

|| City of Sioux Falls Council Meeting  
|| Minutes  
|| Carnegie Town Hall, 235 West 10th Street  
|| MEETING OF Tuesday, May 12, 2015, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Rick Kiley  
Council Member Rex Rolwing  
Council Member Kermit L. Staggers  
Council Member Kenny Anderson Jr.  
Council Member Christine M. Erickson  
Council Member Michelle Erpenbach  
Council Member Dean Karsky  
Mayor Mike T. Huether

ABSENT

Council Member Greg Jamison

INVOCATION

- Pastor Phill Tague, The Ransom Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Motorcycle Safety and Awareness Month - May, 2015

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.  
Motion Passed.

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: Affordable Housing, Multipurpose Youth Services Center for High-Risk and Homeless Youth (agreement to assume indebtedness) by vendor Volunteers of America.

MINUTES

- Informational Meeting of Tuesday, May 5, 2014, at 4 p.m.
- Regular City Council Meeting of Tuesday, May 5, 2015, at 7 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the May 7, 2015 memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the agreement for Affordable Housing, Multipurpose Youth Services Center for High-Risk and Homeless Youth (agreement to assume indebtedness) by vendor Volunteers of America.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.  
Motion Passed.

2. Approval of notice of change orders on the May 7, 2015 memo.
3. A memorandum dated May 1, 2015, declaring surplus three capital items that will be traded in (2) or placed on an online auction (1).
4. Report of Requests for Quotes for Fuel dated: April 29, 2015; E-10 Unleaded Ethanol / 87 Octane; 8,500 gallons; Cole's Petroleum (\$2.0723); Harms Oil (\$2.0752); CHS, Inc. (\$2.0960); Howes Oil and Olson Oil, both no bid. Bid awarded to: Cole's Petroleum.
5. Report of Requests for Quotes for Fuel dated: May 4, 2015; #2 Dyed Diesel; 3,000 gallons; Howes Oil (\$2.209); Midwest Oil (\$2.219); Midway Service (\$2.110). Bid awarded to: Midway Service.
6. Report of Requests for Quotes for Fuel dated: May 5, 2015; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$2.3493); Harms Oil (\$2.292); Midwest Oil (\$2.449); Petroleum Traders Co. (\$2.349); Howes Oil, no bid. Bid awarded to: Harms Oil.

#### APPLICATIONS

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

7. Embrace Church, 2800 E. 57th Street, for 2013 property taxes in the amount of \$2,042.96. Embrace took over August 1, 2013 and is asking for an

abatement for time owned as exempt (August 1, 2013 - December 31, 2013).

8. Carroll Institute, 310 S. 1st Avenue, for 2013 taxes in the amount of \$332.87 and for 2014 property taxes in the amount of \$2,968.95. Property purchased on November 20, 2013.
9. Sioux Falls Housing Corporation, 630 S. Minnesota Avenue, for 2014 property taxes in the amount of \$934.45. Granted exempt status for all of 2014.
10. Philip Kappen, 400 S. Sherman, for 2014 property taxes in the amount of \$314.61. Owner-occupied status was removed in error.
11. Norman L. Rons, 404 W. 57th Street, for 2014 property taxes in the amount of \$1,562.08. Owner-occupied status was removed in error.
12. Ronald Treloar, 1401 N. Main Avenue, for 2013 property taxes in the amount of \$371.71 and for 2014 property taxes in the amount of \$375.60. Owner-occupied status removed in error.
13. Vincent Kellar, 2509 W. Rice Street, for 2014 property taxes in the amount of \$757.78. Elderly tax freeze.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Kathy Brechtelsbauer spoke regarding providing bus transportation for children during the summer by using their school passes. Five students spoke regarding the need for summer busing.

Melanie Bliss spoke regarding homelessness and affordable housing availability in the city of Sioux Falls.

Robert Kolbe spoke regarding the different forms of government and budgets.

Scott Ehrisman spoke regarding city bussing for students; street sweeping and gutter cleaning; the Washington Pavilion's Visual Arts Center; and cleaning the Big Sioux River.

Greg Neitzert spoke regarding city ordinances; the siding on the Denny Sanford Premier Center; and the balance of power between the Legislative and Administrative branches of the Sioux Falls City Government.

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

#### INTRODUCTION AND ADOPTION OF ORDINANCES

14. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS (\$1,099,500 for Highways & Streets).

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Ordinance No. 43-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

15. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND PLEDGING A SURCHARGE FOR IMPROVEMENTS TO ITS WASTEWATER SYSTEM AND NONPOINT SOURCE IMPROVEMENTS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 44-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

16. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING FOR A SURCHARGE FOR PROJECT TO MAKE IMPROVEMENTS TO ITS WASTEWATER SYSTEM AND FOR NONPOINT SOURCE FACILITIES, IMPROVEMENTS, AND ACTIVITIES FOR PAYMENT OF REVENUE BONDS AND YEARLY REVIEW OF RATES.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Ordinance 45-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

17. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING SECTIONS 51.081 AND 51.081.01 OF THE CODE OF ORDINANCES OF THE CITY BY ADDING SURCHARGE AND RATE SECTIONS.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 46-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 6. Noes, Kermit L. Stagers, 1.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

18. A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN BLOCKS 22 AND 27 AND ALL OF VACATED 24TH ST. ABUTTING THERETO OF HAYWARD AND ROWLAND SUBDIVISION OF BLOCKS C AND D OF HAYWARD S ADDITION TO SIOUX FALLS, SD.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 34-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Stagers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.  
Motion Passed.

#### RESOLUTION NO. 34-15

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN BLOCKS 22 AND 27 AND ALL OF VACATED 24TH ST. ABUTTING THERETO OF HAYWARD AND ROWLAND SUBDIVISION OF BLOCKS C AND D OF HAYWARD S ADDITION TO SIOUX FALLS, SD. WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent easement areas 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 in, over, and upon vacated 24th St. abutting Blocks 22 and 27, Hayward & Rowland Subdivision of Blocks C and D, Hayward s Addition to Sioux Falls, was reserved by City Resolution and filed in Book 42 of Miscellaneous on page 586 in the office of the Register of Deeds for Minnehaha County, SD, on July 21, 1948;

WHEREAS, the permanent easement under, across, and upon the North 4' of the South 32' of Block 22, Hayward & Rowland Subdivision of Blocks C and D, Hayward s Addition to Sioux Falls, was established by Easement and filed in Book 131 of Miscellaneous on pages 261 263 in the office of the Register of Deeds for Minnehaha County, SD, on October 5, 1978;

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

That it approves the release of the permanent easement areas, as shown on attached Exhibit A, and affecting the real property described as Blocks 22 and 27 and all of vacated 24th St. abutting thereto of Hayward & Rowland Subdivision of Blocks C and D of Hayward s Addition to Sioux Falls, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 05/12/15.

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

19. A RESOLUTION AMENDING THE 2015 2019 CAPITAL PROGRAM. Public Works/Engineering (\$405,000); Public Works/Engineering (\$115,000); Public Works/Light and Power (\$425,000); and Public Works/Water Reclamation (\$2,200,000); Public Works/Storm Drainage (\$579,500); and Health (\$9,000).

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 35-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 35-15

A RESOLUTION AMENDING THE 2015 2019 CAPITAL PROGRAM.

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

That the 2015 2019 Capital Program shall be amended as follows:

Public Works Engineering

Amend Capital Improvements Program Project No. 11044, 85th Street and Minnesota Avenue Traffic Signal Installation, by increasing the amount of funding by \$80,000 for engineering and \$325,000 for construction, totaling \$405,000 in 2015. The additional funding will require an increase in appropriations that will be funded by the South Dakota Department of Transportation.

Amend Capital Improvements Program Project No. 11009, Right-of-Way Acquisition and Restoration, by increasing the amount of funding by \$115,000 in 2015 for land acquisition. The additional funding will require an increase in appropriations that will be funded by South Dakota Department of Transportation.

Public Works Light and Power

Amend Capital Improvements Program Project No. 20002, Circuit Improvements, by increasing the amount of funding by \$425,000 in 2015 for land acquisition and amending the project description to include Land Acquisition. The additional funding will not require an increase in appropriations as it will be funded by user fees.

Public Works Water Reclamation

Amend Capital Improvements Program by adding a new project, Basin 17 Sanitary Sewer Installation, in 2015. The estimated cost is \$200,000 for engineering and \$2,000,000 for construction, totaling \$2,200,000. The additional funding will not require an increase in appropriations as it will be funded by property owners.

Public Works Storm Drainage

Amend Capital Improvements Program Project No. 11046, Non-Point Source Bank Stabilization, by increasing the amount of funding in 2015. The estimated cost is \$100,000 for engineering and \$479,500 for construction, totaling \$579,500. The project will require an increase in appropriations and will be funded by State Revolving Fund loans.

Health

Amend to Other Capital Expenditures Program by adding a dental sterilizer in 2015. The estimated cost is \$9,000 and will not require an increase in appropriations as it will be funded by savings from other health equipment purchased in 2015.

Date adopted: 05/12/15.

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, June 9, 2015, at 7:00 p.m. for Item 20:

20. A PROPOSED RESOLUTION VACATING THE S. DULUTH AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF W. 39TH ST. TO THE NORTH RIGHT-OF-WAY LINE OF W. 41ST ST.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to set a date of hearing for Tuesday, June 9, 2015, at 7:00 p.m. for Item 20.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.  
Motion Passed.

Set a hearing date for Tuesday, June 9, 2015, at 7:00 p.m. for Item 21:

21. A PROPOSED RESOLUTION VACATING THE UNNAMED STREET RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. 60TH ST. N. TO 476.71' SOUTH AS SHOWN ON THE ATTACHED EXHIBIT.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to set a date of hearing for Tuesday, June 9, 2015, at 7:00 p.m. for Item 21.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.  
Motion Passed.

Set a hearing date for Tuesday, June 9, 2015, at 7:00 p.m. for Item 22:

22. A PROPOSED RESOLUTION VACATING A PORTION OF THE S. KENTON LANE RIGHT-OF-WAY AS SHOWN ON EXHIBIT 1.

A motion was made by Council Member Rick Kiley and seconded by Council Member

Dean Karsky to set a date of hearing for Tuesday, June 9, 2015, at 7:00 p.m. for Item 22.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.  
Motion Passed.

#### ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adjourn at 8:15 p.m.  
Mayor Huether called for a voice vote. All members voted yes.  
Motion Passed.

Tamara Jorgensen, MMC  
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](http://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.