

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, November 19, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member James Entenman

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Hunger and Homelessness Awareness Month - November, 2013

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VISITOR RECOGNITION

Boy Scout Troop 731, Holy Spirit Church

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* Boy Scout Troop 346

* University of Sioux Falls students

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, November 12, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, November 12, 2013, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on November 14, 2013 memo.

Sponsor: Mayor/Finance

2. Report of Requests for Quotes for Fuel dated: November 7, 2013; #2 Clear Diesel; 7,500 gallons; Harms Oil (\$3.4230); CHS, Inc., Howes Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Sioux Area Metro

3. Report of Requests for Quotes for Fuel dated: November 8, 2013; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.5637); Howes Oil (\$2.5885); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

4. Report of Requests for Quotes for Fuel dated: November 12, 2013; #1 & #2 Dyed Diesel Fuel (2500 #1/5000 #2); 7,500 gallons; Harms Oil (\$3.2315 for #1 & \$3.0250 for #2); CHS, Inc., Howes Oil, Olson Oil, and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

5. A communication was received from Staci Limoges and Steve Peters requesting permission to consume, but not sell, wine and/or malt beverages at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, November 30, 2013 from 2:00 p.m. until 5:00 p.m. for a wedding reception.

Sponsor: SDCL 35-1-5.5

6. A communication was received from AIGA South Dakota (American Institute of Graphic Arts) requesting permission to consume, but not sell, wine and malt beverages at the South Dakota Design Center, 108 West 11th Street, on Thursday, December 5, 2013, from 6:30 p.m. until 9:00 p.m. for their annual Christmas Party.

Sponsor: SDCL 35-1-5.5

- A communication was received from the Avera Fitness Center requesting
7. permission to consume, but not sell, wine and beer at the Avera Fitness Center, 3400 S. Southeastern Ave., on Friday, December 6, 2013 from 6:00 p.m. until 12:00 a.m. for a Christmas Party.

Sponsor: SDCL 35-1-5.5

APPLICATIONS

8. Amendment of the Special One-Day Liquor License for Sanford Health to be operated at the Sanford Health Pentagon, 2210 Pentagon Place for a NCAA Basketball Game between the University of South Dakota and Northern State University on November 2, by changing it to a NCAA Basketball Game between the University of South Dakota and Drake University on November 21, 2013.

Sponsor: Mayor/Attorney

9. Special One-Day Malt Beverage, Special One-Day Wine, and Special One-Day Off-Sale Package Wine Dealer Licenses for the Multi-Cultural Center of Sioux Falls to be operated at 515 North Main Avenue for a fundraiser event on December 7, 2013.

Sponsor: Mayor/Attorney

10. Amendment of the Special One-Day Liquor Licenses for Sanford Health to be operated at the Sanford Health Pentagon, 2210 Pentagon Place for all 2013-14 Home Season games for the Skyforce between November 22, 2013 and April 5, 2014, and for possible playoff games between April 6 and May 31, 2014, by rescinding the Special One-Day Liquor License issued for game to be held on December 25, 2013.

Sponsor: Mayor/Attorney

11. Special One-Day Liquor License request for Prairie Pasta Inc., to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a wedding on January 3, 2014.

Sponsor: Mayor/Attorney

12. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2014 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 Tuesday, December 3, 2013, at 7:00 p.m. on Items 13 through 19:

13. Transfer of 2013-14 Retail Malt Beverage License from DKPM Ventures LLC, Shooters Pub, 2309 West Madison Street to Stanton Inc, Business Name to be determined, 2309 West Madison Street with Conditional Use Permit (2013-10-18) being approved on November 6, 2013.

Sponsor: Mayor/Attorney

Transfer of 2013 Retail Liquor License from Brett Erickson, Happy Jacks

14. Sioux Falls IV, 1211 East Benson Road to Sue Erickson, Happy Jacks Sioux Falls IV, 1211 East Benson Road with Conditional Use Permit (2006-01-13) being approved on February 1, 2006.

Sponsor: Mayor/Attorney

15. Renewal of 2014 Retail Liquor License for Sue Erickson, Happy Jacks Sioux Falls IV, 1211 East Benson Road.

Sponsor: Mayor/Attorney

16. Special One-Day Liquor License for Ramkota Companies Inc, Best Western Ramkota Inn to be operated at Avera Health, 3900 West Avera Drive for an employee Christmas party on December 6, 2013.

Sponsor: Mayor/Attorney

17. Special One-Day Wine License for the Democratic Forum of Sioux Falls to be operated at Women's History Club, 758 South Phillips Avenue for a fundraiser on December 7, 2013.

Sponsor: Mayor/Attorney

18. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Hospital & University Health Center to be operated at Avera Prairie Center 1000 East 23rd Street for a Chamber Mixer on December 10, 2013.

Sponsor: Mayor/Attorney

19. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sanford Health to be operated at the Sanford Health Pentagon, 2210 Pentagon Place for a Skyforce game on December 25, 2013.

Sponsor: Mayor/Attorney

Set a date of hearing for Tuesday, December 10, 2013, at 7:00 p.m. on Item 20:

20. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER, SIDEWALK, AND ASPHALT SURFACING ON W. 85TH ST. FROM S. LOUISE AVE. TO S. MINNESOTA AVE.

Sponsor: Mayor/Public Works

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

21. New 2014 Retail Liquor License, including Sunday Sales and video lottery terminals, for Paul Saxton, Bogtrotters Pub, Grub & Tap to be operated at 201 East 11th Street with the Conditional Use Permit (2012-11-15) being approved on January 9, 2013. Pending final inspections per Fire, Health and Building Services.

Sponsor: Mayor/City Attorney

22. Rescind 2013-14 Retail Malt Beverage License for Paul Saxton, Bogtrotters Pub, Grub & Tap to be operated 201 East 11th Street, effective January 1, 2014.

Sponsor: Mayor/City Attorney

23. New 2014 Package Liquor License for Dominique Fontenille, Liquid Warehouse to be operated at 230 South Phillips Avenue, Suite 100.

Sponsor: Mayor/City Attorney

24. Transfer of 2013 Retail Wine License from Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to Sarum Ouch, Phnom Penh Restaurant Asian Cuisine be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

25. Transfer of 2013-2014 Retail Malt Beverage License from Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to Sarum Ouch, Phnom Penh Restaurant Asian Cuisine to be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

26. Transfer of 2013 Retail Wine License from Jerry Vanloh, Jacky's Restaurant & Bakery to Everilda Vanloh, Jacky's Restaurant & Bakery to be operated at 702 East 8th Street with the Conditional Use Permit (2006-02-02) being approved on April 5, 2006.

Sponsor: Mayor/City Attorney

27. Transfer of 2013-2014 Retail Malt Beverage License from Jerry Vanloh, Jacky's Restaurant & Bakery to Everilda Vanloh, Jacky's Restaurant & Bakery to be operated at 702 East 8th Street with the Conditional Use Permit (2006-02-02) being approved on April 5, 2006.

Sponsor: Mayor/City Attorney

28. Renewal of 2014 Retail Wine License for Everilda Vanloh, Jacky's Restaurant & Bakery to be operated at 702 East 8th Street.

Sponsor: Mayor/City Attorney

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering
29. America Inc., Chef Dominique's, to be operated at Nordic Venture Partners, 221 South Phillips Avenue, Suite 202 for a Holiday Party Open House on December 5, 2013.

Sponsor: Mayor/City Attorney

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue for a Holiday Party on December 7, 2013.

Sponsor: Mayor/City Attorney

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street for the Hearts in Healing fundraiser on February 1, 2014.

Sponsor: Mayor/City Attorney

Special One-Day Liquor License for Avera McKennan Foundation to be operated at Avera Prairie Center, 1000 East 23rd Street for The Big Grape fundraiser on April 11, 2014.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to approve Items 21 through 32.

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, December 3, 2013, at 7:00 p.m. for Item 33:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 7901 S. WESTERN AVE. FROM THE AG, AGRICULTURAL DISTRICT AND WINDSWEPT/TIMBER ESTATES PD DISTRICT TO THE RS-1, RESIDENTIAL DISTRICT AND RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2013-08-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.
33.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to set a date of hearing and 2nd Reading for Tuesday, December 3, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 3, 2013, at 7:00 p.m. for Item 34:

34. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY ON CHAPTER 38: ELECTIONS.

Sponsor: City Council/City Clerk's Office

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, December 3, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

The following action was taken at the City Council Meeting on Tuesday, December 3, 2013, for Item 34 at the approval of the Consent Agenda:

A motion was made by Council Member Kermit L. Staggers and seconded by Council Member Michelle Erpenbach to amend the Consent Agenda by amending the minutes for the City Council Meeting on Tuesday, November 19, 2013 by amending the vote on Item 34 to reflect a unanimous vote.

Vote to amend: Roll Call: Yeses, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 3, 2013, at 7:00 p.m. for Item 35:

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Police, \$140,000.00)

Sponsor: Mayor/Finance

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, December 3, 2013, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE
36. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. (ANNEXATION 2013-09-
16-KUHLE'S)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Resolution 92-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 92-13

ANNEXATION 2013-09-16-KUHLE'S

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
3. There is adequate provision for municipal utilities and access to the major street network.

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

That the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby extended to include such territory:

Kuhle's Tract 2 (ex H-1), E1/2 of the SE1/4 of the SW1/4 of Section 16-T101N-R50W of the 5th P.M., and adjacent 265th St. (Highway 42) right-of-way, Minnehaha County, South Dakota

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 11/19/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

37. A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS' LEGISLATIVE PRIORITIES FOR THE 2014 STATE LEGISLATIVE SESSION.

Sponsor: City Council

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to adopt said Resolution 93-13.

A motion was made by Council Member Dean Karsky and seconded by Council Member Greg Jamison to amend said Resolution by removing the sentence "The Sioux Falls City Council supports legislation adopting a statewide ban for text-based communication while operating a motor vehicle."

Vote to amend: Roll Call: Yeses, Greg Jamison, Dean Karsky, Kermit L. Staggers, 3. Noes, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Rex Rolwing, 4.

Motion Failed.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 93-13

A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS' LEGISLATIVE PRIORITIES FOR THE 2014 STATE LEGISLATIVE SESSION.

WHEREAS, the City Charter states that the Sioux Falls City Council is the policy making and legislative body of the City of Sioux Falls; and

WHEREAS, the Sioux Falls City Council serves on the South Dakota Municipal League's policy committees and supports the League's 2014 Statements of Policy;

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

That the Sioux Falls City Council, in conjunction with the South Dakota Municipal League, opposes any legislation which would inhibit municipalities from providing services requested by citizens in whatever form the citizens approve and opposes any legislation that restricts local control over taxation and spending.

The Sioux Falls City Council supports legislation increasing the number of months an underage alcohol violation can be counted from 24 to 36 months when considering suspension or revocation.

The Sioux Falls City Council supports legislation giving municipalities the authority to restrict the possession of firearms or any dangerous weapon in any building occupied as official offices of municipal officials or any building where the municipal governing body officially meets on a regular basis.

The Sioux Falls City Council supports legislation restricting the use of carrier licenses by prohibiting alcoholic beverages in taxicabs.

The Sioux Falls City Council supports legislation adopting a statewide ban for text-based communication while operating a motor vehicle.

Date adopted: 11/19/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Rolwing and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 94-13.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Kermit L. Staggers, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 94-13

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

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 City of Sioux Falls Engineering Design Standards adopted by Resolution 91-12 are hereby amended by revising Chapter 9, Sanitary Sewers; Chapter 10, Water Mains. The revised chapters are attached to this resolution by reference.

Date adopted: 11/19/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to adjourn at 7:42 p.m.

Mayor Mike Huether called for a voice vote. All members 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. 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.