

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, January 3, 2012, 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 Dean Karsky

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Rex Rolfing

Mayor Mike T. Huether

INVOCATION

Pastor Kip Roozen, Asbury United Methodist Church

\*

PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

Boy Scout Troop #48, Noon Sertoma Club with Troop Leader Mark Shlanta

\*

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach 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 of Monday, December 19, 2011, at 4:00 p.m.

\*

City Council Meeting of Monday, December 19, 2011, at 7:00 p.m.

\*

COMMUNICATIONS

1. Approval of Contracts/Agreements on December 27, 2011 memo.

Sponsor: Mayor/Finance

2. Notice of Amendments/Change Orders on December 27, 2011 memo.

Sponsor: Mayor/Finance

3. Report of Request for Quotes for Fuel: December 9, 2011; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (3.2560); Harms Oil (3.2076); Howes Oil and Midwest Oil, both no bids. Bid awarded to Harms Oil.

Sponsor: Mayor/Planning and Building Services

4. Report of Request for Quotes for Fuel: December 14, 2011; #1 and #2 Dyed Diesel Fuel; 7,500 Gallons (3,750 gallons each #1 and #2); Howes Oil (#1 - \$3.3145 / #2 - \$2.9995); Harms Oil (#1 - \$3.3120 / #2 - \$3.0150); CHS, Inc. (#1 - \$3.3700 / #2 - \$3.0700); Olson Oil and Midwest Oil, both no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Public Works

5. Report of Request for Quotes for Fuel: December 15, 2011; #1 & #2 Dyed Diesel Fuel; 15,000 Gallons (7,500 gallons each #1 and #2); Harms Oil (#1 - \$3.2490 / #2 - \$2.9350); CHS, Inc. (#1 - \$3.2555 / #2 - \$2.9585); Howes Oil (#1 - \$3.3150 / #2 - \$2.9625); Olson Oil and Midwest Oil, both no bids. Bid awarded to Harms Oil.

Sponsor: Mayor/Public Works

6. Report of Request for Quotes for Fuel: December 15, 2011; Winter Mix 50/50 #1 & #2 Dyed Diesel; 250 gallons; Midway Service (787.50); Howes Oil (847.25); Midwest Oil (892.25). Bid awarded to: Midway Service.

Sponsor: Mayor/Parks and Recreation

7. Report of Request for Quotes for Fuel: December 19, 2011; Unleaded Ethanol; 8,500 gallons; CHS, Inc. (\$2.7000); Harms Oil (\$2.7350); Howes Oil (\$2.8045); Olson Oil, no bid. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Public Works

8. Report of Request for Quotes for Fuel: December 20, 2011; Winter Mix 50/50 #1 & #2 Dyed Diesel; 250 gallons; Midway Service (810.00); Howes Oil (829.75); Midwest Oil (892.50). Bid awarded to: Midway Service.

Sponsor: Mayor/Parks and Recreation

- A communication was received from Phebe Brenne and Zak Kemmer requesting permission to consume, but not sell, beer, wine, and mixed drinks with liquor at the Old Courthouse Museum, 200 West 6th Street, on Saturday, July 7, 2012, from 5:00 p.m. to 12:00 a.m. for the purpose of a wedding reception.
- 9.

Sponsor: SDCL 35-1-5.3

- A communication was received from the Roosevelt 2012 Senior Class Party Committee stating their intent to hold seven 50/50 raffles during 2012. The ticket sales will begin on January 9, 2012 and end on June 1, 2012. The tickets will sell for \$1.00 each; seven for \$5.00; or 15 for \$10.00. The prizes are: Half the cash taken in during the event. The proceeds will be used as a fundraiser for the Roosevelt High School 2012 Senior class party.
- 10.

Sponsor: SDCL 22-25-25

- A communication was received from the Roosevelt 2012 Senior Class Party Committee stating their intent to a raffle from January 9, 2012 to February 24, 2012. The tickets will sell for one ticket for \$5.00 and three tickets for \$10.00 each. The prizes are: iPad (valued at \$500.00); Meat Bundle (valued at \$400.00); Grill (valued at \$300.00); and two \$100.00 cash prizes. The proceeds will be used as a fundraiser for the Roosevelt High School 2012 Senior class party.
- 11.

Sponsor: SDCL 22-25-25

- A communication was received from Habitat for Humanity of Greater Sioux Falls stating their intent to sell raffle tickets from January 16, 2012, until April 1, 2012, for an outdoor playhouse/shed (valued at \$2,500.00). Tickets will be sold for \$5.00 each or five for \$20.00. The proceeds will be used to help underwrite the cost of materials for a Habitat house.
- 12.

Sponsor: SDCL 22-25-25

- A communication was received from the Teddy Bear Den stating their intent to sell raffle tickets on Friday, January 20, 2012, for a Pendant surrounded by black diamonds (valued at \$2,500.00). Tickets will be sold for \$20.00 each. The proceeds will be for incentive items in exchange for healthy lifestyle choices for the limited income pregnant women in our community.
- 13.

Sponsor: SDCL 22-25-25

- A communication was received from the Sioux Falls Irish Club stating their intent to sell raffle tickets beginning on February 1, 2012, and continuing until all the tickets are sold. The prize is a trip to Ireland (valued at \$5,000.00). 100 Tickets will be sold for \$100.00 each. The proceeds are to be used for the Dakota Irish Fair 2012.
- 14.

Sponsor: SDCL 22-25-25

A communication was received from the Sioux Empire Community Theatre (SECT) stating their intent to sell raffle tickets from Friday, February

15. 17, 2012, to Sunday, March 4, 2012, for a 50/50 Cash Raffle. Tickets will be sold for \$1.00 each or six for \$5.00. The proceeds will be used for fundraising for SECT.

Sponsor: SDCL 22-25-25

16. A memorandum dated December 14, 2011, declaring surplus a capital item that will be traded in for another asset.

Sponsor: Mayor/Finance

17. A memorandum dated December 14, 2011, declaring surplus capital items that were demolished as part of infrastructure upgrades.

Sponsor: Mayor/Finance

18. A memorandum dated December 19, 2011, declaring surplus capital items that will be disposed of as junk.

Sponsor: Mayor/Finance

19. A memorandum dated December 19, 2011, declaring surplus a capital item that will be used for parts.

Sponsor: Mayor/Finance

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, January 17, 2012, at 7:00 p.m. for Items 20 and 21:

Transfer of a 2011-12 Retail Malt Beverage License from Michelle P. Dill,

20. 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

#### 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.

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

Tim Stangaspoke regarding the River Ramp property, the City Council receiving raises and the ice skating rink.

DavidZokaites spoke regarding political change and social progress.

Robert Kolbe spoke regarding historic preservation in the City of Sioux Falls.

UNFINISHED BUSINESS

Deferred from the City Council Meeting on Monday, December 19, 2011:

22. 2012 Renewal of the Package Liquor License for Gregor's Eastside Liquor Inc., Gregor's Eastside Liquor, 1614 South Sycamore Avenue, with a n underage sales conviction in 2011.

Sponsor: Mayor/Attorney

23. New 2011-12 Retail Malt Beverage License for JLB-SF Inc., JL Beers, to be operated at 323 South Phillips Avenue, Main Floor, Suite A, with the Conditional Use Permit (2011-10-02) being approved on 11-02-11.

Sponsor: Mayor/Attorney

24. Special One-Day Liquor License for Avera McKennan to be operated at the Avera Prairie Center, 1000 East 23rd Street, for a Chamber Mixer on February 2, 2012.

Sponsor: Mayor/Attorney

25. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Avera Behavioral Health Center, 4400 West 69th Street, for a Fundraiser on February 11, 2012.

Sponsor: Mayor/Attorney

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve Items 22 through 25 with one vote.

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.

INTRODUCTION AND ADOPTION OF ORDINANCES

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-11-02, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 111 N. WEST AVE. AMENDING THE SIOUX FALLS PLAZA PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (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 Kenny Anderson Jr. to adopt said Ordinance 1-12.

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.

27. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING MINIMAL AMENDMENTS FOR PARKING. (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 Greg Jamison to adopt said Ordinance 2-12.

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.

28. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING APPENDIX B, THE ZONING ORDINANCE, OF THE REVISED ORDINANCES OF THE CITY BY ADDING STREET LEGAL ATVS TO THE DEFINITION OF PERSONAL PASSENGER VEHICLES. (The Planning Commission recommends approval.)

Sponsor: City Council/Jamison and Aguilar

A motion was made by Council Member Greg Jamison and seconded by Council Member Sue Aguilar to adopt said Ordinance 3-12.

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.

29. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING ARTICLE XIX. PHOTO MONITORING SYSTEMS FOR ENFORCEMENT OF TRAFFIC CONTROL SIGNALS, SECTIONS 40-400 THROUGH 40-405 OF THE REVISED CODE OF ORDINANCES OF SAID CITY.

Sponsor: City Council/Aguilar and Erpenbach

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance 4-12.

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.

Set a date of hearing and 2nd Reading for Monday, January 9, 2012, at 7:00 p.m. for Item 30:

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

30. THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 2, ADMINISTRATION, TO CHANGE THE DAY WHEN COUNCIL MEETINGS ARE HELD AND OTHER COUNCIL PROCEDURES.

Sponsor: City Council/Aguilar and Entenman

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Monday, January 9, 2012, at 7:00 p.m. for Item 30.

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.

Set a date of hearing and 2nd Reading for Monday, January 9, 2012, at 7:00 p.m. for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
31. CHAPTER 18, "GARBAGE AND RECYCLING," BY AMENDING RATES FOR USE OF THE SANITARY LANDFILL AND ADDING A WAIVER PROVISION FOR LANDFILL FEES.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Monday, January 9, 2012, at 7:00 p.m. for Item 31.

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.

#### HEARINGS AND RESOLUTIONS

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

Sponsor: Mayor

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to adopt said Resolution 1-12.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Rex Roling, 6. Noes, 0. Council Member Greg Jamison was excused from the meeting and vote on this item.

Motion Passed.

#### RESOLUTION NO. 01-12

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
Robert Jamison	Veterans' Park Advisory Board	Reappointed for a term from January 2012 to December 2016.
Gene Tornow	Veterans' Park Advisory Board	Appointed for a term from January 2012 to December 2016 (to replace Dwight Hahn).
Rod Carlson	Public Parking Advisory Board	Reappointed for a term from January 2012 to January 2017.
Dan Johnson	Public Parking Advisory Board	Appointed for a term from January 2012 to January 2017.

Date adopted: 01/03/12 .

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)

33. REPORT OF THE DECEMBER 27, 2011, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Greg Jamison to adjourn the meeting at 8:13 p.m.

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.

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) 367-8080 (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](http://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.