

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, December 10, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Care Pastor Mike Peterson, Celebrate Church

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PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

International Downtown Association Award was presented by Jason

\* Dennison, President of Downtown Sioux Falls

V.L. Crusinberry Award was awarded to Betsy Odden, Public Works -

\* Engineering

Jeanne Fullenkamp Management Excellence Award was awarded to Sam

\* Trebilcock, Planning and Building Services

Safety Award was awarded to Sandy Frentz, Public Health

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to approve the Consent Agenda.

Council Member Kermit L. Staggers asked to move the Washington Pavilion Cinedome Roof Replacement, \$9,000, from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes.

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, December 3, 2013, at 4:00 p.m.

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Regular City Council Meeting of Tuesday, December 3, 2013, at 7:00

\* p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on December 5, 2013 memo.

Sponsor: Mayor/Finance

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to approve the Washington Pavilion Cinedome Roof Replacement, \$9,000, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Kermit L. Staggers, 1.

2. Report of Requests for Quotes for Fuel dated: December 2, 2013; #1 & #2 Dyed Diesel Fuel (3,000 #1/4,500 #2); 7,500 gallons; Harms Oil (\$3.5000 for #1 & \$3.2000 for #2); CHS, Inc., Howes Oil, Olson Oil, and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

3. Report of Requests for Quotes for Fuel dated: December 3, 2013; #2 Clear Diesel; 7,500 gallons; Harms Oil (\$3.6299); CHS, Inc., Howes Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Sioux Area Metro

4. A communication was received from Robert J. Honomichl and Samantha Contarino requesting permission to consume, but not sell, wine and malt beverages at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, March 15, 2014 from 2:00 p.m. until 11:00 p.m. for a wedding reception.

Sponsor: SDCL 35-1-5.5

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed.

#### PUBLIC INPUT

There was none.

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

#### INTRODUCTION AND ADOPTION OF ORDINANCES

5. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A FALLS PARK VISITOR INFORMATION CENTER LEASE AGREEMENT.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Rex Roling and seconded by Council Member Sue Aguilar to adopt said Ordinance 79-13.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

6. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER, SIDEWALK, AND ASPHALT SURFACING ON W. 85TH ST. FROM S. LOUISE AVE. TO S. MINNESOTA AVE.

Sponsor: Mayor/Public Works

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to defer to the City Council Meeting on Tuesday, January 14, 2014, at 7:00 p.m.

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

Motion Passed.

7. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION ON RESOLUTION NO. 69-13, A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON E 41ST ST. FROM S. CLEVELAND AVE. TO BNSF RAILROAD ROW AND S. CLEVELAND AVE. FROM BNSF RAILROAD ROW TO E. 41ST ST.

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 99-13.

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

Motion Passed.

RESOLUTION NO. 99-13

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION ON RESOLUTION NO. 69-13, A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON E 41ST ST. FROM S. CLEVELAND AVE. TO BNSF RAILROAD ROW AND S. CLEVELAND AVE. FROM BNSF RAILROAD ROW TO E. 41ST ST.

WHEREAS, on September 10, 2013, the City Council of the City of Sioux Falls adopted Resolution 69-13 vacating the public right-of-way on E. 41st St. from S. Cleveland Ave. to BNSF Railroad ROW and S. Cleveland Ave. from BNSF Railroad ROW to E. 41st St.; and

WHEREAS, a legal description as set forth in Resolution 69-13 was not accurate; and

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

That the legal description as set forth in Resolution 69-13 is hereby amended to read as follows:

Lot A of County Auditor's Tract 3 in the Southeast Quarter (SE1/4) of Section 27-T101N-R49W of the 5th P.M., Minnehaha County, SD.

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 12/10/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to adopt said Resolution 100-13.

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

Motion Passed.

RESOLUTION NO. 100-13

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
Susy (To Blake	Falls Community Health Center Board	Appointed for a term from December 2013 to December 2016. replace Dr. Jim Richardson.)
Linda Karnof	Falls Community Health Center Board	Reappointed for a term from December 2013 to December 2016.
Jason Snyders (.)	Infrastructure Review Advisory Board	Appointed for a term from December 2013 to December 2016. (Alternate for Sioux Falls Contractors' Association .)
Kurt Johnson	Planning Commission	Appointed for a term from December 2013 to May 2014 (To fill the unexpired term of Diane de Koeper.)

Date adopted: 12/10/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

9. Agreement with the Ice Sports Association and the City of Sioux Falls regarding the Indoor Ice Facility to be located at the Sanford Sports Facility and known as the Scheels Ice Plex.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to approve the agreement.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to amend the main motion by amending Section Twelve by adding the following sentence after the sentence that ends, "Sioux Falls, SD" and before the sentence that begins, "This paragraph" with the "ISA shall report to the City Council a general operations overview of the organization on an annual basis".

Vote to amend: Roll Call: Yeses, Rex Roling, 1. Noes, James Entenman, Michelle

Erpenbach, Greg Jamison, Dean Karsky, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 7.

Motion Failed.

A motion was made by Council Member Kermit L. Staggers to amend the agreement by striking Section Seven. Since there is no second, the motion is not before the meeting.

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

Motion Passed.

Mayor Mike Huether recused himself from the consideration, discussion and vote of Item 10. He handed over the gavel to Council Chair Jim Entenman.

10. Agreement with the Sioux Falls Tennis Association and the City of Sioux Falls regarding the Community Indoor Tennis Facility to be located at the Sanford Sports Complex.

Sponsor: Parks and Recreation

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to approve the agreement.

Council Member Michelle Erpenbach called point of order, to allow for public testimony.

Council Member Dean Karsky withdrew his motion. Council Member Sue Aguilar withdrew her second.

A motion was made by Council Member Dean Karsky and seconded by Council Member Sue Aguilar to approve the agreement.

A motion was made by Council Member Rex Roling to amend the agreement by amending Section Twelve by adding the following sentence after the sentence that ends, "Sioux Falls, SD" and before the sentence that begins, "This paragraph" with the "CITC shall report to the City Council a general operations overview of the organization on an annual basis". Since there is no second, the motion is not before the meeting.

Vote to approve: Roll Call: Yeses, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, Sue Aguilar, Kenny Anderson Jr., 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Greg Jamison to adjourn at 8:13 p.m.

Council Chair James Entenman 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](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.