

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, January 17, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

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

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Pastor Phill Tague, The Ransom Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

National Mentoring Month

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VISITOR RECOGNITION

Boy Scout Troop #46

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Boy Scout Troop #152

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational meeting of Monday, January 9, 2012, at 4:00 p.m.

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City Council Meeting of Monday, January 9, 2012, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on January 11, 2012 memo.

Sponsor: Mayor/Finance

2. Report of Request for Quotes for Fuel dated: January 6, 2012; #1 & #2 Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Howes Oil (#1 - \$3.3475/#2 - \$3.0895); Harms Oil (#1 - \$3.3500/#2 - \$3.0990); CHS, Inc. (#1 - \$3.3660/#2 - \$3.1290); Olson Oil (no bid); Midwest Oil (no bid). Bid awarded to: Howes Oil.

Sponsor: Mayor/Fleet

3. A communication was received from Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and malt beverages at a ribbon cutting for Avera Medical Group McGreevy Pediatrics South, at 116 West 69th Street, on Tuesday, January 31, 2012, from 4:30 p.m. to 7:00 p.m.

Sponsor: SDCL 35-1-5.3

4. A communication was received from The Good Shepherd Ministry Center, Inc., requesting permission to consume, but not sell, wine at the Prairie Center, 1000 E. 23rd St., on Tuesday, May 1, 2012, from 5:00 p.m. to 8:00 p.m., for the Annual Bangles, Baubles, & Bags fundraiser.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

5. 2012 renewal of a Retail Liquor License for Soft Egg Inc., Whisk & Chop, to be operated at 108 South Minnesota Avenue, including Sunday Sales.

Sponsor: Mayor/City Attorney

6. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for South Dakota Symphony Receptions on February 4 and 25, 2012.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing on Monday, February 6, 2012, at 7:00 p.m. for Items 7 through 10:

- 2012 Renewal of the Package Liquor License for Gilbertson Enterprises Inc., MX Liquors, to be operated at 709 South Cliff Avenue, with an underage sales conviction in 2011.
- 7.

Sponsor: Mayor/City Attorney

- Special One-Day Liquor License for St. Therese Catholic Church to be held at the St. Therese Catholic Church Gathering Place, 901 North Tahoe Trail, for a Parish Social Activity - Fiesta, on February 11, 2012.
- 8.

Sponsor: Mayor/City Attorney

- Special One-Day License requests for Prairie Pasta Inc., Johnny's Carino's, to be operated at the Old Courthouse Museum, 200 West Sixth Street, for wedding receptions on March 3 and April 28, 2012.
- 9.

Sponsor: Mayor/City Attorney

- Special One-Day Liquor License for Philanthropy Promotions Inc., J&L Harley Davidson, for Hot Harley Nights, on July 14, 2012, at Falls Park West (park area north of the Sioux Falls Park and Recreation Office leading to Falls Park along Phillips Avenue) with a north boundary of Falls Park Drive, south boundary to 8th Street, east boundary is to the chain link fence on the east side of the park (the street will be closed on 6th Street from Dakota to Weber Avenues), and the west boundary of Dakota Avenue.
- 10.

Sponsor: Mayor/City Attorney

Set a date of hearing on Monday, February 13, 2012, at 7:00 p.m. for Item 11:

- A RESOLUTION DECLARING THE NECESSITY TO GRADE, GRAVEL, CONSTRUCT CURB AND GUTTER WITH DRIVEWAY APPROACHES, CONSTRUCT SIDEWALK, STORM SEWER, ASPHALT SURFACING, SANITARY SEWER, WATER MAIN, AND STREETLIGHTS ON W. BENSON RD. AND N. BOBHALLA DR., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.
- 11.

Sponsor: Mayor/Public Works

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar 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 adding Items 21, 22, and 23, as read by the Assistant City Clerk.

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

Jr., 8. Noes, 0.

Motion Passed.

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

Motion Passed.

PUBLIC INPUT

Theresa Stehly invited the Mayor, City Council, media, and the public to the Urban Agriculture meeting on Friday, January 20, 2012, at 2:30 p.m. at the Main Library.

I. L. Wiedermann spoke about public input at City Council meetings and the Charter Revision Commission.

UNFINISHED BUSINESS

Transfer of a 2011-12 Retail Malt Beverage License from Michelle P. Dill, Michelle's, 324 South Phillips Avenue, to Nos Terres LLC, M.B. Haskett, to be operated at 324 South Phillips Avenue, with the Conditional Use Permit (2005-09-18) being approved in 2005.

Sponsor: Mayor/Attorney

Transfer of a 2012 Retail Wine License from Michelle P. Dill, Michelle's, 324 South Phillips Avenue, to Nos Terres LLC, M.B. Haskett, to be operated at 324 South Phillips Avenue, with the Conditional Use Permit (2005-09-18) being approved in 2005.

Sponsor: Mayor/Attorney

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to approve Items 12 and 13 with one vote.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 14:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-12-01, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 5124S. SOLBERG AVE., AMENDING THE INTERSTATE CROSSINGS PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 14.

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

Motion Passed.

Set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 15:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
15. APPENDIX B, THE ZONING ORDINANCE OF THE REVISED ORDINANCES OF THE CITY, BY AMENDING BOARD OF ADJUSTMENT PUBLIC NOTICE. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 15.

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

Motion Passed.

Set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 16:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY AT 1701E. 54TH ST. N. FROM THE I-1, LIGHT INDUSTRIAL
16. DISTRICT TO THE I-2, HEAVY INDUSTRIAL DISTRICT, PETITION NO.2011-11-08, 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 James Entenman to defer Item 16 to Tuesday, February 21, 2012, at 7:00 p.m.

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

Motion Passed.

Set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 17:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY AT EAST SIDE OF SPRING AVE. BETWEEN 13TH ST. AND 14TH ST. FROM
17. THE RA-2, RESIDENTIAL DISTRICT TO THE GIGGLEBEE'S REDEVELOPMENT PLANNED

DEVELOPMENT DISTRICT, PETITION NO.2011-12-06, 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 Dean Karsky to set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 17.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

18. Deferred Action (from meetings of September 19, 2011 and October 3, 2011): A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE REVISED PRELIMINARY PLAN OF TIMBER OAK ESTATES ADDITION. (The Planning Commission recommends denial.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to defer Item 18 to Tuesday, February 21, 2012, at 7:00 p.m.

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

Motion Passed.

19. A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER FOURTEEN, CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

A motion was made by Council Member James Entenman and seconded by Council Member Vernon Brown to adopt said Resolution 2-12.

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

Motion Passed.

RESOLUTION NO. 2-12

A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER FOURTEEN, CITY OF SIOUX FALLS.

WHEREAS, the City Planning Commission has recommended the creation of Tax Incremental District Number Fourteen, City of Sioux Falls (the "District") and has submitted a proposed project plan for the District; and

WHEREAS, the City of Sioux Falls has the authority, pursuant to SDCL Section/Chapter 11-9-2

(1), to create the District and define its boundaries; and

WHEREAS, the property within the District meets the qualifications and criteria set forth in SDCL 11-9; and

WHEREAS, the District is adjacent to but does not overlap or intersect with Tax Incremental District Number Ten, City of Sioux Falls;

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

That:

1. Declaration of Necessity and Enhancement. The City Council declares the necessity for the creation of the District pursuant to SDCL Chapter 11-9. Further, the City finds that the improvement of the area is likely to enhance significantly the value of substantially all of the other real property in the district.

2. Findings of Blight. The City Council finds that more than twenty-five percent (25%) of the property in the District is a blighted area as defined in SDCL 11-9.

3. Findings of Maximum Percentage of Tax Incremental Districts. The aggregate assessed value of the taxable property in the District, plus all other tax incremental districts, does not exceed ten percent (10%) of the total assessed valuation of the City.

4. Creation of District. There is hereby created, pursuant to SDCL Chapter 11-9, the District. The District is hereby created on the day this resolution becomes effective, which shall be 20 days after publication.

5. Designation of District Boundaries. The District shall have boundaries as shown and described on Exhibit A.

6. Compliance with Comprehensive Plan. Projects within the District must comply with the City's adopted 2035 Growth Management Plan and all other appropriate plans and regulations.

Date adopted: 1/17/12.

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

20. A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER FOURTEEN, CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 3-12.

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

Motion Passed.

RESOLUTION NO. 3-12

A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER FOURTEEN, CITY OF SIOUX FALLS.

WHEREAS, the City Planning Commission recommended approval of the project plan for Tax Incremental District Number Fourteen, City of Sioux Falls (the "District"), which identifies certain development activities and public improvements to be undertaken by the City or private developers and paid for, in whole or in part, from the collection of tax increment revenues derived from the District; and

WHEREAS, the tax increment project plan is both economically feasible and in conformity with the adopted 2015 Downtown Plan and the adopted Sioux Falls 2035 Growth Management Plan; and

WHEREAS, it is anticipated that project costs, less the finance costs, in the plan will be expended prior to January 17, 2017, unless amended by proper City approval;

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

That the project plan for the District is hereby approved.

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

That pursuant to SDCL 11-9-34, the Mayor is authorized to enter into and execute all necessary tax incremental bonds, contracts, and agreements for the implementation of the District project plan.

Date adopted: 1/17/12.

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

NEW BUSINESS

ITEMS ADDED AFTER AGENDA DEADLINE

Set a date of hearing and 2nd Reading on Monday, February 6, 2012, at 7:00 p.m. for Item 21:

21. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 14 OF THE CAMPAIGN FINANCE ORDINANCE FOR MUNICIPAL ELECTIONS.

Sponsor: City Council/Aguilar and Erpenbach

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading on Monday,

February 6, 2012, at 7:00 p.m. for Item 21.

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

Motion Passed.

22 A motion to create the appointed position of Legislative/Operations Manager to perform professional, administrative, and communication work in the coordination of the management of the day-to-day operations of the City Council and serve as liaison and professional staff support to the Sioux Falls City Council while monitoring and analyzing legislative activities on a federal, state, and local level with a full job description to be on file with the Human Resources Department, and to create a pay scale for the Legislative/Operations Manager with a minimum bi-weekly range of \$2,292.80 and a maximum bi-weekly range of \$3,300.00.

Sponsor: City Council/Erpenbach and Aguilar

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to approve Item 22.

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

Motion Passed.

23 A motion to revise the job duties of the appointed position of City Clerk to perform administrative, professional, and communication work in the management of the day-to-day operations and activities of the City Clerk's office with a full job description to be on file with the Human Resources Department, and to create a pay scale for the City Clerk with a minimum bi-weekly range of \$1,936.00 and a maximum bi-weekly range of \$2727.20.

Sponsor: City Council/Erpenbach and Aguilar

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to approve Item 23.

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

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to adjourn at 8:20 p.m.

Vote to adjourn: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 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) 367-8080 (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.