

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, August 20, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Michelle Erpenbach Council Member James Entenman

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolwing

Mayor Mike T. Huether

INVOCATION

Reed DeVries, Adult Ministry Team Leader for Celebrate Church

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PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

Boy Scout Troop 216 from Sioux Falls

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Boy Scout Troop 99 from Tea

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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 Greg Jamison to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Budget Hearing Meeting of Tuesday, August 13, 2013, at 3:00 p.m.

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City Council Meeting of Tuesday, August 13, 2013, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on August 15, 2013 memo.

Sponsor: Mayor/Finance

2. Report of Requests for Quotes for Fuel dated: August 8, 2013; Diesel (#1 and #2 blend); 564 gallons; Howes Oil (\$1,968.36); Palisades Oil and Midway Service, both no bid. Bid awarded to Howes Oil.

Sponsor: Mayor/Fire Rescue

3. Report of Requests for Quotes for Fuel dated: August 9, 2013; Unleaded; 750 gallons; Howes Oil (\$2,452.50); Midway Service (\$2,383.13); Palisades Oil, no bid. Bid awarded to Midway Service.

Sponsor: Mayor/Fire Rescue

4. A communication was received from the Great Plains Zoo and Delbridge Museum of Natural History requesting permission to consume, but not sell, wine and/or malt beverages at the Great Plains Zoo and Delbridge Museum of Natural History, 805 S. Kiwanis Avenue, on Wednesday, August 28, 2013, from 5:00 p.m. to 8:30 p.m. for the purpose of a party for Zoo supporters.

Sponsor: SDCL 35-1-5.3

5. A communication was received from Ophthalmology Ltd. requesting permission to consume, but not sell, liquor, wine and or/malt beverages at the Old Courthouse Museum, 200 West 6th Street, on Saturday, October 26, 2013, from 3:30 p.m. to 5:00 p.m. for a happy hour following educational programs and events.

Sponsor: SDCL 35-1-5.3

6. A communication was received from John and Teri Olson requesting permission to consume, but not sell, wine and beer at the Sioux Falls Design Center, 108 W. 11th Street, on Thursday, January 2, 2014, from 7:00 p.m. to 12:00 a.m. for the purpose of a wedding rehearsal dinner.

Sponsor: SDCL 35-1-5.3

APPLICATIONS

7. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on September 5, 14, 21, and 28, 2013.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 3, 2013, at 7:00 p.m. for Items 8 through 13:

8. New 2013-14 Package Malt Beverage License for Main and Main LLC, Springhill Suites, to be operated at 4304 West Empire Place, effective October 15, 2013, with the Special Use Permit (2008-03-06) being approved on April 2, 2008.

Sponsor: Mayor/City Attorney

9. New 2013-14 Package Malt Beverage License for Thrifty Smoke Shop, Inc., Smokin' Deals to be operated at 1604 East Tenth Street (CUP not required)

Sponsor: Mayor/City Attorney

10. New 2013 Retail Liquor License, including Sunday Sales, for B.O.B., LLC, Beef O'Brady's, 4021 North Bobhalla Drive (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

11. New 2013 Retail Liquor License, including Sunday Sales and video lottery terminals, for The Brady Bunch, Inc., Beef O'Brady's, 2210 West 69th Street, Suite number to be determined (full service restaurant; CUP not required)

Sponsor: Mayor/City Attorney

12. Special One-Day Malt Beverage and Special One-Day Wine Licenses for House of Kings, Casa Del Rey, to be operated at Avera Prairie Center, 1000 East 23rd Street for a Professional Chefs of the Black Hills fundraiser event on September 21, 2013.

Sponsor: Mayor/City Attorney

13. Special One-Day Malt Beverage and Special One-Day Wine Licenses for KAK Inc., K, to be operated at 8th & Railroad parking Lot, 401 East 8th Street, for a Downtown Block Party on the East Bank on September 6, 2013.

Sponsor: Mayor/City Attorney

Set public hearing date for Tuesday, September 10, 2013, at 7:00 p.m., and set adoption of Resolution for Tuesday, September 17, 2013, at 7:00 p.m., for Item 14:

14. A PROPOSED RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND THE 2014-2018 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to approve the Regular Agenda.

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

Motion Passed.

PUBLIC INPUT

Robert Kolbe gave an overview on the various types of communications and the importance of maintaining paper copies of documents when using technology for archiving.

UNFINISHED BUSINESS

15. New 2013 Retail Liquor License, including Sunday Sales and video lottery terminals, for Sports Zone Inc., The District, 4521 West Empire Place, with the Conditional Use Permit (2012-10-12) being approved on November 7, 2012. Pending final inspections by Health and Building Services.

Sponsor: Mayor/City Attorney

16. New 2013 Retail Wine License for Plum's Cooking Co., Plum's Cooking Company, 401 East 8th Street, Suite 107, with the Special Use Permit (2013-06-08) being approved on July 3, 2013.

Sponsor: Mayor/City Attorney

17. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #115 to be operated at 6509 South Louise Avenue.

Sponsor: Mayor/City Attorney

18. Transfer of 2013 Retail Liquor License, including Sunday Sales, from Empire Restaurants Inc., The Encore at Empire Place, 4200-4300 West Empire Place to River Greenway Hospitality LLC, Hilton Garden Inn Downtown, 201 East 8th Street, effective October 15, 2013 (full service restaurant; CUP not required). Pending final inspections by Building Services.

Sponsor: Mayor/City Attorney

19. Transfer of 2013 Retail Wine License from Main and Main LLC, Springhill Suites, 4304 West Empire Place to Main and Main, LLC, Courtyard by Marriott, 4300 West Empire Place, effective October 15, 2013 (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

20. Transfer of 2013-14 Retail Malt Beverage License from Main and Main LLC, Springhill Suites, 4304 West Empire Place to Main and Main, LLC, Courtyard by Marriott, 4300 West Empire Place, effective October 15, 2013 (full service restaurant; CUP not required).

Sponsor: Mayor/City Attorney

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering

21. America Inc., Chef Dominique's, to be operated at Poet, 4615 North Lewis Avenue for an employee mixer on August 21, 2013.

Sponsor: Mayor/City Attorney

22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Kilian Community College to be operated at 300 East 6th Street for a Chamber Mixer on September 10, 2013.

Sponsor: Mayor/City Attorney

23. Special One-Day Malt Beverage License for the Home Builders Association of the Sioux Empire to be operated at 6904 South Lyncrest Place, for a Membership Meeting on September 19, 2013.

Sponsor: Mayor/City Attorney

24. Special One-Day Malt Beverage 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 18, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to approve Items 15 through 24.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

25. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTERS 91 AND 150 OF THE CODE OF ORDINANCES OF THE CITY TO MODIFY AUTOMATIC FIRE-EXTINGUISHING PROVISIONS FOR MULTIFAMILY RESIDENCES, TO REVISE THE MEMBERSHIP QUALIFICATIONS FOR CERTAIN BOARDS IN CHAPTERS 55 AND 121, AND TO INSERT THE RESPONSIBLE POSITION FOR ADMINISTRATION OF CERTAIN LICENSES IN CHAPTER 110.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 50-13.

A motion was made by Council Member Kermit Staggers and seconded by Council Member Dean Karsky to amend by deleting all references to requirement of sprinkler systems.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Dean Karsky, 2. Noes, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Rex Roling, 5.

Motion Failed.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Rex Roling, 5. Noes, Kermit L. Staggers, Dean Karsky, 2.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 131 "OFFENSES AGAINST THE PUBLIC" BY ADDING SECTION 131.007 "TICKET SCALPING," WHICH WILL PROHIBIT TICKET SCALPING FOR TICKETS BEING SOLD ABOVE FACE VALUE.

Sponsor: Mayor/Finance

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 51-13.

A substitute motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to amend the ordinance by deleting language beginning with 131.007 (a) through (d) and replacing with the following:

(a) It shall be unlawful for any person to resell or attempt to resell a ticket to an event to be held at any sporting event, theatre, music hall, or other place of public entertainment, amusement, or instruction (collectively the "event") for an amount greater than the face value printed on such ticket on the grounds of such event or within a one-half-mile radius of each such event. No ticket stub which has provided the bearer entry to the first game of a double header and serves to provide re-entry to the second game of a double header even at that event may be resold or attempted to be resold for any amount.

(b) For purposes of this section:

(1) "Resell" or "attempt to resell" shall mean to advertise or solicit for resale, and shall include any sale or attempted sale subsequent to the initial offer to the public; and

(2) "Ticket stub" shall mean a portion of a ticket retained by the user which has provided entry to the first game of a double header at that facility and which serves to provide re-entry for the second game.

Vote to adopt: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, 0. Council Member Kermit L. Staggers was excused from the meeting and the vote on this item.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. for Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2811 AND 2901 W. MADISON ST. FROM THE RD, RESIDENTIAL

27. DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2013-07-10 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 Michelle Erpenbach and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. on Item 27.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 731 N. HARLEM AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE

28. I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2013-07-02 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 Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. on Item 28.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-13 TO CHAPTER 160.446, PLANNED

29. DEVELOPMENT DISTRICTS, AT SW CORNER OF W. 86TH PL. AND S LOUISE AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA S REGULATIONS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. on Item 29.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-16 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, AT THE NW CORNER OF W. 77TH ST. AND S. CLIFF AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA D BOUNDARIES 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 Sue Aguilar to defer 1st Reading to Tuesday, September 3, 2013, at 7:00 p.m. on Item 30.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-15 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, NORTH OF E. ARROWHEAD PARKWAY AND EAST OF S. SIX MILE ROAD ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE New SUBAREA G 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 Kenny Anderson Jr. and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, September 3, 2013, at 7:00 p.m. on Item 31.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

32. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WILLOW RUN ADDITION, TRACT 4. 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 Greg Jamison to adopt said Resolution No. 65-13.

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

Motion Passed.

RESOLUTION NO. 65-13

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [WILLOW RUN ADDITION, TRACT 4].

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

That the preliminary plan of [Willow Run Addition, Tract 4] to the City of Sioux Falls, [Minnehaha] 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: 08/20/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor

A motion was made by Council Member Greg Jamison and seconded by Council Member Sue Aguilar to adopt said Resolution No. 66-13.

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

Motion Passed.

RESOLUTION NO. 66-13

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
Paul Amundson	Board of Health	Appointed for a term from August 2013 to August 2015.
Amy Olson	Board of Health	Appointed for a term from August 2013 to August 2016.

Date adopted: 08/20/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adjourn at 8:37 p.m.

Mayor Mike Huether called for a voice vote. All members present voted yes.

Motion Passed.

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 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.