

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, May 10, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Pastor Dwayne Williams, First Baptist Church in Huron

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Bike Month - May, 2016

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RECOGNITION/AWARDS

C-SPAN video winners - Edison Middle School sixth graders: Clayton Stokka, Patrick Gaddis, Jayden Bartlett, Else Madsen, and Kate

* McCartney; and Patrick Henry Middle School seventh grader: Erin Bickett

Public Service Recognition Award to Dean Karsky, Northwest District

* City Council Member

Public Service Recognition Award to Greg Jamison, Southwest District

* City Council Member

Public Service Recognition Award to Kermit L. Staggers, At-Large

* District City Council Member

Public Service Recognition Award to Kenny Anderson Jr., Northeast

* District City Council Member

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, May 3, 2016, at 4 p.m.

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Regular City Council Meeting of Tuesday, May 3, 2016, at 7 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the May 5, 2016, memo.

Report of Requests for Quotes for Fuel dated: April 28, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.4474); Harms Oil (\$1.4498); Cole's

2. Petroleum (\$1.4570); Howes Oil (\$1.4690); CHS, Inc., Midwest Oil, Midway Service (Vollan), and Olson Oil, all no bid. Bid awarded to: Stern Oil.

Report of Requests for Quotes for Fuel dated: May 2, 2016; #2 Clear

3. Diesel; 7,500 Gallons; CHS, Inc. (\$1.787); Howes Oil (\$1.744); Harms Oil (\$1.7481); Midwest Oil, no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: May 3, 2016; E-10

4. Unleaded Ethanol/87 Octane; 8,500 gallons; Howes Oil (\$1.6710); Harms Oil (\$1.6922); Stern Oil (\$1.7011); Cole's Petroleum, CHS, Inc., Olson Oil, and Vollan Oil, all no bid. Bid awarded to: Howes Oil.

A communication was received from Erin Muckey requesting permission to

5. consume, but not sell, wine and beer at The Old Courthouse Museum, 200 W. 6th St., on Saturday, July 2, 2016, for a wedding reception.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rick Kiley, Rex Rolwing, Kermit

L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Scott Ehrisman spoke about: public input; time restrictions for public meetings; and thanked the outgoing Council Members for their years of public service.

Robert Kolbe spoke about: forward thinking community leaders; and governmental insight.

David Zokaites spoke about: solving problems by understanding their origins; and tips for successful public speaking.

Pam Fargen spoke about: changing the name of the street where she lives; and the impact it will have on her life.

Rhonda Dangel spoke about: changing the name of her street where she lives; and the impact it would have on her life.

Tim Stanga spoke about: speaking on behalf of elderly citizens; a homeless individual that is living out of a car in his neighborhood; and thanked the four outgoing City Council for their years of public service.

Bruce Danielson spoke about: continuing communication with the City Council; and thanked the outgoing City Council members for their years of public service.

UNFINISHED BUSINESS

Special One-Day Malt Beverage License for Make-A-Wish Foundation of South Dakota, to be operated at the 8th & Railroad Shopping Center parking Lot, 401 East 8th Street, for a fundraiser on May 14, 2016, and to authorize publication April 29, 2016.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve Item 6.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, May 17, 2016, at 7 p.m., for Item 7:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 7. CODE OF ORDINANCES OF THE CITY BY CHANGING A STREET NAME. (East Arden Street)

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, May 17, 2016, at 7 p.m. for Item 7.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, May 17, 2016, at 7 p.m., for Item 8:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE
8. CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 111: RESTRICTIONS ON
ISSUANCE OF MALT BEVERAGE RETAILER LICENSES.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, May 17, 2016, at 7 p.m. for Item 8.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED
9. IN TRACT 1, GARDEN VILLAGE II ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN
COUNTY, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Resolution No. 42-16.

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

Motion Passed.

RESOLUTION NO. 42-16

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED IN TRACT 1, GARDEN VILLAGE II ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs part of the permanent drainage easement area across the above-described real property, as shown on attached Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer; and

WHEREAS, the permanent drainage easement was established by plat and filed in Book W of Plats on page 91 in the office of the Register of Deeds for Lincoln County, SD, on August 13, 2003, and was reaffirmed by plat and filed in Book 10 of Plats on page 18 in the Register of Deeds for Lincoln County, SD, on February 11, 2016;

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

That it approves the release of part of the permanent drainage easement area, as shown on attached Exhibit A, and affecting the real property described as Tract 1, Garden Village II 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, SD, a duly certified transcript of this resolution.

Date adopted: 05/10/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT UTILITY EASEMENT
10. LOCATED IN LOT 18A, BLOCK 1 OF TUSCAN CLUB ESTATES ADDITION TO THE CITY OF
SIOUX FALLS, LINCOLN COUNTY, SD.

A motion was made by Council Member Christine M. Erickson and seconded by
Council Member Kenny Anderson Jr. to adopt said Resolution No. 43-16.

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

Motion Passed.

RESOLUTION NO. 43-16

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT UTILITY EASEMENT
LOCATED IN LOT 18A, BLOCK 1 OF TUSCAN CLUB ESTATES ADDITION TO THE CITY OF
SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs part of the permanent
utility 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;

WHEREAS, the permanent drainage easement was established by plat and filed in
Book 1 of Plats on page 183 in the office of the Register of Deeds for Lincoln
County, SD, on October 31, 2007, and was reaffirmed by plat and filed in Book
10 of Plats on page 25 in the Register of Deeds for Lincoln County, SD, on
February 24, 2016;

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

That it approves the release of part of the permanent utility easement area, as
shown on attached Exhibit A, and affecting the real property described as Lot
18A, Block 1 of Tuscan Club 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, SD, a duly certified transcript of this
resolution.

Date adopted: 05/10/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, June 14, 2016, at 7 p.m. for Item 11:

11. A PROPOSED RESOLUTION VACATING A PORTION OF THE N. WHITNI AVE. RIGHT-OF-WAY.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing for Tuesday, June 14, 2016, at 7 p.m. for Item 11.

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

Motion Passed.

NEW BUSINESS

12. Motion to provide advice and consent for the appointment of the Director of Community Development.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rick Kiley to approve Item 12.

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

Motion Passed.

MOTION TO RECONSIDER (FROM THE MAY 3, 2016, CITY COUNCIL MEETING):

New 2016-17 Retail Malt Beverage License, including video lottery

13. terminals, for Commonwealth Gaming & Holdings, Deuces Casino 3.5, 5115 East Arrowhead Parkway, with Conditional Use Permit (4148-2016) being approved on March 3, 2016. Pending final inspections per Fire, Health and Building Services.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to reconsider Item 13.

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

Motion Passed.

A motion was made by Council Member Rex Roling to postpone Item 13 to the City Council Meeting on Tuesday, May 17, 2016, at 7 p.m. Since there is no second, the motion is not before the meeting.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to defer Item 13 to the City Council Meeting on Tuesday, May 17, 2016, at 7:00 p.m.

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

Motion Passed.

MOTION TO RECONSIDER (FROM THE MAY 3, 2016, CITY COUNCIL MEETING):

New 2016 Retail Wine License, including video lottery terminals, for
14. Commonwealth Gaming & Holdings, Deuces Casino 3.5, 5115 East Arrowhead Parkway, with Conditional Use Permit (4148-2016) being approved on March 3, 2016. Pending final inspections per Fire, Health and Building Services.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to reconsider Item 14.

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

Motion Passed.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Rolwing to defer Item 14 o the City Council Meeting on Tuesday, May 17, 2016, at 7 p.m.

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

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Greg Jamison to adjourn the meeting at 8:44 p.m. Mayor Mike 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. 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.