

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, March 5, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

ABSENT

PRESENT

Council Member Rex Roling

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 Dean Karsky

Mayor Mike T. Huether

INVOCATION

Dr. Erich P. McCandless, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

"Spread The Word To End The Word Day"

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RECOGNITION/AWARDS

Sue Roust, Interim City Clerk, was recognized for her assistance to

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the City Council and the City Clerk's Office

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Greg Jamison and seconded by Council Member Vernon Brown to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Rex Rolfing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, February 21, 2012, at 4:00 p.m.

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Joint City Council/Minnehaha County Meeting of Tuesday, February 21, 2012, at 5:30 p.m.

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City Council Meeting of Tuesday, February 21, 2012, at 7:00 p.m.

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Informational Meeting of Monday, February 27, 2012, at 4:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on the February 29, 2012, memo.

Sponsor: Mayor/Finance

The City of Sioux Falls received \$341,451 from the U.S. Department of Treasury as partial reimbursement for interest on the Economic Recovery

2. Zone Bonds issued in the Sales/Use Tax Fund for the Flood Control Project. The additional appropriation will be used to fund interest expense.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: February 15, 2012; Winter Mix 50/50 #1 & #2 Dyed Diesel; 350 gallons; Midway Service (\$1,179.50); Howes Oil (\$1,231.65); Midwest Oil, no bid. Bid awarded to: Midway Service.

Sponsor: Mayor/Parks and Recreation

4. Report of Requests for Quotes for Fuel dated: February 16, 2012; Unleaded Ethanol & E85; 7,500 gallons unleaded/500 gallons E85 (8,000 total); CHS, Inc. (\$3.1400 Unleaded/\$2.5500 E85); Harms Oil, Howes Oil and Olson Oil, all no bids. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Public Works

5. Report of Requests for Quotes for Fuel dated: February 16, 2012; #1 & #2 Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Howes Oil (#1-\$3.2820/#2-\$3.2225); CHS, Inc. (#1-\$3.3000/#2-\$3.2500); Midwest Oil(#1-\$3.4200/#2-\$3.3500); Harms Oil and Olson Oil, no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Public Works

- Report of Requests for Quotes for Fuel dated: February 16, 2012;
6. #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$3.46); Midwest Oil (\$3.54); Howes Oil and Harms Oil, both no bids. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Planning and Building Services

- Report of Requests for Quotes for Fuel dated: February 21, 2012; Winter Mix 50/50 #1 & #2 Dyed Diesel; 300 gallons; Midway Service (\$1,002.00); Howes Oil (\$1,055.70); Midwest Oil, no bid. Bid awarded to: Midway Service.
- 7.

Sponsor: Mayor/Parks and Recreation

- Report of Requests for Quotes for Fuel dated: February 22, 2012; #1 & #2 Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Howes Oil (#1-\$3.3370/#2-\$3.2790); Harms Oil (#1-\$3.3444/#2-\$3.2949); CHS, Inc. (#1-\$3.3620/#2-\$3.3020); Olson Oil and Midwest Oil, both no bids. Bid awarded to: Howes Oil.
- 8.

Sponsor: Mayor/Public Works

- Report of Requests for Quotes for Fuel dated: February 24, 2012; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$3.2610); Howes Oil (\$3.2680); CHS, Inc. (\$3.2870); and Olson Oil (\$3.3500). Bid awarded to: Harms Oil.
- 9.

Sponsor: Mayor/Public Works

10. A memorandum dated February 27, 2012, declaring surplus capital items that will be traded in for another asset.

Sponsor: Mayor/Finance

11. A communication was received from Tracy Seiner requesting permission to consume, but not sell, wine and malt beverages at the Old Courthouse Museum, 200 West 6th Street, on Sunday, June 3, 2012, from 12:00 p.m.- 6:00 p.m. for the purpose of a wedding reception.

Sponsor: SDCL 35-1-5.3

12. A communication was received from Aaron Smith and Heather Andersen requesting permission to consume, but not sell, liquor, wine and beer/malt beverages at the Old Courthouse Museum, 200 West 6th Street, on Saturday, June 9, 2012, from 5:00 p.m. - 10:00 p.m. for the purpose of a wedding reception.

Sponsor: SDCL 35-1-5.3

13. A communication was received from Preventive Health Strategies stating their intent to sell raffle tickets from Monday, April 2, 2012, to Wednesday, August 1, 2012, for a 2012 Polaris Ranger Crew 500 Turbo UTV (valued at \$10,999.00). Tickets will be sold for \$100.00 each. The proceeds will be used for funding charitable activities within the strategic mission of PHS.

Sponsor: SDCL 22-25-25

A communication was received from Alexandra Chase requesting permission

14. to consume, but not sell, beer and wine at the Old Courthouse Museum, 200 West 6th Street, on Saturday, June 1, 2013, from 5:00 p.m. - 12:00 a.m. for the purpose of a wedding reception.

Sponsor: SDCL 35-1-5.3

- A communication was received from the Dakota Country Dance Club stating their intent to sell raffle tickets on Saturday, April 28, 2012; Friday, May 18, 2012; and Friday, June 15, 2012, for a 50/50 drawing. Tickets will be sold for \$1.00 each. The proceeds will be used to make charitable donations to organizations such as Volunteers of America, the Moose Lodge (Mooseheart) and the Children's Inn throughout the year.
- 15.

Sponsor: SDCL 22-25-25

- A communication was received from the Augustana College Deaf Awareness organization stating their intent to sell raffle tickets from Friday, April 27, 2012, to Saturday, April 28, 2012, for gift cards from local businesses (highest value is a \$10.00 gift card, 10-15 cards total) and for a handmade jean blanket (valued at \$100.00). The tickets are \$1.00 each (or free with the donation of three canned goods); or \$5.00 for six tickets; or \$20.00 for an arm's length (25+ tickets). All proceeds will be donated to local charities (Children's Inn and South Dakota School for the Deaf).
- 16.

Sponsor: SDCL 22-25-25

APPLICATIONS

- Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on May 5, 25, 26; June 2, 9, 15, 16, 23, and 30, 2012.
- 17.

Sponsor: Mayor/Attorney

- Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a wedding reception on April 7, 2012.
- 18.

Sponsor: Mayor/Attorney

NOTICE OF HEARINGS

Set a date of hearing for Monday, March 19, 2012, at 7:00 p.m. for Items 19 through 32:

- New 2011-12 Retail Malt Beverage License for Fuji Sushi & Hibachi LLC, Fuji Sushi & Hibachi, to be operated at 2801 West 41st Street (full service restaurant; CUP not required).
- 19.

Sponsor: Mayor/Attorney

- New 2012 Retail Wine License for Fuji Sushi & Hibachi LLC, Fuji Sushi & Hibachi, to be operated at 2801 West 41st Street (full service restaurant; CUP not required).
- 20.

Sponsor: Mayor/Attorney

Transfer of the 2012 Retail Liquor License from Substation Inc., Nutty's, 3400 West 49th Street, to B & D Group Investments LLC, Nutty's Pub and Casino, to be operated at 3400 West 49th Street, including Sunday Sales and video lottery terminals, with the Conditional Use Permit (2012-01-02) being approved on 02-01-12.

Sponsor: Mayor/Attorney

22. Transfer of the 2011-12 Retail Malt Beverage/SD Farm Winery License from Main and Main LLC, Courtyard by Marriott, 4300 West Empire Place, to Main and Main LLC, Springhill Suites, to be operated at 4304 South Empire Place, with the Conditional Use Permit (2008-03-06) being approved in 2008.

Sponsor: Mayor/Attorney

23. Transfer of the 2012 Retail Wine License from Main and Main LLC, Courtyard by Marriott, 4300 West Empire Place, to Main and Main LLC, Springhill Suites, to be operated at 4304 South Empire Place, with the Conditional Use Permit (2008-03-06) being approved in 2008.

Sponsor: Mayor/Attorney

24. Transfer of the 2012 Retail Liquor License for Empire Restaurants Inc., The Encore at Empire Mall, 4200 West Empire Place, to include the Courtyard by Marriott, 4300 West Empire Place as contiguous property (full service restaurant; CUP not required), including Sunday Sales.

Sponsor: Mayor/Attorney

25. Transfer of the 2011-12 Retail Malt Beverage License from D & J Management LLC, Dean-O's Grille, 1914 South Sycamore Avenue, to Thurston Inc., Botski's, to be operated at 1914 South Sycamore Avenue, with the Conditional Use Permit (2012-01-09) being approved on 02-01-12.

Sponsor: Mayor/Attorney

26. Transfer of the 2012 Retail Wine License from D & J Management LLC, Dean-O's Grille, 1914 South Sycamore Avenue, to Thurston Inc., Botski's, to be operated at 1914 South Sycamore Avenue, with the Conditional Use Permit (2012-01-09) being approved on 02-01-12.

Sponsor: Mayor/Attorney

Transfer of the 2011-12 Retail Malt Beverage License from GPG Inc.,

27. Diamond Dan's Casino, 1002 South Minnesota Avenue, to HKV Gilbertson Liquor Inc., Power Keno Casino I, to be operated at 1002 South Minnesota Avenue, including video lottery terminals, effective 03/30/12.

Sponsor: Mayor/Attorney

28. Transfer of the 2011-12 Retail Malt Beverage License from GPG Inc., Cash Inn Again, 3219 South Minnesota Avenue, to HKV Gilbertson Liquor Inc., Power Keno Casino II, to be operated at 3219 South Minnesota Avenue, including video lottery terminals, effective 03/30/12.

Sponsor: Mayor/Attorney

29. Special One-Day Malt Beverage License for the Multi-Cultural Center of Sioux Falls to be operated on the upper west side of Falls Park for the Festival of Cultures on June 16, 2012.

Sponsor: Mayor/Attorney

30. Special One-Day Malt Beverage License requests for the Multi-Cultural Center of Sioux Falls to be operated at the Coliseum, 515 North Main Avenue, for RollerDollz performances to be held on April 14 and 28, June 30, August 4, September 8, October 13, and November 10, 2012.

Sponsor: Mayor/Attorney

31. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Jazz & Blues Society to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for the Jazz Fest on July 26-28, 2012.

Sponsor: Mayor/Attorney

32. Amend the date of the Special One-Day Wine License request for Senior Citizens Services Inc., to be held at Active Generations, 2300 West 46th Street, for the Cocktails and Canvas Art Class on March 27, 2012, changing the date of this event to April 10, 2012.

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, Rex Rolfing, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

There was none.

INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1701E. 54TH ST. N. FROM THE I-1, LIGHT INDUSTRIAL

33. DISTRICT TO THE I-2, HEAVY INDUSTRIAL DISTRICT, PETITION NO.2011-11-08, 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 Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to adopt said Ordinance 15-12.

Vote to adopt: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. ARROWHEAD PKWY. AND S. POWDER HOUSE RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2011-01-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)
- 34.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Rex Roling to adopt said Ordinance 16-12.

Vote to adopt: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 10TH ST. AND SIX MILE ROAD FROM THE O, OFFICE DISTRICT AND RC, RECREATION/CONSERVATION DISTRICT TO THE O, OFFICE DISTRICT AND RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2011-01-11, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission Recommends approval.)
- 35.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adopt said Ordinance 17-12.

Vote to adopt: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

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)

36. REPORT OF THE FEBRUARY 24, 2012, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Vernon Brown to adjourn the meeting at 7:18 p.m.

Vote to adjourn: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. 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. 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.