

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, June 5, 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 James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Roling

Council Member Kermit L Staggars

Mayor Mike T. Huether

INVOCATION

Council Member Rex Roling

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L Staggars, 7. Noes, 0. Council Member James Entenman was excused from the meeting and the vote on this item.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, May 15, 2012, at 4:00 p.m.

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City Council Meeting of Tuesday, May 15, 2012, at 7:00 p.m.

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Special City Council Meeting of Monday, May 21, 2012, at 5:00 p.m.

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Joint City Council/Minnehaha County Commissioners Meeting of Monday,
* May 21, 2012, at 5:30 p.m.

Informational Meeting of Tuesday, May 29, 2012, at 4:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on May 31, 2012 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on May 31, 2012 memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: May 15, 2012; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$3.0750); Harms Oil (\$3.0770); CHS, Inc. (\$3.0900); Midwest Oil and Olson Oil, both no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fleet

4. Report of Requests for Quotes for Fuel dated: May 15, 2012; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$3.0750); Harms Oil (\$3.0800); CHS, Inc. (\$3.0960); Midwest Oil and Olson Oil, both no bids. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fleet

5. Report of Requests for Quotes for Fuel dated: May 16, 2012; Diesel (#1 and #2 blend); 1,200 gallons; Howes Oil (\$3972.90); Midway Service (\$4047.00); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

6. Report of Requests for Quotes for Fuel dated: May 18, 2012; #2 Dyed Diesel Fuel; 1,000 gallons; Midway Service(\$3.1400); Howes Oil (\$3.2290);Midwest Oil (\$3.3590).Bid awarded to: Midway Service.

Sponsor: Mayor/Water Reclamation

7. Report of Requests for Quotes for Fuel dated: May 23, 2012; Unleaded Ethanol; 4,500 gallons; Harms Oil (\$3.0800); Howes Oil (\$3.0975); CHS, Inc. and Olson Oil, both no bids. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

8. Report of Requests for Quotes for Fuel dated: May 25, 2012; #2 Dyed Diesel Fuel; 7,500 gallons; CHS, Inc. (\$2.9840); Harms Oil (\$3.0100); Howes Oil, Midwest Oil and Olson Oil, all no bids. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Fleet

9. A communication was received from the Siouxland Heritage Museum requesting permission to consume, but not sell, wine and malt beverages at the Old Courthouse Museum, 200 W. 6th Street, on Thursday, June 14, 2012, from 5:00 p.m. - 7:00 p.m. The purpose is for an opening reception for their new "Symbol of Freedom: The American Flag" exhibit.

Sponsor: SDCL 35-1-5.3

10. A communication was received from U.S. Bank requesting permission to consume, but not sell, wine and malt beverages at the Prairie Center, Avera Atrium, 1000 E. 23rd Street on Thursday, June 28, 2012, from 5:00 p.m. - 6:30 p.m. The purpose is for an appreciation event.

Sponsor: SDCL 35-1-5.3

11. A communication was received from Sanford Health requesting permission to consume, but not sell, wine and malt beverages at the Sanford Center, 2301 E. 60th Street North, on Saturday, July 14, 2012 from 11:00 a.m. until 5:00 p.m. The purpose is for a celebration and recognition event following the American Diabetes Association's Tour de Cure bicycle ride.

Sponsor: SDCL 35-1-5.3

12. A communication was received from the Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, liquor, wine, and/or malt beverages at the Prairie Center, 1000 E. 23rd Street, on Friday, September 21, 2012, from 5:00 p.m. until 9:00 p.m. The purpose is to have a cocktail social for everyone that is attending their oncology symposium.

Sponsor: SDCL 35-1-5.3

13. A communication was received from Ms. Kristin Hustel requesting permission to consume, but not sell, beer, wine, liquor and/or malt beverages at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, October 20, 2012, from 5:00 p.m. until 11:00 p.m. The purpose is for a wedding reception and dance.

Sponsor: SDCL 35-1-5.3

14. A communication was received from the Sanford Health Foundation and the Children's Miracle Network stating their intent to sell raffle tickets from May 31, 2012, to September 1, 2012 (or when 1,000 tickets are sold, whichever is sooner), for a prize of \$30,000.00. The tickets will be sold for \$100.00 each. The proceeds will be used for the Sanford Children's Hospital.

Sponsor: SDCL 22-25-25

A communication was received from the Sioux Falls Public Schools

Education Foundation stating their intent to sell raffle tickets from July 9, 2012, to September 8, 2012, for the following prizes:

15. two \$5,000.00 cash prizes; two televisions (valued at \$750.00 each); two iPads (valued at \$400.00 each). The proceeds will be used to provide grant monies to teachers in the Sioux Falls Public School District to support teaching programs, methods and materials not supported by tax dollars.

Sponsor: SDCL 22-25-25

APPLICATIONS

16. Special One-Day Liquor License for Overtime, Inc., Overtime Sports Grill & Bar, to be operated at the Old Courthouse Museum, 200 West 6th Street, for wedding reception on July 13, 2012.

Sponsor: Mayor/City Attorney

17. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Sister Cities to be operated Falls Park West, Falls Park Drive for the Germanfest to be held on Saturday, September 8, 2012.

Sponsor: Mayor/City Attorney

18. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Irish Club to be operated at Falls Park West, Falls Park Drive for the Dakota Irish Fair to be held on Saturday, July 21, 2012.

Sponsor: Mayor/City Attorney

19. Request to add Sunday Sales to the Retail Liquor License for Alwig Inc., Silver Moon Bar, to be operated at 220 Falls Park Drive.

Sponsor: Mayor/City Attorney

20. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2012-13 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

Sponsor: Mayor/City Attorney

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:

Items 21-23: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

21. Richard M. Charles, Parcel 35442, 801 N. Highland Avenue, for 2011 property taxes in the amount of \$461.39.

Sponsor: Attorney/SDCL 10-18-1

22. Luella K. Mengenhause, Parcel 38570, 2013 E. 1st Street, for 2011 property taxes in the amount of \$862.11.

Sponsor: Attorney/SDCL 10-18-1

23. Viola Nelson, Parcel 40606, 1217 E. Rice Street, for 2011 property taxes

in the amount of \$366.11.

Sponsor: Attorney/SDCL 10-18-1

Items 24-25: The amount requested was approved as being tax exempt by the Minnehaha County Commissioners during the County Board process.

24. Evangelical Lutheran Good Samaritan, Parcel 84765, Tract 1 Good Samaritan Third Addition to the City of Sioux Falls, for 2011 property taxes in the amount of \$10,358.03. The amount requested was approved as being tax exempt by the Minnehaha County Commissioners during the County Board process.

Sponsor: Attorney/SDCL 10-18-1

25. Bethany Lutheran Home for the Aged, 1901 S. Holly Avenue, for 2011 property taxes for the Hayward Heights Addition, City of Sioux Falls: Parcel 34961, Lot 14, Block 3 in the amount of \$1,682.34; Parcel 34962, Lot 15, Block 3 in the amount of \$1,622.94; Parcel 34963, Lot 16, Block 3 in the amount of \$1,082.43; Parcel 34964, Lot 17, Block 3 in the amount of \$1,673.54; Parcel 34965, Lot 18, Block 3 in the amount of \$1,947.16; Parcel 34966, Lot 19, Block 3 in the amount of \$1,705.79; Parcel 34969, Lot 22, Block 3 in the amount of \$863.88; Parcel 34989, Lot 1 and N 15' of Lot 2, Block 7 in the amount of \$2,146.16; Parcel 35005, Lot 20, Block 7 in the amount of \$676.70. The amount requested was approved as being tax exempt by the Minnehaha County Commissioners during the County Board process.

Sponsor: Attorney/SDCL 10-18-1

The following abatement was recommended for denial by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and approval by the City Attorney for Sioux Falls:

26. Westridge Condominium Association, c/o Preferred Management, LLC, 5000 S. MacArthur Lane, is requesting that accumulated interest on past due county property taxes and fees be forgiven. The properties and amounts are as follows: 79796 (\$1,009.69); 80543 (\$74.42); 80544 (\$37.84); 80545 (\$41.00); 80546 (\$323.48); 80547 (\$441.36); 80548 (\$29.86); 80549 (\$32.37); 80551 (\$88.74); 80552 (\$56.57); and 80553 (\$56.57).

Sponsor: Attorney/SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, June 19, 2012, at 7:00 p.m., for Items 27 through 34:

27. New 2012-2013 Retail Malt Beverage License for Philanthropy Promotions Inc., J & L Harley Davidson, to be operated at 2601 W 60th St N, effective July 1, 2012, with the Special Use Permit (2007-04-22) being approved on May 2, 2007 (previously licensed as Retail Malt Beverage/ South Dakota Farm Winery).

Sponsor: Mayor/City Attorney

28. New 2012-2013 Retail Malt Beverage License for Main and Main LLC, Springhill Suites, to be operating at 4304 West Empire Place, effective July 1, 2012, with the Special Use Permit (2008-03-06) being approved on

April 2, 2008 (previously licensed as Retail Malt Beverage/South Dakota Farm Winery).

Sponsor: Mayor/City Attorney

29. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Area Humane Society to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for the Paws to Celebrate Fundraiser on June 23, 2012.

Sponsor: Mayor/City Attorney

30. Special One-Day Wine License for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for the Cocktails and Canvas Art Class on June 26, 2012.

Sponsor: Mayor/City Attorney

31. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Jazz & Blues Society to be operated at Vern Eide Acura, 4030 S. Grange Avenue, for the Jazz & Brews Fundraiser on June 28, 2012.

Sponsor: Mayor/City Attorney

32. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Home Builders Association of the Sioux Empire to be operated at Timber Oak Estates & Addition (First Choice Development), 2601 W 90th Street, for the Associates Appreciation Night on August 1, 2012.

Sponsor: Mayor/City Attorney

33. Special One-Day Malt Beverage and Special One-Day Wine Licenses 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 Meetings on September 27 and November 15, 2012.

Sponsor: Mayor/City Attorney

34. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2012-13 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.

Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L Stagers, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Travis Arneson, with the Sioux Falls Jaycees, asked for support towards fireworks for their Fourth of July celebration.

UNFINISHED BUSINESS

35. Special One-Day Malt Beverage License for Hy-Vee, Inc., to be operated at Hy-Vee Food Store #5, 3020 East 10th Street, for Tavern on the Green events being held on July 7, 2012 and July 14, 2012.

Sponsor: Mayor/Attorney

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to approve Item 35.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L Staggars, 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT N. BOBHALLA DR. AND W. BENSON RD. FROM THE RC, RECREATION/ CONSERVATION DISTRICT TO SUBAREA A OF THE SANFORD SPORTS COMPLEX PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2012-02-14, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance 34-12.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L Staggars, 7. Noes, 0. Council Member James Entenman was excused from the meeting and the vote on this item.

Motion Passed.

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING COMMUNITY GARDENS AS A PERMITTED LAND USE IN ALL ZONING DISTRICTS OF APPENDIX B, THE ZONING ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to adopt said Ordinance 35-12.

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

Motion Passed.

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AN OFFER TO PURCHASE REAL PROPERTY FROM THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to adopt said Ordinance 36-12.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 12, 2012, at 7:00 p.m., for Item 39:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
39. ARTICLE IX, CHAPTER 38 OF THE REVISED ORDINANCES OF THE CITY BY DEFINING AND ESTABLISHING PROCEDURES FOR SPECIAL EVENTS.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, June 12, 2012, at 7:00 p.m., for Item 39.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L Stagers, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 12, 2012, at 7:00 p.m., for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
PROVIDING SUPPLEMENTAL APPROPRIATIONS. (\$4,032,000.00)

Sponsor: Mayor/Finance

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for Tuesday, June 12, 2012, at 7:00 p.m., for Item 40.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L Stagers, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 12, 2012, at 7:00 p.m., for Item 41:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
41. CHAPTERS 11 AND 42 OF THE REVISED ORDINANCES OF THE CITY BY CHANGING THE ENFORCEMENT AGENCY FOR NUISANCE VEGETATION FROM PARKS AND RECREATION TO PLANNING AND BUILDING SERVICES.

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 Tuesday, June 12,

2012, at 7:00 p.m., for Item 41.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L Stagers, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

42. A RESOLUTION AUTHORIZING SIOUXLAND LIBRARIES TO GIFT LIBRARY SHELVING TO THE GRANT COUNTY LIBRARY.

Sponsor: Mayor/Library

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution 33-12.

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

Motion Passed.

RESOLUTION NO. 33-12

A RESOLUTION AUTHORIZING SIOUXLAND LIBRARIES TO GIFT LIBRARY SHELVING TO THE GRANT COUNTY LIBRARY.

WHEREAS, Siouxland Libraries has declared as surplus library shelving; and

WHEREAS, the Grant County Library located in Milbank, South Dakota, finds it desirable to acquire the above-described surplus property;

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

That the gifting by Siouxland Libraries to the Grant County Library of the following surplus property:

Five shelving units of varying heights (originally donated from B. Dalton Bookseller and the old Washington High School library in the late 1990s).

is hereby approved.

Date adopted: 06/05/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

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)

43. REPORT OF THE MAY 29, 2012, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

Mayor Mike Huether adjourned the meeting at 8:09 p.m.

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: INFORMATIONAL MEETINGS AIR LIVE THE FIRST, SECOND, THIRD, AND LAST TUESDAYS OF EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND LAST TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE THIRD TUESDAY 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' VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.