

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, March 7, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rex Roling

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Pastor Jeremiah Johnson, First Assembly of God Christian Center

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PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

Sioux Falls Award -One of the most secure places

* to live in the U.S. presented by Elizabeth Stella, Farmers
Insurance State Executive Director

VISITOR RECOGNITION

Cub Scout Pack 711, Harrisburg Journey Elementary, Michael Cole, Scout

* Leader

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, February 22, 2011, at 4:00 p.m.

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Joint City Council/Minnehaha County Meeting of Tuesday, February 22, 2011, at 5:00 p.m.

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City Council Meeting of Tuesday, February 22, 2011, at 7:00 p.m.

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Informational Meeting of Monday, February 28, 2011, at 4:00 p.m.

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COMMUNICATIONS

A communication was received from South Dakota Advertising Federation (SDAF) stating their intent to sell raffle tickets on March 11, 2011,

1. for 50 bottles of assorted wines (valued at \$500.00). Tickets will be \$10.00 each. The proceeds are to be used to benefit SDAF educational programs/scholarships.

A communication was received from Realtor for Kids/Sioux Falls stating their intent to sell raffle tickets on March 12, 2011, for a \$600.00 cash prize. Tickets will be \$10.00 each. The proceeds are to be used to benefit programs by Realtor for Kids/Sioux Falls.

3. A communication was received from St. Therese Catholic Church requesting permission to consume, but not sell, beer and wine at St. Therese Catholic Church, 901 N. Tahoe Trail, on Saturday, April 30, 2011, from 7:00 p.m. to 11:00 p.m. and Saturday, August 20, 2011, from 7:00 p.m. to 11:00 p.m. for fellowship between members of the church outside of weekly mass.

A communication was received from The Evangelical Lutheran Good Samaritan Society stating their intent to conduct an event from March 13, 2011 through April 4, 2011, whereby participants may contribute to the LAMB Hospital in

4. Bangladesh and then predict the outcomes of the NCAA Division one men's basketball tournament. The person making the most correct predictions will receive a traveling trophy of negligible value to display for one year.

A communication was received from Robin Aos and Calvin Hilligas requesting permission to consume, but not sell, liquor and beer at the Old Courthouse Museum, 200 West 6th Street, on Saturday, May 7, 2011, from 6:00 p.m. to 12:00 a.m. for a wedding reception.

NOTICE OF HEARINGS

Set a hearing date for Monday, March 21, 2011, at 7:00 p.m. on Items 6 through 12:

6. 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).

7. 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).

8. 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).

9. 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).

10. 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).

11. 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.

12. 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.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to approve the Regular Agenda.

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

Motion Passed.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Vernon Brown to amend the main motion and Regular Agenda by adding an Item 27, as read by the Assistant City Clerk.

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

Motion Passed.

PUBLIC INPUT

Thomas Lein spoke about the proposed Events Center.

Tim Stanga spoke about Robert's Rules of Order and suggested that the city should implement an advertising tax.

Andy Traub spoke about the proposed Events Center process.

UNFINISHED BUSINESS

New 2010-11 Package Malt Beverage License for Cole's Petroleum Products Inc.

13. name to be determined, to be operated at 900 North Sycamore Avenue, with the Conditional Use Permit (2011-01-05) being approved on 02-02-11.

14. New 2010-11 Package Malt Beverage License for Olson Oil Company, Get 'N Go #21, to be operated at 5400 East Arrowhead Parkway.

Special One-Day Liquor License for Washington Pavilion Management Inc.,

15. Washington Pavilion of Arts & Science, 301 South Main Avenue, for the Arts Night Gala on May 6, 2011.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sisters

16. of the Presentation of the Blessed Virgin Mary to be operated at Falls Park, Falls Park Drive, for the Cinco de Mayo Celebration, on April 30, 2011.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the

17. Sioux Falls Area Humane Society to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for the Paws to Celebrate Fundraiser on June 18, 2011.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Jazz & Blues Society to be operated at Yankton Trail Park, 3901

18. South Minnesota Avenue, on July 14-16, 2011, for the JazzFest, and on June 16, 2011, at Vern Eide Acura, 4030 South Grange Avenue, for the Jazz & Brews Fundraiser.

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to approve Items 13 through 18, with one vote.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE

19. REVISED ORDINANCES OF THE CITY BY REVISING THE DEFINITION OF COMMERCIAL VEHICLES AND ADDING A DEFINITION FOR SERVICE VEHICLES. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to adopt said Ordinance for Item 19.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE
20. REVISED ORDINANCES OF THE CITY TO REVISE RESIDENTIAL PARKING TO ALLOW FOR
TEMPORARY PARKING FOR RECREATIONAL VEHICLES. (The Planning Commission
recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member
James Entenman to adopt said Ordinance for Item 20.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR
AMENDMENT, PETITION NO. 2010-12-07 TO CHAPTER 15.45.070, PLANNED
21. DEVELOPMENT DISTRICTS, 1108 E. 2ND STREET, AMENDING THE SCOOTER PLANNED
DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission
recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council
Member Rex Roling to adopt said Ordinance for Item 21.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY EAST OF THE S. ELLIS ROAD AND W. 22ND STREET INTERSECTION FROM THE
22. RS-1 AND RS-2, RESIDENTIAL DISTRICTS TO THE RC, RECREATION/CONSERVATION
DISTRICT, PETITION NO. 2011-01-01 AND AMENDING THE OFFICIAL ZONING MAP OF
THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Sue Aguilar and seconded by Council Member
Kenny Anderson Jr. to adopt said Ordinance for Item 22.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
23. CHAPTER 19 OF THE REVISED ORDINANCES OF THE CITY BY REQUIRING FAMILY DAY
CARE HOMES TO DISPLAY MOST RECENT HEALTH DEPARTMENT INSPECTION.

Sponsor: Mayor/Health

A motion was made by Council Member James Entenman and seconded by Council
Member Sue Aguilar to adopt said Ordinance for Item 23.

Vote to adopt: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr.,

Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, 7. Noes,
0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
SUPPLEMENTAL APPROPRIATIONS FOR A PASS-THROUGH DONATION FROM CITIBANK SOUTH
24. DAKOTA TO THE SIOUX EMPIRE BASEBALL ASSOCIATION TO BE USED TOWARD THE
CONSTRUCTION OF A GRANDSTAND AT HARMODON BASEBALL FIELDS. (Citibank,
\$20,000.00)

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council
Member Rex Roling to adopt said Ordinance for Item 24.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

25. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO MINNEHAHA
COUNTY APPROXIMATELY 2,000 BANQUET CHAIRS.

Sponsor: Mayor/Planning and Building Services

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO MINNEHAHA COUNTY
APPROXIMATELY 2,000 BANQUET CHAIRS.

WHEREAS, the City of Sioux Falls has declared as surplus approximately 2,000
banquet chairs; and

WHEREAS, Minnehaha County finds it desirable to acquire the above-described
banquet chairs;

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

That the gifting by the City of Sioux Falls to Minnehaha County of
approximately 2,000 banquet chairs is hereby approved.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council
Member Michelle Erpenbach to adopt said Resolution for Item 25.

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

Motion Passed.

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANFERS OF UNENCUMBERED APPROPRIATION
BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED
IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

26. REPORT OF THE FEBRUARY 25, 2011, NOTICE OF TRANSFER OF APPROPRIATIONS
WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS/ITEMS ADDED AFTER DEADLINE

NOTICE OF HEARINGS

Set a hearing date for Monday, March 14, 2011, at 7:00 p.m. on Item 27:

Special One-Day Malt Beverage License for the Siouxland Heritage Museums to 27. be operated at the Old Courthouse Museum, 200 West Sixth Street, on March 17, 2011, for the St. Patrick's Day Family Dance, and authorize publication of notice on 03/04/11 to set the hearing date.

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to set a date of hearing for Monday, March 14, 2011, on Item 27.

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

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adjourn at 8:25 p.m.

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

Motion Passed.

Jamie L. Palmer, 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 AT WWW.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.