

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, February 4, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Michelle Erpenbach

Council Member Dean Karsky

Council Member Rex Roling

Council Member Greg Jamison

Council Member Kermit L. Staggers Council Member James Entenman

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Congenital Heart Defect Awareness Week - February 7-14, 2014

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Council Member Kermit L. Staggers asked to move the following items from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes: Landfill - Radio Marketing and Advertising Agreement for services - Midwest Communications (\$35,328.00); Landfill - Advertising Agreement for Services - Results Radio (\$40,980.00); and Parks/Rec - River Greenway Improvements/Canoe Access - 3D Digging & Trucking (\$104,980.00).

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex

Rolfing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

#### MINUTES

Informational Meeting of Tuesday, January, 21, 2014, at 4:00 p.m.

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City Council Meeting of Tuesday, January 21, 2014, at 7:00 p.m.

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Informational Meeting of Tuesday, January 28, 2014 at 4:00 p.m.

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Joint City Council/Minnehaha County Commissioner Meeting on Tuesday,  
\* January 28, 2014 at 5:00 p.m.

#### COMMUNICATIONS

1. Approval of Contracts/Agreements on the January 30, 2014 memo.

A motion was made by Council Member Rex Rolfing and seconded by Council Member Michelle Erpenbach to approve to approve the following agreements from Item 1 (Contracts and Agreements): Landfill - Radio Marketing and Advertising Agreement for services - Midwest Communications (\$35,328.00); Landfill - Advertising Agreement for Services - Results Radio (\$40,980.00); and Parks/Rec - River Greenway Improvements/Canoe Access - 3D Digging & Trucking (\$104,980.00).

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolfing, Sue Aguilar, Kenny Anderson Jr., 5. Noes, Kermit L. Staggers, 1.

Motion Passed

2. Notice of change orders on January 30, 2014 memo.

3. Document Recovery Agreement dated January 2, 2014

4. A memorandum dated January 27, 2014, declaring surplus a capital item that will be disposed of as junk.

A communication was received from Avera McKennan Dialysis requesting

5. permission to consume, but not sell, wine and malt beverages at the clinic located at 1315 S. Cliff Avenue on Tuesday, February 25, 2014, from 4:30 p.m. to 7:00 p.m. for a ribbon cutting on that date.

Report of Requests for Quotes for Fuel dated: January 10, 2014; #1 & #2 Dyed

6. Diesel Fuel (3,750 gallons each); 7,500 gallons; Harms Oil (\$3.5748 for both #1 and #2); Howes Oil, CHS, Inc., Olson Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: January 10, 2014; #1 & #2 Dyed

7. Diesel Fuel (3,750 gallons each); 7,500 gallons; Harms Oil (\$3.5340 for #1 and \$3.3080 for #2); Howes Oil, CHS, Inc., Olson Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: January 17, 2014; E-10

8. Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.8010); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: January 21, 2014; #1 & #2 Dyed  
9. Diesel Fuel (3,750 gallons each); 7,500 gallons; Howes Oil (\$3.4395 for #1 &  
\$3.0320 for #2); Harms Oil (\$3.5465 for #1 & \$3.3225 for #2); CHS, Inc.,  
Olson Oil and Midwest Oil, all no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated January 24, 2014; Unleaded  
10. Ethanol & E85; 7,500 gallons unleaded/1,000 gallons E85; Harms Oil (\$2.7494  
Unleaded/\$2.3720 E85); CHS, Inc., Howes Oil and Olson Oil, all no  
bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: January 23, 2014;  
11. Diesel(#1 and #2 blend); 692 gallons; Howes Oil (\$2,393.29); Midway  
Service (\$2,427.89); Palisades Oil, no bid. Bid awarded to: Howes  
Oil.

Report of Requests for quotes for Fuel dated: January 27, 2014; #1 & #2  
12. dyed Diesel Fuel (3,750 gallons each); 7,500 gallons total; Harms Oil  
(\$3.4520 for #1 & \$3.0970 for #2). Howes Oil, CHS, Inc., Olson Oil,  
and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, February 18, 2014, at 7:00 p.m for Items 13  
through 18:

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering

13. America Inc., Chef Dominique's Catering, to be operated at Avera Dialysis of  
Sioux Falls, 1001 East 21st Street, Suite 4000, for a ribbon cutting on  
February 25, 2014.

14. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the  
St. Joseph Cathedral Parish to be operated at the St. Joseph Cathedral  
gymnasium, 521 North Duluth Avenue, for a fundraiser on February 28,  
2014.

#### Sponsor:

Special One-Day Liquor License for Sioux Empire Realtors for Kids to be  
15. operated at the Avera Prairie Center, 1000 East 23rd Street, for a  
fundraiser on February 28, 2014.

Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to  
16. be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for  
weddings on March 29, 2014 and April 26, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the  
17. Sioux Falls Jazz & Blues Society, to be operated at Vern Eide Acura, 4030  
South Grange Avenue, for a fundraiser on June 19, 2014.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the  
18. Sioux Falls Jazz & Blues Society, to be operated at Yankton Trail Park,  
3901 South Minnesota Avenue, for the Jazz Fest on July 17-19, 2014.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Stacy Stahl, Girls and Youth Director from EMBE, introduced young women who are part of the Women's Leadership Program at EMBE.

Keith Jongeward spoke regarding his personal vehicle being towed and other ordinance concerns.

Item 1 was heard at this time. See Item for action taken.

#### UNFINISHED BUSINESS

Transfer of a 2014 Retail Liquor License, including Sunday Sales, from One-19. Sagg LLC, Toppers, 1213 North Cliff Avenue to Sanford Frontiers, Sanford Pentagon, 2210 West Pentagon Place, with Special Use Permit (2013-12-13) being approved on January 8, 2014.

Special One-Day Liquor License for The History Club of Sioux Falls to be 20. operated at 758 South Phillips Avenue for a building fundraiser on December 6, 2014.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve Items 19 and 20.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, SETTING THE 21. REGULAR CITY ELECTION DATE FOR TUESDAY, APRIL 8, 2014, AND AUTHORIZING A JOINT ELECTION WITH THE SIOUX FALLS SCHOOL DISTRICT NO. 49-5.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Dean Karsky to adopt said Ordinance No. 13-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Roling, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W.85TH ST. AND S. HIGH CROSS TRL. FROM THE AG, 22. AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO.2013-11-04 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 14-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S.WESTERN AVE. AND W. BLACK ROCK CIR. FROM THE RS-1, 23. RESIDENTIAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO.2013-12-01 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to adopt said Ordinance No. 15-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING 24. PROPERTY AT E.69TH ST. AND S. BAHNSON AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO.2013-12-11 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to adopt said Ordinance No. 16-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S.MARION RD. AND W. 26TH ST. FROM THE LAKE PARK 25. PLANNED DEVELOPMENT DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO.2013-12-15 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 17-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT N.ELLIS RD. AND W. 12TH ST. FROM THE AG, 26. AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO.2013-12-16 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Sponsor:

A motion was made by Council Member Rex Rolwing and seconded by Council Member Dean Karsky to adopt said Ordinance No. 18-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W.BITTERROOT ST. AND S. MEREDITH AVE. FROM THE RS-1, RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO.2013-12-17 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Sponsor:

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 19-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

(Deferred from the City Council Meeting of January 21, 2014): A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SHAPE SIOUX FALLS 2035 COMPREHENSIVE PLAN PETITION NO. 2013-12-12 AT THE SOUTHEAST CORNER OF W. 85TH ST. AND S. TALLGRASS AVE. FROM A NEIGHBORHOOD EMPLOYMENT CENTER TO A COMMUNITY EMPLOYMENT CENTER DESIGNATION.

Sponsor:

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to adopt said Resolution No. 11-14.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 11-14

A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SHAPE SIOUX FALLS 2035 COMPREHENSIVE PLAN PETITION NO.2013-12-12 AT THE SOUTHEAST CORNER OF W. 85TH ST. AND S. TALLGRASS AVE. FROM A NEIGHBORHOOD EMPLOYMENT CENTER TO A COMMUNITY EMPLOYMENT CENTER DESIGNATION.

WHEREAS, there has been presented to the Planning Commission an application for a future land use change to the Shape Sioux Falls 2035 Comprehensive Plan;

WHEREAS, it has been determined that the following criteria have been met:

- 1.The proposed amendment is consistent with the goals, policies, and overall intent of the text within the comprehensive plan.
- 2.The proposed amendment is warranted by changed conditions within the neighborhood surrounding and including the subject property.
- 3.The proposed amendment achieves an arrangement of activities which promote harmonious interaction and minimizes land use conflicts surrounding the subject property.
- 4.The proposed amendment would not adversely affect the environment, historic resources, natural resources, urban services, public facilities, and

transportation system.

5.The proposed amendment is warranted by an approved engineering analysis including, but not limited to, adopted City-initiated master plans.

6.The proposed amendment would result in a logical and orderly development pattern.

7.The proposed amendment does not adversely affect any other part of the city, or create any direct or indirect adverse effects.

8.The proposed amendment creates an undue impact on surrounding neighborhoods; whereas proposed developments should be consistent with the physical characteristics of the surrounding neighborhoods or improve their living environment and quality of life.

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

That the following described properties are hereby amended from a neighborhood employment center to a community employment center in regard to the Future Land Use Map of the Shape Sioux Falls 2035 Comprehensive Plan of Sioux Falls, South Dakota.

Northwest 1/4 (Except Tract 1) of Butzer's Addition, Section 20, T100N-R50W, Lincoln County

Date adopted: 02/04/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

29. Charter Revision Commission Summary Report.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adjourn the meeting at 8:01 p.m. Mayor Mike Huether called for a voice vote and all members voted yes.

Motion Passed.

Tamara Jorgensen, 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.