

MINUTES Tuesday, May 21, 2013

Land Use Committee 5:37 PM

Carnegie Town Hall

235 West 10th Street

Members Present: Council Member Kenny Anderson Jr., Council Member Dean Karsky, Council Member Kermit L. Staggers, Council Member Rex Roling

Members Absent: None

Staff Present: Denise D. Tucker, CMC, Assistant City Clerk; and Jim David, Legislative/Operations Manager

Guests: Sue Aguilar, Greg Jamison, Jim Entenman, Mike Cooper, and Shannon Ausen

1. Call To Order

Committee Chair Rex Roling called the meeting to order at 5:37 p.m.

2. Approval of Minutes

A. Tuesday, April 16, 2013

A motion was made by Kenny Anderson Jr. and seconded by Dean Karsky to approve the minutes of Tuesday, April 16, 2013.

Roling called for a voice vote. All members voted yes.

3. Discussion

Discussion on Barking Dog Ordinance and Procedures by Keith Allenstein, A. Assistant City Attorney; and Sgt. Michael Colwill, Sioux Falls Police Department Animal Control

Allenstein discussed the Disturbing the Peace ordinance, which applies to all animals. The ordinance states, you are not allowed to have an animal create a disturbance by making loud noises any time of the day or night. He said this ordinance applies to everything from barking dogs to roosters.

Colwill, supervisor for the Animal Control Section, reviewed the process concerning barking dogs. He said it starts with Animal Control receiving a complaint and then an Animal Control officer begins an investigation. Colwill said the first time an officer responds to a house, regarding a complaint; it is considered an educational visit. The officer speaks to the owner about the complaint and provides information about the pet and how to eliminate the violation; and that they will be keeping track of calls to their address for the barking dog violation. A citation would be issued for additional violations, if an officer observes the offense. If an officer doesn't observe the violation, a Disturbing the Peace Log would be left with the complainant to keep track of the disturbance for 48 hours. After the log is picked up, a case report is submitted with the log and affidavit for arrest; it is then submitted to the City Attorney's Office for their review for possible prosecution.

Allenstein is the one who usually receives the files. He reviewed the criteria used to determine if they proceed with charges against the pet owner. Council Member Kermit L. Staggers asked if there are many people that keep logs. Colwill said he couldn't give a specific number. Staggers asked how many people actually end up going to court. Colwill said he didn't have a number, but he did go to court for two cases last year. Council Member Dean Karsky asked what the fine amount was. Colwill said \$95, but if it goes to court the judge could assign a fine up to \$500. Discussion followed.

Rolfing said it seems there are fairly adequate means for people to take care of this situation. He said it didn't appear to him that they needed to take this issue any farther.

Discussion on deer feeding ban by Arden Petersen, Game, Fish & Parks  
B. Regional Supervisor; Keith Allenstein, Assistant City Attorney; and Sgt.  
Michael Colwill, Sioux Falls Police Department Animal Control

Allenstein said currently there isn't a City or State prohibition against feeding deer. South Dakota Codified Law 41-8-16 does prohibit using salt to attract big game. Allenstein mentioned some food items that people use, without salt, to feed deer. He said the problems that arise from feeding deer, include: deforestation, a mess from droppings, potential diseases, traffic hazards, and general illness of the animals. For these reasons and more, cities across the country have enacted feeding bans against some animals.

Council Member Sue Aguilar, representing the Southeast District, said she has received a number of calls, beginning last Fall, due to a citizen in her district providing corn and some sort of lick to deer off of Cliff Avenue. She also received calls regarding safety concerns. Aguilar was informed that Sioux City, Iowa, enacted a feeding ban against turkeys and deer. She contacted Allenstein and has been working with him. It was decided that the Land Use Committee was the proper group to decide if this issue needed to go before the City Council.

Council Member Kenny Anderson Jr. asked about the City's archery hunting season for deer. Colwill said the hunt still occurs. Discussion followed.

Anderson asked how many complaints the Police Department receives regarding deer and deer feeding. Colwill said not a lot. He added that the majority of the complaints happen in the Fall and Winter. Discussion followed.

Rolfing would like to continue examining this issue. He would like to hear from the Game, Fish & Park Department at the July or August meeting.

C. Arterial Street Expansion Program by Mark Cotter, Director of Public Works;  
and Chad Huwe, City Engineer

Huwe discussed the process that Community Development, Planning and Public Works took to develop the Arterial Street Expansion priorities for 2014 and 2015. He said they met, in February, with 21 businesses and property owners. The group consisted of: developers, property representatives, industry representatives, organizations, homebuilders, engineering consultants, and a broker. Each group discussed their development schedules, needs and top three priorities. Those priorities were reviewed and prioritized by the Community Development, Planning and Public Works. A project list was presented to several committees. Huwe spoke about the meetings and listed the 2014-2015 Project lists.

Potential projects for 2016 - 2018 were discussed. Huwe reviewed the proposed \$53.5 million funding for the arterial street expansion program, for 2014 -

2018. He also provided a history of platting fees. Huwe reviewed the next steps of the program. Discussion followed. Rolfing said future updates will be needed.

#### 4. Open Discussion

There was none.

#### 5. Adjournment

A motion was made by Dean Karsky and seconded by Kenny Anderson Jr. to adjourn the meeting at 6:41 p.m.

Rolfing called for a voice vote. All members voted yes.

Denise D. Tucker, CMC

Assistant City  
Clerk