City of Sioux Falls Council Meeting Minutes

Carnegie Town Hall, 235 West 10th Street MEETING OF Tuesday, February 10, 2015, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT ABSENT

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

• Children's Pastor Casey Comstock, Celebrate Community Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

• Congenital Heart Defect Awareness Week - February 7-14, 2015

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

A request was made by Council Member Kermit L. Staggers to move the following agreement from Item 1 to the Regular Agenda for discussion purposes: Entertainment Venues/Events Center, Events Center/Casework Installation, to award a bid, Beck & Hofer Construction, \$17,400.

A request was made by Council Member Rex Rolfing to move Item 8 to the Regular Agenda for discussion purposes.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

MINUTES

- Informational Meeting of Monday, February 2, 2015, at 4:00 p.m.
- Regular City Council Meeting of Monday, February 2, 2015, at 7:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the February 5, 2015 memo.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to approve Entertainment Venues/Events Center, Events Center/Casework Installation, to award a bid, Beck & Hofer Construction, \$17,400.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 7. Noes, Kermit L. Staggers, 1. Motion Passed.

- 2. Report of Requests for Quotes for Fuel dated: January 29, 2015; #1 & #2 Dyed
 Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Cole's Petroleum
 (\$1.8345 #1 & \$1.6535 #2); Howes Oil (\$1.8465 #1 & \$1.6555 #2); Harms Oil
 (\$1.8550 #1 & \$1.6720 #2); CHS, Inc. (\$1.9424 #1 & \$1.7345 #2); Midwest Oil
 and Olson Oil, both no bid. Bid awarded to: Cole's Petroleum.
- 3. Report of Requests for Quotes for Fuel dated: January 30, 2015; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Cole's Petroleum (\$1.5754); Howes Oil (\$1.5765); Harms Oil (\$1.5890); CHS, Inc. (\$1.6490); Olson Oil, no bid. Bid awarded to: Cole's Petroleum.
- 4. Report of Requests for Quotes for Fuel dated: February 2, 2015; #1 & #2 Dyed Diesel Fuel; 15,000 gallons (7,500 gallons each #1 & #2); Howes Oil (\$1.9855 #1 & \$1.8250 #2); Cole's Petroleum, CHS, Inc., Harms Oil, Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Howes Oil.
- 5. Report of Requests for Quotes for Fuel dated: February 4, 2015; #1 & #2 Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Cole's Petroleum (\$2.0383 #1 & \$1.8915 #2); Harms Oil (\$2.0400 #1 & \$1.9075 #2); Howes Oil (\$2.1050 #1 & \$1.9050 #2); CHS, Inc., Midwest Oil and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
- 6. A communication was received from Megan Jung and Dustin Jansick requesting permission to consume, but not sell, beer at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, April 25, 2015, from 11:00 a.m. until 4:00 p.m. for a wedding reception.
- 7. A communication was received from Kayla Chaussee requesting permission to consume, but not sell, wine and beer at The Old Courthouse Museum, 200 W. Sixth St., on Saturday, May 9, 2015, from 4:00 p.m. until 11:59 p.m. for a

wedding reception.

8. A communication was received from Michelle Reta requesting permission to consume, but not sell, beer, wine and liquor at The Coliseum, 515 N. Main Ave., on Saturday, August 1, 2015, from 5:00 p.m. until 11:00 p.m. for her daughter s 15th Birthday - Quinceanera.

A motion was made by Council Member Rex Rolfing and seconded by Council Member Dean Karsky to approve Item 8.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

9. A communication was received from Nichole Lowe requesting permission to consume, but not sell, liquor, wine and malt beverages at The Old Courthouse Museum, 200 W. Sixth St., on Saturday, September 26, 2015, from 5:00 p.m. until 11:00 p.m. for a wedding reception.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.
Motion Passed.

PUBLIC INPUT

I.L. Wiedermann suggested those involved with the swimming pool issue should recuse themselves from the vote tonight.

Scott Ehrisman spoke about transparency in government; and raising the sales tax.

Item 1 was discussed at this time. See item for action taken. Item 8 was discussed at this time. See item for action taken.

INTRODUCTION AND ADOPTION OF ORDINANCES

10. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING SECTIONS 95.085 95.091 OF THE CODE OF ORDINANCES OF SAID CITY BY REPEALING THE SIOUX FALLS ICE AND RECREATION CENTER BOARD.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 11-15.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

11. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS AND CLARIFYING THE LIMITATIONS ON EXPENDITURE OF FUNDS AND CONTRACTING AUTHORITY FOR CONSTRUCTION OF AN INDOOR AQUATICS FACILITY AND ASSOCIATED SITE IMPROVEMENTS (THE PROJECT).

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolfing to adopt said Ordinance No. 12-15.

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to amend, the ordinance, to add \$500,000 to this amount from the Sales Use Tax Unobligated Fund balance to include the addition of an outdoor spray park and outdoor spray ground, to be included in the project description.

Vote to amend: Roll Call: Yeses, Dean Karsky, Michelle Erpenbach, Greg Jamison, 3. Noes, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, 5.

Motion Failed.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 7. Noes, Kermit L. Staggers, 1. Motion Passed.

12. 2nd Reading: AN ORDINANCE APPROVING THE SURFACE AMBULANCE SERVICE FRANCHISE AGREEMENT BETWEEN PARAMEDICS PLUS, LLC AND THE CITY OF SIOUX FALLS, SOUTH DAKOTA, ALONG WITH AUTHORIZING THE MAYOR TO SIGN THE SAME.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adopt said Ordinance No. 13-15.

A motion was made by Council Member Rick Kiley and seconded by Council Member Rex Rolfing to amend page 2 of the ordinance by changing "the option for a five-year renewal," to "the option for up to a six-year renewal subject to the terms of the contract".

Vote to amend: Roll Call: Yeses, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 7. Noes, 0. Council Member Dean Karsky was excused from the meeting and the vote on this item.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Rick Kiley, Rex Rolfing, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 5. Noes, Kermit L. Staggers, Kenny Anderson Jr., 2. Council Member Dean Karsky was excused from the meeting and the vote on this item.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 10, 2015, at 7:00 p.m. for Item 13:

13. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY CHANGING A STREET NAME. (West Hanger Street to West Hangar Street)

Mayor Mike Huether recognized members of Boy Scout Troop 46, Hope Lutheran Church.

A motion was made by Council Member Rick Kiley and seconded by Council Member Rex Rolfing to set a date of hearing and 2nd Reading for Tuesday, March 10, 2015, at 7:00 p.m. for Item 13.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to amend the motion to set a date of hearing and 2nd Reading to Tuesday, March 17, 2015, at 7:00 p.m. for Item 13.

Vote to amend: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 10, 2015, at 7:00 p.m. for Item 14:

14. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY CHANGING A STREET NAME. (North John Orr Drive to North Knapp Brown Drive)

A motion was made by Council Member Rex Rolfing and seconded by Council Member Dean Karsky to set a date and 2nd Reading for Tuesday, March 17, 2015, at 7:00 p.m. for Item 14.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

HEARINGS AND RESOLUTIONS

15. A RESOLUTION APPROVING THE RELEASE OF PERMANENT SANITARY SEWER EASEMENT LOCATED IN LOT 5 OF THE RESUBDIVISION OF SIOUX FALLS FARMSTEAD IN SECTION 25, TOWNSHIP 101 NORTH, RANGE 50 WEST OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Rolfing to adopt said Resolution No. 5-15.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 5-15

A RESOLUTION APPROVING THE RELEASE OF PERMANENT SANITARY SEWER EASEMENT LOCATED IN LOT 5 OF THE RESUBDIVISION OF SIOUX FALLS FARMSTEAD IN SECTION 25, TOWNSHIP 101 NORTH, RANGE 50 WEST OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA. WHEREAS, the City of Sioux Falls, South Dakota, no longer needs the permanent sanitary sewer easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent sanitary sewer easement was recorded in the office of the Register of Deeds for Minnehaha County, SD, on April 14, 1971, in Book 103 of Miscellaneous on pages 373 and 374;

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

That it approves the release of the permanent easement area, as shown on attached Exhibit A, and affecting the real property described as Lot 5 of the Resubdivision of Sioux Falls in Section 25, Township 101 North, Range 50 West of the 5th P.M., Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 02/10/15.

Tracy D.

Turbak

For the Mayor ATTEST: Lorie Hogstad City Clerk

16. A RESOLUTION APPROVING THE RELEASE OF A PERMANENT EASEMENT LOCATED IN LOT 7A, BLOCK 10 OF HEATHER RIDGE II, AN ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 6-15.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

RESOLUTION NO. 6-15

A RESOLUTION APPROVING THE RELEASE OF A PERMANENT EASEMENT LOCATED IN LOT 7A, BLOCK 10 OF HEATHER RIDGE II, AN ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent utility easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer.

WHEREAS, the permanent utility easement was established by plat and filed in Book 1 of Plats on page 157 in the office of the Register of Deeds for Lincoln

County, SD, on October 5, 2007.

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

That it approves the release of the permanent utility easement area, as shown on attached Exhibit A, and affecting the real property described as Lot 7A, Block 10 of Heather Ridge II, an Addition to the City of Sioux Falls, Lincoln County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 02/10/15.

Tracy D. Turbak

For the Mayor

ATTEST:

Lorie Hogstad City Clerk

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

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Resolution No. 7-15.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

RESOLUTION NO. 7-15

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

Gary Gonyo Solid Waste Indefinite term city of

Planning Board Madison representative (to

replace Fred Snodderly).

Rachael Meyerink Board of Historic Preservation Appointed for a term from

February 2015 through February

2018 (to replace Joshua

Schorzmann).

Alejandro Ramirez Commission on Appointed for a term from

Human Relations February 2015 through May 2016

(to fill the unexpired term of

Jessica Kaiser).

Date adopted: 02/10/15.

For the Mayor ATTEST: Lorie Hogstad City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, March 10, 2015, at 7:00 p.m. for Item 18 through Item 20:

18. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. NATIONAL AVE. FROM THE SOUTH RIGHT-OF-WAY LINE OF E. BENSON RD. TO THE NORTH RIGHT-OF-WAY LINE OF E. 39TH ST. N. AND ON E. HOGAN AVE. FROM THE EAST RIGHT-OF-WAY LINE OF N. NATIONAL AVE. TO THE WEST RIGHT-OF-WAY LINE OF N. CASCO AVE.

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to set a date of hearing for Tuesday, March 17, 2015, at 7: 00 p.m. for Item 18.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

19. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON S. EUCLID AVE. FROM THE SOUTH RIGHT-OF-WAY LINE OF W. 22ND ST. TO THE NORTH RIGHT-OF-WAY LINE OF W. 25TH ST.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Rolfing to set a date of hearing for Tuesday, March 17, 2015, at 7: 00 p.m. for Item 19.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

20. A PROPOSED RESOLUTION VACATING THE FALLS PARK DR. RIGHT-OF-WAY AND THE EAST ONE-HALF ($\rm E1/2$) OF THE ALLEY LYING ADJACENT TO AND WESTERLY OF SAID FALLS PARK DR., ALL LYING BETWEEN FALLS PARK DR. AND W. 2ND ST.

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, March 10, 2015, at 7: 00 p.m. for Item 20.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolfing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0. Motion Passed.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolfing to adjourn at 9:38 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.

AS YOUR ELECTED REPRESENTATIVES, THE CITY COUNCIL VALUES YOUR INPUT AND FEEDBACK. HOWEVER, THE SOUTH DAKOTA SUPREME COURT HAS RULED THAT CITY COUNCILORS MAY NOT ENGAGE IN PRIVATE COMMUNICATIONS WITH PERSONS WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT. IN THOSE INSTANCES, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING ON THAT MATTER WHEN IT IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS SHOULD UNDERSTAND THAT THEIR COMMENTS WILL BECOME PART OF THE OFFICIAL RECORD AND SUBJECT TO REVIEW BY ALL PARTIES AND THE PUBLIC. 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 MEETINGSAT 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.