

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, May 20, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolwing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

Pastor Fred Wilgenburg, Center of Hope

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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 Michelle Erpenbach to approve the Consent Agenda.

Council Member Kermit L. Staggers asked to move: Cliff Ave. from 61st St. to 85th St., agreement for engineering services, \$330,158.00; Rail pin relocation plan, agreement for appraisal services, \$65,000.00; Sioux Area Metro bus stop sign replacements, to award a bid, \$34,471.00; and Mail Courier Van, to award a bid, \$24,133.00, from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolwing, Kermit

L. Staggers, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, May 13, 2014, at 4:00 p.m.

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City Council Meeting of Tuesday, May 13, 2014, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on the May 16, 2014 memo.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to approve Cliff Ave. from 61st St. to 85th St., agreement for engineering services, \$330,158.00, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to approve the Rail pin relocation plan, agreement for appraisal services, \$65,000.00, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to approve the Sioux Area Metro bus stop sign replacements, to award a bid, \$34,471.00, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to approve the Mail Courier Van, to award a bid, \$24,133.00, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

2. Notice of Change Orders on the May 16, 2014 memo.

Report of Requests for Quotes for Fuel dated: May 7, 2014; #2 Dyed Diesel
3. Fuel; 7,500 gallons; Harms Oil (\$3.0850); CHS, Inc., Howes Oil, Olson Oil, and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: May 7, 2014; #2 Clear Diesel;
4. 7,500 gallons; Harms Oil (\$3.552); CHS, Inc., Howes Oil, Midwest Oil, and Petroleum Traders Cor., all no bid. Bid awarded to: Harms Oil.

APPLICATIONS

Special One-Day Liquor License requests for Washington Pavilion Management
5. Inc., Washington Pavilion of Arts & Science to be operated at 301 South Main Avenue for Jersey Boys Performances on May 21, 22, 23, and 24, 2014.

Special One-Day Liquor License requests for Great Bear Recreation Park Inc.,
6. Great Bear Recreation Park, to be operated at 5901 East Rice Street for special events on the following dates in 2014: June 7, June 14, June 28, July 12, July 19, July 26, August 16, August 23, and September 13.

Special One-Day Liquor License requests for Ovations Food Services LP, to be
7. operated at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for weddings on the following dates in 2014: July 5, August 16 and October 24.

Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery,
8. Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2014-15 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, June 3, 2014, at 7:00 p.m. on Items 9 through 13:

9. New 2014-15 Retail Malt Beverage License for The Beacon, LLC, The Beacon, to be operated at 3224 East 10th Street.

10. New 2014 Retail Wine License for The Beacon, LLC, The Beacon, to be operated at 3224 East 10th Street.

11. New 2014-15 Retail Malt Beverage License for JLB-SF2 Inc., JL Beers, to be operated at 2530 South Louise Avenue.

12. New 2014 Retail Wine License for JLB-SF2, Inc., JL Beers, to be operated at 2530 South Louise Avenue.

13. New 2014 Package Liquor License for Main and Main, LLC, Springhill Suites, to be operated at 4304 West Empire Place.

Set a date of hearing for Tuesday, June 10, 2014, at 7:00 p.m. on Item 14:

14. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF SIDEWALK ON N. KIWANIS AVE. FROM W. 2ND ST. TO W. 9TH ST.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Stagers, 8. Noes, 0.

Motion Passed.

Mayor Mike Huether recognized Boy Scout Troop 48, sponsored by the Sertoma Club, who were working on their Communication badge.

PUBLIC INPUT

Scott Ehrisman spoke about the railroad relocation project, tonight's City Council elections, and Council Member Kermit L. Stagers being cut off during a discussion at the last City Council meeting.

Tim Stanga spoke about public testimony at meetings and how the City Council votes on items.

Charles Santee spoke about the updating that needs to be done on Sioux Area Metro webpage and the lack of enforcement for businesses not shoveling snow off of their walks.

Theresa Stehly congratulated the City Council members that were re-elected and newly elected, and spoke on citizen petitions drives, snow gates, and the power of the City Council.

Item 1 was discussed at this time. See Item for action taken.

UNFINISHED BUSINESS

15. New 2013-14 Retail Malt Beverage License for Murray 5G Inc., Five Guys Burgers & Fries, to be operated at 121 South Minnesota Avenue.

New 2013-14 Retail Malt Beverage License for Macho Nacho, LLC, Macho Nacho

16. Mexican Grill to be operated at 3308 East 10th Street. Pending final inspections per Health and Fire.

New 2014 Retail Wine License for Macho Nacho, LLC, Macho Nacho Mexican

17. Grill to be operated at 3308 East 10th Street. Pending final inspections per Health and Fire.

18. New 2014-15 Retail Malt Beverage License for Juan Padilla, El Jalapeno Mexican Grill to be operated at 2113 South Minnesota Avenue.

Transfer of 2014 Retail Liquor License, including Sunday Sales certificate,

19. from SFLL, LLC, City Centre Lounge, 100 West 8th Street to Lester Hospitality Sioux Falls, LLC, Holiday Inn Sioux Falls City Centre, 100 West 8th Street.

Transfer of 2014 Retail Wine License from Capo, LLC, Acoustic, 196 East 6th

20. Street, Suite 101 to The Market on Phillips, LLC, The Market on Phillips, 196 East 6th Street, Suite 101, effective June 2, 2014. Pending final inspection per Health.

Transfer of 2013-14 Retail Malt Beverage License from Capo, LLC, Acoustic,

21. 196 East 6th Street, Suite 101 to The Market on Phillips, LLC, The Market on Phillips, 196 East 6th Street, Suite 101, effective June 2, 2014. Pending final inspection per Health.

Renewal of 2014-15 Retail Malt Beverage License for The Market on Phillips,

22. LLC, The Market on Phillips, 196 East 6th Street, Suite 101. Pending final inspection per Health.

Transfer of 2014 Package Liquor License from The Market on Phillips, LLC, The Market on Phillips, 204 South Phillips Avenue to The Market on

23. Phillips, LLC, The Market on Phillips, 196 East 6th Street, Suite 101, effective June 2, 2014. Pending final inspection per Health.

Transfer of 2014 Retail Liquor License, including Sunday Sales certificate, from WR Golf Management, Willow Run Golf Course, 8000 East Highway 42 to GL

24. Management, LLC, Willow Run Golf Course, 8000 East Highway 42.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sanford

25. Health Foundation to be operated at Yankton Trail Park, 3901 South Minnesota Avenue for the Sioux Glow 5K Run/Walk on August 23, 2014.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve Items 15 through 26.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to amend, the main motion, by removing Item 26.

Vote to amend: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Boys &

26. Girls Club of the Sioux Empire Inc., to be operated at 8th & Railroad Center Parking Lot, 401 East 8th Street for the Grills Gone Wild fundraiser on May 24, 2014.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve Item 26.

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 7. Noes, 0. Council Member Kenny Anderson Jr. was excused from the meeting and the vote on this item.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, June 3, 2014, at 7:00 p.m. for Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT

THE NORTHWEST CORNER OF W. 12TH ST. AND N. ELLIS RD. FROM THE RA-1 APARTMENT

27. RESIDENTIAL-LOW DENSITY DISTRICT TO THE RD-1 TWIN HOME/DUPLEX
RESIDENTIAL-SUBURBAN AND CN CONSERVATION DISTRICTS, PETITION NO. 2014-04-02,
AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Plannin
g
Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council
Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, June
3, 2014.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M.
Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex
Rolfing, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 3, 2014, at 7:00 p.m.
for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
AT W. 85TH ST. AND S. PINWOOD AVE. FROM THE RS SINGLE-FAMILY

28. RESIDENTIAL-SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO.
2014-04-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

The Planning Commission recommends approval.

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,
June 3, 2014.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M.
Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex
Rolfing, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 3, 2014, at 7:00 p.m.
for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
AT

THE NORTHWEST CORNER OF W. 54TH ST. AND N. NORTHVIEW AVE. FROM THE C-
29. 4 COMMERCIAL-REGIONAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITIO
N

NO. 2014-04-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX
FALLS. The Planning Commission recommends approval by a 6-2 vote.

A motion was made by Council Member Rex Rolfing and seconded by Council Member
Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, June 3, 2014.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M.
Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex
Rolfing, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 3, 2014, at 7:00 p.m.

for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF W. 69TH ST. AND WEST OF S. SOUTHEASTERN AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN AND CN CONSERVATION DISTRICTS TO THE RA-30. 3 APARTMENT RESIDENTIAL-HIGH DENSITY DISTRICT, PETITION NO. 2014-04-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, June 3, 2014.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

31. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution 51-14.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 51-14

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
David Meyer	Board of Health	Appointed for a term from May2014 through May 2017 (to replace Samuel Gayetaye).
Teresa Miller	Board of Health	Appointed for a term from May 2014 through May 2017 (to replace Tim Krenik).
Rose Moehring	Board of Health	Appointed for a term from May 2014 through August 2016 (to fill the unexpired term of

Amy Olson).

Aaron Hultgren	Business Improvement District Board-Main Street	Appointed for a term from May 2014 through May 2017.
Joanne Haase	Commission on Human Relations	Reappointed for a term from May 2014 through May 2019.
Yesenia Pagan-Rosario	Commission on Human Relations	Appointed for a term from May 2014 through May 2017 (to fill the unexpired term of Bojan Salihagic).
Deb Aden	Disability Awareness Commission	Appointed for a term from May 2014 through May 2017 (to replace Julie Briggs).
Sarah Jo Jorgensen	Disability Awareness Commission	Appointed for a term from May 2014 through May 2017 (to replace Vicki Nelson).
Tracy Johnson	Falls Community Health Governing Board	Appointed for a term from May 2014 through March 2016 (to fill the unexpired term of Rick Kiley).
James Kellar	Falls Community Health Governing Board	Appointed for a term from May 2014 through September 2015 (to fill the unexpired term of Etienne Mulenda).
James Wiederrich	Sioux Falls Housing and Redevelopment Commission	Appointed for a term from May 2014 through December 2018 (to fill the unexpired term of Wayne Wagner).
Vandhana Baireddy	Visual Arts Commission	Appointed for a term from May 2014 through May 2017 (to replace Ceca Cooper).
Dr. Susan Hasseler	Washington Pavilion Management, Inc. Board of Directors	Appointed for a term from May 2014 through May 2017 (to replace Dr.Charles O'Brien).
Emily Paulson	Washington Pavilion Management, Inc. Board of Directors	Appointed for a term from May 2014 through May 2017 (to replace Richard Van Demark).

Date adopted: 5/20/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

Mayor Huether excused himself from the meeting at this time and City Council Vice-Chair Dean Karsky presided for the remainder of the meeting.

32. ELECTION OF CITY COUNCIL CHAIR

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to nominate Council Member Dean Karsky for City Council Chair.

Vote to nominate: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

33. ELECTION OF CITY COUNCIL VICE-CHAIR

A motion was made by Council Member Rex Roling and seconded by Council Member Kermit L. Staggers to nominate Council Member Kenny Anderson Jr. for City Council Vice-Chair.

Vote to nominate: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

34. ELECTION OF 4TH MEMBER TO COUNCIL OPERATIONS COMMITTEE

A motion was made by Council Member Rick Kiley and seconded by Council Member Kenny Anderson Jr. to nominate Council Member Rex Roling as the 4th member to the Council Operations Committee.

Vote to nominate: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adjourn the meeting at 7:57 p.m.

Council Chair Dean Karsky called for a voice vote. All members voted yes. 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: 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.