

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, September 3, 2013, 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 Rolfing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

Pastor Wayne Doiron, The Ransom Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Suicide Prevention Week in Sioux Falls, September 8-14, 2013

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Budget Hearing Meeting of Tuesday, August 20, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, August 20, 2013, at 7:00 p.m.

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Informational Meeting of Tuesday, August 27, 2013, at 4:00 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,
* August 27, 2013, at 5:00 p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on August 29, 2013 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on August 29, 2013 memo.

Sponsor: Mayor/Finance

3. A communication was received from Avera Health requesting permission to consume, but not sell, wine and malt beverage at the Avera McKennan Prairie Center at 1000 East 23rd Street, on Wednesday, September 18, 2013, from 4:30 p.m. to 9:30 p.m. for the purpose of a reception hosting the South Dakota Biotech Association pre-conference gathering.

Sponsor: SDCL 35-1-5.3

4. Report of Requests for Quotes for Fuel dated: August 15, 2013; #2 Dyed Diesel Fuel; 4,000 gallons; Harms Oil (\$3.1895); CHS, Inc. (\$3.2070); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

5. Report of Requests for Quotes for Fuel dated: August 15, 2013; Unleaded Ethanol; 4,000 gallons; Harms Oil (\$3.1085); CHS, Inc. (\$3.1100); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

6. Report of Requests for Quotes for Fuel dated: August 22, 2013; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.1075); CHS, Inc. (\$3.1110); Harms Oil (\$3.1197); Olson Oil, no bid. Bid awarded to: Howes Oil

Sponsor: Mayor/Public Works

7. Report of Requests for Quotes for Fuel dated: August 22, 2013; #2 Clear Diesel; 7,500 gallons; CHS, Inc (\$3.4700); Howes Oil, Harms Oil and Midwest Oil, all no bid. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Planning and Building Services

APPLICATIONS

8. Special One-Day Liquor License requests for Ovations Food Services LP, to be operated at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for wedding receptions on September 7 and 20, 2013.

Sponsor: Mayor/City Attorney

9. Special One-Day Malt Beverage License request for Sports Zone Inc., Rookies Sports Bar & Grill to be operated at Falls Park West, Falls Park Drive for a free Soulcrate concert on September 14, 2013.

Sponsor: Mayor/City Attorney

10. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for a Howalt-McDowell company party on September 24, 2013.

Sponsor: Mayor/City Attorney

The following abatement was 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:

11. Melvin W. Zimmer, 5612 W. 16th Street, for 2012 taxes in the amount of \$1,504.77.

Sponsor: SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 10, 2013 at 7:00 p.m. for Item 12:

12. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's, to be operated at Sioux Falls Surgical Specialty Hospital, 910 East 20th Street for an employee social on September 16, 2013, and authorize publication of notice on 08-30-13 to set the hearing date.

Sponsor: Mayor/City Attorney

Set a date of hearing for Tuesday, September 17, 2013 at 7:00 p.m. for Items 13 and 14:

13. Special One-Day Liquor License request for the Avera Health to be operated at the Avera Prairie Center, 1000 East 23rd Street for a National Institutes of Health social event on October 29, 2013.

Sponsor: Mayor/City Attorney

14. Special One-Day Malt Beverage License request for Sports Zone Inc., Rookies Sports Bar & Grill to be operated at MidAmerica Motoplex, 4915 Northview Avenue for a special event on September 28, 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 Sue Aguilar 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 Roling, Kermit L. Stagers, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

There was none.

PETITIONS

- CONDITIONAL USE PERMIT APPEAL (2013-07-05):SOUTHEAST CORNER OF W. RUSSELL STREET AND N. KIWANIS AVENUE, TRACT 1A, VENERT'S ADDITION. THE CONDITIONAL USE PERMIT WAS TO APPROVE CONSTRUCTION OF AN ADDITION TO AN EXISTING FOOD NFUEL BUILDING TO BE USED AS AN ON-SALE ALCOHOL ESTABLISHMENT. (Approved at the August 7, 2013, Planning Commission Meeting with a vote of 3-Yes, 2-No).
- 15.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to approve said Conditional Use Permit Appeal.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Rex Roling, Kermit L. Stagers, 3. Noes, Sue Aguilar, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 5.

Motion Failed.

UNFINISHED BUSINESS

- New 2013-14 Package Malt Beverage License for Main and Main LLC, Springhill Suites, to be operated at 4304 West Empire Place, effective October 15, 2013, with the Special Use Permit (2008-03-06) being approved on April 2, 2008.
- 16.

Sponsor: Mayor/City Attorney

- New 2013-14 Package Malt Beverage License for Thrifty Smoke Shop, Inc., Smokin' Deals to be operated at 1604 East Tenth Street (CUP not required)
- 17.

Sponsor: Mayor/City Attorney

- New 2013 Retail Liquor License, including Sunday Sales, for B.O.B., LLC, Beef O'Brady's, 4021 North Bobhalla Drive (full service restaurant; CUP not required). Pending final inspections per Health, Fire and Building Services.
- 18.

Sponsor: Mayor/City Attorney

- New 2013 Retail Liquor License, including Sunday Sales and video lottery terminals, for The Brady Bunch, Inc., Beef O'Brady's, 2210 West 69th Street, Suite number to be determined (full service restaurant; CUP not required)
- 19.

Pending final inspections per Health, Fire and Building Services.

Sponsor: Mayor/City Attorney

20. Special One-Day Malt Beverage and Special One-Day Wine Licenses for House of Kings, Casa Del Rey, to be operated at Avera Prairie Center, 1000 East 23rd Street for a Professional Chefs of the Black Hills fundraiser event on September 21, 2013.

Sponsor: Mayor/City Attorney

21. Special One-Day Malt Beverage and Special One-Day Wine Licenses for KAK Inc., K, to be operated at 8th & Railroad parking Lot, 401 East 8th Street, for a Downtown Block Party on the East Bank on September 6, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to approve Items 16 through 21.

Vote to approve: 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.

INTRODUCTION AND ADOPTION OF ORDINANCES

22. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2811 AND 2901 W. MADISON ST. FROM THE RD, RESIDENTIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2013-07-10 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 Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to adopt said Ordinance No. 53-13.

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.

23. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 731 N. HARLEM AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2013-07-02 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 Dean Karsky and seconded by Council Member Rex Roling to adopt said Ordinance No. 54-13.

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

Staggers, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-13 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, AT SW CORNER OF W. 86TH PL. AND S LOUISE AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA S REGULATIONS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 55-13.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-15 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, NORTH OF E. ARROWHEAD PARKWAY AND EAST OF S. SIX MILE ROAD ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE New SUBAREA G REGULATIONS 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 Dean Karsky to adopt said Ordinance 56-13.

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

Motion None.

Set a date of hearing and 2nd Reading for Tuesday, September 17, 2013, at 7:00 p.m. for Item 26:

(DEFERRED FROM 08/20/13 MEETING): 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-16 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, AT THE NW CORNER OF W. 77TH ST. AND S. CLIFF AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA D BOUNDARIES 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 Michelle Erpenbach and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, September 17, 2013, at 7:00 p.m. for Item 26.

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to amend the ordinance title by replacing "W. 77th Street" with "E. 73rd Street".

Vote to amend: 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.

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

27. A RESOLUTION ADOPTING THE CITY COUNCIL TRAVEL POLICY.

Sponsor: City Council

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Resolution No. 68-13.

A motion was made by Council Member Kermit L. Stagers and seconded by Council Member Kenny Anderson Jr. to amend by inserting the words "American Dream Coalition" in the City Council Travel Policy on Page 4-9, in the third paragraph, after "Sioux Falls Area Chamber of Commerce" and before the word "or".

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

Motion Failed.

A motion was made by Council Member Kermit L. Stagers and seconded by Council Member Kenny Anderson Jr. to amend this item by deleting the words "non-political" on page 4-11 in the third sentence of the first paragraph.

Vote to amend: 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.

Vote to adopt, as amended: Roll Call: Yeses, Sue Aguilar, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, Kenny Anderson Jr., Kermit L. Stagers, 2.

Motion Passed.

RESOLUTION NO. 68-13

A RESOLUTION [ADOPTING THE CITY COUNCIL TRAVEL POLICY.]

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That [the document attached to and part of this resolution entitled "City Council Travel Policy" is hereby approved.]

Date adopted: 09/03/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

28. A RESOLUTION APPROVING THE SIOUX FALLS CONVENTION AND VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT'S BUDGET.

Sponsor: Mayor/Finance

A motion was made by Council Member Rex Rolwing and seconded by Council Member James Entenman to adopt said Resolution No. 67-13.

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

Motion Passed.

RESOLUTION NO. 67-13

A RESOLUTION APPROVING THE SIOUX FALLS CONVENTION AND VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT'S BUDGET.

WHEREAS, pursuant to Resolution 86-10, the City of Sioux Falls adopted a resolution of intent to establish the Sioux Falls Convention and Visitors Bureau Business Improvement District; and

WHEREAS, in accordance with SDCL Chapter Ch. 9-55 of the South Dakota Codified Laws, the CVB Business Improvement District has imposed an occupational tax of two dollars (\$2.00) per night per rented room for all lodging rooms within the CVB Business Improvement District to market and promote the visitor industry in the city of Sioux Falls and increase the room night sales of lodging facilities within the CVB Business Improvement District;

WHEREAS, the CVB Business Improvement District Board of Directors has developed an annual budget, which is subject to City Council approval.

NOW, THEREFORE, BE IT RESOLVED:

That the budget dated October 1, 2013, through September 30, 2014, which is attached hereto and made a part of this Resolution, is hereby approved.

Date adopted: 09/03/13 .

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)

29. REPORT OF THE AUGUST 27, 2013, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adjourn the meeting at 8:10 p.m.

Mayor Huether called for a voice vote. All members voted yes.
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: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS 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 MEETING'S 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.