

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, November 21, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

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

Mayor Mike T. Huether

INVOCATION

Councilor Rex Rolfing

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Mary Jo Beal and Scott Wick Day, November 21, 2011

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World AIDS Day, December 1, 2011

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

#### MINUTES

Informational Meeting of Monday, November 14, 2011, at 4:00 p.m.

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City Council Meeting of Monday, November 14, 2011, at 7:00 p.m.

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#### COMMUNICATIONS

1. Approval of Contracts/Agreements on November 14, 2011 memo.

Sponsor: Mayor/Finance

2. Notice of Amendments/Change Orders on November 14, 2011 memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: November 3, 2011; Unleaded Ethanol; 8,500 gallons; Harms Oil (3.0600); CHS, Inc., Howes Oil and Olson Oil, all no bids. Bid awarded to: Harms Oil.

Sponsor: Mayor/Finance

4. Report of Request for Quotes for Fuel: November 10, 2011; Unleaded Ethanol; 8,500 gallons; CHS, Inc. (2.9910); Howes Oil (3.0225); Harms Oil and Olson Oil, both no bids. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Finance

A communication was received from Preventive Health Strategies stating their intent to sell raffle tickets after Wednesday, November 30, 2011, to Tuesday, February 14, 2012. If the minimum number of tickets has not been sold by the drawing date, the drawing will be postponed until such a date as the minimum has been achieved. The winner will be awarded title in fee simple absolute to 159.7 +/- acres of prime South Dakota farmland (Aurora Township, NE 1/4, Section 6-103-64, valued at approximately \$366,100.00). Five hundred tickets will be sold for \$1,000.00 each. The proceeds will be used to provide charitable activities within the strategic mission of PHS.

Sponsor: SDCL 22-25-25

6. A communication was received from the Sioux Falls Youth Hockey Association stating their intent to sell raffle tickets from Monday, December 12, 2011, to Sunday, March 4, 2012, for a 2012 Toyota Prius (valued at approximately \$25,000.00). Tickets will be sold for \$100.00

each. The proceeds will be for the utilization and maintenance of the ice facilities.

Sponsor: SDCL 22-25-25

#### APPLICATIONS

7. Special One-Day Liquor License request for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for a business reception on December 16, 2011.

Sponsor: Mayor/Attorney

8. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2012 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.

Sponsor: Mayor/Attorney

#### NOTICE OF HEARINGS

Set a date of hearing for Monday, December 5, 2011, at 7:00 p.m. for Items 9 and 10:

9. Transfer of a 2011-12 Retail Malt Beverage License from Coco Palace LLC, Coco Palace, 2530 South Louise Avenue, to Li Zhu Xiu Ying LLC, Coco Palace Two, to be operated at 2530 South Louise Avenue (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

10. Transfer of a 2011 Retail Wine License from Coco Palace LLC, Coco Palace, 2530 South Louise Avenue, to Li Zhu Xiu Ying LLC, Coco Palace Two, to be operated at 2530 South Louise Avenue (full service restaurant; CUP not required).

Sponsor: Mayor/Attorney

#### REGULAR AGENDA ITEMS

##### APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend the main motion and Regular Agenda by adding an Item 22, as read by the Assistant City Clerk.

The Assistant City Clerk read the title into the record, "Approval of Contracts/Agreements on November 18, 2011 memo."

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

Motion Passed.

Vote to approve the main motion, as amended: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, Greg Jamison, Dean

Karsky, Rex Rolwing, Sue Aguilar, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Tim Stanga spoke about the celebration after the Events Center election and how the community needs to work together.

#### PETITIONS

- Conditional Use Permit Appeal (2011-08-11): 6011 - 6700 E. Rice St. The Conditional Use Permit was to allow a metal recycling processing facility. The Planning Commission approved the conditional use permit with the following stipulations: 1) Final Landscaping Plans with berms, screening and schedule of plants to be submitted to the Planning Office for final approval by the Planning Director/Designee; 2) A Site Management Plan will require approval of the Planning & Health Departments prior to the issuance of building permits; 3) Maximum height for evergreen (coniferous) trees used as part of the screening shall be six (6) feet.
- 11.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to approve the Conditional Use Permit Appeal.

A motion was made by Council Member Vernon Brown and seconded by Council Member Dean Karsky to amend the main motion by adding salvage yard operation to this conditional use permit.

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

Motion Passed.

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

Motion Passed.

#### UNFINISHED BUSINESS

- Special One-Day Wine License for Senior Citizens Services Inc., to be held at Active Generations, 2300 West 46th Street, for the Cocktails and Canvas Art Class on December 6, 2011.
- 12.

Sponsor: Mayor/Attorney

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to approve a Special One-Day Wine License for Senior Citizens Services Inc.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Vernon Brown, James

Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
13. THE REVISED ORDINANCES OF THE CITY FOR LICENSED MANUFACTURED HOME PARKS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance 87-11.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
14. AMENDING THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS, SD, BY REVISING BOUNDARIES FOR VOTING PRECINCTS AS SET FORTH IN SECTION 14-2 OF CHAPTER 14, ELECTIONS.

Sponsor: City Council/Jamison and Erpenbach

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Ordinance 88-11.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE "CITY"), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO PAY THE COSTS to design, construct, equip, and furnish a multipurpose Events Center and associated site improvements at the CURRENT site OF THE SIOUX FALLS convention center, and the cost of issuance thereof, and PLEDGING A  
15. PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF an amended and restated indenture of trust BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TA  
X  
REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$115,000,000 plus costs of issuance, CAPITALIZED INTEREST, IF ANY, AND debt service reserve funds.

Sponsor: Mayor/Finance

A motion was made by Council Member Vernon Brown and seconded by Council Member James Entenman to adopt said ordinance.

A substitute motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to adopt said Ordinance 89-11, an amended ordinance

with grammatical changes as discussed by Doug Hajek.

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

Motion Passed.

16. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR SNOW REMOVAL OPERATIONS.

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 90-11.

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

Motion Passed.

Set a date of hearing and 2nd Reading and 2nd Reading for Monday, December 5, 2011, at 7:00 p.m. for Item 17:

17. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
PROPERTY AT 611 S. DAKOTA AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT  
TO THE RA-2, RESIDENTIAL DISTRICT, PETITION NO. 2011-10-09 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 Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Monday, December 5, 2011, at 7:00 p.m. for Item 17.

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

Motion Passed.

Set a date of hearing and 2nd Reading and 2nd Reading for Monday, December 5, 2011, at 7:00 p.m. for Item 18:

18. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR  
AMENDMENT, PETITION NO. 2011-10-05 TO CHAPTER 15.45.070, PLANNED  
DEVELOPMENT DISTRICTS, AT THE NE CORNER OF 60TH ST. N. AND N. GRANITE  
LANE. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Monday, December 5, 2011, at 7:00 p.m. for Item 18.

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

Motion Passed.

Set a date of hearing and 2nd Reading and 2nd Reading for Monday, December 5, 2011, at 7:00 p.m. for Item 19:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. WESTERN AVE. AND W. 95TH ST. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT; THE S, INSTITUTIONAL DISTRICT; AND THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2011-10-06 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 Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Monday, December 5, 2011, at 7:00 p.m. for Item 19.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

20. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF THE SHADOW VALLEY ADDITION. (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 James Entenman to adopt said Resolution 99-11.

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

Motion Passed.

#### RESOLUTION NO. 99-11

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF THE SHADOW VALLEY ADDITION.

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

That the preliminary plan of the Shadow Valley Addition to the City of Sioux Falls, Lincoln County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 11/21/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

21. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 814 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.

Sponsor: Mayor/Human Resources

A motion was made by Council Member Sue Aguilar and seconded by Council Member Vernon Brown to adopt said Resolution 100-11.

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

Motion Passed.

RESOLUTION NO. 100-11

A RESOLUTION [APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 814 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS].

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

1. That the collective bargaining agreement between the City of Sioux Falls and Local814 of the International Association of Firefighters providing for terms and conditions of employment for nonmanagement employees for the period from January 1, 2012, through December31, 2013, is hereby approved by the City Council.
2. That the terms and conditions of the collective bargaining agreement shall become effective January 1, 2012.

Date adopted: 11/21/11 .

Mike T. Huether

Mayor

ATTEST:

Sue Roust, Interim

City Clerk

NEW BUSINESS/ITEMS ADDED AFTER DEADLINE

COMMUNICATIONS

HYPERLINK "javascript:loadAgendaItem Approval of Contracts/Agreements on (38118,false);" 22. November 18, 2011 memo.

Sponsor: Mayor/Finance

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



Kenny Anderson Jr. to approve.

A motion was made by Council Member Vernon Brown and seconded by Council Member Kenny Anderson Jr. to amend by changing the memo date to November 17, 2011.

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

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Greg Jamison to adjourn at 9:06 p.m.

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