

AGENDA

Monday, March 12, 2012

Public Services Committee

***4:30 PM

Carnegie Town Hall

235

West 10th Street

* This meeting will start after the conclusion of the 4:00 p.m. Informational Meeting.

1. Call To Order
2. Review and approval of minutes dated February 13, 2012
3. Review Naming Rights Ordinances by Darrin Smith, Director of Community Development and David Pfeifle, City Attorney
4. Open Discussion
5. Adjournment

Date: 2012-03-12
SIRE Meeting ID: 1661
Meeting Type: Committee Meeting
Subtype: Public Services Committee
YouTube:<https://youtu.be/3k3EcdUzcuE>
Agenda Item: Not Assigned
Item ID: 61808

The following document(s) are public records obtained from the
City of Sioux Falls.

NOTE: Minutes are considered “DRAFT” until approved or amended at the next scheduled meeting.

MINUTES

Monday, February 13, 2012

Public Services Committee

* 5:55 PM

Carnegie Town Hall
235 West 10th Street



Members Present: Council Member Sue Aguilar, Council Member Kenny Anderson Jr., Council Member Vernon Brown, and Council Member Michelle Erpenbach

Members Absent: None

Staff Present: Sue Roust, Interim City Clerk and Tamara Jorgensen, CMC, Assistant City Clerk

Guests: Cheryl Rath, Jeanne Gerken, Dean Karsky, Dr. Susan M. Randall, Jill Franken, LuAnn Ford, Alicia Collura, Greg Jamison, Rex Roling, and Paul Bengford

1. **Call To Order**

Committee Chair Anderson Jr. called the meeting to order at 5:55 p.m.

2. **Review and approval of minutes dated Monday, January 9, 2012**

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to approve the minutes. Anderson Jr. called for a voice vote and all members present voted yes. **Motion Passed.**

3. **Review and approval of minutes dated Tuesday, January 17, 2012**

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve the minutes. Anderson Jr. called for a voice vote and all members present voted yes. **Motion Passed.**

4. **Family Day care Ordinance Revisions by Jill Franken, Public Health Director**

Franken gave a brief history of the family day care enhancements that occurred in 2010-2011. Some of the enhancements include: revised inspection procedures; implemented complaint processing and tracking; review and monitor day cares that have compliance issues; updates to the violation; suspension and revocation decision-making and documentation; and increased public notification of citations, revocations and suspensions.

Alicia Collura, Assistant Public Health Director, reviewed the ordinance revision process

they have worked on for the last few months. She stated the Health Department has been working closely with the City Attorney's Office and the Department of Social Services drafting language for the proposed ordinance changes.

Collura stated that a meeting was held with day care providers on January 31, 2012, with 27 day care providers in attendance. Additional feedback was received from day care providers by email.

Collura reviewed the "Reporting of Incidents Sec. 19-128.4". She stated that the language has been extended to include notifying parents. Collura stated there was no feedback received on this item at the day care meeting.

Collura reviewed "Inspections Sec. 19-132": "Day care homes open to inspections during normal business hours, including by the day care parents." She stated this update generated the most conversation. The providers thought this made sense and consider it part of their practice. However, there was concern about the disruptions this could cause during the day if people could visit at any time. There was also concern expressed about the non-day care portions of the house and if they were also going to be included as part of the inspection.

Collura reviewed "Liability Sec. 19-123" stating this was a new section to the ordinance: "Provider shall furnish proof of liability insurance in the minimum amount of \$1,000,000; estimated cost \$400-\$1,100 per year; cost example: 8 children with a \$600 premium; \$1.44 per child per week. Erpenbach asked if the insurance is related to their home owners insurance or if they can put a rider on their homeowners insurance. Discussion was held regarding why the minimum amount was set at \$1,000,000. Paul Bengford, Assistant City Attorney, spoke and cited other city ordinances that require this amount as the minimum for liability insurance. He also stated that he did not know if there was a significant difference in the cost/amount of coverage between having \$500,000.00 or \$250,000.00 insurance.

Collura reviewed "Reapplication After Revocation Sec. 19-133.1": One year before application will be accepted; provider must provide documentation to the Board of Health as to the steps to remedy the issue causing the revocation; the Board may request additional documentation, training, or other as necessary to insure the safety of children if the application is approved; and reasonable conditions may be placed on approved applications. The providers told Collura that they appreciated having a timeline put on the revocation. One provider asked about the process if their license was revoked. Bengford explained to the providers their right to appeal and their right to due process.

Collura reviewed "Unregistered substitute provider authorized in limited circumstances Sec.19.128.2." Initially, there were not going to be any changes to this section but the Health Department received a lot of inquiries. She stated that this proposed change would allow unregistered providers to step in as a substitute when the registered provider needs to leave unexpectedly. This does not apply to planned medical or vacation time off.

Franken spoke regarding the revised fee structure for licenses. It will be a tiered fee based on whether or not the day care provider is already registered with the State. The City of Sioux Falls currently has 420 registered day care providers and a little over 210 are also registered with the State. Franken stated that their internal statistics indicated that 75% of day care complaints are about the day cares that are not registered with the State.

Franken stated that registering with the city is an annual fee of \$15.00. This fee has been in place since 2004 and has never been increased. Franken stated she would like to increase the fee but only for those providers who are not registered with the State. Franken stated that it costs the city \$240.00/year per day care. The expenses incurred include costs for registrations, inspections and enforcement regarding family day cares. Franken stated that the city has a \$45,000.00 contract with Sanford Childcare Services. Providers can receive education and training from Sanford Childcare Services, which will cover their license requirements per city ordinance.

Franken stated that some providers have expressed concern regarding raising the fees. She said that they do not wish to create difficulty for the providers; their main focus is for the safety of the children and not in being profitable with the registration fees. This fee has yet to be determined but will be included in future presentations to the Council.

Franken would like to bring the proposed ordinance revisions and the proposed fee structure changes to either the next Public Services Committee meeting or to a City Council Informational meeting in April.

Discussion was held regarding how much it costs to register with the State. Franken stated there are no costs for registering or renewing with the State. Erpenbach asked what the incentives would be to register with the city or the State. Franken responded that it is a requirement by city ordinance for day care providers to be registered with the city.

LuAnn Ford, Public Health Manager, stated that registering with the State gives a provider an opportunity to receive assistance with the cost of food for the day care. One of the requirements is to serve nutritious meals. If a child is getting state assistance, that child needs to go to a state registered facility. There is a level of professionalism associated with being registered with the State.

Brown and Franken discussed the benefits of being registered with the city. Franken stated that there are certain educational requirements for being licensed. The city provides free training to the day care providers in the following areas: taking care of children, safety, and health information. Another requirement is that the provider has to take a tuberculosis test which is also free of charge.

Erpenbach noted that you can find registered day care sites on the city's website. Ford stated that she does not believe that the State lists their registered day care providers. A

listing can be found at the 211 Help!Line Center in Sioux Falls.

Dr. Susan Randall, South Dakota Voices for Children, spoke regarding the Childcare Safety and Quality initiative meetings that started in September, 2011. She commended the Health Department for their due diligence and for connecting with day care providers regarding the proposed changes.

Franken provided the following information for anyone who has additional questions: Telephone number: 605-367-8760 (Health Department) or send an email to Alicia Collura at: acollura@siouxfalls.org.

5. Open Discussion

Aguilar stated that she would like to see this item move forward to an Informational Meeting.

Erpenbach requested that this item either be added to the Informational Meeting that is scheduled the same day as the 1st Reading, or at the Informational Meeting the week before. Erpenbach also stated that she has heard from day care providers expressing their concern about their ability to speak to the Council. Erpenbach asked that the day care providers pay close attention to the City Council agendas and watch for the date of the 2nd Reading, where they will be able to address the Council.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to move this item forward to an Informational Meeting. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

6. Adjournment

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Vernon Brown to adjourn the meeting at 6:45 p.m. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

Tamara Jorgensen, CMC
Assistant City Clerk

Date: 2012-03-12
SIRE Meeting ID: 1661
Meeting Type: Committee Meeting
Subtype: Public Services Committee
YouTube:<https://youtu.be/3k3EcdUzcuE>
Agenda Item: Not Assigned
Item ID: 61810

The following document(s) are public records obtained from the
City of Sioux Falls.

Omaha, NE

Omaha, Nebraska, Code of Ordinances >> PART II - MUNICIPAL CODE >> Chapter 27 - PUBLIC PROPERTY >> ARTICLE VI. - NAMING OF PUBLIC PROPERTY >>

ARTICLE VI. - NAMING OF PUBLIC PROPERTY

Sec. 27-141. - Purpose.

Sec. 27-142. - City naming committee.

Sec. 27-143. - Application.

Sec. 27-144. - Planning department review.

Sec. 27-145. - City councilmember review.

Sec. 27-146. - City naming committee review.

Sec. 27-147. - Board review.

Sec. 27-148. - City council disposition.

Sec. 27-149. - Commemorative renaming.

Sec. 27-150. - Criteria—Street renaming.

Sec. 27-151. - Same—Park property.

Sec. 27-152. - Same—Library properties.

Sec. 27-153. - Same—Other city property.

Sec. 27-154. - Same—Commemorative designations.

Sec. 27-155. - Unanimous vote.

Sec. 27-141. - Purpose.

The purpose of this article is to provide the procedure and criteria for the renaming or commemoration of city streets and the naming, renaming, or commemoration of other city properties including park properties, library facilities, and other buildings, structures, facilities, or other properties owned by the city. This article is not intended to govern the naming of an interior space in a building or a smaller individual structure within a larger named complex.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-142. - City naming committee.

There is hereby established a city naming committee, to review and provide recommendations regarding the proposed naming or renaming of city property, as provided in this article. The city naming committee shall consist of the following nine members:

- (a) Planning director (who shall serve as chairperson);
- (b) Public works director;
- (c) Police chief;
- (d) Fire chief;
- (e) Parks and recreation director;
- (f) Library director;
- (g) Three representatives of the public at large.

The three representatives of the public at large shall be appointed with staggered terms by the mayor. Following the initial appointments, the representatives of the public shall serve for a term of three years. A member listed in subsections (a) through (f) above may, in his/her absence, be represented at a meeting of the committee by his/her authorized designee. The city naming committee shall meet at such times and places as deemed necessary to address requests under this article. A quorum of at least five members shall be required to be present for the city naming committee to conduct business. The planning department shall provide administrative assistance to the city naming committee.

(Ord. No. 38803, § 1, 8-24-10; Ord. No. 38962, § 1, 3-15-11)

Sec. 27-143. - Application.

A person seeking the renaming of a city street, or the naming or renaming of any other city property may file an application for such a request with the planning department on a form provided by the planning department. Such application shall include:

- (a) A description and significance of the proposed naming or renaming, addressing the applicable criteria under this article;
- (b) If the application is for the renaming of a public street, a petition signed by at least 60 percent of the number of owners of properties abutting the portion of the street to be renamed;
- (c) An application fee of \$1,000.00.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-144. - Planning department review.

Upon receipt of a complete application, the planning director shall review the application and prepare a written recommendation for the disposition of the application.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-145. - City councilmember review.

Upon completion of the planning director's review and recommendation, the planning director shall forward the application, with his/her recommendation, to the city councilmember representing the city council district in which the proposed naming or renaming is located. The city councilmember shall review the application and provide a written recommendation to the planning director.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-146. - City naming committee review.

Upon receipt of the applicable city councilmember's recommendation, the planning director shall forward the application and all recommendations to the city naming committee. The city naming committee shall review the application and all recommendations. Based on such review and input received from members of the city naming committee, the chairperson shall, on behalf of the city naming committee, prepare a written recommendation regarding the application. The recommendation shall include a summary of any known opposition to the proposal or, absent any known opposition, a discussion of any potential disadvantages of the proposed naming or renaming.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-147. - Board review.

- (a) After a review and recommendation by the city naming committee, the application and prior recommendations shall be reviewed by one of the following boards, depending on the nature of the item to be named or renamed:
 - (1) The parks advisory board shall review and provide a recommendation on the proposed naming or renaming of park property;
 - (2) The library board shall review and provide a recommendation on the proposed naming or renaming of any library property;
 - (3) The planning board shall review and provide a recommendation on the proposed renaming of any city street, and also the proposed naming or renaming of any other city property other than is provided above in this section.
- (b) If a street is proposed to be renamed, each owner of property abutting the relevant street shall be sent written advance notice of the public hearing before the planning board on the application for the proposed renaming of that street.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-148. - City council disposition.

After review and recommendation by the applicable board, the application and all recommendations shall be forwarded to the city council. The city council shall review and hold a public hearing on the application. The city council shall thereafter by ordinance approve, deny, or approve with conditions the application. If the application is approved by the city council, the planning department shall notify all affected city departments of the naming or renaming. If a street is proposed to be named or renamed to a name not already authorized nor listed under chapter 34 of this Code, such naming or renaming shall not become effective until the adoption of an ordinance to amend the street lists or other provisions of such chapter in conformity therewith.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-149. - Commemorative renaming.

A street, building, or other city property may be given a commemorative designation. Such a commemorative designation shall not change the official name of the street, building or other city property, but shall allow for placement of commemorative signs, plaques, or other items to be placed on the building or property, or below the existing street signs. The procedure for a commemorative designation shall be as follows:

- (a) An applicant may file an application for a commemorative name with the planning department, using a form to be provided by the planning department. The application shall include a description of the proposed naming, the significance of the proposed name, and shall show how the criteria under this article are met by the proposed application. The application shall be accompanied by an application fee of \$100.00.
- (b) Upon completion of the application, the planning director shall review and make a written recommendation on the application.
- (c) Following his/her review and recommendation, the planning director shall forward the same and the application to the city councilmember representing the district in which the item proposed for a commemorative designation is located. The city councilmember shall review and return a written recommendation to the planning director.
- (d) After review and recommendation by the relevant city councilmember, the application and recommendations shall be forwarded to the city council for public hearing and disposition. The city clerk shall send notice of the date of the public hearing, to the applicant. Following public hearing, the city council shall by resolution approve, deny, or approve with conditions, the proposed commemorative designation.
- (e) If a commemorative designation of a street, building, or other city property is approved by the city council, the applicant shall contact the appropriate city department to determine the number of commemorative signs, plaques, or other items to be posted, and the cost to be paid by the applicant to make and install the said signs, plaques, or other items. The said signs, plaques, or other items shall not be made and installed until payment for the same is received from the applicant.

(Ord. No. 38803, § 1, 8-24-10; Ord. No. 38962, § 2, 3-15-11)

Sec. 27-150. - Criteria—Street renaming.

Upon an application for the proposed renaming of a street, all persons and bodies reviewing, providing a recommendation on, or disposing of such application shall take into consideration the following criteria:

- (a) Consideration shall be primarily given to the following purposes: to honor and commemorate noteworthy persons associated with the city; to celebrate local history, places, events or culture; to strengthen neighborhood identity; or to recognize native wildlife, flora, fauna or natural features related to the community and the city.
- (b) If an application is made to rename a street after an individual, this person shall have:
 - (1) Demonstrated excellence of contributions to the city's development, community service, personal sacrifice for public service or national defense, or efforts to foster equality among the citizens of the city; or
 - (2) Historical significance locally, nationally or globally with significant local or regional ties.
- (c) Denial of an application may be appropriate if the proposed renaming may tend to bring disrepute upon the community for any reason, or would not be looked upon favorably by a majority of city residents.
- (d) In the case of renaming a street after any person, such renaming shall be prohibited until the person has been deceased for a period of at least five years, unless the application receives unanimous votes of approval by the planning board and the city council.
- (e) A street (or segment of a street), originally named after an individual, cannot be renamed unless historical context clearly indicates that such renaming is appropriate.
- (f) Titles, rank, or religious designations shall not be allowed on a street named for an individual. A nickname shall not be allowed in a street name, unless such person is best known by that nickname.
- (g) An unbroken, continuous street shall maintain the same name throughout the entire section.
- (h) A proposed street name should not duplicate (written or phonetically) an existing street name in Douglas County or Sarpy County, or create confusion or problems for the city's emergency services.
- (i)

Street names shall not be longer than can be produced by the standard sign manufacturing capability of the public works department.

- (j) If a proposed street name is not included in the lists of street names authorized under chapter 34 of this Code, the proposed renaming to such street name shall not take effect until the council by ordinance amends such chapter to so authorize such street name.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-151. - Same—Park property.

Upon an application for a naming or renaming of a park property, any person or body reviewing, providing a recommendation on, or disposing of such an application shall take into consideration the following criteria:

- (a) In naming or renaming city park property, consideration shall be primarily given to the following purposes: to honor and commemorate noteworthy persons associated with the city; to celebrate local history, places, events or culture; to strengthen neighborhood identity; or to recognize native wildlife, flora, fauna or natural features related to the community and the city.
- (b) If an application is made to name or rename public park property after an individual, this person shall have:
 - (1) Demonstrated excellence of contributions to the city's development, community service, personal sacrifice for public service or national defense, or efforts to foster equality among the citizens of the city.
 - (2) Historical significance locally, nationally or globally with significant local or regional ties.
- (c) Denial of an application may be appropriate if such naming or renaming may tend to bring disrepute upon the community for any reason, or would not be looked upon favorably by a majority of city residents.
- (d) Titles, rank, or religious designations shall not be allowed on a public park property named for an individual. A nickname will also not be allowed, unless such person is best known by that nickname.
- (e) In the case of naming or renaming a park or natural environmental feature after any person, such naming or renaming shall be prohibited until the person has been deceased for a period of at least five years. As an exception to this provision, the name of such person may be approved if such person shall have provided direct significant contributions of lands, funds, goods or services to the city, and/or parks and recreation department, or is being recognized for a foundation gift (s), and if such naming or renaming receives unanimous votes of approval by the parks advisory board and the city council.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-152. - Same—Library properties.

Upon an application for the naming or renaming of a city library building or property, any person or body reviewing, providing a recommendation on, or disposing of such an application shall take into consideration the following criteria:

- (a) Generally, public library buildings will be named or renamed after a location, subdivision, neighborhood, well-recognized landmark or adjacent street.
- (b) If an application is made to name or rename library property after an individual, this person shall have:
 - (1) Rendered valuable service to and has had a positive influence on the development of the city's public library system, or was a literary or artistic figure of national prominence who has significant local or regional ties; or
 - (2) Demonstrated excellence of contributions to the city's development, community service, personal sacrifice for public service or national defense, or efforts to foster equality among the citizens of the city; or
 - (3) Historical significance locally, nationally or globally with significant local or regional ties.
- (c) Denial of the application may be appropriate if the proposed naming or renaming may tend to bring disrepute upon the community for any reason, or would not be looked upon favorably by a majority of city residents.
- (d) Titles, rank, or religious designations shall not be allowed on a library property named for an individual. A nickname shall not be allowed, unless such person is best known by that nickname.
- (e) In the case of naming or renaming a library property after any person, such naming or renaming shall be prohibited until the person has been deceased for a period of at least five years. An exception to this provision may be allowed if such person shall have provided a major donation of land and funds for the facility in an amount equal to at least 50 percent of the total cost of the

project or is being recognized by a foundation gift(s), and if the naming or renaming receives unanimous votes of approval by the library board and the city council.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-153. - Same—Other city property.

Upon an application for the naming or renaming of city property (other than a street, park property, or library property), any person or body reviewing, providing a recommendation on, or disposing of such application shall take into consideration the following criteria:

- (a) In naming or renaming city property, consideration shall be primarily given to the following purposes: to honor and commemorate noteworthy persons associated with the city; to celebrate local history, places, events or culture; to strengthen neighborhood identity; or to recognize native wildlife, flora, fauna or natural features related to the community and the city.
- (b) If an application is made to name or rename city property after an individual, this person shall have:
 - (1) Demonstrated excellence of contributions to the city's development, community service, personal sacrifice for public service or national defense, or efforts to foster equality among the citizens of the city; or
 - (2) Historical significance locally, nationally or globally with significant local or regional ties.
- (c) Denial of an application may be appropriate if the proposed naming or renaming may tend to bring disrepute upon the community for any reason, or would not be looked upon favorably by a majority of city residents.
- (d) Titles, rank, or religious designations shall not be allowed on a city property named or renamed for an individual. A nickname shall not be allowed, unless such person is best known by that nickname.
- (e) In the case of naming or renaming a city property after any person, such naming or renaming will generally be prohibited until the person has been deceased for a period of at least five years. As an exception to this provision, the name of such person may be approved if such person shall have provided contributions directly or through a foundation to a city facility when that facility would not exist without those contributions, and if such naming or renaming receives unanimous vote of approval by the planning board and the city council.

(Ord. No. 38803, § 1, 8-24-10)

Sec. 27-154. - Same—Commemorative designations.

Upon an application for the commemorative designation of a street or other city property, a person or body reviewing, making a recommendation upon, or disposing of such application shall take into consideration the following criteria:

- (a) In the commemorative naming of public property, consideration shall be primarily given to the following criteria: to honor and commemorate noteworthy persons associated with the city; to celebrate local history, places, events or culture; or to strengthen neighborhood identity.
- (b) If an application is made to commemorate a street or city property after an individual, this person shall have:
 - (1) Demonstrated excellence of contributions to the city's development, community service, personal sacrifice for public service or national defense, or efforts to foster equality among the citizens of the city; or
 - (2) Historical significance locally, nationally or globally with significant local or regional ties; or
 - (3) In the case that such a person provided direct contributions or is being recognized for a foundation gift(s) to a city facility when that facility would not exist without those contributions, approval of that request requires unanimous vote by the city council.
- (c) Denial of an application may be appropriate if the proposed commemorative designation may tend to bring disrepute upon the community for any reason, or would not be looked upon favorably by a majority of city residents.
- (d) Commemorative street names shall not be longer than can be produced by the standard sign manufacturing capability of the public works department.
- (e) Titles, rank, or religious designations shall not be allowed in a street name or a public property commemorated for an individual. A nickname shall not be allowed, unless such person is best known by that nickname.
- (f) A plaque or marker may be used on a facility to honor persons or individuals, even though the facility is not named after them.
- (g) A commemorative name will be permanent as long as the person honored maintains the criteria stated in these standards.

- (1) If a commemorative sign/plaque falls into disrepair or is damaged, it shall be the responsibility of the applicant to pay the cost of repair or replacement. If the commemorative sign/plaque is not repaired or replaced, it shall be removed.
- (2) If the person does not maintain compliance with these criteria, the commemorative sign shall be considered null and void and shall be removed by the city.

(Ord. No. 38803, § 1, 8-24-10; Ord. No. 38962, § 3, 3-15-11)

Sec. 27-155. - Unanimous vote.

"Unanimous vote," when required under this article, shall mean the favorable votes of all members of the body who are present and voting on the proposal.

(Ord. No. 38803, § 1, 8-24-10)