

These minutes are considered 'draft' until approved at the next meeting.

MINUTES

Tuesday, June 12, 2012

4:45 PM

Public Services Committee Carnegie Town Hall

235 West 10th Street

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

Members Absent: Council Member Dean Karsky

Staff Present: Tamara Jorgensen, CMC, Assistant City Clerk

Guests: Cheryl Rath, Greg Boris, Jim Entenmann, Laurie Cressman, Perry Schempp, Jon Pederson, Michael Coole, Bob Kappel, David Pfeifle, Keith Allenstein, Aimee Ladonski, Dick Gregerson, Rex Rolfing, Greg Jamison, Jonathan Ellis, Kermit Staggers, Jeanne Gerkin, and Gerald Gerkin

1. Call To Order

Committee Chair Anderson Jr. called the meeting to order at 4:45 p.m.

2. Review and approval of Minutes dated May 8, 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.

3. Naming Rights Ordinance by Darrin Smith, Director of Community Development

Smith distributed a copy of an Ordinance of the City of Sioux Falls, SD, amending the revised ordinances of the city by expanding Article VII of Chapter 2 regarding naming of facilities. Community Development is looking to improve the ordinance by making it more comprehensive and put some rules in place to serve as a guide for everyone to follow when a name change is requested for a public building (inside/outside), streets, parks, or when wanting to commemorate something.

Smith stated the review process started a few months ago with the assistance of the City Attorney's Office in assessing what other cities and counties do for naming rights ordinances. Smith stated that they found several examples. The one that he thought would be more compatible with the City of Sioux Falls was an ordinance that is used in Omaha, NE. Smith stated the draft ordinance distributed is a duplicate of the ordinance from Omaha with only a few tweaks to make it more applicable and appropriate for the City of Sioux Falls. The draft ordinance was reviewed with discussion regarding the following sections:

Sec. 2-70 Purpose "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";

Sec. 2-71 City naming committee "(a) Planning director (who shall serve as chairperson)" and "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." Smith stated the designee section may need to be revised.

Sec. 2-72 Application; Smith added the following: "All terms and conditions of proposed naming or renaming, including all financial and other relevant terms, must be disclosed";

Sec. 2-73 Planning department review; no additional comments.

Sec. 2-74 City council member review; This section is structured differently than the Omaha ordinance in that it would require the individual Council Member to review the application.

Smith stated that the ordinance is comprehensive, thorough, and provides a number of processes to go through. When someone makes an application to name a street or a facility (external or internal), parks, libraries, fire station, police departments, this ordinance will allow for a fully vetted procedure to follow and implement. He stated that the City Council would have final approval.

Smith suggested that a small work group be put together to review the ordinance. This ordinance will impact a number of departments and public facilities that are managed by private 3rd parties. Although a lot of work has already been done, the group could review the language and make improvements where needed or necessary before bringing it to the City Council for their review and approval. He recommended working with the outside facilities that are impacted and get their input as well. Smith recommended, with the Committee's permission, the work group include: himself, a representative from Planning, Public Works, Parks and Recreation, the Library, Council Member Anderson Jr., and Jim David. Smith stated that the City Attorney's Office would support the group through this process.

Aguilar asked if there have been any discussions with the groups that will be affected by the proposed changes. Smith stated they have been working through new agreements and have made references to this being a current issue that does need to be addressed and resolved. Aguilar asked if the small work group would put together a proposal and then take it to those groups. Smith stated his thoughts are that the work group would invite each of these outside entities to review this information and discuss concerns, suggestions, etc. Smith stated that he has started to receive input from all of the other city departments regarding this topic. After the work group has started, he would like to reach out to the other organizations affected by the ordinance and request their input. The final step would be to bring the ordinance before the City Council for their review and adoption.

Anderson Jr. asked Smith to give an update on the reasons for the ordinance revisions. Smith provided a brief history of activity in the past that has necessitated the review. He stated there have been examples of things being sponsored inside public facilities that, while they were done with the best interests in mind for the facility, they may not have been fully vetted in advance. Smith stated that facilities managed by the taxpayers need to be managed appropriately.

A motion was made by Council Member Michelle Erpenbach to defer this item until the work group is ready to come back to the committee with more input. Council Member Sue Aguilar seconded the motion. All

members present voted yes. Motion Passed.

4. Distracted Driving Ordinance Alternatives

Aguilar stated there are three draft ordinance possibilities for the distracted driving topic. She stated that Jim David, Legislative/ Operations Manager, and Keith Allenstein, Assistant City Attorney, have been reviewing legislation from other municipalities and states. Three ordinance examples discussed were: 1) Texting Ban; 2) Handheld Ban where texting is prohibited and is a primary offense; and 3) Handheld Ban - Texting Under 18 (texting is prohibited along with the ban of the use of hand held in school and construction zones for all of those that are 18 years or younger).

Aguilar stated the City Attorney's Office has requested that we include in the ordinance some 'clean up' language to the speed zone information in Section 40-138. Discussion followed.

Erpenbach stated that all of the options are great. She stated that David has conducted research on the states around us and found that every state that touches South Dakota (except for Montana) has some form of legislation banning hand held devices or texting. She stated that the main issue in South Dakota comes down to enforcement. Erpenbach stated that the final ordinance may be a combination of the three proposals. In order to make the ordinance easier to enforce, they need to make it a primary offense. Discussion was held whether it would be a ban on texting or on any 'hand held' device and what constitutes 'distracted' driving.

Erpenbach stated that David also conducted research regarding studies. There are conflicting studies on whether or not this type of legislation works. She stated that the statistical numbers are down in states where legislation has been enacted in the past. She cited specific information from the California Office of Traffic Safety regarding accidents and collisions.

Aguilar asked Allenstein, for clarification on the proposed ordinance. She noted that the ordinance includes bicycles. Allenstein stated that David had come up with the initial language and it included bicycles. Allenstein kept some of the language in there, knowing this language can be removed if needed.

Aguilar asked about the proposed legislation that was received from the study group from the state. Discussion was held regarding their proposed changes regarding drivers that have an instruction's permit. Allenstein stated that the proposed changes are directed to the less experienced drivers. Erpenbach spoke about the upcoming legislation coming from the Federal Transportation Secretary regarding a National Distracted Driving Initiative. She explained that part of the initiative is if your state does not have some form of law regarding distracted driving, you could lose federal dollars. Erpenbach would like to see us move forward with this item.

Anderson Jr. stated he would like to review this item at the next Public Services Committee Meeting (July 10, 2012). Aguilar stated that she would like to have David in attendance as he conducted a lot of research on the proposed ordinances. Anderson Jr. would like the City Attorney's Office to review the proposed language with the state committee to ensure our direction is the same as the state. Anderson Jr. stated that this is more of an issue than just for inexperienced drivers and he would like it to be discussed further.

Aguilar asked if the Chair wanted additional information from the committee members. Anderson Jr. asked if the committee could work with the group that brought the distracted driving issue forward and solicit their input on the three proposed changes. Aguilar stated that Mr. Lauer had reviewed the information and had sent an email regarding the three proposals. Anderson Jr. would like him to be present at the next meeting.

Public comments were taken at this time:

Greg Boris, South Dakota Voices for Children, spoke regarding the need for a distracted driving ordinance. He stated that the state group that is meeting in Pierre is the Safe Teen Driving Task Force and he stated it has nothing to do with texting or adults. It comes from legislation that was passed by the 2011 Legislature requesting a review in reducing traffic deaths and injuries for teens. He stated that the work of this task force does not apply to adults. He thanked the committee for working on this item.

Dick Gregerson stated he was very interested in getting something done because this is a problem that most states have dealt with, and we have not. He spoke regarding 'primary' and 'secondary' offenses. He encouraged the committee and the City Council to make distracted driving a primary offense. Gregerson stated he serves as Chairman for the South Dakota Highway Commission and keeping work areas on the highways safe is a real problem. People do not pay attention to the speed limits in these areas.

Anderson Jr. asked Patti Lyon, Assistant Chief of Police, about the enforcement portion of this proposed ordinance and if making it a primary offense would make it easier for officers to write tickets. Lyon stated it would be easier to make the traffic stop because you wouldn't have to wait for the driver to make a driving offense to pull them over. Anderson Jr. asked if there was place on the tickets to mark the distracted driving and/or how to modify the tickets. Lyon stated that careless driving is already used on the tickets.

Erpenbach recommended that this item come back to the committee on July 10, 2012, as one ordinance and with the stipulation that it would be written with distracted driving as a primary offense.

Council Member Michelle Erpenbach made a motion as stated above and it was seconded by Council Member Aguilar. All members present voted yes. Motion Passed.

5. Concealed Weapons Ordinance by Keith Allenstein, Assistant City Attorney

Allenstein reviewed a power point presentation regarding concealed weapons. Discussion was held regarding reference in Section 26-51 to: "any pistol or other firearm", "razor", and "or any instrument or device which when used is likely to produce death or great bodily harm".

John Snyder, Director of Sales and Marketing for 605magazine, spoke regarding pocket knives. He has received inquiries from citizens and he has done some research on the ordinance. Discussion followed.

Allenstein discussed the differences between state law and the city ordinance in 9-19-20. Allenstein discussed the terminology in the ordinance that makes it a crime for citizens to have certain instruments or devices in their possession but also explained the need for the broad language.

Allenstein reviewed the proposed solutions needed to the ordinance in

Section 26-51. Discussion was held regarding if 'hunting knives' fall under the 'concealed weapon' description.

1(a)-prohibited per se (except those with CW permits)

1(b)-catchall but must be customarily a dangerous weapon or intended for use

1(c)-employment duties exception

1(d)-self defense exception

(2) CW permit exception

(3) pocket knife exception

(4) own house exception

(5) peace officer exception

Anderson Jr. recommended that this subject move to an Informational Meeting so the public has another chance to hear the information before it is moved on to a City Council Meeting.

City Council Michelle Erpenbach made the motion as indicated above and Council Member Sue Aguilar seconded the motion. All members present voted yes. Motion Passed.

6. Chapter 18 Ordinance Revisions: Recycling Standardization by Bob Kappel, Environmental Manager

Bob Kappel, Environmental Manager, reviewed a PowerPoint presentation with the committee. Discussion was held regarding the following topics: the timeline for the recycling standardization schedule; source separated vs. single stream recycling; selection of single stream recycling; Solid Waste Planning Board information; definitions for the ordinance revision; recycling container criteria; residential recycling; multi-housing recycling; standardized collection; collection labeling; loading; and recommendations.

Public testimony was taken at this time:

Perry Schempp, Marv's Sanitary of Sioux Falls, asked the committee if arrangements could be made for the ordinance to become effective in two to three months at a minimum. This would allow his business, and other garbage hauler businesses, additional time to prepare for the changes. Examples: increasing their staff and the number of trucks they will need.

Laurie Cressman, Advanced Recycling, thanked everyone for their assistance in improving recycling. She stated that she did not want the changes to jeopardize the quality of recycling. Cressman stated she has a concern with recycling glass in the single stream. After touring facilities that handle recycling, she had received advice from the facilities stating that glass should be kept out of the single stream recycling. Glass creates problems with equipment, safety and contamination with paper and cardboard products. She stated that facilities in Minnesota do not allow glass in with their single stream recycling.

Erpenbach asked if this item was ready to be presented to the full City Council and asked if it needed to be deferred to the next Public Services

Committee Meeting.

Kappel stated that glass was a problem. He stated that Section 18-21 would address the glass problem. He stated that his department is ready to move forward with this item.

Anderson Jr. asked Kappel for an update on the timeline. Anderson Jr. asked if the changes could be made effective after the first of the year to allow the haulers additional time to prepare. Kappel stated they had surveyed the haulers and learned that they would need between three months to a year to make the switch.

Council Member Michelle Erpenbach made a motion to move this item to an Informational Meeting and then move forward to the full City Council. Aguilar seconded the motion. All members present voted yes.
Motion Passed.

7. Open Discussion

There was none.

8. Adjournment

Committee Chair Anderson Jr. adjourned the meeting at 6:48 p.m.

Tamara Jorgensen, CMC

Assistant City Clerk