

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, October 4, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Marshall Selberg  
Council Member Pat Starr  
Council Member Theresa Stehly  
Council Member Michelle Erpenbach  
Council Member Rick Kiley  
Council Member Greg Neitzert  
Council Member Rex Rolwing  
Mayor Mike T. Huether

ABSENT

Council Member Christine M. Erickson

INVOCATION

- Dorothy TerHorst, Prayer Partner for the Direct Line Prayer Center

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Native American Day - October 10, 2016
- Domestic Violence Awareness Month - October, 2016

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 7. Noes, 0.  
Motion Passed.

MINUTES

- Informational Meeting of Tuesday, September 20, 2016, at 4 p.m.

- City Council Meeting of Tuesday, September 20, 2016, at 7 p.m.
- Informational Meeting of Tuesday, September 27, 2016, at 4 p.m.

#### COMMUNICATIONS

1. Approval of contacts/agreements on the September 30, 2016, memo.
2. Approval of the notice of change orders on the September 30, 2016, memo.
3. A memorandum dated September 22, 2016, declaring surplus property.
4. Report of Requests for Quotes for Fuel dated: September 14, 2016; #2 Clear Diesel; 9,000 gallons; CHS, Inc. (\$1.8675); Harms Oil (\$1.8296); Howes Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: September 15, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.7141); CHS, Inc. (\$1.7250); Stern Oil, Cole's Petroleum, Midway Service, Howes Oil, Olson Oil, all no bid. Bid awarded to: Harms Oil.
6. Report of Requests for Quotes for Fuel dated: September 19, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.6881); Stern Oil (\$1.7115); Cole's Petroleum (\$1.7156); Howes Oil (\$1.7160); CHS, Inc. (\$1.7650); Midway Service and Olson Oil, both no bid. Bid awarded to: Harms Oil.
7. Report of Requests for Quotes for Fuel dated: September 19, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.5379); Howes Oil (\$1.5475); Harms Oil (\$1.5527); Cole's Petroleum (\$1.5537); CHS, Inc. (\$1.5800); Midwest Oil, Midway Service (Vollan), Olson Oil, all no bid. Bid awarded to: Stern Oil.
8. Report of Requests for Quotes for Fuel dated: September 26, 2016; Unleaded Ethanol; 623 Gallons; Midway Service (\$2.0250); Howes Oil, Stern Oil and Cole's Petroleum, all no bid. Bid awarded to: Midway Service.
9. Report of Requests for Quotes for Fuel dated: September 26, 2016; Clear Diesel #1; 630 gallons; Midway Service (\$2.03); Howes Oil, Stern Oil and Cole's Petroleum, all no bid. Bid awarded to: Midway Service.
10. Report of Requests for Quotes for Fuel dated: September 26, 2016; Clear Diesel #2; 630 gallons; Midway Service (\$1.89); Howes Oil, Stern Oil and Cole's Petroleum, all no bid. Bid awarded to: Midway Service.
11. Report of Requests for Quotes for Fuel dated: September 26, 2016; #2 Dyed Diesel; 2,000 gallons; Howes Oil (\$1.829); Midwest Oil (\$1.719); Midway

Service (\$1.680). Bid awarded to: Midway Service.

12. Report of Requests for Quotes for Fuel dated: September 27, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.7105); Stern Oil (\$1.7132); Cole's Petroleum (\$1.7223); CHS, Inc. (\$1.7675); Howes Oil, Midway Service, Olson Oil, all no bid. Bid awarded to: Harms Oil.
13. Report of Requests for Quotes for Fuel dated: September 27, 2016; #2 Clear Diesel; 9,000 gallons; CHS, Inc. (\$1.91); Harms Oil (\$1.86); Howes Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.

#### APPLICATIONS

14. Special One-Day Liquor licenses for Washington Pavilion Management Inc., to be operated at the Washington Pavilion of Arts & Science, 301 South Main Avenue, for special events on October 14 and 20, 2016.

#### NOTICE OF HEARINGS

Set a date of hearing for Monday, October 17, 2016, at 7 p.m. for Items 15 through 23:

15. New 2016-17 Retail Malt Beverage license for Estetica Unisex Mia LLC, Salon Mia, 1122 East 8th Street (CUP not required).
16. Request to add video lottery terminals to the Retail Malt Beverage license for Jasmin Sumic, JZ Caffee Bar & Grill, 313 North Dakota Avenue.
17. Transfer of 2016-17 Retail Malt Beverage license from Macho Nacho, LLC, Macho Nacho Mexican Grill, 3308 East 10th Street, to Jacky s Restaurant LLC, Jacky s Restaurant, 3308 East 10th Street (CUP not required).
18. Transfer of 2016 Retail Wine license from Macho Nacho, LLC, Macho Nacho Mexican Grill, 3308 East 10th Street, to Jacky s Restaurant LLC, Jacky s Restaurant, 3308 East 10th Street (CUP not required).
19. Transfer of 2016 Package Liquor license from Ridank LLC, Food N Fuel, 4701 West 12th Street, to Double B LLC, Food N Fuel, 4701 West 12th Street.
20. Renewal of 2017 Package Liquor license for Double B LLC, Food N Fuel, 4701 West 12th Street.
21. Special One-Day Wine license request for Democratic Forum of Sioux Falls to be operated at the History Club, 758 South Phillips Avenue, for a fundraiser social on October 27, 2016.

22. Special One-day Malt Beverage and Special One-day Wine licenses for the Multi-Cultural Center of Sioux Falls, 515 North Main Avenue, for an International Chef Cook off fundraiser on December 3, 2016.
  
23. Special One-day Malt Beverage and Special One-day Wine licenses for the Multi-Cultural Center of Sioux Falls, 515 North Main Avenue, for the Decadence in Chocolate fundraiser on February 4, 2017.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 7. Noes, 0.  
Motion Passed.

#### PUBLIC INPUT

Andre Hernandez spoke regarding piles of rocks in front of his residence and being a missionary.

Robert Kolbe spoke regarding: the Lord s Prayer, quotes from Mark Twain, traveling in South Dakota, use of property in South Dakota, council representation, and the County Commission s approve the sale of the property to build an archives building.

Scott Ehrisman spoke regarding: garbage hauler fees, water and sewer rates being raised, the Sioux Falls Development Foundation, and placing stamps on financial reports and petitions.

David Zokaites spoke about police violence.

Kermit Staggers thanked citizens for supporting the recent petition drive. He also spoke about city debt.

Bruce Danielson thanked citizens for supporting the recent citizen initiative. He also spoke regarding the city s website, and he stated the city government failed the citizens by not allowing a public vote on the city administration building.

Sierra Broussard spoke regarding the dress code in the City Council Chambers and following rules and regulations on petitions.

UNFINISHED BUSINESS

24. Special One-Day Off-Sale Package Wine license for the St. Joseph Cathedral Parish to be operated at the St. Joseph Cathedral gymnasium, 521 North Duluth Avenue, for a fundraiser on October 21, 2016.
25. Special One-Day Malt Beverage and Special One-Day Wine licenses for The Holy Spirit Knights of Columbus to be operated at the Holy Spirit Church gymnasium, 3601 East Dudley Lane, for a fundraiser dance on January 21, 2017.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve Items 24 and 25.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 7. Noes, 0.  
Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 155: SIGNS AND OUTDOOR ADVERTISING.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 104-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 7. Noes, 0.  
Motion Passed.

27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 612 S. WILLIAMS AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 5352-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

A motion was made by Council Member Rex Roling and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 105-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 7. Noes, 0.  
Motion Passed.

28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 600 S. LINCOLN AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 5351-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF

SIOUX FALLS. Planning Commission recommends approval (7-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Pat Starr to adopt said Ordinance No. 106-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolfing, 7. Noes, 0.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

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

A motion was made by Council Member Rex Rolfing and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 98-16.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolfing, 7. Noes, 0.  
Motion Passed.

#### RESOLUTION NO. 98-16

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
Gregory LaFollette	Board of Ethics	Reappointed for a term from October 2016 to October 2020.
Sue Roust	Board of Ethics	Appointed for a term from October 2016 to October 2020 (to replace Carol Knudtson).

Date adopted: 10/04/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco  
City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

30. REPORT OF THE SEPTEMBER 19, 2016, NOTICE OF TRANSFER OF APPROPRIATIONS

WITHIN MAJOR ORGANIZATIONAL UNITS.

31. REPORT OF THE SEPTEMBER 30, 2016, NOTICE OF TRANSFER OF APPROPRIATIONS  
WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Rick Kiley and seconded by Council Member Pat Starr to adjourn the meeting at 7:52 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. 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, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO CITYLINK AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.