

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, February 13, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Roling

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

Dr. Ron Tottingham, Empire Baptist Temple

*

PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

Troop 731, Holy Spirit Church

*

* Troops 21 and 218, The
Church of Jesus Christ of Latter-Day Saints

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Sue

Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

MINUTES

City Council Meeting of Monday, February 6, 2012, at 7:00 p.m.

*

COMMUNICATIONS

1. Approval of Contracts/Agreements on February 8, 2012 memo.

Sponsor: Mayor/Finance

2. Report of Request for Quotes for Fuel: January 31, 2012; Winter Mix 50/50 #1 & #2 Dyed Diesel; 300 gallons; Midway Service (1002.00); Howes Oil (1040.70); and Midwest Oil, no bid. Bid awarded to: Midway Service.

Sponsor: Mayor/Parks and Recreation

3. Report of Request for Quotes for Fuel: February 3, 2012; Unleaded Ethanol & E85; 6,000 Gallons Unleaded/2,000 Gallons E85 (8,000 total); CHS, Inc. (\$3.0300 Unleaded/\$2.5100 E85); Harms Oil, Howes Oil and Olson Oil, all no bids. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Fleet

4. A communication was received from the Sioux Falls Green Project requesting permission to consume, but not sell, beer and wine at Artisan House, 229 S. Phillips Ave., on Thursday, February 16, 2012, and at the Sioux Falls Design Center, 108 W. 11th St., on Thursday, April 19, 2012, both from 6:00 p.m. to 9:00 p.m., for the PLAIN AWESOME lecture series.

Sponsor: SDCL 35-1-5.3

5. A communication was received from David Surrell and Bridget Melberg requesting permission to consume, but not sell, beer and wine at The Old Courthouse Museum, 200 West 6th Street, on Saturday, July 21, 2012, from 5:00 p.m. to 11:00 p.m., for a wedding and 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:

6. SBA Structures Inc., parcel #27941, tract 3 2 Carriage Villa Addn. to City of Sioux Falls, for 2009 property taxes in the amount of \$256.10; for 2010 property taxes in the amount of \$255.94; and 2011 property taxes in the amount of \$260.23. The equipment shelter owned by Brookings Municipalities, dba Swiftel Communications, is government tax exempt. It had been added to parcel #27941. Taxpayer is now requesting an abatement for the value of the shelter.

Sponsor: Attorney/SDCL 10-18-1

- Empire Development, LLC., parcel #66980, tract G1A Sioux Empire Development Park Four Addn. to City of Sioux Falls, for 2011 property taxes in the amount of \$986.77. A 2011 board adjustment failed to get changed on the tax screen. Taxpayer is now requesting an abatement for this value difference.
- 7.

Sponsor: Attorney/SDCL 10-18-1

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

8. Lloyd Companies, parcel #281.18.00.000, Oakbrooke Add - S. Bur Oak Pl., private road, for 2010 property taxes in the amount of \$56.44. This private road was never platted, therefore should never have been added as a parcel. Taxpayer is now requesting an abatement.

Sponsor: Attorney/SDCL 10-18-1

9. Brian Wollman, parcel #280.97.07.008, Platinum Valley III Addn. Lot 8 Blk 7, for 2010 property taxes in the amount of \$841.90, and 2011 property taxes in the amount of \$856.94. The owner-occupied mill levy was not applied. Taxpayer is now requesting an abatement.

Sponsor: Attorney/SDCL 10-18-1

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Sue Aguilar and seconded by Council Member Greg Jamison to approve the Regular Agenda.

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

Motion Passed.

PUBLIC INPUT

There was none.

INTRODUCTION AND ADOPTION OF ORDINANCES

10. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT FOR THE SALE OF THE RIVER RAMP PARKING STRUCTURE TO RIVER GREENWAY HOSPITALITY, LLC.

Sponsor: Mayor/Community Development

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to adopt said Ordinance 10-12.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
11. PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Health - \$500,000.00);
(Police -\$8,000.00); (Transit - \$5,664.00 and
\$22,656.00).

Sponsor: Mayor/Health, Police and Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance 11-12.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend the ordinance by removing the \$5,664.00 Sales/Use Tax Fund and increasing the Transit Fund from \$22,656.00 to \$28,320.00.

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

Motion Passed.

Vote to adopt the main motion, as amended: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, February 21, 2012, at 7:00 p.m. for Item 12:

12. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Washington Pavilion, \$30,000.00)

Sponsor: City Council

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, February 21, 2012, at 7:00 p.m. for Item 12.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, February 21, 2012, at 7:00 p.m. for Item 13:

13. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY CREATING AN OPERATIONS COMMITTEE OF THE CITY COUNCIL.

Sponsor: City Council

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, February 21, 2012, at 7:00 p.m. for Item 13.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

14. A RESOLUTION DECLARING THE NECESSITY TO GRADE, GRAVEL, CONSTRUCT CURB AND GUTTER WITH DRIVEWAY APPROACHES, CONSTRUCT SIDEWALK, STORM SEWER, ASPHALT SURFACING, SANITARY SEWER, WATER MAIN, AND STREETLIGHTS ON W. BENSON RD. AND N. BOBHALLA DR., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution 5-12.

A substitute motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to adopt said Resolution 5-12, with the revised legal description, as read into the record by City Attorney David Pfeifle.

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

Motion Passed.

RESOLUTION NO. 5-12

A RESOLUTION DECLARING THE NECESSITY TO GRADE, GRAVEL, CONSTRUCT CURB AND GUTTER WITH DRIVEWAY APPROACHES, CONSTRUCT SIDEWALK, STORM SEWER, ASPHALT SURFACING, SANITARY SEWER, WATER MAIN, AND STREETLIGHTS ON W. BENSON RD. AND N. BOBHALLA DR., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

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

Section 1. It is necessary to GRADE, GRAVEL, CONSTRUCT CURB AND GUTTER WITH DRIVEWAY APPROACHES, CONSTRUCT SIDEWALK, STORM SEWER, ASPHALT SURFACING, SANITARY SEWER, WATER MAIN, AND STREETLIGHTS in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the city of Sioux Falls, SD, fronting or abutting upon the following described property to be assessed:

type specific location of legal. if it appears as a title before the legal description(S), TYPE IT IN TITLE CASE AND UNDERLINED. THE DETAIL OF LEGALS THAT WOULD FOLLOW A SPECIFIC LEGAL LOCATION SHOULD BE TYPED IN TITLE CASE AND SPACING OF 1.5.

W. Benson Rd. from N. Westport Ave. to N. Bobhalla Dr., and N. Bobhalla Dr. from W. Benson Rd. to 1,320E north.

SE1/4 (ex. Tract 2 Hall's Addn. and ex. Lot H-1 and ex. N925' W942' lying east of Lot H-1 and ex. N450' E482' W1,424' lying east of Lot H-1) Section 31-T102N-R49W, Minnehaha County, SD

N1/2 NE1/4 (ex. FE1 and ex. 2.24 acres SE corner and ex. Lot E-1 Co. Aud. Subd. and ex. Lot H-1) Section 6-T101N-R49W, Minnehaha County, SD

Section 2. The cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Section 38-32 of the Revised Ordinances of Sioux Falls and SDCL Chapter 9-43. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the number of front feet fronting or abutting, as provided by law. The cost of each intersection shall be assessed to all lots according to the area so as to include one-half of the property between the street improved and the next street, pursuant to SDCL 9-45-31.

Section 3. Notice. The City may waive or reduce special assessments levied against owner-occupied single-family dwellings where the head of the household is 65 years of age or older, or is disabled or where the annual household income is less than \$10,000. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, Carnegie Town Hall, 235W. 10th St., or call 367-7125, prior to the date of the 'Final Levy of the Assessment Roll' before the Sioux Falls City Council. Failure to make proper written application prior to this date will disqualify you from being eligible for waiving or reduction of the special assessment.

Section 4. The assessment may be paid in five (5) equal annual installments. If not paid within 30 days after the assessment roll has been filed in the City Accounting Office, the assessment or any installment shall be collected with interest in accordance with the procedure provided by SDCL9-43-31 through 9-43-41.

Interest on the assessment or installment will be charged and collected in accordance with law. The rate to be charged will be set by the City Council in the year of assessment.

Section 5. The estimated cost of the above-named improvements is as follows:

(Type in upper and lower case)Grading...\$25.00 Per Front Foot
Gravel.....\$10.00 Per Front Foot
Curb and Gutter.....\$20.00 Per Front Foot
Sidewalk.....\$15.00 Per Front Foot
Streetlights.....\$5.00 Per Front Foot
Storm Sewer.....\$30.00 Per Front Foot
Asphalt Surfacing.....\$25.00 Per Front Foot
Driveways.....\$35.00 Per Square Yard
Sanitary Sewer.....\$30.00 Per Front Foot
Water Main.....\$30.00 Per Front Foot
Engineering.....\$30.00 Per Front Foot

Section 6. The assessment will be levied on the above-described property pursuant to Section38-32 of the Revised Ordinances of Sioux Falls.

Section 7. A copy of the resolution will be recorded at the Register of Deeds Office, Minnehaha County, SD, as a notice to all potential or actual future landowners, of present or future assessment payments on said property.

Date adopted: 02/13/12 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

15. A RESOLUTION AMENDING THE 2012-2016 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to adopt said Resolution 6-12.

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to amend Resolution 6-12, under Transit and to remove the sentence "The additional funding will require an increase in appropriations and will be funded by the Sales/Use Tax Fund (20 percent) and the Transit Fund (80 percent). And add the sentence "The additional funding will require an increase in appropriations and will be funded by federal stimulus dollars."

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

Motion Passed.

Vote on the main motion, as amended: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 7. Noes, 0. Motion Passed.

RESOLUTION NO. 6-12

A RESOLUTION AMENDING THE 2012-2016 CAPITAL PROGRAM.

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

That the 2012-2016 Capital Program shall be amended as follows:

Health

Amend the Capital Improvements Program by adding a new project, Falls Community Health Expansion at Hayward Elementary, in 2012. The estimated cost is \$40,480 for engineering and \$459,520 for construction and FF&E, totaling \$500,000. This will require an increase in appropriations that will be funded by federal grant dollars.

Police

Amend the Other Capital Expenditures Program by adding a K-9 dog in 2012. The estimated cost is \$8,000 and will require an increase in appropriations that

will be funded by grant funds.

Transit

Amend Capital Improvements Program Project No. 017068, Transit Facility Window Addition, by moving the project from 2015 to 2012. The estimated cost is \$5,664 for engineering and \$22,656 for construction, totaling \$28,320. The additional funding will require an increase in appropriations and will be funded by federal stimulus dollars.

Date adopted: 02/13/12 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

16. 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 Dean Karsky to adopt said Resolution 7-12.

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

Motion Passed.

RESOLUTION NO. 7-12

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
Mike Von Bergen	Public Parking Advisory Board	Appointed for a term from March 2012 to May 2015 (to fill the unexpired term of Darrel Posegate).
Daniel Obaka	Multi-Cultural Center Board	Appointed for a term from March 2012 to February 2014 (to fill the unexpired term of Alfonso Brito).

Date adopted: 02/13/12 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

ADJOURNMENT

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to adjourn at 7:40 p.m.

Vote to adjourn: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolwing, 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) 367-8080 (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. 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.