

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, July 18, 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 Rolfing

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

Councilor Vernon Brown

*

PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

* Boy Scout Troop #150, East Side Lutheran Church

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Monday, July 11, 2011, at 4:00 p.m.

*

City Council Meeting of Monday, July 11, 2011, at 7:00 p.m.

*

COMMUNICATIONS

- A communication was received from Spader Business Management requesting
1. permission to consume, but not sell, wine and beer at The Old Courthouse Museum, 200 West 6th Street, on Friday, September 9, 2011, from 5:00 p.m. to 8:00 p.m., for a company party.

Sponsor: SDCL 35-1-5.3

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed.

PUBLIC INPUT

Melvin Vandentopspoke to the City Council about a Resolution he would like to have them send to South Dakota's U.S. Representative Kristi Noem and U.S. Senators Tim Johnson and John Thune, regarding HR 1489: Return to Prudent Banking Act of 2011 and H.R. 2451: Glass-Steagall Restoration Act of 2011.

Tam Baker expressed concerns about the River Ramp parking structure.

UNFINISHED BUSINESS

2. New 2011-12 Retail Malt Beverage License for F&H Repair Service Inc., Faini Designs Jewelry Studio, to be operated at 6203 South Old Village Place, with the Conditional Use Permit (2011-05-01) being approved on 06-01-11.

Sponsor: Mayor/Attorney

3. New 2011 Retail Wine License for F&H Repair Service Inc., Faini Designs Jewelry Studio, to be operated at 6203 South Old Village Place, with the Conditional Use Permit (2011-05-01) being approved on 06-01-11.

Sponsor: Mayor/Attorney

4. New 2011-12 Retail Malt Beverage License for Larry Michael Lang, Michael's Steakhouse of Dodge City, to be operated at 2501 West Russell Street (full
- 1

service restaurant; CUP not required).

Sponsor: Mayor/Attorney

- New 2011 Retail Wine License for Larry Michael Lang, Michael's Steakhouse of
5. Dodge City, to be operated at 2501 West Russell Street (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

6. Special One-Day Liquor License for Downtown Sioux Falls to be operated at Falls Park West, on Phillips Avenue from 5th Street north to 2nd Street, for Downtown LIVE on August 20, 2011.

Sponsor: Mayor/Attorney

7. Special One-Day Liquor License for Southeastern Behavioral Healthcare to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the Festival of Trees on November 18, 2011.

Sponsor: Mayor/Attorney

8. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on August 26, September 20, October 14 and 15, November 19, and December 10, 2011.

Sponsor: Mayor/Attorney

9. Special One-Day Liquor License for SMG to be operated at the Orpheum Theater, 315 North Phillips Avenue, for a wedding reception on August 13, 2011.

Sponsor: Mayor/Attorney

10. Special One-Day Off-Sale Package Wine License for the Sioux Falls Jazz & Blues Society to be operated at the Sioux Falls Convention Center, 1211 North West Avenue, for the Expo for Her on October 14-15, 2011.

Sponsor: Mayor/Attorney

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve Items 2 through 10 with one vote.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

- DEFFERRED (from meetings of June 13, 2011 and July 5, 2011) 2nd Reading:
11. AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING CHAPTER 22 OF THE REVISED ORDINANCES OF THE CITY AND AMENDING CHAPTERS 23 AND 28 OF THE REVISED ORDINANCES OF THE CITY BY INCLUDING SECONDHAND GOODS DEALERS AND GUN DEALERS AND DEALERS IN PRECIOUS METALS OR PRECIOUS GEMS.

Sponsor: Mayor/Police

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to adopt said Ordinance for Item 11.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend by adding to Sec. 28-1 Definitions - Chief of Police means the chief officer of the Sioux Falls police department or his or her designee who shall be an employee of the Sioux Falls police department or other person designated by the chief; however, such non-employee designee shall be with advice and consent of the city council.

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend Section 28-1 Definitions for Secondhand goods dealer - to add subsection E. Transactions by secondhand goods dealers in goods or articles of the type listed under the definition of secondhand goods dealer to the extent that such good or article is contained in and integrated into a motor vehicle and said motor vehicle is the good or article actually being transacted.

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend Section 28-3 and removing 'Casual purchase by dealer in precious metals or precious gems' from the title and adding 'Certain purchases of the inventory of other businesses'. Removing the word 'casual' before 'purchase' and adding 'by a pawnbroker, dealer in precious metals or precious gems, gun dealer or secondhand goods dealer licensed under this chapter'; removing after the word 'any' the sentence 'precious metal or precious gem previously sold at retail, or coins, nor to purchases at an occasional coin or antique show, the primary purpose of which is showing, rather than buying or selling the regulated articles'; and adding "regulated article from another pawnbroker, dealer in precious metals or precious gems, gun dealer or secondhand goods dealer licensed under this chapter if the purchase is with the purpose of buying up the entire inventory of the purchasee. Nor do the provisions of this chapter apply to the purchase by a pawnbroker, dealer in precious metals or precious gems, gun dealer or secondhand goods dealer licensed under this chapter of any new, unused, not previously sold at retail regulated article purchased by said pawnbroker, dealer in precious metals or precious gems, gun dealer or secondhand goods dealer from the inventory of a business with a state sales tax license issued by the state of South Dakota or any other state if the purchase is done with the purpose of buying up the entire inventory of the purchasee."

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council

Member Sue Aguilar to amend Section 28-4. Trades against new, unused items - by adding 'with higher fair market value' to the end of the title. And adding 'which is of higher value than the used or traded article' after the word 'value.'"

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend 28-15. Records required - by removing 'or his designee' from subsections (a), (b) and (c); also in subsection (c), replacing 'police department or its designee' with 'chief of police'; and removing subsection (d).'

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend Sec. 28-16. Access to Records - by removing the words 'the city police' and adding 'a member of the property crimes section of the city police department or his or her supervisor. Such inspections shall be for purposes of determining compliance with this chapter.'

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend Sec. 28-19. Hold orders - by changing all references of 90 days to 45 days."

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend Sec. 28-20. Articles available for inspection - by removing 'city police officers' and adding after the word inspection 'for purposes of determining compliance with this chapter. Such inspections shall be by a member of the property crimes section of the city police department or his or her supervisor'.

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend Sec. 28-22. Fixed premises and license required -

by adding subsection (c) Nothing in this section is intended to prohibit the occasional receipt of articles by a pawnbroker, dealer in precious metals or precious gems, gun dealer or secondhand goods dealer off the licensed premises. However, any such article received shall be recorded and reported in according to the provisions of section 28-15 and held on the licensed premises according to the provisions of section 28-17."

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

Motion Passed.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, August 1, 2011, at 7:00 p.m. for Item 12:

12. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 59TH ST. AND S. LOUISE AVE. FROM THE O, OFFICE DISTRICT AND THE 57TH ST. EAST PLANNED DEVELOPMENT DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2011-06-05, 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 James Entenman and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Monday, August 1, 2011, at 7:00 p.m. for Item 12.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, August 1, 2011, at 7:00 p.m. for Item 13:

13. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-06-02, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 5400 E. ARROWHEAD PARKWAY OR AMENDING THE RED ROCK PARK PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Monday, August 1, 2011, at 7:00 p.m. for Item 13.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, August 1, 2011, at 7:00 p.m. for Item 14:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 124 S. ELMWOOD AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE
14. I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2011-05-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends denial.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to defer the 1st Reading to Monday, August 1, 2011, at 7:00 p.m., and the 2nd Reading to Monday, August 15, 2011, at 7:00 p.m. for Item 14.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

15. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Sponsor: Mayor

A motion was made by Council Member James Entenman and seconded by Council Member Vernon Brown to adopt said Resolution for Item 15.

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

Motion Passed.

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Michael Ness	Arena/Convention/Entertainment Center Board	Appointed for a term from July 2011 to July 2016 (to replace Susan E. Scott).
Ryan Pidde	Arena/Convention/Entertainment Center Board	Appointed for a term from July 2011 to July 2016 (to replace Lee B. Otis).
Ben Arndt	Arena/Convention/Entertainment Center Board	Appointed for a term from July 2011 to May 2014 (to fill the unexpired term of Kraig Pomrenke).

16. A RESOLUTION CORRECTING DISTRICTS FOR THE MEMBERS OF THE DISTRICTING COMMISSION FROM RESOLUTION 51-11.

Sponsor: City Council/Kenny Anderson Jr. and Dean Karsky

A motion was made by Council Member Rex Rolfinf and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution for Item 16.

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

Motion Passed.

A RESOLUTION CORRECTING DISTRICTS FOR THE MEMBERS OF THE DISTRICTING COMMISSION FROM RESOLUTION 51-11.

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

That the following persons are hereby appointed as members of the districting commission for the districts as indicated below. The appointments are effective until the adoption of a districting plan pursuant to the charter.

Name Party Affiliation District

Ann Reeve Randall Democrat Southeast

Mary Helen Glenski Democrat Northeast

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adjourn at 8:19 p.m.

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