

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

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

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolwing

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Pastor Erich P. McCandless, PhD., Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Congenital Heart Awareness Week, February 7-14, 2017

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

## MINUTES

Informational Meeting of Monday, February 6, 2017, at 4 p.m.

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Regular City Council Meeting of Monday, February 6, 2017, at 7 p.m.

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## COMMUNICATIONS

1. Approval of contracts/agreements on the February 10, 2017, memo.

Report of Requests for Quotes for Fuel dated: February 3, 2017; #1 & #2 Dyed Diesel Fuel; 7,500 Gallons #1 & 7,500 Gallons #2 (15,000 Gallons); Harms Oil

2. (\$1.8393 #1 & \$1.6928 #2); Stern Oil (\$1.8416 #1 & \$1.7235 #2); CHS, Inc., Cole's Petroleum, Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: February 3, 2017; E-10

3. Unleaded Ethanol/87 Octane; 8,500 Gallons; Harms Oil (\$1.8373); Stern Oil (\$1.8831); CHS, Inc., Cole's Petroleum, Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Harms Oil.

A communication was received from Maegan Nimick requesting permission to

4. consume, but not sell, wine at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, February 25, 2017, for a wedding.

## REGULAR AGENDA ITEMS

### APPROVAL OF REGULAR AGENDA

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

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

Motion Passed.

## PUBLIC INPUT

Scott Ehrisman spoke about the need for the City to investigate adowntown building collapse.

Tim Stanga spoke about last week's City Council meeting.

Jason Ball, the newly appointed president of the Sioux Falls Area Chamber of Commerce, introduced himself to the City Council.

David Zokaites spoke about items from a previous City Council meeting.

Alexa Giebink spoke on behalf of her uncle Robert Giebink and herself, regarding the gifting of land for the Glory House.

Joan Giebink spoke about the gifting of land for the Glory House.

ReganMeyer spoke about the gifting of land for theGlory House.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, February 21, 2017, for Item 5:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 5. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 95: PARKS AND RECREATION REQUIRING 48 HOURS PRIOR TO OFFICIAL ACTION.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, February 21, 2017.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, February 21, 2017, for Item 6:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE 6. AMENDED AND RESTATED WATER TANK LEASE AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND AT&T (57TH ST. ELEVATED WATER STORAGE TANK).

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for February 21, 2017.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING CONTRACT FOR POLICE 7. OFFICERS AND SERGEANTS SIOUX FALLS FRATERNAL ORDER OF POLICE LODGE NO. 1 L.C.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Theresa Stehly to adopt said Resolution No. 8-17.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Greg Neitzert to amend the resolution by replacing all references to "March 13, 2017" with "January 1, 2017," and requiring that all contract terms be in conformance with this resolution as amended.

Vote to amend: Roll Call: Yeses, Greg Neitzert, Pat Starr, Theresa Stehly, Christine M. Erickson, 4. Noes, Rick Kiley, Rex Roling, Marshall Selberg, Michelle Erpenbach, 4. Mayor Mike Huether broke the tie by voting no.

Motion Failed.

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

Motion Passed.

RESOLUTION NO. 8-17

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING CONTRACT FOR POLICE OFFICERS AND SERGEANTS SIOUX FALLS FRATERNAL ORDER OF POLICE LODGE NO. 1 L.C.

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

1. That the City of Sioux Falls, SD, and Lodge No. 1 L.C., Sioux Falls Fraternal Order of Police have bargained in good faith and a legitimate impasse exists in their attempts to reach an agreement providing for the terms and conditions of employment for all Police Officers and Police Sergeants since the expiration of the last agreement on December 31, 2016.

1. That South Dakota Codified Laws Section 3-18-8.1 states that a public employer can unilaterally impose an employment contract based on its last best offer to a collective bargaining unit.

1. That the City of Sioux Falls, SD, last best offer to Lodge No. 1 L.C., Sioux Falls Fraternal Order of Police is contained in the attached Collective Bargaining Contract.

1. That the Collective Bargaining Contract between the City of Sioux Falls and Lodge No. 1 L.C., Sioux Falls Fraternal Order of Police, providing for terms and conditions of employment for all Police Officers and Police Sergeants for the period from March 13, 2017, through December 31, 2018, is hereby approved by the City Council.

1. That all terms and conditions of the Collective Bargaining Contract shall become effective March 13, 2017.

Date adopted: 2/14/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

8. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING CONTRACT FOR LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rex Roling to adopt said Resolution No. 9-17.

A motion was made by Council Member Pat Starr and seconded by Council Member Theresa Stehly to amend the resolution by replacing all references to "March 13, 2017" with "January 1, 2017," and requiring all contract terms be in conformance with this resolution as amended.

Vote to amend: Roll Call: Yeses, Greg Neitzert, Pat Starr, Theresa Stehly, Christine M. Erickson, 4. Noes, Rick Kiley, Rex Rolwing, Marshall Selberg, Michelle Erpenbach, 4. Mayor Mike Huether broke the tie by voting no.

Motion Failed.

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

Motion Passed.

RESOLUTION NO. 9-17

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING CONTRACT FOR LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

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

1. That the City of Sioux Falls, SD, and Local 519 of the American Federation of State, County, and Municipal Employees have bargained in good faith and a legitimate impasse exists in their attempts to reach an agreement providing for the terms and conditions of employment for all represented employees since the expiration of the last agreement on December 31, 2016.
2. That South Dakota Codified Laws Section 3-18-8.1 states that a public employer can unilaterally impose an employment contract based on its last best offer to a collective bargaining unit.
3. That the City of Sioux Falls, SD, last best offer to Local 519 of the American Federation of State, County, and Municipal Employees is contained in the attached Collective Bargaining Contract.
4. That the Collective Bargaining Contract between the City of Sioux Falls, SD, and Local 519 of the American Federation of State, County, and Municipal Employees, providing for terms and conditions of employment for all represented employees for the period from March 13, 2017, through December 31, 2018, is hereby approved by the City Council.
5. That all terms and conditions of the Collective Bargaining Contract shall become effective March 13, 2017.

Date adopted: 2/14/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

ADJOURNMENT

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adjourn at 8:30 p.m.

Mayor Mike Huether called for a voice vote. All members said 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.