

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, February 18, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Rex Roling

Council Member Kermit L. Stagers

Council Member Sue Aguilar

Council Member James Entenman

Council Member Kenny Anderson Jr.

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Senior Pastor Randall Gehring, Our Savior's Lutheran Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Rare Disease Day - February 28, 2014

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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 Michelle Erpenbach to approve the Consent Agenda.

Council Member Kermit L. Stagers asked to move: the Washington Pavilion/North Gift Shop, \$85,400.00; and Lyon Park Improvements, \$20,077.00, from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes.

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

7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, February 11, 2014, at 4:00 p.m.

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City Council Meeting of Tuesday, February 11, 2014, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on February 13, 2014 memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve the Washington Pavilion/North Gift Shop, \$85,400.00, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolfig, Sue Aguilar, Michelle Erpenbach, Greg Jamison, 5. Noes, Kermit L. Staggers, Kenny Anderson Jr., 2.

Motion Passed.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to approve the Lyon Park Improvements, \$20,077.00, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolfig, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, 5. Noes, Kermit L. Staggers, 1.
Council Member Greg Jamison was excused from the discussion and vote of this item.

Motion Passed.

2. Notice of change orders on the February 13, 2014 memo.

3. Report of Requests for Quotes for Fuel dated: February 4, 2014; 50/50 Dyed Diesel; 5,000 gallons; Howes Oil (\$3.260); Midway Service (\$3.345); and Midwest Oil (\$3.440). Bid awarded to: Howes Oil.

4. Report of Requests for Quotes for Fuel dated: February 6, 2014; Unleaded; 694 gallons; Howes Oil (\$2,085.47); Midway Service (\$2,106.29); and Palisades Oil, no bid. Bid awarded to: Howes Oil.

5. Report of Requests for Quotes for Fuel dated: February 6, 2014; Diesel (#1 and #2 blend); 460 gallons; Howes Oil (\$1,591.72); Midway Service (\$1,605.52); and Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor:

6. Report of Requests for Quotes for Fuel dated: February 6, 2014; #1 and #2 Dyed Diesel Fuel (3,750 gallons each); 7,500 gallons; CHS, Inc. (\$3.5010 for #1 and \$3.1250 for #2); Harms Oil, Howes Oil, Olson Oil, and Midwest Oil, all no bid. Bid awarded to: CHS, Inc.

7. Report of Requests for Quotes for Fuel dated: February 11, 2014; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$3.365); Harms Oil (\$3.622); Howes Oil and Midwest Oil, both no bid. Bid awarded to: CHS, Inc.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, March 4, 2014, at 7:00 p.m., for Items 8 through 14:

8. New 2013-14 Retail Malt Beverage License for Rowdy Hog Smokin BBQ LLC, Rowdy Hog Smokin BBQ LLC, to be operated at 923 South Marion Road, with the Conditional Use Permit (2014-01-06) being approved on 02-05-14.

9. New 2014 Retail Wine License for Radiance Day Spa LLC, Radiance Day Spa to be operated at 6209 South Pinnacle Place, with the Special Use Permit (2014-01-12) being approved on 02-05-14.

10. Transfer of a 2013-14 Retail Malt Beverage License from LCDD Inc., Carpenter Banquet Ballroom, 221 South Phillips Avenue, Suite 100, to Catering America Inc., Chef Dominique's Catering & Banquet Carpenter Building Ballroom, 221 South Phillips Avenue, Suite 100, with Conditional Use Permit (2014-01-02) approved on 02-05-14.

11. Transfer of a 2014 Retail Wine License from LCDD Inc., Carpenter Banquet Ballroom, 221 South Phillips Avenue, Suite 100, to Catering America Inc., Chef Dominique's Catering & Banquet Carpenter Building Ballroom, 221 South Phillips Avenue, Suite 100, with Conditional Use Permit (2014-01-02) approved on 02-05-14.

12. Special One-Day Liquor Licenses for Ovations Food Services LP, Sioux Falls Canaries Baseball Club, to be operated at 1001 North West Avenue, in the

Tiki Bar and Suites, for the 2014 Home Season Games.

13. Special One-Day Off-Sale Package Wine Dealer License for the El Riad Shriners to be operated at the El Riad Mosque, 510 South Phillips Avenue for the 2nd Annual Wine, Moonshine & Beer Tasting Event on March 8, 2014

14. Special One-Day Malt Beverage License for Siouxland Heritage Museums, The Old Courthouse Museum to be operated at 200 West Sixth Street, for a St. Patrick's Day Family Dance on March 17, 2014.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Greg Jamison and seconded by Council Member Rex Rolwing to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

Bruce Danielson spoke about Citizens for Integrity and why they started a recent petition drive.

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

UNFINISHED BUSINESS

15. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's Catering, to be operated at Avera Dialysis of Sioux Falls, 1001 East 21st Street, Suite 4000, for a ribbon cutting on February 25, 2014.

16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the St. Joseph Cathedral Parish to be operated at the St. Joseph Cathedral gymnasium,

521 North Duluth Avenue, for a fundraiser on February 28, 2014.

17. Special One-Day Liquor License for Sioux Empire Realtors for Kids to be operated at the Avera Prairie Center, 1000 East 23rd Street, for a fundraiser on February 28, 2014.

18. Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for weddings on March 29, 2014 and April 26, 2014.

19. 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 South Grange Avenue, for a fundraiser on June 19, 2014.

20. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Jazz & Blues Society, to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for the Jazz Fest on July 17-19, 2014.

21. Special One-Day Wine License for Sioux Empire Safety Village to be operated at Vance Thompson Vision, 3101 West 57th Street, for a fundraiser on February 27, 2014, and to authorize publication of the notice on 02-07-14 to set the hearing date.

22. New 2014 Package Liquor License for Sports Zone, Inc, The District to be operated at 4521 West Empire Place (CUP not required; this is an addition to an existing license).

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to approve Items 15 through 22 with one vote.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, March 4, 2014, at 7:00 p.m.,
for Item 23:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY W. OF N. PENNSYLVANIA AVE. AND S. OF W. 54TH ST. N. FROM THE
23. RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO.
2014-1-05 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX
FALLS. The Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member
Rex Roling to set a date of hearing and 2nd Reading for Tuesday, March 4,
2014, at 7:00 p.m.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 4, 2014, at 7:00 p.m.,
for Item 24:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR
AMENDMENT, PETITION NO. 2014-01-13 TO CHAPTER 160.446, PLANNED
24. DEVELOPMENT DISTRICTS, AT 5309 E. RYAN PL., AMENDING THE RED ROCK PARK
WEST PLANNED DEVELOPMENT DISTRICT REGULATIONS. The Planning Commission
recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council
Member Sue Aguilar to set a date of hearing and 2nd Reading for Tuesday,
March 4, 2014, at 7:00 p.m.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

- A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A
25. PREANNEXATION AGREEMENT WITH THE CACTUS HEIGHTS IMPROVEMENT ASSOCIATION,
INC. AND ITS RESIDENTS.

A motion was made by Council Member Rex Roling and seconded by Council Member
Dean Karsky to adopt said Resolution 16-14.

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

Motion Passed.

RESOLUTION NO. 16-14

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH THE CACTUS HEIGHTS IMPROVEMENT ASSOCIATION, INC. AND ITS RESIDENTS.

WHEREAS, the City of Sioux Falls, SD, is authorized pursuant to SDCL 9-4-1.1 to establish an agreement with any landowner specifying the conditions under which the landowner's property may be annexed; and

WHEREAS, Cactus Heights Improvement Association, Inc. (CHIA) and its residents own the property shown on Exhibit A which does not currently meet Sioux Falls infrastructure standards for water, sewer, and streets, but is within the Sioux Falls 2035 Growth Area as designated by the Sioux Falls 2035 Shape Sioux Falls Comprehensive Plan; and

WHEREAS, the City of Sioux Falls and the CHIA and its residents agree to the terms of the Preannexation Agreement;

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

Section 1. CHIA is willing to enter into the Preannexation Agreement provided that future annexation will not occur before January 1, 2025, or unless a valid petition for annexation as required by law is presented to the City.

Section 2. Upon eventual annexation, the real property commonly known as Cactus Heights South, as described in Exhibit A, shall be zoned consistent with the future land use of single-family residential as recommended with the Shape Sioux Falls 2035 Comprehensive Plan. The rezoning process shall be completed pursuant to the City of Sioux Falls Zoning Ordinance.

Section 3. Upon eventual annexation, the real property commonly known as Cactus Heights South, as described in ExhibitA, shall comply with adopted City Engineering Design Standards and state law referencing the use of municipal utilities.

Section 4. CHIA properties shall have access to City water and sewer once engineering plans are approved by the City of Sioux Falls Engineering Office as required by the standards in ExhibitB.

Section 5. CHIA properties shall improve all street, sewer, water, and drainage services to adopted City Engineering Design Standards before annexation is allowable as required by Exhibits B and C.

Section 6. The City shall publish the resolution without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 02/18/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to adopt said Resolution 17-14.

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

Motion Passed.

RESOLUTION NO. 17-14

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
Rachel Oelmann	School Traffic Safety Advisory Committee (PATH)	Appointed for a term from February 2014 to February 2017 (to replace Sharon Chontos).
Michelle Carlson	Sioux Falls Ice and Recreation Center Board	Appointed for a term from February 2014 to February 2017 (to replace Rebecca Anderson).

Date adopted: 02/18/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adjourn at 7:44 p.m.

Mayor Mike Huether 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.