

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, March 14, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

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

Council Member Rex Rolfing

Mayor Mike T. Huether

INVOCATION

Reverend Armida Alexander, All Souls Church

\*

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Sioux Empire Water Festival Days, March 22 and March 23, 2011 -

\* Deb Callahan

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

## MINUTES

Informational Meeting Minutes of Monday, March 7, 2011, at 4:00 p.m.

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City Council Meeting Minutes of Monday, March 7, 2011, at 7:00 p.m.

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## COMMUNICATIONS

A communication was received from the POET PAC Administrator stating its intent to sell raffle tickets From April 4, 2011, to April 25, 2011, with

1. the prize being two tickets to a NASCAR race in Kansas City including travel expenses. The tickets will be sold for \$25 each and the proceeds will be used for POET PAC Lobbying.

A communication was received from the Children's Miracle Network stating its intent to sell raffle ticket on April 9, 2011, for decorated cakes valued

2. between \$20.00 - \$200.00. Tickets will be \$1.00 each and the proceeds will be used for the Children's Miracle Network at Sanford Children's Hospital.

A communication was received from Amy Linenberger and Gideon Carlisle, requesting permission to consume, but not sell, champagne and wine at the

3. Old Courthouse Museum, 6th and Main Avenue, Sioux Falls, SD, on Saturday, August 6, 2011, from 4:30 p.m. - 10:00 p.m. for the purpose of a wedding reception.

## 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:

Phyllis Tuch, 413 N. Lewis Avenue, for 2010 property taxes in the amount of

4. \$700.58. The amount requested is the difference between the elderly freeze and the non elderly freeze.

Delores Bethke, 832 N. Sherman Avenue, for 2010 property taxes in the amount

5. of \$734.60. The amount requested is the difference between the elderly freeze and the non elderly freeze.

John Sehr, 5404 N. Indiana Avenue, for 2010 property taxes in the amount of

6. \$809.85. The amount requested is the difference between the elderly freeze and the non elderly freeze.

Delores Van Gelder, 601 S. Horizon Lane, for 2010 property taxes in the

7. amount of \$320.74. The amount requested is the difference between the elderly freeze and non elderly freeze.

Erma Richert, 704 N. Savannah Drive, for 2010 property taxes in the amount

8. of \$1,468.68. The amount requested is the difference between the elderly freeze and the non elderly freeze.

## REGULAR AGENDA ITEMS

### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to approve the Regular Agenda.

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

Motion Passed.

#### PUBLIC INPUT

There was none.

#### UNFINISHED BUSINESS

DEFERRED ACTION (from meeting of February 22, 2011): Request received from Doug Hendriks dated 2/01/11 regarding the placement of a Retail Liquor 9. 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 Vernon Brown and seconded by Council Member Michelle Erpenbach to approve this item.

Vote to approve: Roll Call: Yeses, 0. Noes, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, Greg Jamison, Rex Roling, 6. Council Member Jim Entenman was excused from the discussion and the vote on Item 9.

Motion Failed.

Special One-Day Malt Beverage License for the Siouxland Heritage Museums to 10. be operated at the Old Courthouse Museum, 200 West Sixth Street, on March 17, 2011, for the St. Patrick's Day Family Dance, and authorize publication of notice on 03/04/11 to set the hearing date.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to approve Item 10.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

A RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, 11. AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 11.

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

Motion Passed.

A RESOLUTION AUTHORIZING AN APPLICATION FOR FINANCIAL ASSISTANCE, AUTHORIZING THE EXECUTION AND SUBMITTAL OF THE APPLICATION, AND DESIGNATING AN AUTHORIZED

REPRESENTATIVE TO CERTIFY AND SIGN PAYMENT REQUESTS.

WHEREAS, the City of Sioux Falls (the "City") has determined it is necessary to proceed with improvements to its Clean Water System including, but not limited to, Sioux River South Interceptor Phase 1 Replacement Project and Non-Point Source Bank Stabilization (the "Project"); and

WHEREAS, the City has determined that financial assistance will be necessary to undertake the Project and an application for financial assistance to the South Dakota Board of Water and Natural Resources (the "Board") will be prepared; and

WHEREAS, it is necessary to designate an authorized representative to execute and submit the application on behalf of the City and to certify and sign payment requests in the event financial assistance is awarded for the Project.

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

1. The City hereby approves the submission of an application for financial assistance in an amount not to exceed \$14,712,000 to the South Dakota Board of Water and Natural Resources for the Project.

2. The Mayor is hereby authorized to execute the application and submit it to the South Dakota Board of Water and Natural Resources, and to execute and deliver such other documents and perform all acts necessary to effectuate the application for financial assistance.

3. The Director of Public Works and/or Business Operations Manager is hereby designated as the authorized representative of the City to do all things on its behalf to certify and sign payment requests in the event financial assistance is awarded for the Project.

12. A RESOLUTION CORRECTING THE HEADING, BODY, AND LEGAL DESCRIPTIONS ON RESOLUTION NO. 103-10 FOR VACATING THE RIGHT-OF-WAY OF TED DRIVE.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 12.

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

Motion Passed.

RESOLUTION CORRECTING THE HEADING, BODY, AND LEGAL DESCRIPTIONS ON RESOLUTION NO. 103-10 FOR VACATING THE RIGHT-OF-WAY OF TED DRIVE.

WHEREAS, on November 16, 2010, the City Council of the City of Sioux Falls adopted Resolution No. 103-10 approving the vacating of the right-of-way of Ted Drive abutting Iverson's Tract 10 and Iverson's Tract 11.

WHEREAS, the heading, body, and legal descriptions as set forth in Resolution No. 103-10 were not accurate.

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

That the heading and body of said resolution as set forth in Resolution No. 103-10 are hereby amended to read as follows:

Vacation of the right-of-way of Ted Drive beginning at E 26th Street and lying adjacent to Iverson's Tract 10 N1/2 NE1/4 Sec 30-T101N-R48W & Iverson's Tract 11 N1/2 NE1/4 Sec 30-T101N-R48W, Minnehaha County, SD.

And the legal descriptions as set forth in Resolution No. 103-10 are hereby amended to read as follows:

Iverson's Tract 10 N1/2 NE1/4 Sec 30-T101N-R48W, Minnehaha County, SD

Iverson's Tract 11 N1/2 NE1/4 Sec 30-T101N-R48W, Minnehaha County, SD

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION FOR THE REPLACEMENT OF THE W. 12TH ST. BRIDGE OVER THE ELLIS AND EASTERN RAILROAD.

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adopt said Resolution for Item 13.

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

Motion Passed.

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN FEDERAL AID BRIDGE REPLACEMENT PROGRAM RESOLUTION FOR THE REPLACEMENT OF THE W. 12TH ST. BRIDGE OVER THE ELLIS AND EASTERN RAILROAD.

WHEREAS, the City of Sioux Falls desires the replacement of the bridge hereinafter described:

Structure No. 50-195-210 located on W. 12th St. over the Ellis and Eastern Railroad

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

That the document attached to and made a part of this Resolution entitled "Federal Aid Bridge Replacement or Rehabilitation Program Resolution for County and Urban Projects" is hereby approved and that the Mayor is authorized to sign such Resolution.

#### NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Monday, April 11, 2011, at 7:00 p.m. on Items 14 and 15:

14. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. H AVE. FROM W.ALGONQUIN ST. TO SOUTH AS SHOWN ON ATTACHED EXHIBIT.

15. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. F AVE. FROM W.ALGONQUIN ST. TO W. BLACKHAWK ST.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to set a date of hearing for Monday, April 11, 2011, for Items 14 and 15.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Vernon

Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, 7.  
Noes, 0.

Motion Passed.

#### ADJOURNMENT

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to adjourn the meeting at 7:43 p.m.

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

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) 367-8081 (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.