

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, November 12, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach

Mayor Mike T. Huether

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Chair Jim Entenman chaired the meeting during Mayor Mike Huether's absence.

INVOCATION

Pastor Pat McClanahan, Common Ground

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PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

2013 Sioux Falls Mayoral Beautification Awards for Residential

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2013 Sioux Falls Mayoral Beautification Awards for Non-Residential -

* Public Space

2013 Sioux Falls Mayoral Beautification Awards for Community

* Leadership

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Council Member Kermit Staggers asked to move the Arena Building Improvements/Parking Lots, \$84,110, from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, November 5, 2013, at 4:00 p.m.

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Regular City Council Meeting of Tuesday, November 5, 2013, at 7:00

* p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on November 7, 2013 memo.

Sponsor: Mayor/Finance

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to approve the Arena Building Improvements/Parking Lots, \$84,110, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

2. Notice of change orders on November 7, 2013 memo.

Sponsor: Mayor/Finance

3. Report of Requests for Quotes for Fuel dated: October 31, 2013; #2 Clear Diesel; 7,500 gallons; Harms Oil (\$3.3000); Midwest Oil (\$3.3700); CHS, Inc. and Howes Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Sioux Area Metro

4. Report of Requests for Quotes for Fuel dated: October 31, 2013; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.6500); Howes Oil (\$2.6975); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Mark Lee, with the Sioux Falls Area Chamber of Commerce, read into record a resolution of Commendation toward the City.

I.L. Wiedermann explained why he had been missing City Council meetings. He said the Mayor is using Channel 16 for Election purposes.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING
5. CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND AUTHORIZING THE
DISPOSITION THEREOF.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance 72-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 8. Noes, 0.

Motion Passed.

6. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
APPROVING THE EXCHANGE OF REAL PROPERTY.

Sponsor: Mayor/Public Works

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Ordinance 73-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, November 26, 2013, at 5:00 p.m. for the Joint City Council/Minnehaha County Commission Meeting for Item 7:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE
CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY ONE MILE WEST OF
7. THE W. 41ST ST. AND TEA ELLIS RD. INTERSECTION FROM THE REVISED
RESURRECTION CHURCH PLANNED DEVELOPMENT DISTRICT TO THE A-1 AGRICULTURAL
DISTRICT.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council

Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, November 26, 2013, at 5:00 p.m. for the Joint City Council/Minnehaha County Commission Meeting.

Vote to set a date: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

8. A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN LOT 2A OF BLOCK 3 JUDEE ESTATES ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution 87-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 87-13

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN LOT 2A OF BLOCK 3 JUDEE ESTATES ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SOUTH DAKOTA.

WHEREAS, the City of Sioux Falls, South Dakota, 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 and roadway easements and permanent sidewalk easement were filed by plat in the office of the Register of Deeds for Lincoln County, SD, on April 3, 2003, and recorded in Plat Book W on page 36. The roadway easement was reestablished by an Access Easement recorded in the office of the Register of Deeds for Lincoln County, SD, on June 24, 2003, in Book 13 of Miscellaneous on page 485. The permanent utility easement reserved within vacated E. Northstar Ln. was created by City Resolution No. 81-100 and recorded in Book 10 of Miscellaneous on page 441 in the office of the Register of Deeds for Lincoln County, SD, on September 11, 2000;

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 Lot 2A of Block 3 Judee Estates 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, South Dakota, a duly certified transcript of this resolution.

Date adopted: 11/12/13 .

Mike T. Huether

Mayor

ATTEST:

Denise D. Tucker, CMC

Assistant City Clerk

Mayor Mike Huether arrived at this time.

Council Chair Jim Entenman relinquished the chair to Mayor Mike Huether.

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN
9. VACATED W. 19TH ST. BETWEEN S. MENLO AVE. AND S. GRANGE AVE., LYING
SOUTH OF BLOCK 8 OF PARK ADDITION TO SIOUX FALLS AND LYING NORTH OF
BLOCK 9 OF PARK ADDITION TO SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to adopt said Resolution 88-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 88-13

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN VACATED W. 19TH ST. BETWEEN S. MENLO AVE. AND S. GRANGE AVE., LYING SOUTH OF BLOCK 8 OF PARK ADDITION TO SIOUX FALLS AND LYING NORTH OF BLOCK 9 OF PARK ADDITION TO SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

WHEREAS, the City of Sioux Falls, South Dakota, no longer needs the permanent 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 utility easement was established by City of Sioux Falls Resolution No. 07-08 and recorded in Book 258 of Miscellaneous on page 999 in the office of the Register of Deeds for Minnehaha County, SD, on February 11, 2008.

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 ExhibitA, and affecting the real property described as vacated W. 19th St. between S. Menlo Ave. and S. Grange Ave., lying south of Block 8 of Park Addition to Sioux Falls and lying north of Block 9 of Park Addition to Sioux Falls, 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: 11/12/13 .

Mike T. Huether

Mayor

ATTEST:

Denise D. Tucker, CMC

Assistant City Clerk

10. A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Resolution 89-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 89-13

A RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM.

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

That the 2013-2017 Capital Program shall be amended as follows:

Public Works-Engineering

Amend Capital Improvements Program Project No. 503099, Collector Street Expansion, by increasing the amount of funding for Water Reclamation User Fees by \$369,000 in 2013. The additional funding will not require an increase in appropriations and will be funded from the proceeds of the transfer of land with the Sioux Falls Development Foundation.

Date adopted: 11/12/13 .

Mike T. Huether

Mayor

ATTEST:

Denise D. Tucker, CMC

Assistant City Clerk

11. 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.

Sponsor: City Council/City Clerk's Office

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Resolution 90-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 90-13

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 2014 biweekly salary ranges for the Budget Analyst shall be as follows: biweekly minimum range-\$2,033.60; maximum-\$2,864.80.
2. The 2014 biweekly salary ranges for the City Clerk shall be as follows: biweekly minimum range-\$2,033.60; maximum-\$2,864.80.
3. The 2014 hourly salary ranges for the Internal Auditor shall be as follows: hourly minimum range-\$20.57; maximum-\$28.59.
4. The 2014 biweekly salary ranges for the Internal Audit Manager shall be as follows: biweekly minimum range-\$2,095.20; maximum-\$2,972.00.
5. The 2014 biweekly salary ranges for the Legislative/Operations Manager shall be as follows: biweekly minimum range-\$2,408.80; maximum-\$3,467.20.
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.
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: 11/12/13 .

Mike T. Huether

Mayor

ATTEST:

Denise D. Tucker, CMC

Assistant City Clerk

12. A RESOLUTION AMENDING THE CITY OF SIOUX FALLS GENERAL CONDITIONS FOR PUBLIC IMPROVEMENTS.

Sponsor: Mayor/Public Works

A motion was made by Council Member Greg Jamison and seconded by Council Member Rex Rolwing to adopt said Resolution 91-13.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 91-13

A RESOLUTION AMENDING THE CITY OF SIOUX FALLS GENERAL CONDITIONS FOR PUBLIC IMPROVEMENTS.

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

That the City of Sioux Falls General Conditions for Public Improvements revised edition dated December 2, 2013, is hereby adopted. The aforementioned document is attached to and made a part of this resolution.

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: 11/12/13 .

Mike T. Huether

Mayor

ATTEST:

Denise D. Tucker, CMC

Assistant City Clerk

Mayor Huether recognized University of Sioux Falls students who were in the audience.

ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Jim Entenman to adjourn at 7:43 p.m.

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

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.

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 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.