

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, October 17, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Rex Roling

Council Member Sue Aguilar

Council Member Vernon Brown

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Temple

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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 James Entenman to approve the Consent Agenda.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Vernon Brown to amend the Consent Agenda for Item 2 and change the date from April 13, 2011 to April 13, 2012.

Vote to amend: Roll Call: Yeses, Dean Karsky, Rex Roling, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Dean Karsky, Rex Roling, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison,

7. Noes, 0.

Motion Passed.

#### MINUTES

Informational Meeting of Tuesday, October 11, 2011, at 4:00 p.m.

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City Council Meeting of Tuesday, October 11, 2011, at 7:00 p.m.

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#### COMMUNICATIONS

- A communication was received from Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and malt beverages at the opening of Plaza 3 at 1315 S. Cliff Ave., on Tuesday, October 25, 2011, from 4:00 p.m.-6:00 p.m., for a reception.
1. Health Center requesting permission to consume, but not sell, wine and malt beverages at the opening of Plaza 3 at 1315 S. Cliff Ave., on Tuesday, October 25, 2011, from 4:00 p.m.-6:00 p.m., for a reception.

Sponsor: SDCL 35-1-5.3

- A communication was received from the Sioux Falls Jazz & Blues stating their intent to sell raffle tickets from November 4, 2011 through April 13, 2011, one autographed Epiphone Les Paul Special Guitar (approximate value of \$400.00). Tickets will be sold for \$5.00 each or five for \$20.00. The proceeds will be used for the Sioux Falls Jazz & Blues Education Fund.
2. 13, 2011, one autographed Epiphone Les Paul Special Guitar (approximate value of \$400.00). Tickets will be sold for \$5.00 each or five for \$20.00. The proceeds will be used for the Sioux Falls Jazz & Blues Education Fund.

Sponsor: SDCL 22-25-25

- A communication was received from Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and malt beverages for the Avera McKennan Hospital and University Health Center's Pediatric Symposium, Prairie Center, at 1000 E. 23rd St., on Thursday, November 17, 2011, from 6:00 p.m.-8:00 p.m., for a reception.
3. malt beverages for the Avera McKennan Hospital and University Health Center's Pediatric Symposium, Prairie Center, at 1000 E. 23rd St., on Thursday, November 17, 2011, from 6:00 p.m.-8:00 p.m., for a reception.

Sponsor: SDCL 35-1-5.3

#### 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:

- Richard Peterson, 817 N. Lincoln Ave., for 2010 property taxes in the amount of \$562.76. The amount requested is the difference between the elderly freeze and non elderly freeze.
4. amount of \$562.76. The amount requested is the difference between the elderly freeze and non elderly freeze.

Sponsor: Attorney/SDCL 10-18-1

- Valerie Sanders, 126 S. Lyndale Ave., for 2010 property taxes in the amount of \$805.09. The amount requested is the difference between the elderly freeze and non elderly freeze.
5. amount of \$805.09. The amount requested is the difference between the elderly freeze and non elderly freeze.

Sponsor: Attorney/SDCL 10-18-1

#### NOTICE OF HEARINGS

Set a date of hearing of hearing for Monday, November 7, 2011, for Items 6 through 10:

Transfer of a 2011-12 Retail Malt Beverage License from C-Store Services Inc.,  
6. Pump 'N Pak, 3700 North Potsdam Avenue #300, to OFS Benson Road LLC, Pump 'N Pak, to be operated at 3700 North Potsdam Avenue #300, including video lottery terminals, with the Major Amendment (2005-04-09) being approved in 2005.

Sponsor: Mayor/Attorney

Transfer of a 2011-12 Package Malt Beverage License from C-Store Services Inc., Pump 'N Pak, 3700 North Potsdam Avenue #100, to OFS Benson Road LLC,  
7. Pump 'N Pak, to be operated at 3700 North Potsdam Avenue #100.

Sponsor: Mayor/Attorney

8. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for the Gourmet Guys Fundraiser, on April 22, 2012.

Sponsor: Mayor/Attorney

9. Special One-Day Wine License for Augustana College, to be operated at the Fantle Building, 2001 South Summit Avenue, for the President's Dinner and Boe Forum, on November 9, 2011.

Sponsor: Mayor/Attorney

10. Amend the Special One-Day Malt Beverage and Special One-Day Wine Licenses approved on 6-20-11 for the Home Builders Association of the Sioux Empire to be operated at Home Builders Association of the Sioux Empire, 6904 South Lyncrest Place, for the General Membership Meeting on November 17, 2011, changing the event date to November 15, 2011.

Sponsor: Mayor/Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Bob Sivertson spoke about financing and costs for the proposed Events Center.

Tim Stanga spoke about the proposed Events Center.

INTRODUCTION AND ADOPTION OF ORDINANCES

- Deferred Action (from meeting of 10/3/11) 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 73RD ST. AND S. EL DORADO AVE. FROM THE DIAMOND VALLEY PLANNED DEVELOPMENT DISTRICT AND THE RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2011-07-12 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)
- 11.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Rex Rolwing to adopt said Ordinance 81-11.

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

Motion Passed.

- 2ndReading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2011 NATIONAL ELECTRICAL CODE AND AMENDMENTS THERETO.
- 12.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Ordinance 82-11.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, November 7, 2011, for Item 13:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 216 N. MARION RD. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2011-08-15, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)
- 13.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Monday, November 7, 2011, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, November 7, 2011, for Item 14:

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

- AMENDMENT, PETITION NO. 2011-09-07, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 5124 S. 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 Greg Jamison and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for November 7, 2011, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 6. Noes, 0. Council Member Rex Roling was excused from the meeting and the vote on this item.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, November 14, 2011, for Item 15:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING CHAPTER 45, FLOODPLAIN MANAGEMENT ORDINANCE.

Sponsor: Mayor/Planning and Building Services

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 Monday, November 14, 2011, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rex Roling, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, November 21, 2011, for Item 16:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY FOR LICENSED MANUFACTURED HOME PARKS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Monday, November 21, 2011, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rex Roling, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

- A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A SUSTAINABLE COMMUNITIES REGIONAL PLANNING MEMORANDUM OF UNDERSTANDING FOR THE SIOUX FALLS AREA REGION.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Rolwing and seconded by Council Member James Entenman to adopt said Resolution 89-11.

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

Motion Passed.

RESOLUTION NO. 89-11

A RESOLUTION [AUTHORIZING THE MAYOR TO ENTER INTO A SUSTAINABLE COMMUNITIES REGIONAL PLANNING MEMORANDUM OF UNDERSTANDING FOR THE SIOUX FALLS AREA REGION].

WHEREAS, [the City of Sioux Falls (the "City") desires to cooperatively carry out the program in the approved Sustainable Communities Regional Planning Grant (SCRPG) application]; and

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the document attached to and part of this resolution entitled "Sustainable Communities Regional Planning Memorandum of Understanding for the Sioux Falls Area Region" is hereby approved; and

That the Mayor is authorized to sign such agreement upon the effective date of this resolution.

Date adopted: 10/17/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

18. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Sponsor: Mayor/Attorney

A motion was made by Council Member Sue Aguilar and seconded by Council Member Rex Rolwing to adopt said Resolution 90-11.

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

Motion Passed.

RESOLUTION NO. 90-11

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Dennis W. Aanenson	Charter Revision Commission	Appointed for a term from November 2011 to October 31, 2014
De Knudson	Charter Revision Commission	Appointed for a term from November 2011 to October 31, 2014
Robert Thimjon	Charter Revision Commission	Appointed for a term from November 2011 to October 31, 2014
Richard O. Gregerson	Charter Revision Commission	Reappointed for a term from November 2011 to October 31, 2014
Pauline Poletes	Charter Revision Commission	Appointed for a term from November 2011 to October 31, 2014

Date adopted: 10/17/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

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)

19. FORMAL PRESENTATION TO THE CITY COUNCIL OF THE RECOMMENDED DISTRICTING PLAN FOR THE CITY OF SIOUX FALLS, BY THE DISTRICTING COMMISSION, PURSUANT TO THE CITY CHARTER, SECTION 6.02(c).

Sponsor: City Council/Erpenbach and Jamison

7:38 p.m. - Councilor Vernon Brown left the meeting at this time.

ADJOURNMENT

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to adjourn at 7:42 p.m.

Vote to adjourn: Roll Call: Yeses, Dean Karsky, Rex Rolfing, Sue Aguilar, James Entenman, Michelle Erpenbach, Greg Jamison, 6. 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.