

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, June 20, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Vernon Brown

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Pastor Erich McCandless, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

World Refugee Day

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolfing, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Monday, June 13, 2011, at 4:00 p.m.

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City Council Meeting of Monday, June 13, 2011, at 7:00 p.m.

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COMMUNICATIONS

A communication was received from the Children's Home Society stating its intent to conduct a raffle on August 7, 2011 for a diamond necklace (approximate value \$4,500.00), a side of beef (approximate value \$750.00), and a grill (approximate value \$500.00). Tickets will be sold for three for \$10.00 and 10 for \$25.00. The proceeds will be used for general operating income to support the programs and services that CHS provides to over 2,000 children per year.

Sponsor: SDCL 22-25-25

NOTICE OF HEARINGS

Set a hearing date for Tuesday, July 5, 2011, at 7:00 p.m., on Items 2 through 10:

New 2011-12 Retail Malt Beverage License for RS Double H LLC, Chedd's Gourmet Grilled Cheese, to be operated at 323 South Phillips Avenue, Suite 102, with the Conditional Use Permit (2011-03-15) being approved on 05-04-11.

Sponsor: Mayor/Attorney

New 2011-12 Package Malt Beverage/South Dakota Farm Winery License for Andy's Affiliated Foods Inc., Andy's Affiliated Foods, to be operated at 1025 South Cleveland Avenue (previously licensed as Package Malt Beverage).

Sponsor: Mayor/Attorney

4. Renewal of the 2011-12 Retail Malt Beverage License for Golden Bowl Corporation, Golden Bowl, to be operated at 2600 South Spring Avenue.

Sponsor: Mayor/Attorney

5. Special One-Day Liquor License for SMG to be operated at the Orpheum Theater, 315 North Phillips Avenue, for a wedding reception on July 30, 2011.

Sponsor: Mayor/Attorney

Special One-Day Liquor License for Ovations Food Services LP, to be

6. operated at the Sioux Falls Baseball Stadium, 1001 North West Avenue, in the Tiki Bar and Suites, for the KRRO-Fest on July 15, 2011.

Sponsor: Mayor/Attorney

7. Special One-Day Liquor License for Washington Pavilion Management Inc., Washington Pavilion of Arts & Science, 301 South Main Avenue, for the WHS Class of 1971 Reunion on July 16, 2011.

Sponsor: Mayor/Attorney

8. Special One-Day Liquor License for Prairie Pasta Inc., Johnny's Carino's, to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a wedding reception on October 15, 2011.

Sponsor: Mayor/Attorney

9. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Almost Home Canine Rescue to be operated at the 8th & Railroad Center, 401 East 8th Street, in the boardwalk and parking lot, for the 605 Summer Classic on August 6, 2011.

Sponsor: Mayor/Attorney

10. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Multi-Cultural Center of Sioux Falls to be operated at the Coliseum, 515 North Main Avenue, for RollerDollz Competitions to be held on July 23, September 10, October 15, and November 5, 2011.

Sponsor: Mayor/Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Vernon Brown and seconded by Council Member Dean Karsky to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Ray Hoffman informed the City Council that Luciano's would be opening next week.

Ryan Hutchinson, representing Best Buy, stated that the company is interested in partnering in some way with the City and the Events Center project.

Tim Stanga said people want it known that there wasn't anybody at last week's City Council Meeting who represented those who did not want the Events Center or those who are undecided.

UNFINISHED BUSINESS

11. New 2011-12 Retail Malt Beverage License for The Little Cellar Wine Company LLC, The Little Cellar Wine Company, to be operated at 2316-2318 South Louise Avenue, effective 7-1-11, with the Special Use Permit (2008-09-19) being approved on 10-01-08.

Sponsor: Mayor/Attorney

12. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey's Retail Company, Casey's General Store #2174, to be operated at 1705 West Burnside Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).

Sponsor: Mayor/Attorney

13. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey's Retail Company, Casey's General Store #2334, to be operated at 701 South Sycamore Avenue, effective July 1, 2011 (previously licensed as Package Malt Beverage).

Sponsor: Mayor/Attorney

14. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey's Retail Company, Casey's General Store #2343, to be operated at 1809 East Rice Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).

Sponsor: Mayor/Attorney

15. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey's Retail Company, Casey's General Store #2351, to be operated at 901 East Benson Road, effective July 1, 2011 (previously licensed as Package Malt Beverage). Security Management Plan submitted for underage sales violation.

Sponsor: Mayor/Attorney

16. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey's Retail Company, Casey's General Store #2464, to be operated at 500 North Kiwanis Avenue, effective July 1, 2011 (previously licensed as Package Malt Beverage).

Sponsor: Mayor/Attorney

17. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Cubby's Inc., Cubby's West 49th, to be operated at 2101 West 49th Street, effective July 1, 2011 (previously licensed as Package Malt Beverage). Security Management Plan submitted for underage sales violation.

Sponsor: Mayor/Attorney

18. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Cubby's Inc., Cubby's West 12th Truck Stop #403, to be operated at 4700 West 12th Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).

Sponsor: Mayor/Attorney

19. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Jon Faulds, Jon Faulds Amoco, to be operated at 3308 West Russell Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).

Sponsor: Mayor/Attorney

20. Special One-Day Liquor License requests for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street, for wedding receptions on June 25, July 16, August 13 and 27, September 10 and 24, and October 1, 2011.

Sponsor: Mayor/Attorney

21. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Home Builders Association of the Sioux Empire to be operated at Home Federal Bank, including parking area, 225 South Main Avenue, for the Association Appreciation Night on July 13, 2011.

Sponsor: Mayor/Attorney

22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Home Builders Association of the Sioux Empire to be operated at Home Builders Association of the Sioux Empire, 6904 South Lyncrest Place, for the General Membership Meeting on November 17, 2011.

Sponsor: Mayor/Attorney

23. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Feisty Fighters to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for a wine tasting event on November 22, 2011.

Sponsor: Mayor/Attorney

24. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Sister Cities Association, to be operated on Phillips Avenue from 5th Street north to 2nd Street, for the German Fest to be held on September 10, 2011.

Sponsor: Mayor/Attorney

25. Special One-Day Malt Beverage and Wine License requests for the Sioux Falls Irish Club, to be operated on Phillips Avenue from 5th Street north to 2nd Street, for the Irish Fest to be held on July 23, 2011.

Sponsor: Mayor/Attorney

26. Various Retail Malt Beverage, Package Malt Beverage, and Package Malt Beverage South Dakota Farm Winery License renewals for 2011-12 to be

operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.

Sponsor: Mayor/Attorney

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to defer Bauer Enterprises, Pump 'N Pak, on North Cliff, and Walgreens, on South Cliff, to Tuesday, July 5, 2011, at 7:00 p.m.

Council Member Michelle Erpenbach withdrew her motion. Council Member Dean Karsky agreed to the withdrawal.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve Items 11 to 26, with one vote.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to amend by deferring, inside Item 26, Bauer Enterprises, Pump 'N Pak, on North Cliff, and Walgreens on South Cliff, to Tuesday, July 5, 2011, at 7:00 p.m.

Vote to amend: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

DEFERRED (from the meetings of December 6, 2010, January 3, 2011, February 14, 2011, and April 18, 2011). 2nd Reading: AN ORDINANCE OF THE
27. CITY OF SIOUX FALLS, SD REZONING PROPERTY AT 412 E. 12TH ST. FROM THE C-3, CENTRAL BUSINESS DISTRICT TO SUBAREA E OF THE BEADLE GREENWAY PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2010-09-02, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance for Item 27.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
28. SECTION 27-41 OF ARTICLE III OF CHAPTER 27, "PARKS AND RECREATION" OF THE REVISED ORDINANCES OF THE CITY BY REVISING RECREATION AND FACILITY FEES.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Vernon Brown and seconded by Council Member

Sue Aguilar to adopt said Ordinance for Item 28.

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to amend Section 27-41 Recreation Activity and Facility fees, to be lowered as follows: Daily admission child at family aquatic centers, \$2.00; and Daily admission child at swimming pools, \$1.00.

Vote to amend: Roll Call: Yeses, Vernon Brown, James Entenman, 2.
Noes, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 6.

Motion Failed.

A motion was made by Council Member James Entenman and seconded by Council Member Vernon Brown to amend Section 27-41, section e, Rental Fees, by raising the wedding location reservation fee of \$50.00, and the Terrace or McKennan Band Shell reservation fee of \$50.00, and raising them both to \$75.00.

Vote to amend: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
29. AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING LICENSE FEES ISSUED BY THE PUBLIC HEALTH DIRECTOR.

Sponsor: Mayor/Health Department

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance for Item 29.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
30. AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE SCHEDULE OF RATES TO BE CHARGED BY THE CITY LIGHT AND POWER DEPARTMENT FOR FURNISHING ELECTRIC CURRENT FOR LIGHT AND POWER PURPOSES AS FOUND IN CHAPTER 41 "UTILITIES."

Sponsor: Mayor/Public Works

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adopt said Ordinance for Item 30.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
31. AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 18
THEREOF TO DECREASE RATES AT THE LANDFILL IN SECTIONS 18-30(b) AND 18-30
(n).

Sponsor: Mayor/Public Works

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance for Item 31.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
32. AMENDING THE REVISED ORDINANCES OF THE CITY BY INCREASING WATER RATES AS
FOUND IN CHAPTER 41 "UTILITIES."

Sponsor: Mayor/Public Works

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to adopt said Ordinance for Item 32.

A substitute motion was made by Council Member Kenny Anderson Jr. to change the increase to 9% for 2012, 2013 and 2014. Motion dies for lack of a second.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 7.
Noes, Kenny Anderson Jr., 1.

Motion Passed.

Set a hearing date and 2nd Reading for Tuesday, July 5,
2011, at 7:00 p.m., on Item 33:

DEFERRED (from the meeting of June 13, 2011). 1st Reading: AN
33. ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED
ORDINANCES OF THE CITY BY REPEALING THE THREE YEAR EXPIRATION FOR
RESIDENTIAL RENTAL UNIT REGISTRATIONS.

Sponsor: City Council/Aguilar and Anderson, Jr.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to set a date hearing and 2nd Reading for Tuesday, July 5, 2011, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Set a hearing date and 2nd Reading for Tuesday, July
5, 2011, at 7:00 p.m., on Item 34:

DEFERRED (from meeting of June 13, 2011). 1st Reading: AN

34. ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY CHARGING A REPLACEMENT FEE FOR RELOADABLE FARE CARDS FOR TRANSIT.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, July 5, 2011, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Set a hearing date and 2nd Reading for Tuesday, July 5, 2011, at 7:00 p.m., on Item 35:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3801 W. 41ST ST. FROM THE C-4, PLANNED COMMERCIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO.2011-05-07, 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 set a date of hearing and 2nd Reading for Tuesday, July 5, 2011, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

36. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF JAMES SIDERAS EFFECTIVE JULY 21, 2011.

Sponsor: Mayor/Human Resources

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution for Item 36.

Vote to adopt: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF JAMES SIDERAS EFFECTIVE JULY 21, 2011.

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

That it gives its advice and consent to the following mayoral appointment:

James Sideras, Fire Chief

ADJOURNMENT

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adjourn at 9:38 p.m.

Vote to adjourn: Roll Call: Yeses, Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

Denise D. Tucker, 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.