

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, November 7, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rex Roling

Council Member Sue Aguilar

Council Member Vernon Brown

Council Member James Entenman

Council Member Kenny Anderson Jr.

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

Cub Scout Pack 162, Hilltop Methodist Church

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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 Rex Roling to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Informational Meeting of Monday, October 17, 2011, at 4:00 p.m.

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Joint City Council/Minnehaha County Meeting of Monday, October 17,
* 2011, at 5:30 p.m.

City Council Meeting of Monday, October 17, 2011, at 7:00 p.m.

*

Joint City Council/Lincoln County Meeting of Monday, October 24, 2011,
* at 7:00 p.m.

Informational Meeting of Monday, October 31, 2011, at 4:00 p.m.

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COMMUNICATIONS

1. October 31, 2011, Notice of Contracts/Agreements

Sponsor: Mayor/Finance

2. October 31, 2011, Notice of Amendments and Change Orders

Sponsor: Mayor/Finance

3. A communication was received from Matthew Morrison requesting permission to consume, but not sell, wine and malt beverage at The Old Courthouse Museum, 200 West 6th Street, on Sunday, November 20, 2011, from 7:00 p.m. to 10:00 p.m. for a birthday celebration.

Sponsor: SDCL 35-1-5.3

4. A communication was received from Big Brothers Big Sisters of the Sioux Empire stating their intent to conduct a 50/50 raffle. Tickets will be sold from November 8, 2011 to December 16, 2011, for \$100.00 each. The prize will be one-half of the amount collected from tickets sales up to \$20,000.00. The proceeds will benefit community-based mentoring in the Sioux Falls area.

Sponsor: SDCL 22-25-25

5. A communication was received from Family Visitation Center stating their intent to sell raffle tickets from November 21, 2011 to December 9, 2011, for either a Gunderson's Jewelry gift certificate (value of \$500.00 to \$1000.00) or a Child's Play Toys gift certificate (valued at \$100.00). Tickets for the Gunderson's prize raffle will be sold at one for \$10.00 or three for \$20.00 and tickets for the Child's Play Toys raffle will be sold at one for \$5.00 or three for \$15.00. The proceeds will benefit the agency's mission of providing safety for "children reconnecting with their family".

Sponsor: SDCL 22-25-25

6. A communication was received from Lynne Anderson and Dave Clarke requesting permission to consume, but not sell, wine and beer at The Old Courthouse Museum, 200 West 6th Street, on December 3, 2011, from 5:00 p.m. to 11:55 p.m. for a wedding reception.

Sponsor: SDCL 35-1-5.3

- A communication was received from South Dakota Flash stating their intent to sell raffle tickets from January 1, 2012 to March 30, 2012,
7. for a Benelli M4 12 gauge shotgun (valued at approximately \$1,150.00). Tickets will be sold for \$20.00 each. Proceeds will be used for softball tournament fees, equipment and uniforms.

Sponsor: SDCL 22-25-25

- A communication was received from the Minnehaha County Fire Chief's Association requesting permission to consume, but not sell, liquor, wine and/or malt beverage at The Old Courthouse Museum, 200 West 6th Street on Saturday, January 21, 2012, from 6:00 p.m. to 10:00 p.m. for their annual meeting, elections, and banquet.
- 8.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

- Amend request approved on 10-03-11 for a Special One-Day Liquor License for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for a Christmas Party, changing the date from December 12, 2011, to December 3, 2011.
- 9.

Sponsor: Mayor/Attorney

- Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on January 7, January 12, and January 14, 2012.
- 10.

Sponsor: Mayor/Attorney

- Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2012 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.
- 11.

Sponsor: Mayor/Attorney

NOTICE OF HEARINGS

Set a date of hearing for the City Council meeting on Monday, November 21, 2011, at 7:00 p.m. for Item 12:

- 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 December 6, 2011.
- 12.

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.

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 withdrawing Item 19.

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

Motion Passed.

PUBLIC INPUT

Bob O'Connell, Mike Sullivan, Mary Glenski, Doug Berkland, Bob Trader, Paul Brufat, Nate Welch, Slater Barr, Dr. Pat O'Brien, Dr. Dave Kapaska, Andy Traub, George Hahn, Bob Sivertson and Tim Stanga spoke about the proposed Events Center.

Ben Sharon spoke about the Vocational and Industrial Club of America.

Tam Baker spoke about a recent Board of Ethics meeting.

UNFINISHED BUSINESS

Transfer of a 2011-12 Retail Malt Beverage License from C-Store Services Inc.,
13. 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,
14. Pump 'N Pak, to be operated at 3700 North Potsdam Avenue #100.

Sponsor: Mayor/Attorney

15. 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

16. 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

17. 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

A motion was made by Council Member Vernon Brown and seconded by Council Member Greg Jamison to approve Items 13 through 17, with one vote.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 216 N. MARION RD. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE
18. 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.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Vernon Brown to adopt said Ordinance 84-11.

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

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-09-07, TO CHAPTER 15.45.070, PLANNED
19. 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

Action on Item 19 was taken at approval of Regular Agenda.

Set a date of hearing and 2nd Reading for the Joint City Council/Minnehaha County Meeting on Monday, November 21, 2011, at 5:30 p.m. for Item 20:

- 1st Reading: AN ORDINANCE AMENDING THE 2002 REVISED JOINT ZONING
20. ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY APPROVING THE RED ROCK CORRIDOR OVERLAY DISTRICT.

Sponsor: Mayor/Planning

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt set a date of hearing and 2nd Reading for the Joint City Council/Minnehaha County Meeting on Monday, November 21, 2011, at 5:30 p.m. for Item 20.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

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

Sponsor: Mayor

A motion was made by Council Member James Entenman and seconded by Council Member Greg Jamison to adopt said Resolution 91-11.

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

Motion Passed.

RESOLUTION NO. 91-11

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
Timothy Krenik	Board of Health	Appointed for a term from December 2011 to May 2014 (to fill the unexpired term of Kristin Bloink).
Fred Snoderly	Solid Waste Planning Board	Appointed for a term from December 2011 to November 2014 (to replace Heath Von Eye, city of Madison representative).

Date adopted: 11/07/11.

Mike T. Huether

Mayor

ATTEST:

Sue Roust

Interim City Clerk

22. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA - ANNEXATION 2011-09-01 26TH STREET AND KATIE AVENUE-TALSMA.

Sponsor: Mayor/Planning

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to adopt said Resolution 92-11.

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

Motion Passed.

RESOLUTION NO. 92-11

ANNEXATION 2011-09-01 26TH STREET AND KATIE AVENUE-TALSMA

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality; and

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
3. There is adequate provision for municipal utilities and access to the major street network once 26th Street is extended as an urban section to the west end of the annexation area.

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

That the following described properties be and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby extended to include such territory.

The South 1/2 of the SE 1/4 of Section 21, T101N, R50W, except the East 1,320' thereof & except the West 1,435.44' of the East 2,755.44' of the North 869.60' of the South 1/2 of the South 1/2 thereof & except Lot H-1 in the South 1/2 of the South 1/2 lying within, but including adjacent 26th Street right-of-way as shown, all in Minnehaha County, South Dakota.

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

Date adopted: 11/07/11.

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)

23. REPORT OF THE OCTOBER 31, 2011, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to adjourn at 8:07 p.m.

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