

MINUTES

Tuesday, September 11, 2012

5:00 PM

Public Services Committee Carnegie Town Hall

235 West 10th Street

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

Members Absent: None

Staff Present: Tamara Jorgensen, CMC, Assistant City Clerk; David Bixler, Budget Analyst; Jim David, Legislative/Operations Manager; and Lorie Hogstad, City Clerk

1. Call To Order

Committee Chair Anderson Jr. called the meeting to order at 5:00 p.m.

2. Review and approval of minutes dated July 10, 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. Amending the revised Ordinances of the City to define and prohibit certain forms of solicitation by Doug Barthel, Chief of Police

Doug Barthel, Chief of Police, stated that the proposal is modeled after an ordinance in Rapid City, South Dakota. The ordinance addresses the street begging that has occurred at Interstate exits and street corners. He stated that this proposal will not violate the Constitution's First Amendment and will be followed up with a public education effort if passed.

Barthel stated that their goal is not to harm people that are in need or require additional services. Public education will be utilized to assist in getting people to the proper organizations that can assist them. The Police Department would prefer that citizens make donations to organizations that serve others versus handing the money to an individual.

Barthel stated the way the ordinance is written it will prohibit a person from soliciting from traffic; the person will need permission to solicit on private or public property; and the ordinance has been modified for the manner in which you can approach someone when walking.

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to move this ordinance forward to the City Council for review. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

Legal/Editorial Research and Report from American Legal Publishing

4. Corporation by Karen Leonard, Deputy City Attorney and Lorie Hogstad, City Clerk

Karen Leonard, Deputy City Attorney, stated this was to bring the Public Services Committee up to date with the codification process.

Lorie Hogstad, City Clerk, reviewed a PowerPoint presentation outlining the timeline and process for the recodification project. Per the City Charter (and state law), the Code of Ordinances is updated every 20 years. Hogstad gave an update on the process for reviewing and updating the code.

Hogstad provided the following deadline information for the final recodification ordinance: It will be presented at a City Council Informational Meeting on Tuesday, November 6, 2012; the 1st reading for the ordinance will be on Tuesday, November 20, 2012, and the 2nd reading on Tuesday, December 4, 2012. The new Code of Ordinances will become effective January 1, 2013.

Leonard stated that American Legal Publication commended the City of Sioux Falls for the smooth process involved in reviewing the codes. Leonard reviewed the following recommendations from the Legal and Editorial Report. Leonard requested that she receive authorization to either move forward with the proposed changes or to deny the proposed changes.

Item #14:

The City has not changed the maximum penalty since the 1992 recodification. American Legal is recommending that the City increase the maximum ordinance penalty from 30 days in jail, \$200 fine, or both to 30 days in jail/\$500 fine, or both. State law does allow for the penalty increase.

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

Items #45 and #48:

American Legal recommends substantive changes to the public begging and carrying concealed weapons sections as a result of the legal case law review. The committee is recommending to not make such revisions during the recodification process but will be addressed by the Police Department through normal ordinance amendments.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to agree to addressing this revision through normal ordinance amendments. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

Item #50:

American Legal recommends revising the curfew ordinance pursuant to First Amendment case law which will require officers to make further inquiry into the offender's reasons for being out past curfew. The committee recommends adopting this recommendation.

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

Leonard reviewed the manuscript covering the Title Page, the Preface, and the Table of Contents. Discussion followed.

Fees Organization:

American Legal currently has organized fees into two categories: 1) Ch. 41: Fees for Services and 2) Title XI Business Regulations contains Licensing Fees. In addition, miscellaneous fees are sprinkled throughout the book. Leonard reviewed a listing that illustrated fees that were shown throughout the book. American Legal can put all fees into one area. What does the Committee wish to do?

Jim David, Legislative/Operations Manager, stated the original goal was to have all the fees in one area of the ordinances. In addition, there was to be one area on the city's website to simplify finding fees for the citizens of Sioux Falls.

Rich Oksol, Lead Internal Auditor, provided feedback on locating the fees online.

Hogstad recommended that the fees be left in the section by the topic they pertain to. Example: Auctioneer fees being in the section regarding auctioneers. She recommended alphabetizing the fee listing as furnished by American Legal, as a separate section of the code, and providing a cross reference or a link to the section it pertains to.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to organize the fees as indicated on the attachment and to also ask American Legal to index them in a way that the staff finds easiest to manage. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

Recodification/Revisions to Blue Draft Manuscript - Memorandum

Leonard reviewed a memorandum of revisions for items that were not included in the draft manuscript.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Dean Karsky to accept the revisions as proposed in the memorandum. Anderson Jr. called for a voice vote and all members present voted yes. Motion Passed.

5. Open Discussion

There was none.

6. Adjournment

Council Chair Anderson Jr. adjourned the meeting at 5:44 p.m.

Tamara Jorgensen, CMC

Assistant City
Clerk