

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, December 15, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

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

ABSENT

INVOCATION

- Dr. Ron Tottingham, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

- Presentation of Master Municipal Clerk Certification to Denise D. Tucker, Assistant City Clerk

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

MINUTES

- Informational Meeting of Tuesday, December 8, 2015, at 4 p.m.

- City Council Meeting of Tuesday, December 8, 2015, at 7 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the December 10, 2015, memo.
2. Report of Requests for Quotes for Fuel dated December 2, 2015; #1 and #2 Dyed Diesel Fuel; 7,500 Gallons (Total 15,000 gallons); Cole's Petroleum (\$1.6440 #1 DM & \$1.3385 #2 DM); Howes Oil (\$1.6650 #1 DM & \$1.3650 #2 DM); Harms Oil (\$1.6800 #1 DM & \$1.3700 #2 DM); CHS, Inc. (\$1.7406 #1 DM & \$1.3990 #2 DM); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Cole's Petroleum.
3. Report of Requests for Quotes for Fuel dated December 3, 2015; E-10 Unleaded Ethanol/87 Octane; 8,500 Gallons; Howes Oil (\$1.5440); Harms Oil (\$1.5456); CHS, Inc. (\$1.5684); Cole's Petroleum and Olson Oil, both no bid. Bid awarded to: Howes Oil.
4. Report of Requests for Quotes for Fuel dated December 3, 2015; Unleaded Ethanol; 643 Gallons; Howes Oil (\$1.8130); Midway Service and Stern Oil, both no bid. Bid awarded to: Howes Oil.
5. Report of Requests for Quotes for Fuel dated December 3, 2015; Clear Diesel #1; 544 Gallons; Howes Oil (\$1.9680); Midway Service and Stern Oil, both no bid. Bid awarded to: Howes Oil.
6. Report of Requests for Quotes for Fuel dated December 3, 2015; Clear Diesel #2; 544 Gallons; Howes Oil (\$1.6680); Midway Service and Stern Oil, both no bid. Bid awarded to: Howes Oil.
7. Report of Requests for Quotes for Fuel dated December 8, 2015; Unleaded; 400 Gallons; Howes Oil (\$1.8130); Midway Service (\$1.863); and Stern Oil, no bid. Bid awarded to: Howes Oil.
8. A communication was received from the Great Plains Zoo & Delbridge Museum requesting permission to consume, but not sell, liquor, wine and/or malt beverage at the Great Plains Zoo, 805 S. Kiwanis Ave., on Wednesday, December 30, 2015, for a private donor event.
9. A communication was received from Sandra Bauer and Lee Clemens requesting permission to consume, but not sell, liquor, wine and/or malt beverage at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, April 30, 2016, from 10 a.m. until 12 a.m. for a wedding ceremony and reception.

#### APPLICATIONS

10. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The

Little Cellar Wine Company to be operated at the Old Courthouse Museum, 200 West 6th Street, for a wedding on January 2, 2016.

11. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2016 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit D.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, January 5, 2016, at 7 p.m. on Items 12 through 15:

12. New 2016 Retail Wine License for PRG SF East LLC, Marco s Pizza, 3220 South Sycamore Avenue, Suite 110, with Conditional Use Permit (3804-2015) being approved on December 2, 2015.
13. New 2015-16 Retail Malt Beverage License for PRG SF East LLC, Marco s Pizza, 3220 South Sycamore Avenue, Suite 110, with Conditional Use Permit (3804-2015) being approved on December 2, 2015.
14. Special One-Day Malt Beverage and Special One-Day Wine Licenses for JAM Art & Supplies to be operated at 140 North Phillips Avenue, for an art exhibit opening and artist performances on January 8 and 9, 2016.
15. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., to be operated at Poet, 4615 North Lewis Avenue, for a business meeting on January 28, 2016.

#### 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.

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

#### PUBLIC INPUT

Daryl Meyer spoke about his life, pride in Sioux Falls, and the renaming of Powder House Road.

Robert Kolbe spoke about zoning and the best use of property/land.

UNFINISHED BUSINESS

16. Transfer of 2016 Retail Liquor License, with Sunday sales certificate and video lottery terminals, from Red Buffalo Trading Company Inc., Skelly s Pub & Grill, 130 South Phillips Avenue, to Pave, LLC, Skelly s Pub & Grill, 130 South Phillips Avenue. Pending permits and final inspections per Fire, Health and Building Services.
17. New 2016 Retail Wine License for Guillermo Pedro, Mi Tierra Authentic Mexican Restaurant & Bakery, 337 South Phillips Avenue.
18. New 2015-16 Retail Malt Beverage License for Guillermo Pedro, Mi Tierra Authentic Mexican Restaurant & Bakery, 337 South Phillips Avenue.
19. New 2016 Retail Wine License for Golden Coin Casino, Inc., Golden Coin Casino, 2505 West Russell Street, Suite 101.
20. Transfer of 2015 Retail Liquor License, with video lottery terminals, from SKK LLC, The Copper Lounge, 136 South Phillips Avenue, to IJK LLC, The Copper Lounge, 136 South Phillips Avenue.
21. Renewal of 2016 Retail Liquor License for IJK LLC, The Copper Lounge, 136 South Phillips Avenue.
22. Transfer of 2015 Retail Liquor License, with Sunday sales certificate, from TSK Inc., Stogeez Cigar Lounge, 215 South Phillips Avenue, to IJK Inc., Stogeez Cigar Lounge, 215 South Phillips Avenue.
23. Renewal of 2016 Retail Liquor License for IJK Inc., Stogeez Cigar Lounge, 215 South Phillips Avenue.
24. Transfer of 2015-16 Package Malt Beverage/South Dakota Farm Wine license from Freedom Valu Centers Inc., Erickson Valu Center, 1601 South Minnesota Avenue, to Jay AMBE-2, LLC, Freedom Valu Center, 1601 South Minnesota Avenue.
25. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., to be operated at The Carpenter Ballroom, 221 South Phillips Avenue, for holiday parties on January 8 and 9, 2016

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve Items 16 through 25.

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

26. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2016 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to defer Walmart Super Center, 5200 W. 60th St. N., to Tuesday, January 5, 2016, at 7 p.m.

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to approve Item 26.

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

#### INTRODUCTION AND ADOPTION OF ORDINANCES

27. Deferred from the City Council Meeting on 12/01/15 and 11/17/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS; SECTION 39.036 APPLICATION TO APPOINTIVE OFFICERS.

Action taken at the Tuesday, December 1, 2015, meeting:

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Item 36.

A motion was made by Council Member Greg Jamison and seconded by Council Member Christine M. Erickson to amend the ordinance by adding, "appointed officer within Fire or Police, or any other appointive officer"; and adding "This provision does not apply to any appointive officer who has been removed from appointive office for any reason that would warrant a demotion, suspension, or discharge of any employee who is subject to this chapter".

A friendly amendment was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Rolwing to split the amendment into two amendments; and to vote on "appointed officer within Fire or Police, or any other appointive officer".

Vote on friendly amendment: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Dean Karsky, Rick Kiley, Kermit L. Staggers, 5. Noes, Kenny Anderson Jr., Michelle Erpenbach, Rex Rolwing, 3.  
Motion Passed.

Council Member Christine M. Erickson called point of order.

A friendly amendment was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Rolwing to vote on "This provision does not apply to any appointive officer who has been removed from appointive office for any reason that would warrant a demotion, suspension, or discharge of any employee who is subject to this chapter."

A substitute motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to change the amendment to "Any one holding an appointive office on or before December 31, 2015, who at the time of his or her appointment thereto, was in the civil service of the city shall, upon his or her removal from appointive office, be returned to his or her former position and pay as an employee of the city, and the period of his or her tenure as an appointive officer shall be included in his or her civil service rights. This provision does not apply to any appointive officer who has been removed from appointive office for any reason that would warrant a demotion, suspension, or discharge of any employee who is subject to this chapter."

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to defer to Tuesday, December 15, 2015, at 7 p.m.  
Vote to defer: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolwing, Kermit L. Staggers, 8. Noes, 0.  
Motion Passed.

Action taken tonight:

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to amend subsection (b) of the substitute motion by deleting the words, "on or before December 31, 2015."

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

Vote to adopt substitute motion, for said Ordinance No. 133-15: Roll Call: Yeses, Michelle Erpenbach, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., 4. Noes, Greg Jamison, Dean Karsky, Rick Kiley, Christine M. Erickson, 4.  
Mayor Mike Huether broke the tie by voting yes.  
Motion Passed.

28. Deferred from the City Council Meeting on 12/08/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 41: FEES.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 121-15.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Rolwing, Christine M. Erickson, 6. Noes, Kermit L. Staggers,

Kenny Anderson Jr., 2.  
Motion Passed.

29. Deferred from the City Council Meeting on 12/08/15: 2nd Reading: AN  
ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES  
OF THE CITY BY AMENDING CHAPTER 77: PARKING REGULATIONS.

A motion was made by Council Member Rex Roling and seconded by Council Member  
Michelle Erpenbach to adopt said Ordinance No. 122-15.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Kermit L. Staggers to amend the parking fine from \$10 to \$8.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., 2.  
Noes, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling,  
Christine M. Erickson, 6.  
Motion Failed.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky,  
Rick Kiley, Rex Roling, Christine M. Erickson, 6. Noes, Kermit L. Staggers,  
Kenny Anderson Jr., 2.  
Motion Passed.

30. Deferred from the City Council Meeting on 12/08/15: 2nd Reading: AN  
ORDINANCE OF THE CITY OF SIOUX FALLS, SD, ESTABLISHING THE TAX INCREMENT  
REVENUES TO BE COLLECTED AND AUTHORIZING THE PAYMENT OF TAX INCREMENT  
REVENUES TO WASHINGTON SQUARE PARTNERS, LLC, IN ACCORDANCE WITH THE  
DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. TWENTY, CITY OF  
SIOUX FALLS.

A motion was made by Council Member Rex Roling and seconded by Council  
Member Dean Karsky to adopt said Ordinance 123-15.

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

31. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE  
2016 MUNICIPAL ELECTION BOOKLET.

A motion was made by Council Member Rex Roling and seconded by Council Member  
Kenny Anderson Jr. to adopt said Ordinance No. 124-15.

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

32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE

OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL BUILDING  
CODE AND AMENDMENTS THERETO.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Rex Roling to adopt said Ordinance No. 125-15.

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

33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE  
OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL RESIDENTIAL  
BUILDING CODE AND AMENDMENTS THERETO.

A motion was made by Council Member Rex Roling and seconded by Council Member  
Dean Karsky to adopt said Ordinance No. 126-15.

A motion was made by Council Member Dean Karsky and seconded by Council Member  
Christine M. Erickson to amend by excluding Section R302.13-Fire protection of  
floors from the city's adoption of the International Residential Code, 2015  
edition."

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

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

34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE  
OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL EXISTING  
BUILDING CODE AND AMENDMENTS THERETO.

A motion was made by Council Member Dean Karsky and seconded by Council Member  
Kenny Anderson Jr. to adopt said Ordinance No. 127-15.

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

35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE  
OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL MECHANICAL  
CODE AND THE 2015 INTERNATIONAL FUEL GAS CODE AND AMENDMENTS THERETO.



A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 128-15.

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

Motion Passed.

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS THERETO.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Ordinance No. 129-15.

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

Motion Passed.

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ELIMINATING THE MAXIMUM TWO-YEAR TIME PERIOD FOR A HOMEOWNER S PLUMBING, MECHANICAL, AND ELECTRICAL PERMIT; TO ELIMINATE HOMEOWNER PERMITS FOR NEW HOUSES TO BE CONSISTENT WITH STATE RULE; AND TO SET A 90-DAY TIME PERIOD FROM THE DATE OF APPLICATION TO ADMINISTER A MECHANICAL EXAM, RESIDENTIAL CONSTRUCTION SUPERVISOR EXAM, ELECTRICAL EXAM, AND A PLUMBING EXAM; AND TO EXPAND THE OBLIGATION OF THE RESIDENTIAL CONTRACTOR S COMPLIANCE BOND TO INCLUDE FEES CHARGED BY PUBLIC WORKS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Ordinance No. 130-15.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Kenny Anderson Jr., Christine M. Erickson, 6. Noes, Rex Roling, Kermit L. Staggers, 2.

Motion Passed.

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 117: PEDDLERS AND VENDORS.

Council Member Dean Karsky left the meeting at this time.

A motion was made by Council Member Rick Kiley and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 131-15.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Jamison, Rick Kiley, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

Council Member Dean Karsky returned to the meeting at this time.

39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING PROVISIONAL SUPPLEMENTAL APPROPRIATIONS FOR SNOW REMOVAL OPERATIONS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance No. 132-15.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. on Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A LEASE OF HORSEBARN FACILITIES WITHIN FALLS PARK.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. for Item 40.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. on Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST AND WEST OF S. VETERANS PKWY. AND SOUTH OF E. MADISON ST. FROM THE AG AGRICULTURE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY, RA-3 APARTMENT RESIDENTIAL HIGH DENSITY, O OFFICE, C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR, C-3 COMMERCIAL COMMUNITY, AND C-4 COMMERCIAL REGIONAL DISTRICTS, PETITION NO. 3677-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. for Item 41.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. on Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 812 S. SPRING AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 3776-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Rex Rolwing and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. for Item 42.

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

Set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. on Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF W. 12TH ST. AND WEST OF S. SERTOMA AVE. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO. 3808-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. for Item 43.

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

Set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. on Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY WEST OF S. GRAYSTONE AVE. AND NORTH OF E. 69TH ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE LW LIVE/WORK DISTRICT, PETITION NO. 3812-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Rolwing to set a date of hearing and 2nd Reading for Tuesday, January 5, 2016, at 7 p.m. for Item 44.

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

#### HEARINGS AND RESOLUTIONS

45. 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 Dean Karsky to adopt said Resolution No. 124-15.

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

RESOLUTION NO. 124-15

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
Mark Young	City Naming Committee	Reappointed for a term from December 2015 to December 2018.
Phil Gundvaldson	Infrastructure Review Advisory Board	Reappointed for a term from December 2015 to December 2018 (Consulting Engineer representative).
Gregory Bertsch	Solid Waste Planning Board	Appointed for a term from December 2015 to December 2018 (Commercial representative).
Doug Swenson	Solid Waste Planning Board	Appointed for a term from December 2015 to December 2018 (Citizen representative).

Date adopted: 12/15/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

46. A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS LEGISLATIVE PRIORITIES FOR THE 2016 STATE LEGISLATIVE SESSION.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to adopt said Resolution No. 125-15.

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

RESOLUTION NO. 125-15

A RESOLUTION ESTABLISHING THE CITY OF SIOUX FALLS LEGISLATIVE PRIORITIES FOR THE 2016 STATE LEGISLATIVE SESSION.

WHEREAS, the City Charter states that the Sioux Falls City Council is the policy making and legislative body of the City of Sioux Falls; and  
WHEREAS, the Sioux Falls City Council serves on the South Dakota Municipal League s policy committees and supports the League s 2016 Statements of Policy;  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

1. That the Sioux Falls City Council, in conjunction with the South Dakota Municipal League, opposes any legislation that would inhibit municipalities from providing services requested by citizens in whatever form the citizens approve and opposes any legislation that restricts local control over taxation and spending.
  2. The Sioux Falls City Council supports legislation allowing municipalities alternative publication options.
  3. The Sioux Falls City Council opposes any legislation that would reduce, remove, repeal, or reallocate the municipal sales tax, liquor tax reversion, or any other municipal revenues to any other unit of government or that would expand the power to impose a sales or use tax to any other unit of government.
  4. The Sioux Falls City Council supports legislation that expands workforce housing opportunities in South Dakota.
  5. The Sioux Falls City Council supports legislation to allow a local option, gross receipts tax on alcoholic beverages for the counties to fund public safety-related items.
  6. The Sioux Falls City Council supports cooperative activities between county and municipal governments, the protection of existing joint activities, and elimination of barriers that hinder the creation of such arrangements.
  7. The Sioux Falls City Council supports legislation allowing counties greater local control to move revenue among funds to adequately fund county services.
  8. The Sioux Falls City Council supports legislation to allow up to 45 days for award of competitive sealed bids.
9. The Sioux Falls City Council supports legislation that reduces risk to municipal taxpayers when sharing costs of improvements through special assessments in newly annexed areas.

Date adopted: 12/15/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

47. A RESOLUTION ESTABLISHING A PAY-FOR-PERFORMANCE PROGRAM FOR THE CITY COUNCIL APPOINTED POSITIONS OF BUDGET ANALYST, CITY CLERK, INTERNAL AUDITOR, INTERNAL AUDIT MANAGER, AND LEGISLATIVE/OPERATIONS MANAGER.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Resolution No. 126-15.

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

Erickson, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 126-15

A RESOLUTION ESTABLISHING A PAY-FOR-PERFORMANCE PROGRAM FOR THE CITY COUNCIL-APPOINTED POSITIONS OF BUDGET ANALYST, CITY CLERK, INTERNAL AUDITOR, INTERNAL AUDIT MANAGER, AND THE LEGISLATIVE/OPERATIONS MANAGER.

WHEREAS, Section 2.08 of the Charter of the City of Sioux Falls authorizes the City Council to appoint an officer of the City who shall oversee the operations of the City Clerk's Office and therefore shall carry the title City Clerk; and WHEREAS, Section 2.10 of the Charter of the City of Sioux Falls authorizes the City Council to provide for an independent audit of all City accounts and may provide for more frequent audits as necessary; and

WHEREAS, the Internal Audit Manager and the Internal Auditor will have structural reporting authority to the City Council's Audit Committee; and WHEREAS, the Budget Analyst will have structural reporting authority to the City Council's Fiscal Committee; and

WHEREAS, the City Clerk and Legislative/Operations Manager will have structural reporting authority to the City Council's Operations Committee; and WHEREAS, the City Council will maintain a market-competitive salary range and a

pay-for-performance program for the positions of Budget Analyst, City Clerk, Internal Auditor, Internal Audit Manager, and Legislative/Operations Manager; and

WHEREAS, the City Council shall determine the scope and nature of the work of the Budget Analyst, City Clerk, Internal Auditor, Internal Audit Manager, and Legislative/Operations Manager;

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

1. The 2016 biweekly salary ranges for the Budget Analyst shall be as follows: biweekly minimum range \$2,157.60; maximum \$3,039.20.
2. The 2016 biweekly salary ranges for the City Clerk shall be as follows: biweekly minimum range \$2,343.20; maximum \$3,346.40.
3. The 2016 hourly salary ranges for the Internal Auditor shall be as follows: hourly minimum range \$21.83; maximum \$30.33.
4. The 2016 biweekly salary ranges for the Internal Audit Manager shall be as follows: biweekly minimum range \$2,223.20; maximum \$3,152.80.
5. The 2016 biweekly salary ranges for the Legislative/Operations Manager shall be as follows: biweekly minimum range \$2,555.20; maximum \$3,678.40.
6. The City Council's appointed employees' salaries will be modified on the first pay period of the calendar year to reflect any adopted inflation adjustment to the assigned salary range.
7. Performance-based increases shall be recommended by the respective City Council committee having structural authority and approved by the City Council. The performance increase shall be in addition to any inflation adjustment and shall be effective on the employee's anniversary date.
8. Performance shall be assessed annually based on the following three-level scale of performance: exceeds performance expectations, meets expectations, and failed to meet expectations.
9. Evaluative criteria will address any or all of the following key competencies when determining the level of performance: demonstrated leadership and teamwork, effective performance management of subordinate staff, effective fiscal and operational management of defined responsibilities, effective communication, and City business knowledge.
10. The Director of Human Resources shall assist the City Council in administering the salary and pay-for-performance program and for the purposes of advising market-based pay recommendations and adherence to federal, state, and City employment practices.
11. The City Council may modify the provisions relating to the performance pay guidelines in any one calendar year based on budgetary reasons or at their

discretionary authority.

Date adopted: 12/15/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

48. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT A TABLE TO THE SIOUX FALLS SCHOOL DISTRICT.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 127-15.

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

Motion Passed.

RESOLUTION NO. 127-15

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT A TABLE TO THE SIOUX FALLS SCHOOL DISTRICT.

WHEREAS, the City of Sioux Falls has declared as surplus a conference table made out of doors from the old Washington Senior High School; and

WHEREAS, the Sioux Falls School District finds it desirable to acquire the above-described surplus property to be used at the current Washington High School;

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

That the gifting by the City of Sioux Falls to the Sioux Falls School District of the following surplus property:

- Conference table made out of doors from the old Washington High School. is hereby approved.

Date adopted: 12/15/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

49. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING AND POSTPONING THE BUSINESS OF THE CITY FOR EVENTS IN 2016.

A motion was made by Council Member Rex Roling and seconded by Council Member

Rick Kiley to adopt said Resolution No. 128-15.

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

Motion Passed.

RESOLUTION NO. 128-15

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING AND POSTPONING THE BUSINESS OF THE CITY FOR EVENTS IN 2016.

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

That the business to be conducted at the City Council meeting scheduled for 7 p.m. on Tuesday, February 2, 2016, will be rescheduled to 7 p.m., Monday, February 1, 2016, to allow the City Councilors to attend South Dakota Municipal League Municipal Government Day at the Legislature.

That the business to be conducted at the City Council meeting scheduled for 7 p.m. on Tuesday, April 12, 2016, will be rescheduled to 7 p.m., Tuesday, April 19, 2016, as it conflicts with the City of Sioux Falls Municipal/School Board Election.

Date adopted: 12/15/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

NEW BUSINESS

50. A motion to appoint Tom Greco as the City Clerk, pursuant to section 2.08 of the Charter of the City of Sioux Falls, effective January 11, 2016.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Kenny Anderson Jr. to appoint Tom Greco as the City Clerk.

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

Motion Passed.

City Council Chair Kenny Anderson Jr. wished everyone Happy Holidays and a Merry Christmas.

ADJOURNMENT

A motion was made by Council Member Christine M. Erickson and seconded by



Council Member Michelle Erpenbach to adjourn at 9:30 p.m.

Mayor Mike Huether called for a voice vote. All members said yes.  
Motion Passed.

Denise D. Tucker, 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. WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING WHEN THAT ITEM IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS IN ANY MANNER SHOULD UNDERSTAND THAT THEIR COMMENTS MAY 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 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 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5 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 A.M. ON THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.