

City of Sioux Falls Council Meeting
Minutes
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, March 4, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Rex Roling
Council Member Kermit L. Staggers
Council Member Sue Aguilar
Council Member Kenny Anderson Jr.
Council Member James Entenman
Council Member Michelle Erpenbach
Council Member Dean Karsky
Mayor Mike T. Huether

ABSENT

Council Member Greg Jamison

INVOCATION

- Retired Pastor Lloyd Stivers

PLEDGE OF ALLEGIANCE

Council Member Greg Jamison arrived at this time.

PROCLAMATIONS

- March For Meals Month - March, 2014
- Spread the Word to End the Word Day - March 5, 2014

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

- City Council Meeting of Tuesday, February 18, 2014, at 7:00 p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on the February 27, 2014 memo.
2. Notice of change orders on the February 27, 2014 memo.
3. A communication was received from Avera McKennan Hospital & University Health Center requesting permission to consume, but not sell, wine and malt beverages for the Avera Sports Center, 209 W. Anchor Lane, on Thursday, March 13, 2014, from 5:00 p.m. to 7:30 p.m. for the purpose of a ribbon cutting.
4. A communication was received from the Brennan Rock & Roll Academy requesting permission to consume, but not sell, wine and/or malt beverages at their Academy located at 900 W. 11th Street on Wednesday, March 26, 2014, from 7:00 p.m. to 10:00 p.m. The purpose is the 1st Anniversary Concert for donors and showing appreciation for contributions.
5. A communication from Nick Erstad requesting permission to consume, but not sell, liquor, beer and wine at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, May 10, 2014, from 5:00 p.m. to 11:00 p.m. for the purpose of a private wedding reception.
6. Agreement between the City of Sioux Falls and Minnehaha County for election services.
7. Report of Requests for Quotes for Fuel dated: February 12, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; CHS, Inc. (\$2.9330); Harms Oil (\$2.9460); Howes Oil and Olson Oil, both no bid. Bid awarded to: CHS, Inc.
8. Report of Requests for Quotes for Fuel dated: February 14, 2014; #1 & #2 Dyed Diesel Fuel (7,500 gallons each); 15,000 gallons; CHS, Inc. (\$3.5186 for #1 and \$3.1820 for #2); Harms Oil, Howes Oil, Olson Oil, and Midwest Oil, all no bid. Bid awarded to: CHS, Inc.
9. Report of Requests for Quotes for Fuel dated: February 19, 2014; #2 Clear Diesel; 7,500 Gallons; CHS, Inc. (\$3.47); Howes Oil, Harms Oil and Midwest Oil, all no bid. Bid awarded to: CHS, Inc.
10. Report of Requests for Quotes for Fuel dated: February 20, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.9820); Howes Oil (\$3.0145); CHS, Inc. (\$3.0600); Olson Oil, no bid. Bid awarded to: Harms Oil.
11. Report of Requests for Quotes for Fuel dated: February 20, 2014; #1 & #2

Dyed Diesel Fuel (7,500 gallons each); 15,000 gallons; Howes Oil (\$3.5950 for #1 & \$3.2400 for #2); Harms Oil (\$3.6500 for #1 & \$3.3041 for #2); CHS, Inc. (\$3.6600 for #1 & \$3.3300 for #2); Olson Oil, no bid. Bid awarded to: Howes Oil.

APPLICATIONS

12. Special One-Day Liquor License request for Washington Pavilion Management Inc., Washington Pavilion of Arts & Science, 301 South Main Avenue, for a special event on April 18, 2014.

13. Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for weddings on May 24 and May 31, 2014.

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Lincoln County; and the City Attorney for Sioux Falls:

14. Prairie Tree Office Park, 1300 W. 57th Street, for 2013 taxes in the amount of \$43.06.

15. I-90 Fuel Services Inc. P.O. Box 1025, Sioux Falls, SD, for 2013 taxes in the amount of \$1.90.

16. I-90 Fuel Services Inc., P.O. Box 1025, Sioux Falls, SD, for 2013 taxes in the amount of \$168.61.

The following abatements were 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:

17. City of Sioux Falls, 224 W. 9th Street, for 2013 taxes in the amount of \$684.34. The City purchased the property at 9301 E. 57th Street on 12/13/12.

18. First United Methodist Church, 401 S. Spring Avenue, for 2013 taxes in the amount of \$1,846.68. The house located at 607 W. 12th Street was removed 5/24/13.

19. April E. Camarigg, 3904 S. Outfield Avenue, for 2013 taxes in the amount of \$706.64. Owner-occupied status was removed due to a clerical error.

Items 20-23: The amount requested is the difference between the owner-occupied and the non-owner-occupied tax.

20. Pamela J. Thorson, 623 S. Discovery Avenue, for 2013 taxes in the amount of \$1,694.45.

21. Lori A. Entenman, 1101 S. Hyde Park Avenue, for 2013 taxes in the amount of \$1,308.97.

22. Aaron A. Nyberg, 1417 N. Dubuque Avenue, for 2013 taxes in the amount of \$1,432.46.

23. Noe Sorto, 334 N. French Avenue, for 2013 taxes in the amount of \$298.43.

Items 24-29: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

24. Bertha L. Bullock, 2009 W. 18th Street, for 2013 taxes in the amount of \$202.42.

25. Adelaide E. Donaldson, 616 S. 3rd Avenue, for 2013 taxes in the amount of \$895.56.

26. Sharron K. Grosz, 1406 S. Norton Avenue, for 2013 taxes in the amount of \$698.32.

27. Barbara Brisbin, 4500 W. 37th Street, for 2013 taxes in the amount of \$425.71.

28. John Gronewold, 1500 N. Highland Avenue, for 2013 taxes in the amount of \$776.94.

29. Robert Schoenfelder, 1507 S. Morton Avenue, for 2013 taxes in the amount of \$908.52.

Items 30-44: The amount requested is when the complainant or the property is exempt from the tax. These properties were purchased by the Sioux Falls School District as indicated.

30. 609 S. Highland Avenue. Purchased on 2/11/13. For 2013 taxes in the amount of \$1,386.75.

31. 2021 S. Dakota Avenue. Purchased on 3/28/13. For 2013 taxes in the amount of \$1,139.63.

32. 2013 S. Dakota Avenue. Purchased on 3/28/13. For 2013 taxes in the amount of \$1,031.13.

33. 2011 S. Dakota Avenue. Purchased on 3/29/13. For 2013 taxes in the amount of \$882.54.

34. 2001 S. Dakota Avenue. Purchased on 4/3/13. For 2013 taxes in the amount of \$1,080.56.

35. 2017 South Dakota Avenue. Purchased on 4/15/13. For 2013 taxes in the amount of \$1,046.78.

36. 1700 E. 13th Street. Purchased on 5/1/13. For 2013 taxes in the amount of \$1,046.55.
37. 2019 S. Dakota Avenue. Purchased on 5/10/13. For 2013 taxes in the amount of \$798.20.
38. 2007 S. Dakota Avenue. Purchased on 5/31/13. For 2013 taxes in the amount of \$1,012.16.
39. 2413 West Brookings Street. Purchased on 7/15/13. For 2013 taxes in the amount of \$663.40.
40. 613 South Highland Avenue. Purchased on 7/15/13. For 2013 taxes in the amount of \$725.94.
41. 220 N. Highland Avenue. Purchased on 8/28/13. For 2013 taxes in the amount of \$282.24.
42. 2015 S. Dakota Avenue. Purchased on 8/29/13. For 2013 taxes in the amount of \$1,005.11.
43. 2003 S. Dakota Avenue. Purchased on 8/30/13. For 2013 taxes in the amount of \$504.85.
44. 2005 South Dakota Avenue. Purchased on 12/13/13. For 2013 taxes in the amount of \$108.88.

The following abatement was recommended for denial by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

45. Kelly Spielman, PO Box 392, Parker, SD. for 2011 taxes in the amount of \$562.37; for 2012 taxes in the amount of \$553.27; and for 2013 taxes in the amount of \$814.27.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, March 18, 2014, at 7:00 p.m. for Items 46 through 56:

46. New 2014 Package Liquor License for D & J Station Inc., The Gas Stop, to be operated at 2200 East 10th Street.
47. New 2013-14 Retail Malt Beverage License, including video lottery terminals, for Stanton Inc., business name to be determined, to be operated at 1213 North Cliff Avenue.

48. New 2013-14 Retail Malt Beverage License for Kathy Elenkiwich, Backyard Grill, to be operated at 3705 South Western Avenue (CUP not required; full service restaurant).
49. New 2013-14 Retail Malt Beverage License for The Trifecta Inc., Coffea Roasterie, to be operated at 200 South Phillips Avenue, with Conditional Use Permit (2014-01-19) being approved on February 5, 2014.
50. New 2014 Retail Wine License for The Trifecta Inc., Coffea Roasterie, to be operated at 200 South Phillips Avenue, with Conditional Use Permit (2014-01-19) being approved on February 5, 2014.
51. New 2014 Retail Wine License for Amavo LLC, Amavo Boutique, to be operated at 4807 South Louise Avenue, with the Special Use Permit (2014-01-03) being approved on February 5, 2014.
52. Transfer of 2013-14 Retail Malt Beverage License, including video lottery terminals, for JPTS Inc., Mint Casino, 3601 East 10th Street to JPTS Inc., Mint Casino to be operated at 3611 East 10th Street with Conditional Use Permit (2013-06-03) being approved on July 3, 2013, effective April 1, 2014.
53. Transfer of 2014 Package Liquor License for East Dakotah Natural Foods Co-op, The Co-op Natural Foods, 2504 South Duluth Avenue to East Dakotah Natural Foods Co-op, The Co-op Natural Foods to be operated at 410 West 18th Street.
54. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The History Club of Sioux Falls, to be operated at The History Club of Sioux Falls, 758 South Phillips Avenue for a special event on March 29, 2014.
55. Special One-Day Malt Beverage License for Avera McKennan Hospital to be operated at the Avera McKennan Fitness Center, 3400 South Southeastern Avenue, for a Fun Run, on April 1, 2014.
56. 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 April 5, May 24, and May 31, 2014.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Rex Rolwing, Kermit L. Staggars, Sue

Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.
Motion None.

PUBLIC INPUT

Scott Ehrisman spoke regarding advocacy of election items by city employees.

Bruce Danielson spoke regarding "Citizens For Integrity" and language statements on the ballots.

Greg Neitzert presented a PowerPoint Presentation regarding the Shape Places ordinance as it relates to Conditional Uses, Public Input and Residential Protections.

Bob Kolbe spoke regarding the Pawn Shop Ordinance and "LeadsOnline". He also spoke regarding an upcoming review of the ambulance ordinance.

Tim Stanga spoke regarding the City Council members and the Mayor's Office being 'out of touch' with the citizens. He also spoke about the debt in the Sioux Falls community.

UNFINISHED BUSINESS

57. 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. Pending final inspection per Building Services.
58. 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.
59. Transfer of a 2013-14 Retail Malt Beverage License from LCDD Inc., Carpenter Banquet Ballroom, 221 South Phillips Avenue, Suite100, 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.
60. Transfer of a 2014 Retail Wine License from LCDD Inc., Carpenter Banquet Ballroom, 221 South Phillips Avenue, Suite100, 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.
61. 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.

62. 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.

63. 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.

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to approve Items 57 through 63.

Vote to approve: Roll Call: Yeses, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.
Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

64. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 37 TO AMEND THE TAX INCREMENTAL DISTRICT APPLICATION.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adopt said ordinance.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to amend the ordinance as follows: "By striking everything after the first sentence in Section 37.217, and adding a new section 37.220 Prohibitions. The new section shall read, "No elected official of the city or his/her spouse may have a financial interest in a tax incremental financing district. No appointed employee or his/her spouse may have a financial interest in a tax incremental district, unless otherwise authorized by law."

A motion was made by Council Member Dean Karsky and seconded by Council Member Kermit L. Staggers to defer this item to the City Council Meeting on Tuesday, April 1, 2014, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., Greg Jamison, Dean Karsky, 5. Noes, Rex Roling, James Entenman, Michelle Erpenbach, 3.
Motion Passed.

65. 2nd 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 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 Rex Rolwing and seconded by Council Member Dean Karsky to adopt said Ordinance No. 21-14.

Vote to adopt: Roll Call: Yeses, Rex Rolwing, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.
Motion Passed.

66. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2014-01-13 TO CHAPTER 160.446, PLANNED 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 Michelle Erpenbach and seconded by Council Member Rex Rolwing to adopt said Ordinance No. 20-14.

Vote to adopt: Roll Call: Yeses, Rex Rolwing, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.
Motion Passed.

HEARINGS AND RESOLUTIONS

67. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WEST POINTE ESTATES ADDITION.

A motion was made by Council Member Greg Jamison and seconded by Council Member James Entenman to adopt said Resolution No. 18-14.

Vote to adopt: Roll Call: Yeses, Rex Rolwing, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.
Motion Passed.

RESOLUTION NO. 18-14

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WEST POINTE ESTATES ADDITION.

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

That the preliminary plan of West Pointe Estates Addition to the City of Sioux Falls, Lincoln County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 03/04/14 .

Mike T. Huether

Mayor
ATTEST:
Lorie Hogstad
City Clerk

68. A RESOLUTION CORRECTING THE TERMS OF TWO CITIZEN BOARD MEMBERS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 19-14.

Vote to adopt: Roll Call: Yeses, Rex Rolfing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.
Motion Passed.

RESOLUTION NO. 19-14

A RESOLUTION CORRECTING THE TERMS OF TWO CITIZEN BOARD MEMBERS.

WHEREAS, on February 18, 2014, the City Council of the City of Sioux Falls adopted Resolution No. 17-14 to give its advice and consent to the following mayoral appointments: Rachel Oelmann and Michelle Carlson;

WHEREAS, the appointed terms as set forth in Resolution No. 17-14 were not accurate;

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

That the appointed terms as set forth in Resolution No. 17-14 hereby is amended to read as follows:

Name	Board	Term
Rachel Oelmann	School Traffic Safety Advisory Committee (PATH)	Appointed for a term from February 2014 to February 2018 (to replace Sharon Chontos).
Michelle Carlson	Sioux Falls Ice and Recreation Center Board	Appointed for a term from February 2014 to February 2019 (to replace Rebecca Anderson).

Date adopted: 03/04/14 .

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)

69. REPORT OF THE FEBRUARY 26, 2014, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to adjourn the meeting at 8:28 p.m. Mayor Huether called for a voice vote and all members voted yes. 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 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.