

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, May 21, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Rex Roling

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Dr. Erich McCandless, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, May 14, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, May 14, 2013, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on May 16, 2013 memo.

Sponsor: Mayor/Finance

2. Ice Storm Vendor Agreements/Amendments Listing dated May 16, 2013.

Sponsor: Mayor/Purchasing

3. Report of Request for Quotes for Fuel: May 9, 2013; #2 Dyed Diesel Fuel; 1000 Gallons; Stern Oil (\$3.450); Howes Oil (\$3.319); Midwest Oil (\$3.339). Bid awarded to: Howes Oil.

Sponsor: Mayor/Water Reclamation

4. Report of Request for Quotes for Fuel: May 10, 2013; #2 Dyed Diesel Fuel; 7500 Gallons; Harms Oil (\$3.1050); Howes Oil (\$3.1150); CHS Inc. (\$3.1940); Midwest Oil and Olson Oil, no bids. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

5. A communication was received from Avera McKennan Hospital & University Center requesting permission to consume, but not sell, wine and malt beverage at the Avera Institute for Human Genetics, 3720 West 69th Street, on June 13, 2013, from 5:00 p.m. to 7:30 p.m. for a ribbon cutting.

Sponsor: SDCL 35-1-5.3

6. A communication was received from Passenger Productions requesting permission to consume, but not sell, wine and beer at the Sioux Falls Design Center, 108 West 11th Street, on June 14, 2013, from 6:00 p.m. to 10:00 p.m. for a presentation of Passenger's work.

Sponsor: SDCL 35-1-5.3

7. A communication was received from Angie Wixon requesting permission to consume, but not sell, wine at The Old Courthouse Museum, 200 West Sixth Street, on July 27, 2013, from 2:00 p.m. to 5:00 p.m. for a wedding reception.

Sponsor: SDCL 35-1-5.3

8. A communication was received from J&R Mechanical stating their intent to conduct a raffle for a pink furnace valued at \$2,500.00 and 10 spring furnace cleaning and checks valued at \$100.00 each. The tickets will be sold from July 1, 2013 through October 31, 2013 at a cost of one ticket for \$5.00 or five tickets for \$20.00 with the proceeds used for cancer programs at Sanford and Avera Medical Centers.

Sponsor: SDCL 22-25-25

APPLICATIONS

9. Special One-Day Liquor Licenses for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street for special events on the following dates: June 1, August 24, August 31, September 14, and September 21, 2013.

Sponsor: Mayor/City Attorney

10. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Sister Cities to be operated at Falls Park West, Falls Park Drive for the Germanfest to be held on September 7, 2013.

Sponsor: Mayor/City Attorney

11. Special One-Day Malt Beverage License for Argus Leader Media Foundation to be operated at Big Sioux River Greenway between 6th & 8th Streets (Cherapa) Amphitheatre for Tour Sioux Falls on June 29, 2013.

Sponsor: Mayor/City Attorney

12. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2013-14 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, June 4, 2013 at 7:00 p.m. on Items 13 through 15:

- Transfer of 2013 Package Liquor License from Lambo's Inc., Lambo's to Everest Gas and Convenience, LLC, Everest Gas and Convenience, LLC, to be operated at 3501 West 49th Street (CUP not required).

Sponsor: Mayor/City Attorney

14. Transfer of 2013 Retail Liquor License from International Restaurant Champions Inc., Champps, to WAM, LLC, name to be determined, to be operated at 2101 West 41st Street, Suite 24, including Sunday Sales (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

15. Transfer of 2013 Retail Liquor License from El Corona LLC, El Corona, 2401 East 10th Street, #101 to Pancakes and More, Inc., Pancakes and More d/b/a Original Pancake House, 2715 West 41st Street, including Sunday Sales (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

Set a date of hearing for Tuesday, June 11, 2013 at 7:00 p.m. on Item 16:

16. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF SIDEWALK ON N. CLIFF AVE. FROM E. BENSON RD. TO E. 60TH ST. N.

Sponsor: Mayor/Public Works/Engineering

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 Michelle Erpenbach and seconded by Council Member Dean Karsky to amend the Regular Agenda by moving Item 26 before Item 20.

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

Motion Passed.

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

Motion Passed.

PUBLIC INPUT

Roger Elgersma spoke regarding selling and consuming alcohol at the Falls Overlook Caf in Falls Park.

UNFINISHED BUSINESS

17. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma Butterfly House and Marine Cove, to be operated at 4320 South Oxbow Avenue, for a Siouxland Republican Women fundraiser on June 13, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to approve Item 17.

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

Motion Passed.

18. Special One-Day Liquor License for South Dakota National Guard Enlisted Association to be operated at J & L Harley Davidson, 2601 West 60th Street North, for the 2013 Enlisted Association of the National Guard of the United States 42nd Annual Conference All Area Night on August 20, 2013.

Sponsor: Mayor/City Attorney

- Special One-Day Liquor License for Philanthropy Promotions Inc., J&L
19. Harley Davidson, 2601 West 60th Street North, for the National
Association of State Aviation Officials event on September 30, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to approve Item 18 and Item 19.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, 7. Noes, 0. Council Member James Entenman was excused from the meeting and the vote on these items.

Motion Passed.

Item 26 was heard at this time. See item for action taken.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
20. TRANSFERRING REAL PROPERTY (1111 N. DULUTH AVE.) TO THE AFFORDABLE
HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Ordinance No. 29-13.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
21. TRANSFERRING REAL PROPERTY (612 S. WILLOW AVE.) TO HABITAT FOR HUMANITY
OF GREATER SIOUX FALLS, INC. PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Ordinance 30-13.

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

Motion Passed.

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
22. TRANSFERRING REAL PROPERTY (1020 S. SHERMAN AVE.) TO THE AFFORDABLE
HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

A motion was made by Council Member Rex Rolwing and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 31-13.

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

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
23. TRANSFERRING REAL PROPERTY (821 N. SHERWOOD AVE.) TO THE AFFORDABLE HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Ordinance 32-13.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

24. A RESOLUTION APPOINTING AN AUDIT COMMITTEE MEMBER TO THE CITY COUNCIL AUDIT COMMITTEE.

Sponsor: Audit Committee

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to adopt said Resolution No. 38-13.

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

Motion Passed.

RESOLUTION NO. 38-13

A RESOLUTION APPOINTING AN AUDIT COMMITTEE MEMBER TO THE CITY COUNCIL AUDITCOMMITTEE.

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

That the City Council appoints the following members to serve on the Audit Committee pursuant to Ordinance 120-05, Section 32.022 of the Code of Ordinances of Sioux Falls, SD:

Name	Committee	Term
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Arnold Martens Audit Committee Appointed for a term from May 2013 to May 2016.

Date adopted: 05/21/13

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Resolution 39-13.

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

Motion Passed.

RESOLUTION NO. 39-13

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
Kari Benz	Board of Health/Falls Community Health Center Governing Board	Reappointed for a term from May2013 to May 2016.
Linda Karnof	Board of Health/Falls Community Health Center Governing Board	Appointed for a term from May2013 to December 2013 (to fill the unexpired term of David Bear).
Nathan Kasselder	Falls Community Health Center Governing Board	Appointed for a term from May2013 to May 2016 (to replace Samuel Gayetaye).
Jennifer Dumke	Board of Historic Preservation	Appointed for a term from May2013 to June 2014 (to fill the unexpired term of Elizabeth Barry).
Ed Lund	Board of Historic	Appointed for a term from May2013 to

	Preservation	May 2016 (to replace Jeff Dunn).
Adam Nyhaug	Board of Historic Preservation	Reappointed for a term from May2013 to May 2016.
Sarah Bouwman	Human Relations Commission	Appointed for a term from May2013 to May 2018 (to replace Rod Carlson).
Vicki Harkness	Human Relations Commission	Appointed for a term from May2013 to May 2018 (to replace Kathy Knobloch).
John Jones	Human Relations Commission	Appointed for a term from May2013 to May 2018 (to replace Qadir Aware).
Jack Mortenson	Human Relations Commission	Appointed for a term from May2013 to May 2018 (to replace Val Ahrendt).
Henry Scere II	Human Relations Commission	Appointed for a term from May2013 to May 2018 (to replace Vaney Hariri).
Jonnie Walker	Human Relations Commission	Appointed for a term from May2013 to May 2018 (to replace Sandra Guzman).

Date adopted: 05/21/13

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

26. A RESOLUTION LIMITING PARATRANSIT SERVICE HOURS.

Sponsor: Mayor/Planning and Building Services

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

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

Motion Failed.

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, June 11, 2013 at 7:00 p.m. for Item 27:

27. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON W. 3RD ST. FROM N. MAIN AVE. TO N. PHILLIPS AVE.

Sponsor: Mayor/Public Works/Engineering

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing for Tuesday, June 11, 2013 for Item 27.

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

Motion Passed.

NEW BUSINESS

Mayor Huether excused himself from the meeting at this time and Council Chair Erpenbach presided for the remainder of the meeting.

28. Election of City Council Chair.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Rex Roling to nominate Council Member James Entenman for City Council Chair.

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

Motion Passed.

29. Election of City Council Vice Chair.

A motion was made by Council Member Rex Roling and seconded by Council Member Sue Aguilar to nominate Council Member Dean Karsky for City Council Vice Chair.

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

Motion Passed.

30. Election of 4th Member to Council Operations Committee.

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to nominate Council Member Rex Roling as the 4th Member to the Council Operations Committee.

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

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Sue Aguilar and seconded by Council Member Rex Roling to adjourn the meeting at 8:25 p.m.

Council Member Michelle Erpenbach called for a voice vote. A members present voted yes.

Tamara Jorgensen, 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.