

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, May 9, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Rex Roling

Council Member Sue Aguilar

Council Member Kenny Anderson Jr. Council Member Greg Jamison

Council Member Vernon Brown

Council Member James Entenman

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Pastor Phil Wiseman, The Ransom Church

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PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

Boy Scout Troop 16, Sioux Falls, SD, sponsored by Messiah New Hope

\* Lutheran Church

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Monday, May 2, 2011, at 4:00 p.m.

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City Council Meeting of Monday, May 2, 2011, at 7:00 p.m.

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COMMUNICATIONS

A communication was received from Philanthropy Promotions, Inc. stating its intent to sell raffle tickets from May 15, 2011, to July 9, 2011, for a 2011 Harley-Davidson Wide Glide valued at \$15,099. The proceeds will be used for making a donation to the Make-A-Wish Foundation of South Dakota as part of Hot Harley Nights. Tickets will be sold for \$25.00 each.

1.

Sponsor: SDCL 22-25-25

A communication was received from Sanford Health requesting permission to consume, but not sell, wine and malt beverages at the Sanford Center, 2301 East 60th Street North, on Saturday, May 14, 2011 from 2:30 p.m. until 7:00 p.m. This activity will be included in an event following the American Diabetes Association's Step Out: Walk to Stop Diabetes and Tour de Cure.

2.

Sponsor: SDCL 35-1-5.3

A communication was received from Brett Lorang seeking permission to consume but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 West 6th Street, on Friday, August 26, 2011 from 6:00 p.m. until 11:00 p.m. with the purpose being a wedding reception.

3.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Lincoln County; and the City Attorney for Sioux Falls:

Lifestyle Builders, C/O Neil Stoll, 7301 Grand Arbor Court South, for 2009 Property Taxes in the amount of \$1,398.90 and for 2010 Property Taxes in the amount of \$1,411.74. An error had been made in an identifying entry or description of the property, in entering the valuation thereof or in the extension of the tax.

4.

Sponsor: SDCL 10-6B-13

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

Dianne Payton, 3016 S. Glendale Avenue, for 2010 taxes in the amount of \$467.68. Monies requested are the difference between the elderly freeze and the non elderly freeze.

5.

Sponsor: SDCL 10-6B-13

Shirley Moore, 2409 S. Blauvelt Avenue, for 2010 property taxes in the

6. amount of \$844.04. Monies requested are the difference between the elderly freeze and the non elderly freeze.

Sponsor: SDCL 10-6B-13

7. Sheila Felker, 1108 W. 57th Street., 304B, for 2010 property taxes in the amount of \$205.73. Monies requested are the difference between the elderly freeze and the non elderly freeze.

Sponsor: SDCL 10-6B-13

8. Robert Blewett, 6106 Chickadee Place, for 2010 property taxes in the amount of \$584.44. Applicant qualifies for the property tax exemption.

Sponsor: SDCL 10-4-40

9. Ritchie Wilson, 4705 W. 38th Street, for 2010 property taxes in the amount of \$1,428.37. Applicant qualifies for the property tax exemption.

Sponsor: SDCL 10-4-40

10. Jeffrey Merrell, 4803 Thad Place, for 2010 property taxes in the amount of \$412.16. Applicant qualifies for the property tax exemption.

Sponsor: SDCL 10-4-40

11. John Sweeney, 6504 W. Cheyenne Drive, for 2010 property taxes in the amount of \$1,428.37. Applicant qualifies for the property tax exemption.

Sponsor: SDCL 10-4-40

12. Theodore Kistler, 4417 S. Larch Avenue, for 2010 property taxes in the amount of \$1,428.37. Applicant qualifies for the property tax exemption.

Sponsor: SDCL 10-4-40

13. Douglas Fenstermaker, 3409 W. Norie Place, for 2010 property taxes in the amount of \$1,428.37. Applicant qualifies for the property tax exemption.

Sponsor: SDCL 10-4-40

#### NOTICE OF HEARINGS

Set a date of hearing for Monday, June 13, 2011, at 7:00 p.m. for Item 14:

14. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REPAIR, REPLACE CONCRETE DRIVEWAY AND/OR SIDEWALK AT VARIOUS LOCATIONS.

Sponsor: Mayor/Engineering and Finance

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Sue Aguilar and seconded by Council Member

Dean Karsky to approve the Regular Agenda.

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

Motion Passed.

#### PUBLIC INPUT

Robert Kolbe encouraged the City Council Members to review a historical monument on North Cliff Avenue and gave directions on how to find it.

Michael R. Sullivan, Executive Director of Sioux Falls Sports Authority Board, distributed a letter and spoke regarding supporting the Events Center.

Anita Wetsch, and her daughter Molly, spoke regarding the Events Center.

Tim Stanga spoke regarding: the \$3.8 million tax money and street repairs; hiring someone to study naming rights; and he wanted to know "how much time is being spent on discussing the Events Center when there are other topics that may need attention too".

Ted Thoms spoke regarding the Events Center.

Andy Traub spoke regarding the Events Center.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for the City Council Meeting on Monday, May 16, 2011, at 7:00 p.m. for Item 15:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
15. AMENDING THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS, SD, BY AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES.

Sponsor: Mayor/City Attorney

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 the City Council Meeting on Monday, May 16, 2011, at 7:00 p.m. for Item 15.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rex Roling, 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 the City Council Meeting on Monday, May 16, 2011, at 7:00 p.m. for Item 16:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
16. PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Parks and Recreation -- \$197,000).

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for the City Council Meeting on Monday, May 16, 2011, at 7:00 p.m. for Item 16.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

17. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO CHANGE THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETING TIME FROM 5:00 P.M. TO 5:30 P.M. ON THE THIRD MONDAY OF EACH MONTH.

Sponsor: City Council/ Jamison and Erpenbach

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 17.

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

Motion Passed.

A RESOLUTION [OF THE CITY OF SIOUX FALLS, SD, TO CHANGE THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETING TIME FROM 5 P.M. TO 5:30 P.M. ON THE THIRD MONDAY OF EACH MONTH].

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the Joint City Council/Minnehaha County Commission meeting will be held at 5:30 p.m. on the third Monday of each month.

This resolution is necessary for the support of the municipal government and its existing public institutions and shall take effect upon its passage and publication.

18. A RESOLUTION GIVING THE ADVICE AND CONSENT OF THE CITY COUNCIL OF THE CITY OF SIOUX FALLS, SD, TO THE EXPENDITURE OF FUNDS FROM THE BIG SIOUX RIVER ENVIRONMENTAL TRUST FUND. (\$1,914,328.00).

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Dean Karsky and seconded by Council Member Vernon Brown to adopt said Resolution for item 18.

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

Motion Passed.

A RESOLUTION GIVING THE ADVICE AND CONSENT OF THE CITY COUNCIL OF THE CITY OF SIOUX FALLS, SD, TO THE EXPENDITURE OF FUNDS FROM THE BIG SIOUX RIVER ENVIRONMENTAL TRUST FUND.

WHEREAS, Ordinance No. 91-96 of the City of Sioux Falls, SD, requires the advice and consent of the Sioux Falls City Council to the expenditure of funds from the Big Sioux River Environmental Trust Fund; and

WHEREAS, the current balance of the Big Sioux River Environmental Trust Fund is \$1,914,328.00 with interest accruing; and

WHEREAS, the Mayor of Sioux Falls, SD, has determined that the remainder balance inclusive of interest of said trust fund should be expended to improve beneficial uses of the Big Sioux River and public lands located along the Big Sioux River by constructing the improvements from Sixth Street to Tenth Street as identified in the Downtown Sioux Falls River Greenway Master Plan; and

WHEREAS, the City of Sioux Falls, SD, has solicited the advice of Lyon County, IA, Lincoln County, SD, and Minnehaha County, SD, as required by the Order of the United States District Court for the District of South Dakota, Southern Division, of September 12, 1996, in file CR96-40004, United States of America v. John Morrell and Company; and

WHEREAS; it appears that the expenditure of the remainder balance inclusive of interest of the Big Sioux River Environmental Trust Fund would be a proper expenditure from said trust fund;

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

That the City Council of the City of Sioux Falls, SD, does hereby give its advice and consent to the expenditure of the remainder balance inclusive of interest of the Big Sioux River Environmental Trust Fund to pay for the construction of the improvements from Sixth Street to Tenth Street as identified in the Downtown Sioux Falls River Greenway Master Plan.

ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adjourn at 8:05 p.m.

Vote to adjourn: Roll Call: Yeses, Dean Karsky, Rex Roling, 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.