

MINUTES

Tuesday, October 25, 2016

Informational Meeting 4 PM at Carnegie Town Hall

Sioux Falls City Council 235 West Tenth Street

Members Present: Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly

Members Absent: Mike T. Huether

Staff Present: Tamara Jorgensen, MMC, Assistant City Clerk; Tom Greco, City Clerk; David Bixler, Budget Analyst; Jim David, Legislative/Operations Manager

1. Call To Order

Council Chair Rex Roling called the meeting to order at 4 p.m.

2. Land Use Committee

A. Meeting of October 17, 2016

Committee Chair Rick Kiley stated the committee had a discussion of the proposed amendments to private Best Management Practices including the different types, styles, and reasons for the amendments.

3. City Council Open Discussion

Council Member Pat Starr spoke regarding his participation at the following meetings: Welcome to Sioux Falls for District Toastmasters Group; A Neighborhood Meeting with the Whittier Neighborhood group; and an Establishing Sustainability Communities (ESC) event in Sioux Falls called "Being A Muslim in Sioux Falls".

Council Member Christine M. Erickson spoke regarding the new dog park on the west side of Sioux Falls. She stated she heard many positive comments from the community regarding this new park.

4. Presentations

Tobacco-Free Ordinance by Mary Michaels, Public Health Prevention

A. Coordinator; Jill Franken, Director of Health; and Don Kearney, Director of Parks and Recreation

Presentation: Approximately 15 minutes followed by discussion.

Jill Franken, Director of Health, provided opening remarks and reviewed the following PowerPoint slide: Background. She introduced the members of the Steering Committee, discussed their responsibilities and spoke about the recommendations. She explained how decreasing tobacco use in the community was recognized as a need in the 2012 Community Health Assessment.

Don Kearney, Director of Parks and Recreation, reviewed the following PowerPoint Slides: Current Policy; National Recreation and Park Association. Kearney stated tobacco use in our community and other communities were reviewed and approved by the Parks and Recreation Board adopted in 2013. This regulates tobacco use in

city parks, recreation areas, and areas where youth sports/recreation activities are occurring.

Mary Michaels, Public Health Prevention Coordinator, reviewed the following PowerPoint Slides: Why Address Tobacco Use?; Tobacco Prevention Saves Lives; Tobacco-Free Policies; Project Components; Proposed Ordinance; Education and Enforcement; Benefits of Policy; and What Others Are Saying.

Michaels added information regarding the impact of tobacco use on the user and their families. She stated the best policy for use in Sioux Falls is to promote better health, extend policy to all city property, engage key stakeholders, and reinforce implementation of a tobacco-free ordinance using evidence-based data. Michaels reviewed editorials of smoking documentation that were published in 2016.

Franken provided closing remarks and reviewed the following PowerPoint Slides: Project Timeline; and Local Policy Support. Franken requested the first reading of this ordinance on November 1 and the second reading on November 8. If adopted, the Health Department will then begin working on tobacco free correspondence and signs.

Franken noted that this proposed ordinance has the support of the following organizations: Board of Health, Parks and Recreation Board, American Cancer Society, American Heart Association, Health Connect of South Dakota, the Sioux Empire Tobacco-Free Coalition, as well as other local event organizers. In addition, the following organizations have told Franken that they support this ordinance: SMG, the Argus Leader Editorial Board, and city residents. Franken added that the state wide smoke-free bans have not had a negative impact on profit margins for businesses.

Erickson asked why the bans are not already in place in facilities where the ban is supported. Franken noted that future discussions with these facilities is dependent on whether or not this ordinance is adopted. Erickson noted that there is already a law in place regarding littering. Franken stated cigarette butts are the number one littering item worldwide, and that this ban would assist in cutting down on littering in our city. Erickson asked what is the long term impact on being tobacco free and whether or not that is an attainable goal.

Franken stated patience and stamina would be needed to see the long term impact. We need to stay diligent to see the benefits in five and ten year plans. Franken noted that the "Live Well" plans are to reduce tobacco consumption by 5% within five years.

Starr thanked Franken and the Health Department for their promotion of public health. He asked about the budgetary/fiscal impact on the passing of this ban. Franken stated signage was being reviewed or putting new faces on existing signage for the parks system; they are in the process of identifying needs for sign poles, etc. Franken stated they have received financial commitments from an organization to support the costs for signage. Franken stated there would be more information coming on this subject.

Council Member Michelle Erpenbach stated that 20% of the nation's population admits to smoking. This would mean, in the City of Sioux Falls, that there are roughly 35k smokers, if we match the national average. She asked about enforcement when smokers will now cross the street and smoke on someone's yard or

leave a mess on someone's property. Franken stated that education and self-policing would be the best way to handle this and that issues can be addressed as they happen.

Council Member Greg Neitzert asked about the policy in regard to the Elmwood Hotel. Neitzert asked if the policy could mandate that hotel owners could say there would be no smoking within each hotel room as well. City Attorney David Pfeifle responded that the last paragraph of the ordinance proposal indicates that states hotels can have smoking designated rooms. This ordinance would not preempt state law, they would have that option to designate smoking or non-smoking rooms - business choice for them. The proposal does indicate that areas around the building will be smoke free because that is city owned property.

Council Member Theresa Stehly stated she was 100% behind the youth recreation policy and asked where at Jazz Fest, on the bike trails and at a golf course, would a user go to smoke? Kearney responded that smokers at Jazz Fest, the bike trails, and the golf courses would have to leave any part of the area that is city property. Stehly asked what would be the cost of the ticket. Lt. Jeff Barth, Sioux Falls Police Department, stated the fee for the ticket would be \$35.00. If the person chooses to fight the ticket and go to court, the entire cost would be \$99.00 to cover court and administrative fees.

Erpenbach asked Franken about the feedback from the Washington Pavilion's Management team about the ban. Michaels stated this has been discussed with their management and, while they have not yet taken formal action, they have indicated that they would work with the city. Erpenbach noted that Deadwood gaming was worried about the initial state wide non-smoking ban and it has not been an issue for them after the fact.

Kiley stated that the benefits of creating a healthy environment by eliminating second hand smoke far outweigh any cost concerns. He asked about the experiences of other communities that have existing smoking bans. Franken noted there would be additional engagement with other communities who have a smoking ban and examples, experiences and information would be provided to the City Council.

Erpenbach requested that there be more than one week timeline between the first and second reading. Due to the subject nature, she stated there would be a need for additional time for the public. Kiley reminded the Council that a number of members would be gone on November 15 to attend the National League of Cities convention. Discussion was held about holding the first reading on Tuesday, November 8, 2016, and the second reading on Tuesday, December 6, 2016.

B. Distracted Driving Update by Assistant Chief of Police Galen Smidt
Presentation: Approximately 15 minutes followed by discussion.

Galen Smidt, Assistant Chief of Police, provided an update on the Distracted Driving Campaign for 2016. He provided background information on the education process in using Public Services Announcements and billboards to convey the distracted driving information. Smidt provided an update on five saturation patrols that were held and reviewed a chart showing Distracted Driving instances from May, 2016, to September, 2016.

Starr thanked Smidt for his work on this traffic enforcement

process.

Kiley spoke regarding the issue of distracted driving and how it has grown. He thanked Councilor Erickson and all of the officers involved for their involvement in this successful, collaborative effort.

Erickson also thanked all involved. She reminded the Council that distracted driving can include other variances besides texting and cited several examples. She stated this was a good project to remind everyone about all aspects of distracted driving.

Stehly asked for a rough estimate on how many people are observed talking on their cell phones while driving. Smidt replied that it would be hard to determine exactly but he stated it was about 1 in 2 or 1 in 3 drivers. Smidt noted it is not the actual hands on device that is causing the issue; there is a thought process in place when a person is in a conversation which then detracts from activity going on around them.

5. Adjournment

Council Chair Rex Rolwing adjourned the meeting at 5:17 p.m.

Tamara Jorgensen, MMC

Assistant City Clerk