

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, April 9, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolwing

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Pastor Phill Tague, The Ransom Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

\* Mayors Day of Recognition for National Service, April 9, 2013

Purple Up! For Military Kids Day, April 12, 2013

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

#### MINUTES

Informational Meeting of Tuesday, April 2, 2013, at 4:00 p.m.

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Regular City Council Meeting of Tuesday, April 2, 2013, at 7:00 p.m.

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#### COMMUNICATIONS

1. Approval of Contracts/Agreements on April 4, 2013 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on April 4, 2013 memo.

Sponsor: Mayor/Finance

3. A communication was received from Jennifer Olson and Paul Ambrose requesting permission to consume, but not sell, wine and beer at the Old Courthouse Museum, 200 West Sixth Street, on April 20, 2013, from 9:00 a.m. to 12:00 a.m. for the purpose of a wedding reception.

Sponsor: SDCL 35-1-5.3

4. A communication was received from Frank Mellion requesting permission to consume, but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 West Sixth Street, on October 4, 2013, from 5:00 p.m. to 12:00 a.m. for the purpose of a wedding reception.

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:

5. Kingswood Development Corp, Parcel 281.33.00.A00, Cinnamon Ridge Addition Tract A, Sioux Falls, Lincoln County, for 2012 property taxes in the amount of \$25.38. The City of Sioux Falls purchased 907 square feet. The property is exempt from the tax.

Sponsor: SDCL 10-18-1

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 14, 2013, at 7:00 p.m. for Item 6:

6. A PROPOSED RESOLUTION AMENDING THE CITY OF SIOUX FALLS ENGINEERING DESIGN STANDARDS.

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 James Entenman to approve the Regular Agenda.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to defer Item 16 to the City Council Meeting of Tuesday, April 16, 2013, at 7:00 p.m.

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

Motion Passed.

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

Motion Passed.

PUBLIC INPUT

There was none.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
7. APPROVING THE RELEASE OF A PERMANENT EASEMENT LOCATED IN LOT 11A OF BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to adopt said Ordinance No. 17-13.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
8. APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 15 AND 16, BLOCK 12, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to adopt said Ordinance No. 18-13.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
9. APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN LOTS 6A AND 7A, BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 19-13.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
10. APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 1A, 2A, 3A, 4A, 5A, 6A, AND 14A, BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to adopt said Ordinance No. 20-13.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
11. APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 15 OF BLOCK 1, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS; AND IN LOT 2 OF BLOCK 12, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member James Entenman and seconded by Council Member Greg Jamison to adopt said Ordinance No. 21-13.

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

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
12. AMENDING THE CODE OF ORDINANCES OF THE CITY BY EXPANDING CHAPTER 30: CITY COUNCIL, SUBCHAPTER NAMING FACILITIES.

Sponsor: City Council

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Sue Aguilar to adopt said Ordinance No. 22-13.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council

Member Dean Karsky to amend Section 30.060 by adding the sentence, "gardens, walks, fields, or other landscaped areas of less than permanent duration," between the word "are" and "park benches" in Line (a), and replacing the word "amenities" with the word "fixtures" in Line (b).

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

Motion Passed.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, April 16, 2013, at 7:00 p.m. for Item 13:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
13. CHAPTERS 50 AND 52 OF THE CODE OF ORDINANCES OF THE CITY REGARDING  
REGULATION OF NONESSENTIAL USES OF WATER.

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, April 16, 2013, at 7:00 p.m.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 14, 2013, at 7:00 p.m. for Item 14:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
14. APPROVING THE RELEASE OF A PORTION OF A PERMANENT UTILITY EASEMENT  
LOCATED IN LOT 6, BLOCK 2, SIOUX EMPIRE DEVELOPMENT PARK THREE EAST  
ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA, AND  
VACATED PUBLIC RIGHT-OF-WAY IN SECTION 4, T101N, R49W OF THE 5TH  
PRINCIPLE MERIDIAN, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, May 14, 2013, at 7:00 p.m.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

15. A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM. (Public Works - Street)

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Resolution No. 26-13.

Vote to adopt: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolfig, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 26-13

A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM.

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

That the 2013-2017 Capital Program shall be amended as follows:

Public Works-Street

Amend the Other Capital Expenditures Program by adding a concrete trailer in 2013. The estimated cost is \$27,000.

Amend the Other Capital Expenditures Program by adding an asphalt hot box in 2013. The estimated cost is \$48,000.

Amend the Other Capital Expenditures Program by adding a hydro hammer in 2013. The estimated cost is \$23,000.

The additional funding will not require an increase in appropriations as the funding will be provided by a reduction in the following Sales/Use Tax OCEP items in Street:

OCEP No. Amount Description

13-01(\$40,000)Air Compressor

13-02(\$40,000)Air Compressor

13-03(\$18,000)Manhole Cover

Date adopted: 04/09/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

16. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE OVERLOOK CAF FOR THE MANAGEMENT OF THE OVERLOOK CA

F.

Sponsor: Mayor/Parks and Recreation

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, May 14, 2013, at 7:00 p.m. for Item 17:

17. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. MARKEY AVE.  
FROM NORTH RIGHT-OF-WAY LINE OF W. TICKMAN ST. TO SOUTH

RIGHT-OF-WAY LINE OF W. CAYMAN ST.

Sponsor: Mayor/Public Works

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to set a hearing date for Tuesday, May 14, 2013, at 7:00 p.m.

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

Motion Passed.

Set a hearing date for Tuesday, May 14, 2013, at 7:00 p.m. for Item 18:

18. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON A PORTION OF  
W. RUSSELL ST. RIGHT-OF-WAY AS SHOWN ON EXHIBIT A.

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Roling and seconded by Council Member Sue Aguilar to set a hearing date for Tuesday, May 14, 2013, at 7:00 p.m.

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

Motion Passed.

NEW BUSINESS

19. Approve the Mayor's appointment of Chad Huwe, City Engineer, for nominee for Director and Delegate, and Trent Lubbers, Utilities Systems Administrator, to serve as Alternate, to represent the City of Sioux Falls at official meetings for the Lewis and Clark Rural Water System.

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to approve the Mayor's appointments.

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

Motion Passed.

ADJOURNMENT

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to adjourn at 7:40 p.m.

Mayor Huether called for a voice vote and all members present voted yes.

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) 367-8080 (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: INFORMATIONAL MEETINGS AIR LIVE ON TUESDAYS EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY 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](http://WWW.SIOUXFALLS.ORG). LINKS TO EACH MEETING'S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.