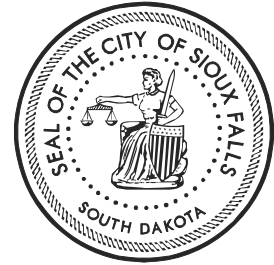


Minutes

Tuesday, October 14, 2008



Public Service Committee

4:55 p.m.
at the Carnegie Town Hall
235 West Tenth Street

Members Present: Vernon Brown, Kermit Stagers, De Knudson, and Kenny Anderson Jr.
Members Absent: None
Staff Present: City Clerk, Debra A. Owen and Assistant City Clerk, Tamara M. Jorgensen
Guests: Council Member Pat Costello, and Dan Statema of Main Street Sioux Falls

1. Call To Order

- Committee Chair Anderson Jr. called the meeting to order at 4:55 p.m.

2. Review and approval of Minutes dated 09/08/08

- A motion was made by Brown and seconded by Stagers to approve said minutes. Anderson Jr. called for a voice vote on the motion. All members present voted yes. **Motion Passed.**

Item 4 was heard at this time. See item for discussion.

3. City Events/Block Party Ordinance

- Anderson stated that the intention to review of the proposed City Events/Block Party Ordinance is to establish a protocol; a set of uniform standards and procedures for all city events and block parties within the city, not necessarily restricted to the downtown area. Part of the proposals include: A detailed explanation packet including forms, contact listings, licenses required, expenses, etc. that will explain what is needed based on the event. Guidelines will include information to cover the following needs (including but not limited to): health, noise, A.D.A. concerns, sanitary arrangements, Police Department responsibilities, Zoning Department concerns, and liability coverage.
 - The group wants to ensure that the city's liability for the events is at a minimum and that each event is covered. Anderson Jr. had attended the August 21, 2008 Downtown Sioux Falls Event Committee. At the meeting and had encouraged input and suggestions from the committee members. At this time, he has not received any feedback from the committee members. Anderson Jr. and Knudson both told Statema that he and members of the committee are welcome to attend future Public Services Committee meetings and to contact members with ideas or suggestions.
 - Anderson Jr. stated that there are no minutes being recorded at these committee meetings and he would like this process to start.
 - At this time, language is in the development stage. However, the ordinances for the City of St. Paul, MN, have been reviewed and may be used as a guideline. Their laws have been in place since 1956 with the most recent revision occurring in 2005.
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- Once completed and enacted, the guidelines and other pertinent data will be made available at the website for the City of Sioux Falls so citizens have easy and efficient access to the information.
- Discussion on this topic will continue at the Public Services Committee Meeting on Monday, November 10, 2008, following the Informational Meeting.

4. Code of Ethics Ordinance

- Owen distributed a copy of a draft of the proposed Board of Ethics ordinances. The drafting process began in December and is a collaborative effort between Council members Kermit Stagers, former Council member Bob Jamison and then City Attorney Gary Colwill. Owen reviewed transcripts of meetings that occurred in December regarding a need for updates/clarification on advisory opinions. Owen stated that the revisions were primarily to clarify Council's intent which became evident at two very lengthy and sometimes heated discussions between the Council and City Attorney Gary Colwill.
- Over the course of the last 3 to 4 Board of Ethics Opinions, Council has expressed a concern in several public meetings regarding the recent request and use of ethics opinions which is something other than first intended by Council when Chapter 12 ½ was first enacted.
- Former Council member Bob Jamison, Council member Kermit Stagers, then City Attorney Gary Colwill and Debra Owen met for two months in the beginning of 2008, to discuss necessary revisions to Chapter 12 ½ in order to keep the original intent of the City Council.
- A summary of the changes include:
 - ⇒ Clarify the definition of advisory opinion. Advisory opinions are intended to benefit the person who is seeking clarification of an ethical issue regarding his/her own current or future conduct.
 - ⇒ Allow the person seeking the advisory opinion (elected official or employee of the city) to elect to keep the opinion confidential.
 - ⇒ Clarify that a copy of the complaint, when filed with the Board of Ethics, shall be sent to the person against whom the complaint was filed within 2 business days.
 - ⇒ Correct a contradiction in law in Article I by separating the powers and duties of the ethics board into a different article. The proposed revision sets forth 3 articles: Article 1, addresses the Board of Ethics powers and duties; Article 2, addresses conduct of employees and boards or commissions of the city; and Article 3, addresses conduct of elected officials.
 - ⇒ Clarify that the attorney for the Board of Ethics shall be the person serving as City Attorney.
 - ⇒ Clean up language inconsistencies.
 - ⇒ Define the term, "Holding Other Office"
- Discussion was held regarding the fact that the guidelines used by the National League of Cities were used to set up the Board of Ethics ordinances. Knudson wanted to know if the same system is 'on the books' for the National League of Cities. The differences in discipline procedures and charter prohibitions between employees, elected officials and appointed positions were discussed at this time.

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- Discussion was held regarding whether or not the definitions of an advisory opinion and a complaint were clear in the revised ordinances. The only changes that were made at this time were to the definition of an advisory opinion.
- Owen stated that the current law (Sec. 12 ½-11 (b) reflects that the City Clerk shall serve as the administrative and secretarial staff to the board. The City Attorney's Office is currently handling these duties. The Council may wish to discuss if this responsibility should remain in the City Clerk's office, at which time an Assistant City Clerk will be assigned the meeting duties.
- Brown suggested to Owen that she receive a copy of a presentation made for Attorney General Larry Long and review the information; Owen stated she would get in contact with his office to obtain a copy.
- The discussion on this topic will continue at the Public Services Committee Meeting on Monday, November 10th, 2008, following the Informational Meeting.

5. Open Discussion

- Mike Hall, Director of Central Services, has been extended an invitation to attend the November 11th Public Services Committee Meeting to discuss security measures at the Carnegie Town Hall. New Council Members Anderson, Jr. and Jamison received security training at their City Council Orientation; but this is a good time to again review procedures and review additional measures that may be available. Owen shared that a conversation with Mr. Hall a year ago on this subject reviewed the possibility of putting in a metal detector at the entry door to the Chambers (from the west entrance) as well as having metal shields installed below the City Council member desk areas. At the time of the reconstruction of the Chambers, these items were considered but not implemented due to cost constraints.

6. Adjournment

- A motion was made by Knudson and seconded by Anderson, Jr. Brown to adjourn the meeting at 6:00 p.m. Anderson Jr. called for a voice vote on the motion and all members voted yes.
Motion Passed.

Tamara M. Jorgensen
Assistant City Clerk