

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, August 21, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Michelle Erpenbach Council Member Sue Aguilar

Council Member Greg Jamison Council Member James Entenman

Council Member Dean Karsky

Council Member Rex Rolwing

Mayor Mike T. Huether

INVOCATION

Pastor Jason Mueller, The Ransom Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 6. Noes, 0.

Motion Passed.

MINUTES

City Council Meeting of Tuesday, August 14, 2012, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on August 16, 2012 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on August 16, 2012 memo.

Sponsor: Mayor/Finance

3. Report of Request for Quotes for Fuel: August 8, 2012; #2 Dyed Diesel Fuel, 7500 Gallons; CHS Inc. (\$3.3450); Harms Oil, Howes Oil, Midwest Oil, and Olson Oil, all no bids. Bid awarded to: CHS Inc.

Sponsor: Mayor/Public Works

4. A memorandum dated August 14, 2012, declaring surplus a capital item that will be disposed of as junk.

Sponsor: Mayor/Finance

5. A communication was received from the Home Builders Association of the Sioux Empire stating their intent to sell raffle tickets on October 25, 2012 for a prize of half the value of the 50/50 raffle. Tickets will be sold for \$5.00 for one ticket, \$10.00 for three tickets, or \$20.00 for the length of wingspan. The proceeds will go to support the educational and charitable activities of the Home Builders Association of the Sioux Empire.

Sponsor: SDCL 22-25-25

6. A communication was received from St. Therese Parish stating their intent to sell raffle tickets from September 8-30, 2012, with a letter being mailed to the parishioners on August 15, 2012 for a prize of a 32" Vizio HDTV valued at \$279.00; a Kindle Fire valued at \$199.00; Walmart Gift Card for \$100.00; and Spezia/Bracco Gift Card valued at \$100.00. Tickets will be sold for \$1.00 per ticket or \$10.00 for 12 tickets. The proceeds will go toward Youth Ministry Programs and St. Therese's operating fund.

Sponsor: SDCL 22-25-25

7. A communication was received from the South Dakota Interior Designers Group requesting permission to consume, but not sell, malt beverage and/or wine, at the Sioux Falls Design Center, 108 West 11th Street, on Tuesday, August 28, 2012 from 6:00 p.m. to 9:00 p.m. for a special event.

Sponsor: SDCL 35-1-5.3

#### APPLICATIONS

8. Special One-Day Liquor License request for SMG to be operated at the Orpheum Theater, 315 North Phillips Avenue, for a Juke Box Zeroes concert on September 8, 2012.

Sponsor: Mayor/City Attorney

9. Special One-Day Wine License request for Dakota Golf Management Inc., to be operated at Elmwood Golf Course, 2604 West Russell Avenue, for a Golf Banquet on September 16, 2012.

Sponsor: Mayor/City Attorney

10. Special One-Day Liquor License request for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street, for a wedding reception on September 28, 2012.

Sponsor: Mayor/City Attorney

11. Special One-Day Liquor License request for Prairie Pasta Inc., d/b/a Carino's Italian, to be operated at the Old Courthouse Museum, 200 West 6th Street, for a wedding reception on October 13, 2012.

Sponsor: Mayor/City Attorney

12. Special One-Day Liquor License requests for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for a Washington High School Class of '62 Reunion on September 8, 2012, and wedding receptions on October 12th and 13th, 2012 and a RASE Realtors for Kid's Auction on October 25th, 2012.

Sponsor: Mayor/City Attorney

#### NOTICE OF HEARINGS

Set a date of hearing of hearing for Tuesday, September 4, 2012, at 7:00 p.m. on Items 13 through 22:

13. Transfer of a 2012 Retail Liquor License from Dakota Billiards Inc, Bigs Sports Bar & Casino, 3100 West 12th Street, to D & K Enterprises, LLC, Bigs Sports Bar & Billiards, 3100 West 12th Street, with Conditional Use Permit (2012-07-02) being approved on August 1, 2012.

Sponsor: Mayor/City Attorney

14. New 2012 Retail Wine License for WR Golf Management Inc., Willow Run Golf Course, 8000 East Highway 42 (CUP not required; this is addition to an existing license which predates the ordinance).

Sponsor: Mayor/City Attorney

15. New 2012-13 Retail Malt Beverage License for Sid's Crown Liquor, LLC, Sid's Crown Liquor, 330 South 1st Avenue with the Conditional Use Permit (2012-07-03) being approved on 08-01-12.

Sponsor: Mayor/City Attorney

16. New 2012 Retail Wine License for Sid's Crown Liquor, LLC, Sid's Crown Liquor, 330 South 1st Avenue with the Conditional Use Permit (2012-07-03) being approved on 08-01-12.

Sponsor: Mayor/City Attorney

17. New 2012-13 Retail Malt Beverage License for Starz, LLC, Starz, 2209 West 57th Street, with the Conditional Use Permit (2012-07-06) being approved on August 1, 2012.

Sponsor: Mayor/City Attorney

18. New 2012 Retail Wine License for Starz, LLC, Starz, 2209 West 57th Street, with the Conditional Use Permit (2012-07-06) being approved on August 1, 2012.

Sponsor: Mayor/City Attorney

19. New 2012-13 Package Malt Beverage for B&D Group Investments LLC, Nutty's Pub & Casino, 3400 West 49th Street (CUP not required; this is an addition to an existing license which predates the ordinance).

Sponsor: Mayor/City Attorney

20. New 2012 Retail Wine License for B&D Group Investments LLC, Nutty's Pub & Casino, 3400 West 49th Street (CUP not required; this is an addition to an existing license which predates the ordinance).

Sponsor: Mayor/City Attorney

21. New 2012-13 Package Malt Beverage License for Hy-Vee, Inc., Hy-Vee Gas #4, 5201 West 26th Street with Conditional Use Permit (2012-04-01) being approved on May 2, 2012.

Sponsor: Mayor/City Attorney

22. Special One-Day Wine License request for Senior Citizens Services Inc., to be held at Active Generations, 2300 West 46th Street, for the Cocktails and Canvas Art Class on September 25, 2012.

Sponsor: Mayor/City Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to amend the main motion by deferring Item 32 to Tuesday, September 4, 2012, at 7:00 p.m.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

The main motion, as amended, was voted on at this time.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr.,

Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

PUBLIC INPUT

Theresa Stehly addressed the Council regarding the use of snow gates and thanked Mayor Huether for supporting the testing of snow gates in Sioux Falls. She said she appreciates the frugal attitude of the City Council, the financial well-being of the City, and various projects undertaken by the City of Sioux Falls.

Tracy Saboe addressed the texting ban proposed by the City and feels this will be a prelude to additional restrictions.

Tim Stanga spoke regarding the proposed texting ban, questioned why the City Directors appear not to specifically answer questions, and he feels the City Council dropped the ball on the decision on the naming rights. He also addressed the indoor facilities being proposed in Sioux Falls.

UNFINISHED BUSINESS

23. Transfer of a 2011-2012 Retail Wine License from Tokyo Sushi and Hibachi LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, to B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

24. Transfer of a 2011-2012 Retail Malt Beverage License from Tokyo Sushi and Hibachi LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, to B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

25. Renewal of the 2012-2013 Retail Malt Beverage for B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

26. New 2012 Retail Wine License for Olive Destination, Inc., Olive Destination, to be operated at 5023 South Louise Avenue, with the special use permit (2012-06-16) being approved on July 18, 2012.

Sponsor: Mayor/City Attorney

27. 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 16, 2012.

Sponsor: Mayor/City Attorney

28. Special One-day Beer and Special One-day Wine Licenses for Avera McKennan Foundation to be operated at Perspective, 196 East 6th Street, for the Paint the Night Pink fundraiser event on October 19, 2012.

Sponsor: Mayor/City Attorney

29. Special One-Day Liquor License 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 wedding on September 29, 2012.

Sponsor: Mayor/City Attorney

30. Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for weddings on June 1, 2013 and September 28, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to approve Items 23 through 30.

Vote to approve: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

31. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING SECTION 2-5 REGARDING INFORMATIONAL MEETINGS AND WORKING SESSIONS OF THE CITY COUNCIL.

Sponsor: City Council

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt Ordinance No. 68-12.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 40 TO RESTRICT THE USE OF WIRELESS COMMUNICATION DEVICES AND AMENDING THE ESTABLISHMENT OF SPEED ZONES.

Sponsor: City Council

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 33:

33. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO PERFORM MARKETING SERVICES FOR THE NEW EVENTS CENTER AND THE SIOUX FALLS ARENA AND CONVENTION CENTER.

Sponsor: Mayor/Community Development

A motion was made by Council Member Jamison and seconded by Council Member Roling to set a date of hearing and 2nd reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 33.

Vote to set a date: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 34:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
PROPERTY AT 18TH ST. AND 22ND ST., BETWEEN MENLO AVE. AND PRAIRIE AVE.,  
34. FROM THE RS-2 AND RD, RESIDENTIAL DISTRICTS TO THE SANFORD USD MEDICAL  
CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2012-06-17, AND  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.  
(Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 34.

Vote to set a date: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 35:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR  
AMENDMENT, PETITION NO. 2012-07-08, TO CHAPTER 15.45.070, PLANNED  
35. DEVELOPMENT DISTRICTS, AT W. 58TH ST. AND S. ROLLING GREEN AVE. ALLOWING  
CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.  
(Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 35.

Vote to set a date: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 36:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
36. ARTICLE II OF CHAPTER 23 AND ARTICLE VII OF CHAPTER 26 OF THE REVISED  
ORDINANCES OF SIOUX FALLS, SD.

Sponsor: Mayor/Police

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, September 4, 2012, at 7:00 p.m. on Item 36.

Vote to set a date: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

37. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SANFORD HEALTH AND UNITED NATIONAL CORPORATION FOR THE TITLE SPONSORSHIP OF THE EVENTS CENTER AND THE EVENTS CENTER COMPLEX.

Sponsor: Mayor/Community Development

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to adopt said Resolution No. 67-12.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 67-12

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SANFORD HEALTH AND UNITED NATIONAL CORPORATION FOR THE TITLE SPONSORSHIP OF THE EVENTS CENTER AND THE EVENTS CENTER COMPLEX.

WHEREAS, the City of Sioux Falls (the "City") is constructing a 12,000 seat Events Center which will be contiguous with the existing Sioux Falls Convention Center and Sioux Falls Arena (the "Events Center Complex"); and

WHEREAS, Sanford Health ("Sanford") is the parent company of an integrated health care delivery system which owns and operates hospitals, clinics, skilled nursing facilities and other health care facilities in North Dakota, South Dakota, Minnesota, Iowa, Nebraska and other locations;

WHEREAS, United National Corporation ("UNC") has two major subsidiaries located in the City: First PREMIER Bank, a South Dakota banking corporation and PREMIER Bankcard, LLC, a South Dakota limited liability company (collectively, "PREMIER").

WHEREAS, Denny Sanford acquired UNC 25 years ago and has become a leading philanthropist in Sioux Falls and the region. In honor of Denny Sanford's 25 years of giving to the Sioux Falls Community, Sanford and UNC desire to become the Title Sponsors of the Events Center and Events Center Complex;

WHEREAS, both Title Sponsors believe that the Events Center is an important addition to the economic, cultural and recreational vitality of Sioux Falls. The Title Sponsors have generously pledged Eighteen Million Seven Hundred and Fifty Thousand Dollars (\$18,750,000) to be made in 25 annual payments.

WHEREAS, In addition to the amount listed in the preceding paragraph, Sanford is making to the City a cash donation in the amount of Two Million Dollars to defray all or a portion of the cost of purchasing and installing in the Events Center a center hung scoreboard, video ribbon boards (approximately 750 feet), an exterior digital board and related equipment appropriate for the Events Center. The donation is above and beyond the public investment of One Hundred Fifteen Million Dollars (\$115,000,000), and is made to ensure the Events Center is a first class facility;

WHEREAS, the Events Center will be named the "Denny Sanford PREMIER Center" and



the Events Center Complex will be referred to as "Sanford Place" while the existing Sioux Falls Arena and Sioux Falls Convention Center will at this time retain their historic names;

WHEREAS, at the end of the 25 year term from the date of the opening of the Events Center, the Title Sponsors may elect to indefinitely extend the terms of the Agreement for the life of the Events Center by paying an additional lump sum payment in the amount of \$15,000,000; and

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

Section 1. The document attached to and part of this Resolution entitled, "Title Sponsorship Agreement," wherein the Title Sponsors agree to pay, over the course of 25 years from thirty days prior to the Opening Date of the Events Center through the 24th anniversary of the date of opening of the Events Center \$18,750,000 in exchange for naming the Events Center the "Denny Sanford PREMIER Center" and naming the Events Center Complex as "Sanford Place," with an option at the end of the term to extend the terms of the Agreement for the life of the Events Center by paying an additional lump sum payment in the sum of \$15,000,000, is approved.

Section 2. The Mayor is authorized to sign the Title Sponsorship Agreement after it is ratified and executed by Sanford and UNC.

Section 3. The City accepts from Sanford a \$2,000,000 cash donation for paying all or a portion of the cost of purchasing and installing in the Events Center a center hung scoreboard and video ribbon boards (approximately 750 feet), an exterior digital board and equipment related to all of the foregoing items.

Section 4. The Mayor is authorized, when the parties to the Title Sponsorship Agreement determine by mutual agreement, to complete and sign Exhibit A which sets forth the Opening Date and Exhibits B and C to include designs for the Denny Sanford PREMIER Center Logo and the Sanford Place Logo.

Section 5. The City shall publish the Resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 08/21/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adjourn at 8:13 p.m.

The Mayor called for a voice vote. All members presented voted yes.

Lorie Hogstad, CMC

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 THE FIRST, SECOND, THIRD, AND LAST TUESDAYS OF EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND LAST 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 THIRD TUESDAY OF EACH MONTH AT 5:30 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 MEETINGS' 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.