberwolves Preseason Game, March 28, 2012, for the Central Plains Dairy Expo; all 2011-12 Home Season Games for the Stampede, all 2011-12 Home Season Games for the Skyforce; including Stampede and Skyforce possible playoff games between April 1 and May 31, 2012.

Sponsor: Mayor/Attorney

14. Special One-Day Liquor License for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street, for the Teddy Bear Den Fundraiser on September 25, 2011.

Sponsor: Mayor/Attorney

15. Special One-Day Liquor License for Sanford Health to be operated at the Sanford Center Great Lawn, 2301 East 60th Street North, for a Community Celebration and Fundraiser on August 19, 2011.

Sponsor: Mayor/Attorney

16. Special One-Day Liquor License for Realtors for Kids to be operated at the Multi-Cultural Center, 515 North Main Avenue, for the Fall Fundraiser on September 22, 2011.

Sponsor: Mayor/Attorney

17. Amend request approved on 07-18-11 for a Special One-Day Liquor License for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for the SD Trust, changing the date from September 20 to September 19, 2011.

Sponsor: Mayor/Attorney

18. 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 on September 10 and 24, 2011, for wedding receptions.

Sponsor: Mayor/Attorney

19. Special One-Day Wine License for Senior Citizens Services Inc., to be held at Active Generations, 2300 West 46th Street, for the Cocktails and Canvas Art Class on September 20, 2011.

Sponsor: Mayor/Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Sue Aguilar and seconded by Council Member Rex Rolwing 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 by deferring Item 22 until Monday, October 3, 2011, at 7:00 p.m., and the 2nd Reading to Monday, October 17, 2011, at 7:00 p.m.

Vote to amend: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 8. 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 by deferring Items 28 & 29 to Monday, August 8, 2011, at 7:00 p.m.

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

Motion Passed.

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

Motion Passed.

#### PUBLIC INPUT

Doug Jamison shared his concerns about some recent flooding in central Sioux Falls and submitted a copy of a letter signed by several homeowners in that area.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-06-02, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 5400 E. ARROWHEAD PARKWAY OR AMENDING THE RED ROCK PARK PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (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 James Entenman to adopt said Ordinance for Item 20.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 59TH ST. AND S. LOUISE AVE. FROM THE O, OFFICE DISTRICT AND THE 57TH ST. EAST PLANNED DEVELOPMENT DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2011-06-05, 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 Kenny Anderson Jr. to adopt said Ordinance for Item 21.

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

Motion Passed.

DEFERRED (from meeting of July 18, 2011, Meeting) 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 124 S.

22. 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

Action on Item 22 was deferred at approval of the Regular Agenda.

Set a date of hearing and 2nd Reading for Monday, August 8, 2011, at 7:00 p.m. for Item 23:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING CERTAIN TIME RESTRICTIONS AND EXPANDING THE REQUIREMENTS FOR ABATEMENT OF NUISANCE CONDITIONS.

Sponsor: Mayor/Health

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Monday, August 8, 2011 at 7:00 p.m., for Item 23.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, August 8, 2011, at 7:00 p.m. for Item 24:

1st Reading: 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 James Entenman and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, September 6, 2011, at 7:00 p.m. for Item 24.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, August 8, 2011, at 7:00 p.m. for Item 25:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, SETTING A TIMETABLE FOR ADOPTING A DISTRICTING PLAN FOR THE CITY OF SIOUX FALLS' COUNCIL DISTRICTS.

Sponsor: City Council/Roling and Karsky

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Monday, August 8, 2011, at 7:00 p.m. for Item 25.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, August 8, 2011, at 7:00 p.m. for Item 26:

26. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CALLING A SPECIAL ELECTION ON THE ISSUE OF WHETHER THE CITY OF SIOUX FALLS, SD, SHOULD BUILD A MULTIPURPOSE EVENTS CENTER AND ASSOCIATED SITE IMPROVEMENTS.

Sponsor: City Council/Roling and Anderson Jr.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Monday, August 8, 2011, at 7:00 p.m. for Item 26.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, August 8, 2011, at 7:00 p.m. for Item 27:

27. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO FUND THE EVENTS CENTER ELECTION EXPENSES.

Sponsor: City Council/Roling and Anderson Jr.

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, August 8, 2011, at 7:00 p.m. for Item 27.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

28. A RESOLUTION PROVIDING THAT A PROPOSAL TO CONSTRUCT AN EVENTS CENTER AND ASSOCIATED SITE IMPROVEMENTS (THE "PROJECT") WILL BE SUBJECT TO THE APPROVAL OF THE VOTERS AT A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2011.

Sponsor: City Council/Roling and Anderson Jr.

Action on Item 28 was deferred at approval of the Regular Agenda.

29. A RESOLUTION APPROVING THE FORM OF BALLOT, INCLUDING THE CITY ATTORNEY'S EXPLANATION, IN CONNECTION WITH THE ELECTION TO DETERMINE WHETHER THE CITY SHOULD CONSTRUCT AN EVENTS CENTER.

Sponsor: City Council/Rolfing and Anderson Jr.

Action Item 29 was deferred at approval of the Regular Agenda.

30. A RESOLUTION OF THE CITY COUNCIL APPROVING THE APPOINTMENT OF DAVID BIXLER AS BUDGET ANALYST EFFECTIVE AUGUST 2, 2011.

Sponsor: City Council/Rolfing and Erpenbach

A motion was made by Council Member Rex Rolfing and seconded by Council Member Sue Aguilar to adopt said Resolution for Item 30.

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

Motion Passed.

A RESOLUTION OF THE CITY COUNCIL APPROVING THE APPOINTMENT OF DAVID BIXLER AS BUDGET ANALYST EFFECTIVE AUGUST 2, 2011.

WHEREAS, the City Council authorized the position of Budget Analyst in the 2011 budget, which provided this position will report to the City Clerk/Chief of Council Operations; and

WHEREAS, the function of Budget Analyst will assist the City Council in their duty as the legislative body of the City of Sioux Falls; and

WHEREAS, the City Council desires to appoint David Bixler to serve as an officer of the City of Sioux Falls who shall have the title of Budget Analyst.

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

That it approves the following City Council appointment:

David Bixler, Budget Analyst

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)

31. REPORT OF THE JULY 29, 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 Kenny Anderson Jr. to adjourn at 7:57 p.m.

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