

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, September 20, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rex Roling

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

National Mental Illness Awareness Week, October 2-8, 2016

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to approve the Consent Agenda.

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, September 13, 2016, at 4 p.m.

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City Council Meeting of Tuesday, September 13, 2016, at 7 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the September 16, 2016, memo.
2. Approval of the notice of change orders on the September 16, 2016, memo.

Report of Requests for Quotes for Fuel dated: September 8, 2016; E10

3. Unleaded Fuel; 8,500 gallons; Cole's Petroleum (\$1.6735); Harms Oil (\$1.6967); CHS, Inc. (\$1.7099); Stern Oil (\$1.7408); Olson Oil and Howes Oil, no bid. Bid awarded to: Cole's Petroleum.

Report of Requests for Quotes for Fuel dated: September 13, 2016; #2 Dyed

4. Diesel; 7,500 gallons; Howes Oil (\$1.5615); Harms Oil (\$1.5792); Stern Oil (\$1.5799); Cole's Petroleum (\$1.5855); CHS, Inc., Midwest Oil, Midway Service (Vollan), and Olson Oil, all no bid. Bid awarded to: Howes Oil.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, October 4, 2016, at 7 p.m. for Items 5 and 6:

Special One-Day Off-Sale Package Wine license for the St. Joseph Cathedral

5. Parish to be operated at the St. Joseph Cathedral gymnasium, 521 North Duluth Avenue, for a fundraiser on October 21, 2016.

Special One-Day Malt Beverage and Special One-Day Wine licenses for The Holy

6. 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.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Rex Rolwing and seconded by Council Member Christine M. Erickson to amend the Regular Agenda by moving Item 16 before Item 12.

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

Motion Passed.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Christine M. Erickson to amend Item 17 by replacing the word "Barrel" with the word "Pounds".

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

Motion Passed.

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

Motion Passed.

PUBLIC INPUT

June Stagers noted that the Informational Meeting ended with an executive session, which she asked for clarification regarding the rules governing the sessions and recommended that the number of such sessions be reduced.

John Nordlie thanked the Mayor and Council Members for their actions regarding the proposed rezoning of Lacey Estates and expressed hope that a suitable development solution can be found for the land. He also expressed thanks for the recent naming of "Rotary Centennial Plaza."

Scott Ehrisman referenced the Land Use Committee Meeting's "Sioux Falls Ice & Recreation Center Property Future Use Discussion" and spoke about property disposition precedents and of the value of the Glory House expanding where they currently are. He also referenced the 4 p.m. Informational Meeting in a discussion about leadership and power.

David Zokaites provided a presentation on the City Administrative Building and how it should be discussed. He mentioned the petition process, unrealistic rhetoric, construction process, justifications for new a building, and unanswered questions.

Bruce Danielson commented on the Chambers chair configuration and the role of a legislature and its legislators. He noted there have been six executive sessions this year and that the next election is 19 months away.

Tim Stanga discussed double standards and expressed his observations of the City Council. He expressed his gratitude to Council Member Stehly for her comments at the Informational Meeting.

Sierra Broussard spoke about the LGBT community, Police LGBT training, and the procurement of body cameras.

UNFINISHED BUSINESS

7. New 2016-17 Retail Malt Beverage license for the Madina Otban, The Red Lion Coffee Shop, 1122 North Weber Avenue (CUP not required).

Transfer of 2016-17 Retail Malt Beverage license, with video lottery terminals, from Boys & Girls Clubs of the Sioux Empire, Burnside Game Place,

8. 1605 West Burnside Avenue, to Arsiya Inc., Burnside Game Place, 1605 West Burnside Avenue, with Conditional Use Permit (5416-2016) being reviewed on September 7, 2016.

Transfer of 2016 Retail Wine license from Boys & Girls Clubs of the Sioux

9. Empire, Burnside Game Place, 1605 West Burnside Avenue, to Arsiya Inc., Burnside Game Place, 1605 West Burnside Avenue, with Conditional Use Permit

(5416-2016) being reviewed on September 7, 2016.

Special One-Day Malt Beverage license for Fernson Brewing Company to be
10. operated at The Great Outdoor Store, 201 East 10th Street, for the Merrell
Boots and Beer event on September 22, 2016.

Special One-Day Malt Beverage and One-Day Wine licenses for Catering America
11. Inc., Chef Dominique's to be operated at Avera Health Clinic, 2100 South
Marion Road, for a private event on October 4, 2016.

A motion was made by Council Member Christine M. Erickson and seconded by
Council Member Theresa Stehly to approve Items 7 through 11.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Item 16 was heard at this time. See item for action.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
12. APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING
DECEMBER 31, 2017.

A motion was made by Council Member Greg Neitzert and seconded by Council
Member Christine M. Erickson to adopt said Ordinance 103-16.

A motion was made by Council Member Rex Roling and seconded by Council Member
Christine M. Erickson to amend said Ordinance No. 103-16 to reflect changes to
the resolution adopting the budget and Capital Program.

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

Motion Passed.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 4, 2016, at 7 p.m.
for Item 13:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
13. 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
Pat Starr to set a date of hearing and 2nd Reading for Tuesday, October 4,
2016, at 7 p.m. for Item 13.

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

Neitzert, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 4, 2016, at 7 p.m. for Item 14:

1st 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 14. 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 Rolwing and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, October 4, 2016, at 7 p.m. for Item 14.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 4, 2016, at 7 p.m. for Item 15:

1st 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 15. 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 Michelle Erpenbach and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, October 4, 2016, at 7 p.m. for Item 15.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

16. A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2017, AND THE 2017-2021 CAPITAL PROGRAM.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 96-16.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to amend the 2017 Transit Fund Budget by increasing the operating agreement by \$28,000 to increase advertising to be funded by the Transit Fund unobligated fund balance.

Vote to amend: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, 7. Noes, Greg Neitzert, 1.

Motion Passed.

A motion was made by Council Member Rex Roling and seconded by Council Member Marshall Selberg to amend the 2017 General Fund Budget by increasing the City Council budget by \$60,000 from Unobligated Fund Balance to fund the Internal Audit Manager Transition plan.

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

Motion Passed.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Michelle Erpenbach to amend the 2017 General Fund Budget by reducing \$90,000 from Highways & Streets; and increasing the Transfer to the Community Development Fund \$90,000, and increasing the Affordable Housing budget within the Community Development Fund to provide an additional \$90,000 to support the Bishop Dudley House.

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

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to amend the 2017 General Fund Budget by reducing \$103,500 from Highways & Streets; and increasing the Police budget to \$103,500 to fund Youth Drug and Alcohol Counseling.

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

Motion Passed.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to amend the 2017 General Fund Budget by reducing \$26,500 from Highways & Streets; reducing \$123,500 from Parks and Recreation; and increasing the Economic Development budget \$150,000 to fund the USD Discovery District.

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

Motion Passed.

A motion was made by Council Member Pat Starr and seconded by Council Member Michelle Erpenbach to amend the 2017 - 2021 Entertainment Tax Fund Budget and 2017 Budget by moving \$42,000 from 2017 to 2018 (Engineering) and moving \$230,000 from 2018 to 2019 (Construction) Project No. 13013 Sioux Falls Stadium Improvements (Pg. 91).

Vote to amend: Roll Call: Yeses, Pat Starr, Theresa Stehly, Michelle Erpenbach, 3. Noes, Rex Roling, Marshall Selberg, Christine M. Erickson, Rick Kiley, Greg Neitzert, 5.

Motion Failed.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Greg Neitzert to amend the 2017 - 2021 Capital Improvement Program and 2017 Budget by reducing \$50,000 (2017) from Project No. 14022 Development of Play Structures (2017 - 2021) (Pg. 104) and increasing the Highways & Streets 2017 Capital Budget \$50,000 for newly created project Solar Speed Safety Signs.

Vote to amend: Roll Call: Yeses, Theresa Stehly, 1. Noes, Rex Roling, Marshall Selberg, Pat Starr, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7.

Motion Failed.

A motion was made by Council Member Pat Starr and seconded by Council Member Michelle Erpenbach to amend the 2017 - 2021 Capital Improvement Program and 2017

Budget by deleting Construction Expenditures of \$15,215,000 and remove Funding Sources - Bond Fees of \$14,320,000. In the description strike "and construct" and

after development add sentence, "Bond funding for construction will be determined

after the design process is complete." New Parking Facility, Project 19002, (Pg.

156). The description shall read: Design an aesthetically attractive parking structure in downtown Sioux Falls that complements the surrounding area, which may include mixed use private development. Bond funding for construction will be

determined after the design process is complete.

Vote to amend: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Greg Neitzert, 6. Noes, Rex Roling, Rick Kiley, 2.

Motion Passed.

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

Motion Passed.

SAVE IN FOLDER S:\AS\CLERK\RES. RESOLUTIONS SHOULD NEVER HAVE A PUBLISH DATE LISTED AT THE TOP. abbreviate street addresses or feet and inches to ' and " for printing purposes in argus leader.

RESOLUTION NO. 96-16

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER31, 2017, AND THE 2017-2021 CAPITAL PROGRAM.

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

That the Mayor's 2017 Budget and 2017-2021 Capital Program as submitted to the City Council is hereby approved.

Date adopted: 09/20/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

17. A RESOLUTION AUTHORIZING THE SIOUX FALLS PUBLIC WORKS STREET DIVISION TO SELL 8,360 BARRELS OF GOODS TO PENNINGTON COUNTY, SD.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 97-16.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to amend said Resolution No. 97-16 by replacing each reference to "Barrels" with the word "Pounds".

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

Motion Passed.

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

Motion Passed.

RESOLUTION NO. 97-16

A RESOLUTION AUTHORIZING THE SIOUX FALLS PUBLIC WORKS STREET DIVISION TO SELL 8,360 POUNDS OF GOODS TO PENNINGTON COUNTY, SD.

WHEREAS, the Street Division has declared as surplus 8,360 pounds of goods that includes 5boxes of chains, 1box of connectors, and 41 boxes of motor grader chains; and

WHEREAS, Pennington County, SD, finds it desirable to acquire the above-described surplus goods and has offered to purchase said goods for the purchase amount of \$2,000;

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

That the property described above is no longer necessary, useful, or suitable for the purpose for which it was acquired; and

That the selling of the property described above by the Sioux Falls Public Works Street Division to Pennington County, SD, for the purchase amount of \$2,000 is hereby approved.

Date adopted: 09/20/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

ADJOURNMENT

Council Member Christine Erickson recognized her son Braylon who accompanied her to the day's meetings.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adjourn at 9 p.m.

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

Motion Passed.

Thomas M. Greco

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, 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 FOR SPECIFIC PROGRAMMING TIMES.