

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, October 11, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

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

Mayor Mike T. Huether

INVOCATION

Pastor Lance Rensch, Falls Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Sue Aguilar, Vernon Brown, Michelle Erpenbach 5. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Monday, October 3, 2011, at 4:00 p.m.

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Regular City Council Meeting of Monday, October 3, 2011, at 7:00 p.m.

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COMMUNICATIONS

- A communication was received from the Sioux Empire Community Theatre (SECT) stating its intent to sell raffle tickets from October 28, 2011 to November 13, 2011, for a 50/50 cash raffle. Tickets will be sold for \$1.00 each or 6 for \$5.00. The proceeds will go for fundraising for the Sioux Empire Community Theatre.
- 1.

Sponsor: SDCL 22-25-25

NOTICE OF HEARINGS

Set a date of hearing for Monday, November 14, 2011, at 7:00 p.m. for Item 2:

2. A PROPOSED RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON BOTH SIDES OF N. CLIFF AVE. FROM E. BENSON RD. TO E. 60TH ST. N. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Sponsor: Mayor/Public Works

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Greg Jamison, Dean Karsky, Sue Aguilar, Vernon Brown, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

PUBLIC INPUT

Robert Kolbe spoke regarding R.F. Pettigrew's contributions to the City of Sioux Falls and work being done by the Sioux Falls Historical Society to recognize his accomplishments.

Tim Stanga spoke regarding a recent concert event in Sioux Falls at the Arena which had not sold out. He also spoke regarding the proposed Events Center.

7:10 p.m. Council Members Kenny Anderson Jr. and Jim Entenman arrived

at this time.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT EASEMENTS IN A PORTION OF LOT 3A (EXCEPT TRACT 1 CONTAINED THEREIN), BLOCK 1 OF WILLIAMS ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA, AND A PORTION OF THE NW1/4 OF THE NE1/4 OF SECTION 32-T101N-R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA.
- 3.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to adopt said Ordinance for Item 3.

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

0.

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
4. APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2012.

Sponsor: Mayor/Finance

A motion was made by Council Member Sue Aguilar and seconded by Council Member James Entenman to adopt said Ordinance for Item 4.

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

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
5. THE REVISED ORDINANCES OF THE CITY BY AMENDING CERTAIN ANIMAL CONTROL
AND LICENSING ORDINANCES OF THE CITY.

Sponsor: Mayor/Health

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adopt said Ordinance for Item 5.

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

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
6. THE REVISED ORDINANCES OF THE CITY BY AMENDING ARTICLE VIII, MAIN STREET
BUSINESS IMPROVEMENT DISTRICT OF CHAPTER 39 BY CLARIFYING EXEMPTIONS
SUBJECT TO ANNUAL SPECIAL ASSESSMENTS.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance for Item 6.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, October 17, 2011, at 7:00 p.m. for Item 7:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
7. AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2011
NATIONAL ELECTRICAL CODE AND AMENDMENTS THERETO.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council

Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Monday, October 17, 2011, at 7:00 p.m. for Item 7.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, October 24, 2011, at 7:00 p.m. at the Joint City Council/Lincoln County Commission Meeting at the Carnegie Town Hall for Item 8:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING APPENDIX F OF THE CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY AT N330' OF W660' OF NORTHWEST QUARTER SOUTHWEST QUARTER (NW1/4 SW1/4) OF SECTION 12, TOWNSHIP 100N, RANGE 51W LINCOLN COUNTY, SOUTH DAKOTA FROM THE A-1 AGRICULTURAL DISTRICT TO THE S & J PLANNED DEVELOPMENT DISTRICT. (The Planning Commission recommends denial.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Sue Aguilar and seconded by Council Member Kenny Anderson Jr. to set a date and 2nd Reading for Monday, October 24, 2011, at 7:00 p.m. at the Joint City Council/Lincoln County Commission Meeting at the Carnegie Town Hall for Item 8.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, Dean Karsky, 1.

Motion Passed.

HEARINGS AND RESOLUTIONS

9. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON W. UNITY LANE FROM S. GRANGE AVE. TO W. VILLAGE DR. AND W. VILLAGE DR. FROM S. GRANGE AVE. TO W. UNITY LANE AND W. VILLAGE CIR. FROM W. VILLAGE DR. TO THE END OF THE CUL-DE-SAC.

Sponsor: Mayor/Public Works

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adopt said Resolution for Item 9.

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

Motion Passed.

A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON W. UNITY LANE FROM S. GRANGE AVE. TO W. VILLAGE DR. AND W. VILLAGE DR. FROM S. GRANGE AVE. TO W. UNITY LANE AND W. VILLAGE CIR. FROM W. VILLAGE DR. TO THE END OF THE CUL-DE-SAC.

WHEREAS, a petition of the owners of

Lot 3A (except Tract 1 contained therein), Block 1 of Williams Addition to the City of Sioux Falls, Minnehaha County, South Dakota,

The NW1/4 of the NE1/4 of Section 32-T101N-R49W of the 5th P.M., Minnehaha County, South Dakota, except the North 33 Feet Thereof, and Except Lots H-1, H-2, H-3, H-4, H-5, and H-6 Contained Therein, and except Tracts 1, 2, and the West 39 Feet of Tract 3, Kirby-Jamtgaard Addition to the City of Sioux Falls, and except Units A, B, and C of Kirby-Jamtgaard Addition, a Replat of a portion of Tract 3, Kirby-Jamtgaard Addition to the City of Sioux Falls, and except Tract 7A and Unit E, Tract 3, Kirby-Jamtgaard Addition to the City of Sioux Falls, and except Lot 1, Tract 4, Kirby-Jamtgaard Addition to the City of Sioux Falls, and except the East 119 Feet of Tract 4, Kirby-Jamtgaard Addition to the City of Sioux Falls, and except that portion of Graham's 3rd Addition to the City of Sioux Falls Located in the NW1/4 of the NE1/4 of Section 32-T101N-R49W of the 5th P.M., Minnehaha County, South Dakota, and except that portion of Tract 1 of Lot 3A, Block 1 of Williams Addition to the City of Sioux Falls located in the NW1/4 of the NE1/4 of Section 32-T101N-R49W of the 5th P.M., Minnehaha County, South Dakota

has been filed with the City Clerk, asking that the aforesaid be vacated. Pursuant to SDCL, notice of hearing has duly been given, and said notice was properly published; and

WHEREAS, the hearing was held on October 11, 2011, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition thereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has not been used for public travel in the last 20 years.

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

That the public right-of-way on W. Unity Lane from S. Grange Ave. to W. Village Dr. and W. Village Dr. from S. Grange Ave. to W. Unity Lane and W. Village Cir. From W. Village Dr. to the end of the cul-de-sac to the City of Sioux Falls, Minnehaha County, South Dakota, be and the same hereby is declared vacated and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

10. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON NORTH NORTH DRIVE ADJACENT TO LOT 6 BLOCK 2 SIOUX EMPIRE DEVELOPMENT PARK THREE EAST ADDITION AS SHOWN ON EXHIBIT A.

Sponsor: Mayor/Public Works

A motion was made by Council Member Vernon Brown and seconded by Council Member Dean Karsky to adopt said Resolution for Item 10.

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

Motion Passed.

A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON [NORTH NORTH DRIVE ADJACENT TO LOT 6 BLOCK 2 SIOUX EMPIRE DEVELOPMENT PARK THREE EAST ADDITION AS SHOWN ON EXHIBIT A].

WHEREAS, a petition of the owners of [Lot 6 Block 2 Sioux Empire Development Park Three East Addition to the City of Sioux Falls, Minnehaha County, South Dakota,] has been filed with the City Clerk, asking that the aforesaid be vacated. Pursuant to SDCL, notice of hearing has duly been given, and said notice was properly published; and

WHEREAS, the hearing was held on [October 11, 2011], and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition thereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has [been used as a street or alley and no longer serves a useful public purpose.]

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

That the public right-of-way on [North North Drive adjacent to Lot 6 Block 2 Sioux Empire Development Park Three East Addition as shown on Exhibit A] to the City of Sioux Falls, [One of: Minnehaha/Lincoln] County, South Dakota, be and the same hereby is declared vacated and that the City Clerk shall cause to be filed with the Register of Deeds, [One of: Minnehaha/Lincoln] County, South Dakota, a duly certified transcript of this resolution.

ADJOURNMENT

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to adjourn the meeting at 7:47 p.m.

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

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) 367-8081 (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.