

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, October 2, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers Council Member Michelle Erpenbach

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Mayor Mike T. Huether

INVOCATION

Pastor Natanael Lizarazo, First Lutheran Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Domestic Violence Awareness Month, October 2012

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RECOGNITION/AWARDS

2012 Sioux Falls Mayoral Beautification Awards for Residential

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2012 Sioux Falls Mayoral Beautification Awards for Non-Residential -  
Public Space

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2012 Sioux Falls Beautification Awards for Community Leadership

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolfing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, September 18, 2012, at 4:00 p.m.

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City Council Meeting of Tuesday, September 18, 2012, at 7:00 p.m.

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Informational Meeting of Tuesday, September 25, 2012, at 4:00 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the September 27, 2012, memo.

Sponsor: Mayor/Finance

2. Notice of change orders on the September 27, 2012, memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: September 17, 2012; Unleaded; 700 gallons; Midway Service (\$2,562.35); Howes Oil and Palisades Oil, both no bids. Bid awarded to: Midway Service.

Sponsor: Mayor/Fire Rescue

4. Report of Requests for Quotes for Fuel dated: September 17, 2012; Diesel (#1 and #2 blend);500 gallons; Midway Service (\$1,879.62); Howes Oil and Palisades Oil, both no bids. Bid awarded to: Midway Service.

Sponsor: Mayor/Fire Rescue

5. Report of Requests for Quotes for Fuel dated: September 18, 2012; #2 Clear Diesel;8,500 gallons; CHS, Inc. (\$3.57); Harms Oil (\$3.542); Howes Oil and Midwest Oil, both no bids. Bid awarded to: Harms Oil.

Sponsor: Mayor/Planning and Building Services

6. Report of Requests for Quotes for Fuel dated: September 19, 2012; Diesel (#1 and #2 blend);500 gallons; Midway Service (\$1,829.87); Howes Oil and Palisades Oil, both no bids. Bid awarded to: Midway Service.

Sponsor: Mayor/Fire Rescue

7. Report of Requests for Quotes for Fuel dated: September 25, 2012; #2Dyed Diesel;1,000 gallons; Midway Service (\$3.4065); Howes Oil (\$3.5500); Midwest Oil (\$3.6190). Bid awarded to: Midway

Service.

Sponsor: Mayor/Public Works

8. A communication was received from Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and malt beverages at Avera Medical Group McGreevy, Dawley Farm, 1035 South Highline Place on October 11, 2012, from 4:30 p.m. to 7:00 p.m. for the purpose of a ribbon cutting ceremony.

Sponsor: SDCL 35-1-5.3

9. A communication was received from the Sioux Falls Area Community Foundation requesting permission to consume, but not sell, beer and wine at the Sioux Falls Design Center, 108 W. 11th Street, on October 17, 2012 from 3:30 p.m. to 5:30 p.m. for the purpose of an informational meeting for volunteers concerning an upcoming fundraising campaign.

Sponsor: SDCL 35-1-5.3

10. A communication was received from Cole A. Turner requesting permission to consume, but not sell, liquor, wine, and beer at the Old Courthouse Museum, 200 W. 6th Street, on December 8, 2012, from 5:30 p.m. to 12:00 a.m. for the purpose of a wedding reception.

Sponsor: SDCL 35-1-5.3

11. A communication was received from the Washington High School Band Boosters stating their intent to sell raffle tickets from October 16, 2012, to October 22, 2012, for the following prizes: Seven baskets with assorted items (valued at \$100.00 each); a Dorm Room Buddy - shelving unit (valued at \$750.00); two handmade Memory Quilts (valued at \$100.00 each); an art print (valued at \$150.00); and miscellaneous small items (valued at less than \$20.00 each). The tickets will be sold for \$5.00 for one ticket and \$10.00 for three tickets. The proceeds will be used to support the Washington High School Marching Band Program.

Sponsor: SDCL 22-25-25

#### APPLICATIONS

12. Special One-Day Liquor License request for SMG, to be operated at Howard Wood Field, 2001 West Russell Street, for the USD versus NDSU game on October 20, 2012.

Sponsor: Mayor/City Attorney

13. Special One-Day Liquor License requests for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for the South Dakota Symphony Orchestra Gala on November 3, 2012; an Avera Heart Hospital holiday party on December 1, 2012, and a Woods, Fuller, Schultz & Smith holiday party on December 14, 2012.

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:

- Midcontinent Communications, Parcel 32331, Tracts 1 & 2, Co AudSub Lot 9 & Lots 4-9, Blk 11 Gales Addition, for 2011 property taxes in the amount of \$5,523.73. Three properties were combined for 2011 payable in 2012; a clerical error was made in the building values combined.

Sponsor: Attorney/SDCL 10-18-1

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, October 16, 2012, at 7:00 p.m. for Items 15 through 23:

15. New 2012-13 Retail Malt Beverage License for Asia LLC, Asia Sushi Bar and Chinese Bistro, 108 South Minnesota Avenue (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

16. New 2012 Retail Wine License for Asia LLC, Asia Sushi Bar and Chinese Bistro, 108 South Minnesota Avenue (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

17. New 2012-13 Retail Malt Beverage License for PJAX LLC, Pepperjax Grill, 2009 West 41st Street, Suites 1 and 2, with Conditional Use Permit (2012-08-01) being approved on September 5, 2012.

Sponsor: Mayor/City Attorney

18. New 2012-13 Retail Malt Beverage License for Golf Addiction LLC, Golf Addiction, 1220 West 41st Street, including video lottery terminals with Conditional Use Permit (2012-08-06) being approved on September 5, 2012.

Sponsor: Mayor/City Attorney

19. New 2013 Retail Wine License for Golf Addiction LLC, Golf Addiction, 1220 West 41st Street, with Conditional Use Permit (2012-08-06) being approved on September 5, 2012.

Sponsor: Mayor/City Attorney

20. New 2012-2013 Package Malt Beverage License for Dolgen Midwest LLC, Dollar General Store #10862, to be operated at 7214 West 41st Street.

Sponsor: Mayor/City Attorney

21. New 2012-2013 Package Malt Beverage License for Dolgen Midwest LLC, Dollar General Store #11018, to be operated at 316 South Kiwanis Avenue.

Sponsor: Mayor/City Attorney

22. Transfer of 2012-13 Retail Malt Beverage License from MJM LLC, Kay's Casino, 1508 West 41st Street to MG Oil Company, Happy Jacks-Sioux Falls II, 1508 West 41st Street.

Sponsor: Mayor/City Attorney

Transfer of 2012-13 Retail Malt Beverage License from D & K Enterprises L  
LC, JJ's  
23. Billiards, 309 South Elmwood Avenue to J & G Enterprises, JJ's Billiards,  
309  
South Elmwood Avenue, with the Conditional Use Permit (2010-11-08) being  
approved  
on December 1, 2010.

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  
James Entenman to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Rolfing,  
Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7.  
Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Tim Stanga spoke regarding trimming trees in the City of Sioux  
Falls.

#### UNFINISHED BUSINESS

Transfer of a 2012 Retail Liquor License from Soft Egg Inc., Whisk &  
Chop, 108 S. Minnesota Avenue, to WR Golf Management Inc., Willow Run  
24. 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).

Sponsor: Mayor/City Attorney

25. 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., Parke  
r's,  
26. 210 South Main Avenue, including Sunday Sales, with the Conditional Use P  
ermit  
(2009-03-18) being approved on April 1, 2009.

Sponsor: Mayor/City Attorney

Special One-Day Liquor License requests for SMG, to be operated at the  
27. 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

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

Sponsor: Mayor/City Attorney

A motion was made by Council Member James Entenman and seconded by Council  
Member Kenny Anderson Jr. to approve Items 24 through 28.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling,  
Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7.  
Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING  
29. SUPPLEMENTAL APPROPRIATIONS TO FUND THE 2012 COLA ADJUSTMENTS  
(\$680,942.00).

Sponsor: Mayor/Human Resources

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Dean Karsky to adopt said Ordinance No. 76-12.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit  
L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE  
30. 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 James Entenman and seconded by Council  
Member Sue Aguilar to adopt said Ordinance No. 77-12.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit  
L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

31. A RESOLUTION APPROVING THE SIOUX FALLS CONVENTION AND VISITORS BUREAU  
(CVB) BUSINESS IMPROVEMENT DISTRICT BUDGET. (\$1,614,907.00).

Sponsor: Mayor/Finance

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Rex Roling to adopt said Resolution No. 77-12.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit  
L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 77-12

A RESOLUTION APPROVING THE SIOUX FALLS CONVENTION AND VISITORS BUREAU (CVB) BUSINESS IMPROVEMENT DISTRICT BUDGET.

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

WHEREAS, in accordance with SDCL Chapter 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; and

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

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

That the budget dated October 1, 2012, through September 30, 2013, which is attached hereto and made a part of this Resolution, is hereby approved.

Date adopted: 10/02/2012

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)

32. REPORT OF THESEPTEMBER 25,2012, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to adjourn the meeting at 7:44 p.m.

Vote to adjourn: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, 7. 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: INFORMATIONAL MEETINGS AIR LIVE EACH TUESDAY OF THE MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAY 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 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT [WWW.SIOUXFALLS.ORG](http://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.