

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, September 18, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolwing

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Pastor Phill Tague, The Ransom Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, September 11, 2012, at 4:00 p.m.

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City Council Meeting of Tuesday, September 11, 2012, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on September 13, 2012 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on September 13, 2012 memo.

Sponsor: Mayor/Finance

3. A memorandum dated September 7, 2012 declaring surplus a capital item that was demolished as part of infrastructure upgrades.

Sponsor: Mayor/Finance

4. A memorandum dated September 13, 2012 declaring surplus various capital items that will be sold at the September 15, 2012, surplus auction.

Sponsor: Mayor/Finance

5. Report of Request for Quotes for Fuel: September 6, 2012; Unleaded Ethanol & E85; 7000 Gallons Unleaded; 1000 Gallons E85; CHS Inc. (\$3.4440 unleaded/\$3.0650 E85); Harms Oil, Howes Oil, and Olson Oil, all no bids. Bid awarded to: CHS Inc.

Sponsor: Mayor/Public Works

6. Report of Request for Quotes for Fuel: September 10, 2012; #2 Dyed Diesel Fuel; 22,500 Gallons; Harms Oil (\$3.3500); Howes Oil (\$3.3585); CHS Inc. (\$3.3900); Midwest Oil and Olson Oil, both no bids. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

7. A communication was received from the Dakota Country Dance Club stating their intent to conduct a 50/50 raffle on October 13, November 16, and December 21, 2012 and January 18, February 15, March 15, and April 19, 2013 for a prize of half the value of the 50/50 raffle. Tickets will be sold for \$1.00 each. The proceeds will go to support charitable or fraternal organizations such as the Volunteers of America, Moose Lodge (Mooseheart) and Children's Inn.

Sponsor: SDCL 22-25-25

8. A communication was received from the Sioux Empire Community Theater stating their intent to conduct a 50/50 raffle from October 19 to November 4, 2012 for a prize of half the value of the 50/50 raffle. Tickets will be sold for \$1.00 each or \$5.00 for six tickets. The proceeds will go towards fundraising for the Sioux Empire Community Theater.

Sponsor: SDCL 22-25-25

A communication was received from the Sioux Empire Community Theater stating their intent to conduct a raffle from October 19, 2012 to

9. May 1, 2013 for a prize of a Wizard of Oz flight experience. Tickets will be sold for \$20.00 each or \$35.00 for two tickets. The proceeds will go towards fundraising for the Sioux Empire Community Theater.

Sponsor: SDCL 22-25-25

- A communication was received from the University of South Dakota Law School Moot Court Team requesting permission to consume, but not sell, wine and malt beverage, at The Old Courthouse Museum, 200 West Sixth Street, on Friday, November 9, 2012 from 4:30 p.m. to 6:30 p.m. for a regional moot court tournament hosted by the University of South Dakota Law School and sponsored by Woods, Fuller, Schultz & Smith Law Firm.
- 10.

Sponsor: SDCL 35-1-5.3

- A communication was received from Andy Howes, Howes Oil Company, requesting permission to consume, but not sell, wine and malt beverage, at the Sioux Falls Design Center, 108 West 11th Street, on Saturday, October 27, 2012 from 6:00 p.m. to 11:00 p.m. for a private party.
- 11.

Sponsor: SDCL 35-1-5.3

- A communication was received from Rob TeKolste, Sammons Financial Group, requesting permission to consume, but not sell, wine and malt beverage, at The Old Courthouse Museum, 200 West Sixth Street, on Thursday, December 13, 2012 from 5:30 p.m. to 9:30 p.m. for an Officer's Holiday Reception.
- 12.

Sponsor: SDCL 35-1-5.3

- A communication was received from Kortnee Williamson, requesting permission to consume, but not sell, liquor, wine and malt beverage, at The Old Courthouse Museum, 200 West Sixth Street, on Saturday, May 18, 2013 from 5:00 p.m. to 11:00 p.m. for a wedding reception.
- 13.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

- Special One-Day Liquor License request for Washington Pavilion Management Inc., to be operated at Washington Pavilion, 301 South Main Avenue, for Autumn Crush on September 24, 2012.
- 14.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, October 2, 2012 at 7:00 p.m. on Items 15 through 19:

- Transfer of a 2012 Retail Liquor License from Soft Egg Inc., Whisk & Chop, 108 S. Minnesota Avenue, to WR Golf Management Inc., Willow Run Golf Course, 8000 East Highway 42, including Sunday Sales (CUP not required; this is an addition to an existing license which was grandfathered in due to annexation of property).
- 15.

Sponsor: Mayor/City Attorney

16. Rescind 2012-13 Retail Malt Beverage License issued to Willow Run Golf

Management Inc, Willow Run Golf Course, 8000 East Highway 42.

Sponsor: Mayor/City Attorney

New 2012 Retail Liquor License for Ballard Building Restaurant Co., Parkers,
17. 210 South Main Avenue, including Sunday Sales, with the Conditional Use Permit
(2009-03-18) being approved on April 1, 2009.

Sponsor: Mayor/City Attorney

18. Special One-Day Liquor License requests for SMG, to be operated at the
Sioux Falls Arena, 1201 North West Avenue, all 2012-13 Home Season Games
for the Stampede, all 2012-13 Home Season Games for the Skyforce between
October 5 and December 30, 2012.

Sponsor: Mayor/City Attorney

19. Special One-Day Beer and Wine Licenses for Avera McKennan Foundation, to
be operated at Avera Behavioral Health Center, 4400 West 69th Street,
for a fundraising event on January 26, 2013.

Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to amend Item 25 to read: "2012-13 Retail Malt Beverage License" instead of "2012 Retail Wine License."

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

Motion Passed.

The main motion, as amended, was voted on at this time.

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

Motion Passed.

PUBLIC INPUT

Tracy Saboe, spoke regarding public/private partnerships and decisions made by individuals versus governments.

I.L. Wiedermann, questioned why we only hear about Sanford and not other businesses in the City of Sioux Falls and why the public tennis courts will be charging the public.

Tim Stanga listed a number of projects that will cost the citizens money.

He feels money is not being spent when it comes to assisting the public.
He thanked Council Member Jamison for attending the food giveaway.

Mark Williamson, Commander of the Sioux Falls Chapter of the Military Order of the Purple Heart, is proposing the construction of a memorial within the confines of the Events Center honoring Prisoners of War/Missing in Action from all conflicts.

UNFINISHED BUSINESS

20. New 2012 Retail Wine License for Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005. Pending final inspection per Health.

Sponsor: Mayor/City Attorney

21. New 2012 Retail Wine License for Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005. Pending final inspection per Health.

Sponsor: Mayor/City Attorney

22. New 2012-2013 Package Malt Beverage License for Kum & Go LC, Kum & Go #620, to be operated at 412 North Sycamore.

Sponsor: Mayor/City Attorney

23. New 2012-2013 Package Malt Beverage License for Kum & Go LC, Kum & Go #631, to be operated at 1400 North Cliff Avenue.

Sponsor: Mayor/City Attorney

24. New 2012 Package Liquor License for Kum & Go LC, Kum & Go #631, to be operated at 1400 North Cliff Avenue.

Sponsor: Mayor/City Attorney

25. Transfer of 2012-13 Retail Malt Beverage License from Utopia, LLC, Falls Overlook Caf, 825 North Weber to Capo, LLC, Acoustic, 196 East 6th Street, Suite 101, effective October 21, 2012. Pending final inspection per Health.

Sponsor: Mayor/City Attorney

26. Transfer of 2012 Retail Wine License from Utopia, LLC, Falls Overlook Caf, 825 North Weber to Capo, LLC, Acoustic, 196 East 6th Street, Suite 101, effective October 21, 2012. Pending final inspection per Health.

Sponsor: Mayor/City Attorney

27. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Point is to Serve Church, 506 North Kiwanis Avenue, for wedding on October 20, 2012.

Sponsor: Mayor/City Attorney

Special One-Day Wine License requests for Downtown Sioux Falls Inc., for the First Friday Wine Walk to be held on October 5, 2012, at the following locations: 8th & Railroad Center Lobby, 401 East 8th Street, Bead Co., 319 South Phillips Avenue, Cookie Jar, 125 West 10th Street, East Bank Yoga, 401 East 8th Street #220, Great Outdoor Store, 201 East 10th Street, Kaladi's, 200 South Phillips Avenue, Lillian's Shoppe, 311 South Phillips Avenue, Suite 101, Oh My Cupcakes, 524 North Main Avenue #106, Rehfeld's Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street #114, Sticks & Steel, 401 East 8th Street, #118, Young & Richards, 222 South Phillips Avenue, Zandbroz, 209 South Phillips Avenue.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to approve Items 20 through 28.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, October 2, 2012 at 7:00 p.m. on Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
29. PROVIDING SUPPLEMENTAL APPROPRIATIONS TO FUND THE 2012 COLA ADJUSTMENTS (\$680,942.00).

Sponsor: Mayor/Human Resources

A motion was made by Council Member Sue Aguilar and seconded by Council Member Dean Karsky to set a date of hearing and 2nd reading for Tuesday, October 2, 2012 at 7:00 p.m. on Item 29.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 2, 2012 at 7:00 p.m. on Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
30. THE REVISED ORDINANCES OF THE CITY BY REVISING SECTION 15 1/2-5, FEES FOR PARKING.

Sponsor: Mayor/Community Development and Public Parking

A motion was made by Council Member Rex Roling and seconded by Council Member

Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, October 2, 2012 at 7:00 p.m. on Item 30.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

31. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF LOAP ADDITION. 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 Dean Karsky to adopt said Resolution No. 75-12.

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

Motion Passed.

RESOLUTION NO. 75-12

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF THE [LOAP ADDITION].

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

That the preliminary plan of the [LOAP Addition] to the City of Sioux Falls, [Minnehaha] County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 09/18/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

32. A RESOLUTION RESTRICTING LAWN WATERING.

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Rolwing and seconded by Council Member Sue Aguilar to adopt said Resolution No. 76-12.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 76-12

A RESOLUTION RESTRICTING LAWN WATERING.

WHEREAS, the water level in the Big Sioux River continues to decline; and

WHEREAS, the Big Sioux River provides a significant amount of water for the needs of the citizens of Sioux Falls;

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

1. That as a result of the decreasing water levels in the Big Sioux River, that sprinkling, lawn watering, or irrigating of yards and grass are further restricted beginning September 18, 2012, and continuing until such time as the restrictions may be removed by further resolution.
2. That consumers may water only on one day of each week. The day allowed for watering shall correspond with the last number of the property address as follows:

Monday	0	Thursday	4
Tuesday	1	Friday	5
Wednesday	2 and 3	Saturday	6 and 7
	Sunday	8 and 9	

1. These further restrictions shall be in addition to the current prohibition on lawn watering between 12 noon and 5 p.m. on any day of the week.
2. The City may grant exception permits for uses of water otherwise prohibited pursuant to Section 41-205 of the Revised Ordinances of the City of Sioux Falls, South Dakota.
3. That as a result of the decreasing water levels in the Big Sioux River necessitating the present prohibition, it is hereby found by the City that it is necessary for the immediate preservation of the public peace, health, or safety, or support of the municipal government and its existing public institutions, for this resolution to be effective immediately upon adoption.

Date adopted: 09/18/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adjourn at 7:50 p.m.

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

Entenman, 8. Noes, 0.

Motion Passed.

Lorie Hogstad, CMC

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 EVERY TUESDAY OF EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD 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 FOURTH TUESDAY 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' 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.