

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Monday, March 21, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Vernon Brown  
Council Member James Entenman  
Council Member Michelle Erpenbach  
Council Member Greg Jamison  
Council Member Rex Roling  
Council Member Sue Aguilar  
Council Member Kenny Anderson Jr.  
Mayor Mike T. Huether

ABSENT

INVOCATION

- Pastor Timothy Fountain, Church of the Good Shepherd

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, 0.  
Motion Passed.

MINUTES

- Informational Meeting of Monday, March 14, 2011, at 4:00 p.m.
- City Council Meeting of Monday, March 14, 2011, at 7:00 p.m.

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, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, 0.  
Motion Passed.

PUBLIC INPUT

Steve Hildebrand, with Build It Downtown, spoke about the Events Center and spurring economic development.

Anita Wetsch, with Build It Downtown, spoke about parking for an Events Center.

Dave Syverson, with Build It Downtown, spoke about choosing a location for the Events Center.

Carter Christensen, with Build It Downtown, spoke about choosing a location for the Events Center.

Andy Traub, with Build It Downtown, encouraged people to have a long range vision when it comes to building the Events Center.

Tim Stanga spoke about the Events Center, bad roads, and filling pot holes.

Huether said there is an Events Center Open House, from 5:00 p.m. to 7:00 p.m. tomorrow at the Morningside Community Center.

UNFINISHED BUSINESS

1. New 2010-11 Retail Malt Beverage License for Luciano s North LTD, Luciano s North, to be operated at 431 North Phillips Avenue (full service restaurant; CUP not required). Pending final inspections per Fire, Health, and Building Services.
2. New 2011 Retail Wine License for Luciano s North LTD, Luciano s North, to be operated at 431 North Phillips Avenue (full service restaurant; CUP not required). Pending final inspections per Fire, Health, and Building Services.
3. New 2010-11 Retail Malt Beverage License for LFK Holdings Inc., Smoe s Bar, to be operated at 921 East Eighth Street, effective April 15, 2011 (CUP not required; this location is grandfathered in).

4. New 2011 Retail Wine License for LFK Holdings Inc., Smoe s Bar, to be operated at 921 East Eighth Street, effective April 15, 2011 (CUP not required; this location is grandfathered in).
5. Transfer of a 2010-11 Retail Malt Beverage License from Interstate Gaming Inc., Ace s Casino, 1316 South Cliff Avenue, to Honesty Counts LLC, Ace s Casino, to be operated at 1316 South Cliff Avenue, including video lottery terminals (CUP not required; this license predates the ordinance).
6. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion of Arts & Science, 301 South Main Avenue, for various special events on April 14, June 4, July 23 and 30, August 6, 13, and 20, 2011.
7. Special One-Day Malt Beverage License for Avera McKennan Hospital & University to be operated at the Avera McKennan Fitness Center, 3400 South Southeastern Avenue, for the Member Fun Run to be held on April 1, 2011.

A motion was made by Council Member Rex Roling and seconded by Council Member James Entenman to approve Items 1 through 7 with one vote.

Vote to approve: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, 0.  
Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Monday, April 4, 2011, at 7:00 p.m. for Items 8 through 11:

8. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 700 N. MAIN AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT TO THE C-3, CENTRAL BUSINESS DISTRICT, PETITION NO. 2011-01-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

9. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-01-11 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 3400 W. 69TH ST. AMENDING THE 69TH & LOUISE PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

10. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CORRECTING CLERICAL ERRORS IN CERTAIN REZONING ORDINANCES. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

11. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE

REVISED ORDINANCES OF THE CITY BY REVISING PUBLIC HEARING STANDARDS AND FEES. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Zoning

A motion was made by Council Member James Entenman and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for Monday, April 4, 2011, at 7:00 p.m., for Items 8 through 11.

Vote to set a date: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7.  
Noes, 0.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

12. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON PUBLIC PROPERTY FOR AN INTERNATIONALLY RECOGNIZED VISUAL ARTS PROGRAM KNOWN AS SCULPTURE WALK SIOUX FALLS 2011.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to adopt said Resolution for Item 12.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7.  
Noes, 0.  
Motion Passed.

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON PUBLIC PROPERTY FOR AN INTERNATIONALLY RECOGNIZED VISUAL ARTS PROGRAM KNOWN AS SCULPTURE WALK SIOUX FALLS 2011.  
WHEREAS, the 2011 SculptureWalk program will bring a large number of sculptures to the central business district for outdoor display;  
WHEREAS, the SculptureWalk program enhances the beauty and culture of the downtown area for all citizens and visitors to enjoy;  
WHEREAS, 50 of the proposed sculptures will be placed on public right-of-way or other publicly owned property;  
WHEREAS, the exhibition of public art in the central business district is recommended and encouraged by the Final Report of the Downtown Art Committee (DART), and the City of Sioux Falls 2015 Downtown Plan;  
WHEREAS, the SculptureWalk program represents a broad collaboration of individuals and entities, both public and private, including Main Street Sioux Falls, the Sioux Falls Arts Council, the Chamber of Commerce, and the City of Sioux Falls;  
WHEREAS, the Sioux Falls Visual Arts Commission and various City department staff have reviewed the proposed 2011 sculptures and their placements, and have recommended the proposed placements be approved by the City Council; and  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
That it approves the placement in public right-of-way and on public property of 50 sculptures, as described by the following:  
Undetermined Impact Matt Miller MO, South plaza at the Pavilion.  
Red Dress Shohini Ghosh CO, Home Federal.  
All in the Same Boat Kyle Fokken MN, On the northwest corner of 11th Street and Phillips Avenue.

Stego for Us Julie Jones CO, In front of Book Shop, on Phillips Avenue.  
Afternoon Sun Dee Clements CO, In front of the Cataract Condos.  
Sand Hill Cranes Gregory Johnson GA, In front of Mrs. Murphy s Irish Gifts.  
There! Susan Geissler NY, In front of Prairie Star Gallery.  
Hey Marylou/Blindside Leuning/Treeby SD, On the southwest corner of Tenth Street and Phillips Avenue.  
One With Martin Eichinger WA, On the northwest corner of Tenth Street and Phillips Avenue.  
African Beauty Felix Ehis Nigeria, South of the Diner.  
Oracle Felix Ehis Nigeria, South of the Diner.  
Start Paddling Nathan Pierce MO, In front of the Diner.  
The Nest Virginia Sperry VA, Near the fountain in Fountain Plaza.  
Dakota Wind Martha Pettigrew NE, Southwest of the fountain in Fountain Plaza.  
A Feather s Flight Deb Zelenak CO, North of the fountain in Fountain Plaza.  
Zodiac Totem Pokey Park AZ, On west side of Phillips Avenue between Ninth Street and Tenth Street.  
Fat Tony Gregory Mendez IN, On west side of Phillips Avenue between Ninth Street and Tenth Street.  
Midnight Snack Mary Zimmerman CO, On the southwest corner of Ninth Street and Tenth Street.  
Pagean Apples Chris Kilbane MN, On the northwest corner of Ninth Street and Main Avenue First Dakota National Bank.  
Goddess of the Grapes Deb Zeller MN, In front of Wells Fargo Bank.  
The Return Bev Steigerwald CO, On the corner of Eighth Street and Main US Bank.  
The Morning Star Steven Maeck FL, Cherapa Place entrance on Eighth Street.  
Raven Judd Nelson MN, Near R & L Supply on Eighth Street.  
Soaring Eagle II Chris Powell CO, Eighth Street and Railroad Center.  
Chasing My Tail Again Matt Miller MO, Eighth Street and Railroad Center.  
Choosing From Within Alisa Looney OR, In front of First National Bank.  
Queued Up Kate Christopher MN, In front of First Financial Center.  
The Chase Del Pettigrew NE, In front of First Financial Center in the large planter.  
Leaping Hare Nick Legeros MN, In front of First National Bank in the large planter.  
A Bad Hair Day Jerry McKellar WA, On east side of Phillips Avenue between Ninth Street and Tenth Street.  
The Man and the Muse Deb Zeller MN, In front of Holsen Hus on Phillips Avenue.  
Pneumatica Steve Flom NJ, In front of Holsen Hus on Phillips Avenue.  
Waldgeist Lee Badger WV, In front of Holsen Hus on Phillips Avenue.  
Pains of Life Johnathan Sweet SD, In front of Skelly s Pub.  
Man in Motion Denis Kleine BC, Canada, On the southeast corner of Tenth Street and Phillips Avenue.  
Orion Sam Spiczka MN, In front of Rehfeld s Gallery.  
Expectant Mother Ben Hammond UT, In front of Susanne s.  
Territorial Dispute Don Harmon AZ, In front of Chef Dominique s  
Catering Shriver Square.  
Rapturous Arcs Gregory Mendez IN, In front of Shriver Square on the northeast corner of 11th Street and Phillips Avenue.  
Bringing on the Heat Gregory Johnson GA, On the southeast corner of 11th Street and Phillips Avenue Dacotah Bank.  
Raptor Kate Denton England, In front of Dacotah Bank.  
Chelsea Pokey Park AZ, In front of Traditions.  
Trinity Robert Bruce SD, On the northeast corner of 12th Street and Phillips Avenue.  
The Golfer Osamede Obazee CA, On the southeast corner of 12th Street and Phillips Avenue in front of the Federal Courthouse.  
Captain 11 Porter Williams SD, On the northeast corner of 13th Street and Phillips Avenue, in front of Midco.  
Alice in Wonderland Bench Lance Carleton WA, On the northwest corner of 13th Street and Phillips Avenue, by Sushi Masa.

Guidance Deb Zelenak CO, In the planter on the northwest corner of 12th Street and Phillips Avenue.

Everything Nathan Pierce MO, In front of Bechtold Jewelry on Phillips Avenue.

Out Fox d Carol Cunningham CO, In front of Meierhenry & Sargent Law Firm.

Joy of the Dance D.E. McDermott VA, In front of Minerva s.

Alternates

Kaitlyn Pokey Park AZ.

Totem Steven Maeck FL.

King Bird Felix Ehis Nigeria.

Untitled Louis-Marc Simard Canada.

I m Outta Here Del Pettigrew NE.

Indian Dancer Georgene McGonagle CO.

Anthropormorphia III Ernie Stedman OR.

Jett Nick Legeros MN.

The Vertices Chris Kilbane MN.

Expotentiality Lance Carleton WA.

Earth Mother Goddess Al Belleveau MN.

Lost Buffalo Chris Powell CO.

Seated Mayan Priest Ernie Stedman OR.

Date adopted: 03/21/11 .

13. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON CITY PROPERTY AT THE ORPHEUM THEATER CENTER.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Sue Aguilar and seconded by Council Member Vernon Brown to adopt said Resolution for Item 13.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, 0.

Motion Passed.

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON CITY PROPERTY AT THE ORPHEUM THEATER CENTER.

WHEREAS, the Orpheum Theater Board unanimously proposed placement of four sculptures reflecting cultural art themes on public property within the Orpheum Theater Center courtyard area; and

WHEREAS, four sculptures would be leased by SMG, the Orpheum Theater Center facility manager, for one year and are not intended to be gifts to the City; and

WHEREAS, the proposed sculptures have been previously juried and approved through the SculptureWalk process, and their new placement has been approved by the Visual Arts Commission;

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

That the following four sculptures and one alternate are approved for placement in the Orpheum Theater Center courtyard:

1. Tuckered Out Angel, by South Dakota artist Sherry Treeby, a bronze sculpture depicting an angel and child and measuring 27" in height, 32" in width, and 35" in length; and

2. End of Day, by Colorado artist Dee Clements, a bronze sculpture depicting cranes and measuring 52" in height, 54" in width, and 27" in length; and

3. Early Snow, by Montana artist Chon Love, a mosaic glass tile sculpture depicting colorful flowers under a blanket of snow and measuring 36" in height, 12" in width, and 12" in length; and

4. Quarks VI, by Illinois artist Guy Bellaver, an abstract steel rod painted sculpture measuring 5' in height, 3' in width, and 14" in length. Alternate sculpture known as Comedy/Tragedy, by Colorado artist Dee Clements, a bronze sculpture depicting comedy and tragedy faces and measuring 25" in height, 15" in width, and 10" in length.

Date adopted: 03/21/11 .

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

Sponsor: Mayor/Mayor

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Resolution for Item 14.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, 0.  
Motion Passed.

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
Samuel K. Gayetaye	Board of Health	Appointed for a term from April 2011 to April 2014
Nicholas Sershen	Planning Commission	Appointed for a term from April 2011 to May 2014 (to fill the unexpired term of Mike Roth)
Teri Ellis Schmidt	Sioux Falls Convention & Visitors Bureau Business Improvement District (the BID)	Appointed for a term from April 2011 to April 2014
Jim Entenman	Sioux Falls Convention & Visitors Bureau Business Improvement District (the BID)	Appointed for a term from April 2011 to April 2014
Julie Briggs	Disability Awareness Commission	Appointed for a term from April 2011 to May

2011 (to  
fill the  
unexpired  
term of Ted

Ornas)  
Reappointed

Dr. Washington Pavilion Management, Inc. Board of Directors

Charles  
P.  
O'Brien

for a term  
from April  
2011 to  
April 2014

Date adopted: 03/21/11 .

15. A RESOLUTION ESTABLISHING POLICIES, REQUIREMENTS, AND PROCEDURES FOR THE PURCHASE, ACQUISITION, SALE, OR TRANSFER OF ANY SOLID WASTE, SOLID WASTE BY-PRODUCTS, RECYCLABLE MATERIALS, AND SCRAP MATERIALS.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution for Item 15.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, 0.  
Motion Passed.

A RESOLUTION ESTABLISHING POLICIES, REQUIREMENTS, AND PROCEDURES FOR THE PURCHASE, acquisition, sale, or transfer of any solid waste, solid waste by-products, recyclable materials, and scrap materials.  
WHEREAS, the City of Sioux Falls owns and operates facilities and programs that serve the city and region in its waste management needs; and  
WHEREAS, the Sioux Falls City Council deems it necessary to purchase, acquire, sell, and/or transfer certain solid waste, solid waste by-products, recyclable materials, and/or scrap materials to provide reuse and recycling opportunities for the residents of the city of Sioux Falls and the region it serves; and  
WHEREAS, SDCL 34A-6-63.1 provides that the governing body of any municipality may, by ordinance or resolution, establish policies, requirements, and procedures for the purchase, acquisition, sale, or transfer of any solid waste, solid waste by-products, recyclable materials, and scrap materials by any facility or program that is owned or operated by the municipality;  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
It does hereby support the purchase, acquisition, sale, or transfer of certain solid waste, solid waste by-products, recyclable materials, and scrap materials by the facilities or programs that are owned or operated by the City of Sioux Falls to meet the needs of its citizens and customers, and adopts the following policy pursuant to SDCL 34A-6-63.1:  
Directors of major organizational units or their designee, in coordination with the City Finance Department, shall identify solid waste, solid waste by-products, recyclable materials, and scrap materials that may not be in the City's best interest to classify as surplus government property. The Directors or their designee, in coordination with the City Finance Department, will identify reasonable prospective buyers or sellers and may negotiate the conditions of such transactions with prospective buyers or sellers, including price, delivery, transport, and quantity, to obtain the price or conditions



most advantageous to the City. The Directors or their designee may authorize procedures for adjusting the value of solid waste, solid waste by-products, recyclable materials, and scrap materials to meet changing market conditions that are not within the control of the purchaser or seller. No City Council member and no officer of the City may purchase or acquire the materials described in this section unless such materials are available for sale to or acquisition by the general public.

Materials will be evaluated by type and/or classification to help determine the appropriate frequency for checking prices due to past experience, volatility of markets, and other factors as deemed necessary. Type of material to be evaluated could be solid waste, solid waste by-products, recyclable materials, or scrap materials. Classification is based on volatility of market. Recommended frequency for checking prices could be any time frame such as daily, weekly, monthly, annually, etc.

Once sufficient material has accumulated, a decision will be necessary on how best to proceed. To determine if the material has a marketable value, the Director or their designee will obtain at least two price quotes, when possible, for items to be transferred or sold. If it is not possible to obtain multiple quotes and only one quote is received, the Director or their designee will use best professional judgment to determine if the material should be marketed at that time.

Prices will be checked against industry-accepted market prices, if available, to help determine accuracy and validity of quotes. Prices for items to be sold shall be based on the current market value and adjusted as the market price fluctuates. The City Finance Department shall ensure that any adjustments shall be in accordance with any existing contract or agreement. These prices shall be set on a per weight or volume basis.

Date adopted: 03/21/11 .

#### ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adjourn at 8:07 p.m.

Vote to adjourn: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, 0.

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) 367-8081 (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 16: CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD MONDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE THIRD MONDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND ATWWW.SIOUXFALLS.ORG. LINKS TO EACH MEETINGS S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK 16.  
CITYLINK 16 REBROADCAST: CITY COUNCIL MEETINGS AT 10:00 A.M. ON WEDNESDAYS, 1:00  
A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA  
COUNTY COMMISSION MEETINGS AT 10:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND  
1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.