

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, February 22, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Bob Litz

Council Member Rex Rolfing

Council Member Sue Aguilar

Council Member James Entenman

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Reverend Kathryn Timpany, First Congregational Church

\*

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

Presentation of the 3rd Annual National Environmental Health

\* Association's Excellence in Sustainability Award for 2010.

Presentation of Service Award to City Council Member Bob Litz.

\*

VISITOR RECOGNITION

Members of the Multi-Cultural Center's English as a Second Language

\* Class with instructors Judy Machacek and Diane Rahn.

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Bob Litz and seconded by Council Member Sue

Aguilar to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

#### MINUTES

Informational Meeting Minutes of Monday, February 14, 2011, at 4:00  
\* p.m.

City Council Meeting Minutes of Monday, February 14, 2011, at 7:00  
\* p.m.

#### APPLICATIONS

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

Joann Hurney, 4037 S. Drexel Dr., for 2010 property taxes in the amount of  
1. \$210.18. The amount requested is the difference between the elderly freeze and non elderly freeze.

Hazel Smith, 810 E. Hermosa Dr., for 2010 property taxes in the amount of  
2. \$475.11. The amount requested is the difference between the elderly freeze and non elderly freeze.

Jeanne Runge Enterprises Inc., 4000 E. Wilcox St., for 2010 property taxes  
3. in the amount of \$9,940.31. The structure was being assessed on two separate record numbers. Taxpayer is now requesting an abatement for the double assessment.

#### NOTICE OF HEARINGS

Set a date of hearing on Monday, March 7, 2011, at 7:00 p.m. for Items 4 through 9:

- New 2010-11 Package Malt Beverage License for Cole's Petroleum Products Inc.,
4. name to be determined, to be operated at 900 North Sycamore Avenue, with the Conditional Use Permit (2011-01-05) being approved on 02-02-11.
  5. New 2010-11 Package Malt Beverage License for Olson Oil Company, Get 'N Go #21, to be operated at 5400 East Arrowhead Parkway.

- Special One-Day Liquor License for Washington Pavilion Management Inc.,
6. Washington Pavilion of Arts & Science, 301 South Main Avenue, for the Arts Night Gala on May 6, 2011.

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sisters
7. of the Presentation of the Blessed Virgin Mary to be operated at Falls Park, Falls Park Drive, for the Cinco de Mayo Celebration, on April 30, 2011.

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for the
8. Sioux Falls Area Humane Society to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for the Paws to Celebrate Fundraiser on June 18, 2011.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Jazz & Blues Society to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, on July 14-16, 2011, for the JazzFest, and on June 16, 2011, at Vern Eide Acura, 4030 South Grange Avenue, for the Jazz & Brews Fundraiser.

#### REGULAR AGENDA ITEMS

##### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to approve the Regular Agenda.

A motion was made by Council Member Greg Jamison and seconded by Council Member Bob Litz to amend the main motion by moving Item 29 before Item 10.

Vote to amend: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

##### PUBLIC INPUT

Tim Stanga offered congratulations to Councilor Bob Litz and spoke about this not being the right time for an Events Center because of the difficult economic times.

Scott Ehrisman spoke about the proposed Events Center and expressed some concerns.

Carol Jacobs expressed some concerns about the availability of bus transportation in her daughter's area of residence.

Item 29 was heard at this time. See item for action taken.

##### UNFINISHED BUSINESS

10. New 2011 Package Liquor License for Cubby's Inc., Cubby's North Cliff, to be operated at 3420 North Cliff Avenue.

11. Rescind the 2010-11 Package Malt Beverage License for Cubby's Inc., Cubby's North Cliff, operated at 3420 North Cliff Avenue.

Transfer of a 2011 Retail Liquor License from LFK Holdings Inc., Of the's Bar, 921 East Eighth Street, to SRS Inc., name to be determined, to be operated at

12. 901 West 41st Street, including Sunday Sales and video lottery terminals, effective April 15, 2011 (full service restaurant; CUP not required). Pending final inspections per Fire, Health, and Building Services.

Transfer of a 2010-11 Package Malt Beverage License from Leslie & Kent Van  
13. Roekel, Park Ridge Convenience Store, 1801 South Western Avenue, to Melinda  
Koppien, Park Ridge Gas 'N Pak, to be operated at 1801 South Western Avenue.

Special One-Day Liquor License for Hy-Vee Inc. to be operated at the Old  
14. Courthouse Museum, 200 West Sixth Street, for a wedding reception on March  
26, 2011.

Special One-Day Liquor License requests for SMG to be operated at the  
15. Orpheum Theater, 315 North Phillips Avenue, for a business reception on  
March 11, 2011, and a wedding reception on August 20, 2011.

Special One-Day Liquor License requests for SMG to be operated at the  
16. Arena, 1201 North West Avenue, for the Sioux Falls Storm Home Season games  
on March 14 and 21; April 3 and 15; and May 7, 15, and 28, 2011, and for  
possible playoff games from June 1 through July 31, 2011.

Special One-Day Liquor License requests for Washington Pavilion Management  
17. Inc., Washington Pavilion of Arts & Science, 301 South Main Avenue, for  
various special events on March 4, 25, and 26; April 15; May 28 and 29;  
June 10, 18, 24, and 25, 2011.

Special One-Day Liquor License requests for Ovations Food Services LP,  
18. Sioux Falls Pheasants Baseball Club, to be operated at 1001 North West  
Avenue, in the Tiki Bar and Suites, for the 2011 Home Season Games.

Special One-Day Malt Beverage and Wine Licenses for Senior Citizen Services  
19. Inc., to be operated at Active Generations, 2300 West 46th Street, for the  
Cocktails and Canvas Art Class on March 22, 2011.

A motion was made by Council Member Bob Litz and seconded by Council Member Sue  
Aguilar to approve Items 10 through 19 with one vote.

Vote to approve: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Roling, Sue  
Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes,  
0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING  
20. SUPPLEMENTAL APPROPRIATIONS TO ASSIST MINNEHAHA COUNTY IN PURCHASING A  
SECURITY SYSTEM FOR PROJECT SAFE HOME.

A motion was made by Council Member Bob Litz and seconded by Council Member  
Michelle Erpenbach to adopt said Ordinance for Item 20.

Vote to adopt: Roll Call: Yeses, Bob Litz, Rex Roling, Sue Aguilar, Kenny  
Anderson Jr., Vernon Brown, Michelle Erpenbach, 6. Noes, Greg  
Jamison, 1.

Motion Passed.

Set a date of hearing and 2nd Reading on Monday, March 7, 2011, at 7:00 p.m.  
for Items 21 through 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE

21. REVISED ORDINANCES OF THE CITY BY REVISING THE DEFINITION OF COMMERCIAL VEHICLES AND ADDING A DEFINITION FOR SERVICE VEHICLES. (The Planning Commission recommends approval.)

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE

22. REVISED ORDINANCES OF THE CITY TO REVISE RESIDENTIAL PARKING TO ALLOW FOR TEMPORARY PARKING FOR RECREATIONAL VEHICLES. (The Planning Commission recommends approval.)

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2010-12-07 TO CHAPTER 15.45.070, PLANNED

23. DEVELOPMENT DISTRICTS, 1108 E. 2ND STREET, AMENDING THE SCOOTER PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission recommends approval.)

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST OF THE S. ELLIS ROAD AND W. 22ND STREET INTERSECTION FROM THE RS-1 AND

24. RS-2, RESIDENTIAL DISTRICTS TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2011-01-01 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER

25. 19 OF THE REVISED ORDINANCES OF THE CITY BY REQUIRING FAMILY DAY CARE HOMES TO DISPLAY MOST RECENT HEALTH DEPARTMENT INSPECTION.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING

26. SUPPLEMENTAL APPROPRIATIONS FOR A PASS-THROUGH DONATION FROM CITIBANK SOUTH DAKOTA TO THE SIOUX EMPIRE BASEBALL ASSOCIATION TO BE USED TOWARD THE CONSTRUCTION OF A GRANDSTAND AT HARMODON BASEBALL FIELDS. (Citibank, \$20,000.00)

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, March 7, 2011, at 7:00 p.m. for Items 21 through 26.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

27. A RESOLUTION APPROVING TRANSIT ROUTE MODIFICATIONS.

A RESOLUTION APPROVING TRANSIT ROUTE MODIFICATIONS.

WHEREAS, the Public Transit Advisory Board facilitated public input on proposed transit route modifications, including holding a public hearing on October 25, 2010, as well as hosting an open house to gather public input on November 16, 2010; and

WHEREAS, the Public Transit Advisory Board, at their November 22, 2010, meeting, unanimously recommended approval of transit route modifications to Routes 2, 4, 8, and 19.

WHEREAS, the transit route modifications meet the criteria for the necessity of City Council action established in Executive Order 11-09;

NOW, THEREFORE, BE IT RESOLVED, that the transit route modifications to Routes

2, 4, 8, and 19 identified on the maps attached hereto and made a part of this resolution are hereby adopted.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 27 that contains modifications for Routes 2, 4, 8, and 19 only.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

A RESOLUTION AMENDING THE 2011-2015 CAPITAL PROGRAM TO ADD FUNDING FOR ENERGY EFFICIENT PROJECTS FOR PUBLIC PARKING. (Engineering, \$40,000.00; and Construction, \$185,000.00)

A RESOLUTION AMENDING THE 2011-2015 CAPITAL PROGRAM TO ADD FUNDING FOR ENERGY EFFICIENT PROJECTS FOR PUBLIC PARKING.

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

That the 2011-2015 Capital Program be amended as follows:

Public Parking

Amend Capital Improvements Program No. 041065, Parking Lot and Ramp Improvements, by increasing the funding for lighting upgrades at various parking ramps in 2011. The estimated cost is \$40,000 for engineering and \$185,000 for construction, totaling \$225,000, which will be funded by federal stimulus dollars. This will not require an increase in appropriations as it will be budgeted within the nonappropriated Public Parking Fund.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 28.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

A RESOLUTION THANKING SIOUXLAND LIBRARIES DIRECTOR SALLY FELIX FOR HER 29. EIGHT YEARS OF SERVICE AND THANKING HER FOR THE CONTRIBUTIONS SHE HAS MADE AS DIRECTOR.

A RESOLUTION THANKING SIOUXLAND LIBRARIES DIRECTOR SALLY FELIX FOR HER EIGHT YEARS OF SERVICE AND THANKING HER FOR THE CONTRIBUTIONS SHE HAS MADE AS DIRECTOR.

WHEREAS, Sally Felix was hired as Director of Siouxland Libraries on January 21, 2003, and she will retire on February 25, 2011; and

WHEREAS, in that time there have been expanded and improved library facilities that will serve the citizens of Sioux Falls and Minnehaha County for years to come, including the building of the Oak View Branch Library in 2005, the expansion and renovation of the Main Library in 2008 through 2010, the renovation of the Crooks Branch Library in 2010, and building improvements at the Caille and Ronning Branch Libraries in Sioux Falls and at the Garretson,

Valley Springs, and Hartford Branch Libraries; and

WHEREAS, Sally Felix has strengthened library programs and collections including expanded programming for children, teens and adults; improved the library materials collection; implemented the eBook and downloadable audio book collections; and increased service hours at the Main Library and rural branches; and

WHEREAS, as a result of Sally Felix's vision for improved library service, the library system has seen increased use of technology, added more computers for patron use, implemented an online computer reservation system, upgraded the library automation system, and installed a new program reservation system; and

WHEREAS, under Sally Felix's leadership, use of the library increased dramatically with significant increases of circulation of library materials, use of public computers, visits to the library buildings, and attendance at library events; and

WHEREAS, Sally Felix strengthened library staffing by reorganization, increased staff training, and empowerment through delegation;

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

That on this 22nd day of February, 2011, the City Council does recognize and thank Sally Felix for her dedication to improving public library service during her years of service as Director of Siouxland Libraries.

A motion was made by Council Member Greg Jamison and seconded by Council Member Bob Litz to adopt said Resolution for Item 29.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

#### NEW BUSINESS/ITEMS ADDED AFTER DEADLINE

Request received from Doug Hendriks dated 2/01/11 regarding the placement  
30. of a Retail Liquor License from the Official City List pursuant to City Ordinance Section 5-2-14, requesting to extend the deadline for the conditional use permit application based on pending litigation.

A motion was made by Council Member Bob Litz and seconded by Council Member Michelle Erpenbach to approve said request for Item 30.

A substitute motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to defer said Item 30 to the meeting on Monday, March 14, 2011, at 7:00 p.m.

A motion to amend was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to include that time constraints on this Item remain pending until it is heard on Monday, March 14, 2011.

Vote to amend: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, 6. Noes, Vernon Brown, 1.

Motion Passed.

Vote on substitute, as amended: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, 6. Noes, Vernon Brown, 1.

Motion Passed.

The City Council may include such other business as may come before this body.

#### ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Bob Litz to adjourn at 9:28 p.m.

Vote to adjourn: Roll Call: Yeses, Greg Jamison, Bob Litz, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. 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) 367-8081 (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.