

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, November 14, 2017, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson (arr. 7:06 p.m.)

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolwing

Mayor Mike T. Huether

INVOCATION

Executive Pastor Lars Olson, First Lutheran Church

\*

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Pancreatic Cancer Awareness Month - November, 2017

\*

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 8. Noes, 0.

Motion Passed.

## MINUTES

Informational Meeting of Tuesday, November 7, 2017, at 4 p.m.

\*

Regular City Council Meeting of Tuesday, November 7, 2017, at 7 p.m.

\*

## COMMUNICATIONS

1. Approval of contacts/agreements on the November 9, 2017, memo.
2. Approval of the notice of change orders on the November 9, 2017, memo.
3. A memorandum dated October 31, 2017, declaring surplus property.

Report of Requests for Quotes for Fuel dated: November 1, 2017; Unleaded Ethanol & #2 Dyed Diesel; 8,500 Gallons Unleaded & 950 Gallons #2 Dyed

4. Diesel; Cole's Petroleum (\$2.181 Unleaded/No Bid on #2 Dyed Diesel); Howes Oil (\$2.091 Unleaded/\$2.165 #2 Dyed Diesel); Midway Service, Harms Oil, CHS, Inc., Stern Oil, and Olson Oil, all no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: November 1, 2017; #2 Clear

5. Diesel; 7,500 Gallons; Howes Oil (\$2.448); CHS, Inc., Harms Oil, and Midwest Oil, all no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: November 6, 2017; Unleaded;

6. 8,500 Gallons; Stern Oil (\$2.1543); Midway Service, Cole's Petroleum, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Stern Oil.

Report for Requests for Quotes for Fuel dated: November 7, 2017; Dyed Diesel #1 and #2; 3,750 Gallons of DM #1 and 3,750 Gallons of DM #2; Midway Service

7. (\$2.3118 DM #1 and \$2.1116 DM #2); Cole's Petroleum (\$2.3320 DM #1 and \$2.1025 DM #2); Stern Oil (\$2.3575 DM #1 and \$2.1950 DM #2); Harms Oil (\$2.2986 DM #1 and \$2.0336 DM #2); Howes Oil, CHS, Inc., and Olson Oil, all no bids. Bid awarded to: Harms Oil.

A communication was received from the Avera McKennan Fitness Center

8. requesting permission to consume, but not sell, beer and wine in their Aerobic Studio, 3400 S. Southeastern Ave., on Friday, December 8, 2017, for a charter member party in celebration of their 20th anniversary.

A communication was received from Paul and Mary Ellen Connelly requesting

9. permission to consume, but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, December 30, 2017, to celebrate their 50th wedding anniversary.

## REGULAR AGENDA ITEMS

### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolfing, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Marilyn Buechler spoke about her husband and her dissatisfaction with the VA hospital.

Catherine R. Riffle spoke about the homeless and made recommendations for ways to help them.

Steven Siano spoke about: his dissatisfaction with the VA hospital, Falls Community Health and Southeastern Behavioral; his disabilities; his military service; suffering that his family has experienced; his health care needs; and lack of action by the police and courts in response to crimes committed against him.

Grant Whitwam thanked the City's street sweepers for cleaning up his block.

Heather Pastor spoke about the struggles and stereotypes of homelessness.

James Reed spoke about his desire to succeed and his joy in helping people.

Scott Ehrisman spoke about the proposed new parking ramp/hotel and its costs; TIF's; and downtown trains.

Sierra Broussard spoke about the Commission on Accreditation for Law Enforcement (CALEA).

Bruce Danielson spoke about the proposed hotel and parking ramp discussed at the Informational Meeting.

Debra Shields said she is a street dweller who has been in Sioux Falls for 11 years.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, November 21, 2017, at 7 p.m. for Item 10:

10. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A MIDAMERICAN ENERGY COMPANY GAS AND REGULATOR STATION EASEMENT.

A motion was made by Council Member Pat Starr and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, November 21, 2017, at 7 p.m. for Item 10.

Vote to set a date: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 8. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

11. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SMG FOR THE MANAGEMENT OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, THE ORPHEUM THEATER, AND THE SIOUX FALLS BASEBALL STADIUM.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Resolution No. 106-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 106-17

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SMG FOR THE MANAGEMENT OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, THE ORPHEUM THEATER, AND THE SIOUX FALLS BASEBALL STADIUM.

WHEREAS, the City is the owner of the Denny Sanford PREMIER Center, the Sioux Falls Arena, the Sioux Falls Convention Center, the Orpheum Theater, and the Sioux Falls Baseball Stadium, collectively referred to in this Agreement as the "Facilities"; and

WHEREAS, SMG is engaged, among other things, in the business of providing management services, including operations and marketing services for public assembly facilities; and

WHEREAS, the City desires to engage SMG, and SMG desires to accept the engagement, to provide management services for the Facilities pursuant to the terms and conditions set forth in this Agreement; and

WHEREAS, the City and SMG intend to work in mutual accord in order to ensure provision of first-class management services, thereby enhancing the public's use and enjoyment of the Facilities; and

WHEREAS, SMG and the City find that it is in both parties' best interest that a five-year agreement be now executed and subsequently entered into; and

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

Section 1. The document attached hereto and made a part of this Resolution entitled "Facilities Management Agreement" between the City and SMG, being a five-year Agreement for SMG to manage the Facilities, is hereby approved.

Section 2. The Mayor is authorized to sign the Facilities Management Agreement after it is ratified and executed by SMG.

Section 3. The City shall publish the Resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 11/14/17.

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND OVATIONS FOOD SERVICES, L.P. D/B/A SPECTRA FOOD SERVICES & HOSPITALITY FOR THE FOOD AND BEVERAGE SERVICES OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, THE ORPHEUM THEATER, AND THE SIOUX FALLS BASEBALL STADIUM.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to adopt said Resolution No. 107-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 107-17

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND OVATIONS FOOD SERVICES, L.P. D/B/A SPECTRA FOOD SERVICES & HOSPITALITY FOR THE FOOD AND BEVERAGE SERVICES OF THE DENNY SANFORD PREMIER CENTER, THE SIOUX FALLS ARENA, THE SIOUX FALLS CONVENTION CENTER, THE ORPHEUM THEATER, AND THE SIOUX FALLS BASEBALL STADIUM.

WHEREAS, the City is the owner of the Denny Sanford PREMIER Center, the Sioux Falls Arena, the Sioux Falls Convention Center, the Orpheum Theater, and the Sioux Falls Baseball Stadium (collectively the "Facilities"); and

WHEREAS, Ovations Food Services, L.P. d/b/a Spectra Food Services & Hospitality ("Spectra") is engaged in, among other things, the business of managing and operating food, beverage, novelty, and merchandise concession services and catering services at indoor and outdoor single and multipurpose facilities including convention centers, arenas, events centers, and theaters; and

WHEREAS, the City desires to engage Spectra, and Spectra desires to accept the engagement, to provide food, beverages, novelty, and merchandise concession services and catering services for the Denny Sanford PREMIER Center, the Sioux Falls Arena, the Sioux Falls Convention Center, and the Orpheum Theater pursuant to the terms and conditions set forth in the Agreement. In the case of the Sioux Falls Baseball Stadium, the City desires to engage Spectra at City and nonclub events, and Spectra desires to accept the engagement to provide food, beverages, novelty, and merchandise concession services and catering services pursuant to the terms and conditions of the Lease with Mankato Baseball, Inc. and this Agreement; and

WHEREAS, the City and Spectra intend to work in mutual accord in order to ensure the provision of high-quality food, beverage, novelty, and merchandise concession services and catering services, thereby enhancing the public's use and enjoyment of the Facilities; and

WHEREAS, Spectra and the City find that it is in both parties' best interest that a five-year Agreement be now executed and subsequently entered into; and

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

Section 1. That the document attached hereto and made a part of this Resolution entitled "Food and Beverage Services Agreement between the City of Sioux Falls and Ovations Food Services, L.P. d/b/a Spectra Food Services & Hospitality," being a five-year Agreement for Spectra to operate the food and beverage service at the Facilities on behalf of the City is hereby approved.

Section 2. The Mayor is authorized to sign the Food and Beverage Services Agreement after it is ratified and executed by Spectra.

Section 3. The City shall publish the Resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 11/14/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE 13. CITY OF SIOUX FALLS AND WASHINGTON PAVILION MANAGEMENT, INC. FOR THE MANAGEMENT OF THE WASHINGTON PAVILION OF ARTS AND SCIENCE.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 108-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 108-17

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND WASHINGTON PAVILION MANAGEMENT, INC. FOR THE MANAGEMENT OF THE WASHINGTON PAVILION OF ARTS AND SCIENCE.

WHEREAS, the City owns the Washington Pavilion of Arts and Science, being the former Washington Senior High School located in downtown Sioux Falls, and a domed motion picture theater which is used for cultural, social, and business events, exhibitions, public and private gatherings, and other similar uses, situated in Sioux Falls, SD ("the Pavilion"); and

WHEREAS, the City owns and maintains assets held within the Pavilion, including science exhibits and equipment necessary to provide programming for the Pavilion; and

WHEREAS, the City and Washington Pavilion Management, Inc. ("Management Company") will work collaboratively to ensure the long-term viability of the Pavilion as a first-class arts and culture facility for the public's enjoyment; and

WHEREAS, this agreement also serves as a memorandum of understanding of a long-term relationship between the City and Management Company by standards appropriate of an accredited institution of the American Association of Museums; and

WHEREAS, the City desires to have Management Company manage and operate the

Pavilion, and the Management Company desires to perform such services pursuant to the terms and conditions set forth in this Agreement;

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

Section 1. The document attached hereto and made a part of this Resolution entitled "Management and Operating Agreement Between the City of Sioux Falls, South Dakota, and Washington Pavilion Management, Inc." for Management Company to manage the Washington Pavilion of Arts and Science is hereby approved.

Section 2. The Mayor is authorized to sign the Management Agreement after it is ratified and executed by Management Company.

Section 3. The City shall publish the Resolution, without attachment, after its passage. The attachment is on file and available for inspection in the office of the City Clerk.

Date adopted: 11/14/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

ADJOURNMENT

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adjourn at 7:46 p.m.

Mayor Mike Huether called for a voice vote. All members voted 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, 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.