

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, October 7, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rick Kiley

Council Member Rex Roling

Council Member Kermit L. Stagers

Council Member Kenny Anderson Jr. Council Member Greg Jamison

Council Member Michelle Erpenbach

Council Member Christine M. Erickson

Council Member Dean Karsky

Mayor Mike T. Huether

INVOCATION

Pastor Bob Chell, St. Dysmas Lutheran

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Disability Employment Awareness Month - October, 2014

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Stagers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

MINUTES

City Council Meeting of Tuesday, September 16, 2014, at 7:00 p.m.

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Informational Meeting of Tuesday, September 30, 2014, at 4:00 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the October 2, 2014 memo.

2. Approval of notice of change orders on the October 2, 2014 memo.

Report of Requests for Quotes for Fuel dated: September 12, 2014; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$3.1198); Howes Oil, Harms Oil, Midwest Oil and Petroleum Traders Cor., all no bid. Bid awarded to: CHS, Inc.

Report of Requests for Quotes for Fuel dated: September 19, 2014; #2 Dyed Diesel; 1,000 Gallons; Stern Oil (\$3.300); Howes Oil (\$3.089); Midwest Oil (\$3.109). Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: September 22, 2014; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$2.8590); Howes Oil (\$2.9150); CHS, Inc., Midwest Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: September 22, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.7895); Howes Oil (\$2.8510); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: September 24, 2014; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$3.0653); Howes Oil (\$3.096); Harms Oil (\$3.075); Petroleum Traders (\$3.0498); Midwest Oil, no bid. Bid awarded to: Petroleum Traders, Co.

Report of Requests for Quotes for Fuel dated: September 24, 2014; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$2.8290); CHS, Inc. (\$2.8513); Howes Oil (\$2.8810); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: September 24, 2014; Diesel (#1 and #2 blend); 1,274 gallons; Howes Oil (\$4,297.21); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: September 24, 2014; Unleaded; 758 gallons; Howes Oil (\$2,440.76); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: September 30, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.7800); Howes Oil (\$2.7960); CHS, Inc. (\$2.8255); Olson Oil, no bid. Bid awarded to: Harms Oil.

APPLICATIONS

Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion of Arts & Science, 301 South Main Avenue, for special events on October 16, November 8 and 16, December 12 and 13, 2014.

The following abatement was recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

13. Paulene Wegner, 2904 W. 33rd Street, for 2013 property taxes in the amount of \$289.00. This item qualifies under the Elderly Freeze Program.

NOTICE OF HEARINGS

Set a date of hearing for Monday, October 20, 2014, at 7:00 p.m. on Item 14:

14. A PROPOSED RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF THE BASIN 13 SANITARY SEWER SYSTEM.

Set a date of hearing for Monday, October 20, 2014, at 7:00 p.m. on Items 15 through 24:

15. New 2014 Package Liquor License for Thrifty Smoke Shop, Inc., Smokin' Deals to be operated at 1604 East 10th Street.

16. New 2014 Package Liquor License for Kum & Go LLC, Kum & Go to be operated at 1400 North Minnesota Avenue.

- New 2014-15 Retail Malt Beverage/South Dakota Farm Winery License for SAS
17. Wings LLC, Wingstop, 1902 South Minnesota Avenue with Conditional Use Permit (2014-07-03) being approved on August 6, 2014.

18. New 2014-15 Package Malt Beverage License for Dolgen Midwest, LLC, Dollar General Store, 6705 West 12th Street (CUP not required).

19. New 2014-15 Retail Malt Beverage License for Dakota's Best Wine & Gifts LLC, Dakota's Best, 4001 West 41st Street, Suite 0020 (CUP not required).

20. New 2014 Retail Wine License for Dakota's Best Wine & Gifts LLC, Dakota's Best, 4001 West 41st Street, Suite 0020 (CUP not required).

- Special One-Day Malt Beverage License for the Sioux Falls Roller Dollz to
21. be operated at The Multi-Cultural Center, 515 North Main Avenue, for the Zombie Walk on October 25, 2014.

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering
22. America Inc., Chef Dominique's Catering, to be operated at University Center Avera Hall, 4801 North Career Avenue, for the Sioux Falls Development Foundation Seminar on November 5, 2014.

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

23. America Inc., Chef Dominique's Catering, to be operated at Johnson, Heidepriem & Abdallah, LLP, 101 South Main Avenue, Suite 100, for the Law Enforcement Reception on November 12, 2014.

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for
24. Catering America Inc., Chef Dominique's Catering, to be operated at Vance Thompson Vision, 3101 West 57th Street, for their holiday party on December

5, 2014.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

Scott Ehrisman spoke regarding Theresa Stehly winning The Spirit of Dakota Award; the smoke detector program in Sioux Falls; and tip jars for bartenders at the Denny Sanford PREMIER Events Center.

I.L. Wiedermann spoke regarding the reduction in paratransit funds; civil charges against citizens; and doing away with building permits.

Adam Buus spoke regarding an ordinance violation concerning removing his truck from his personal property

Rick Albrecht spoke about vehicle accidents and drivers without insurance. He suggested the Police Department do 'spot checks' on drivers for licenses and insurance.

Robert Kolbe spoke regarding the budget and property taxes.

Richard Merkouris spoke regarding the elimination of poverty in Sioux Falls. He recommended that City Council set up a high priority task force to eradicate poverty in the Sioux Falls over the next 15 years.

UNFINISHED BUSINESS

25. Transfer of 2014-15 Package Malt Beverage License from Maria Luz Lima, La Michoacana Mexican Store, 2319 West 12th Street, to Luis Giron, Tienda El Quetzal, 2319 West 12th Street (CUP not required).

26. New 2014-15 Package Malt Beverage License for WAM, LLC, All Day Caf/TapHouse 41, 2101 West 41st Street, Suite 24 (CUP not required).

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to approve Items 25 and 26 with one vote.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 201 S. FRANKLIN AVE. FROM THE I-2, HEAVY INDUSTRIAL DISTRICT TO THE C-2,

27. COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 2014-08-03 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Ordinance No. 70-14.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2525 W. 3RD ST. FROM THE C-2, COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2014-08-04 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance No. 71-14.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SD HWY. 42 AND E. SIX MILE RD. FROM THE RA-1, APARTMENT RESIDENTIAL LOW DENSITY DISTRICT TO THE RA-3, APARTMENT RESIDENTIAL HIGH-DENSITY DISTRICT, PETITION NO. 2014-08-09 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Ordinance No. 72-14.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 2013 SHAPE PLACES ZONING ORDINANCE OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt Item 30.

A substitute motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to defer this item to the City Council Meeting on Tuesday, October 14, 2014, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, 5. Noes, Michelle Erpenbach, Dean Karsky, 2.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. for Item 31:

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. City Council/City Clerk, \$110,000.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. on Item 31.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. for Item 32:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
32. THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 124: VEHICLES FOR HIRE.

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. on Item 32.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. for Item 33:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING
THE CODE OF ORDINANCES OF THE CITY BY RELOCATING THE ELECTRICITY PROVISIONS
33. FROM PUBLIC WORKS AND RELOCATING TO LAND USAGE, TITLE XV, CHAPTER 150:
BUILDING OF THE CODE OF ORDINANCES OF SIOUX FALLS, SD; AND ADOPTING TITLE V
OF CHAPTER 55: ELECTRICITY, THE 2014 NATIONAL ELECTRICAL CODE AND
AMENDMENTS THERETO.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. on Item 33.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. for Item 34:

34. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A WATERTANK LEASE AGREEMENT. Western Heights.

A motion was made by Council Member Michelle Erpenbach and seconded by Council

Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. on Item 34.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. for Item 35:

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A WATERTANK LEASE AGREEMENT. Melanie Tower.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Rolwing to set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. on Item 35.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. for Item 36:

36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A WATERTANK LEASE AGREEMENT. 57th Street Water Tower.

A motion was made by Council Member Kenny Anderson Jr., and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, October 14, 2014, at 7:00 p.m. on Item 36.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

37. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to adopt said Resolution No. 120-14.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 120-14

A RESOLUTION [OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY].

WHEREAS, application 2014-08-01 was submitted by the Great Plains Zoo & Delbridge Museum of Natural History to the City of Sioux Falls for naming the KELOLAND Educational Center at the Great Plains Zoo & Delbridge Museum of Natural History located at 805 S. Kiwanis Ave.; and

WHEREAS, the Parks and Recreation Board recommended approval on August 19, 2014; and

WHEREAS, the City Naming Committee considered the application and unanimously recommended approval on August 22, 2014;

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it approves the name KELOLAND Educational Center at 805 S. Kiwanis Ave. at the Great Plains Zoo & Delbridge Museum of Natural History.

Date adopted: 10/07/14 .

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)

38. REPORT OF THE SEPTEMBER 30, 2014, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Mayor Mike Huether recognized the University of Sioux Falls students in the audience.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Rolwing to adjourn the meeting at 8:20 p.m. Mayor Huether called for a voice vote and all members present 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.

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. 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.