

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

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

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Kermit L. Staggers

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Roling

Mayor Mike T. Huether

INVOCATION

Care Pastor Reed DeVries, Celebrate

\*

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed.

MINUTES

Informational Meeting of Monday, October 20, 2014, at 4:00 p.m.

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City Council Meeting of Monday, October 20, 2014, at 7:00 p.m.

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

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,  
\* October 28, 2014, at 5:00 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the October 30, 2014 memo.

2. Approval of notice of change orders on the October 30, 2014 memo.

Report of Requests for Quotes for Fuel dated: October 16, 2014; E-10

3. Unleaded Ethanol/87 Octane; 8,500 gallons; CHS, Inc. (\$2.4591); Harms Oil, Howes Oil and Olson Oil, all no bid. Bid awarded to: CHS, Inc.

Report of Requests for Quotes for Fuel dated: October 22, 2014; Diesel (#1

4. and #2 blend); 1,160 gallons; Howes Oil (\$3,922.85); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: October 22, 2014; Unleaded;

5. 750 gallons; Howes Oil (\$2,182.13); Midway Service (\$2,256.00); and Palisade Oil, no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: October 23, 2014; #2 Dyed

6. Diesel; 2,000 gallons; Midway Service (\$2.910); Stern Oil (\$2.9498); and Howes Oil (\$3.029). Bid awarded to: Midway Service.

Report of Requests for Quotes for Fuel dated: October 22, 2014; #2 Dyed

7. Diesel Fuel; 15,000 gallons; Harms Oil (\$2.8900); CHS, Inc., Howes Oil, Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil. Emergency purchase. Received "no bids" from all vendors two days in a row.

Report of Requests for Quotes for Fuel dated: October 27, 2014; E-10

8. Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.7750); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

A communication was received from Dave and Pam Harmsen requesting permission

9. to consume, but not sell, liquor, wine and malt beverage at the Old Courthouse Museum, 200 W. Sixth St., on Friday, May 15, 2015, from 7:00 p.m. until 10:00 p.m. for a wedding rehearsal dinner.

#### APPLICATIONS

Various Retail Liquor, Package Liquor, and Retail Wine License renewals

10. for 2015 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, November 18, 2014, at 7:00 p.m., on Items 11 through 13:

Transfer of 2014-15 Retail Malt Beverage License from Howell Extended Stay

11. Inc., Staybridge Suites, 2505 South Carolyn Avenue, to Kelly Midwest Ventures LP, Staybridge Suites, 2505 South Carolyn Avenue (CUP not required).

- Transfer of 2014 Retail Wine License from Howell Extended Stay Inc.,  
12. Staybridge Suites, 2505 South Carolyn Avenue, to Kelly Midwest Ventures LP,  
Staybridge Suites, 2505 South Carolyn Avenue (CUP not required).
13. Renewal of 2015 Retail Wine license for Kelly Midwest Ventures LP,  
Staybridge Suites, 2505 South Carolyn Avenue.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

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

Motion Passed.

#### PUBLIC INPUT

Scott Ehrisman spoke regarding City Council Member Dean Karsky and possible conflicts of interest, since he is a member of the Sioux Falls Chamber of Commerce Board; and snow plows.

#### UNFINISHED BUSINESS

- New 2015 Retail Wine License for Crickett Collins and Isak Anderson, The  
14. Bonus Round Bar, to be operated at 803 South Cliff Avenue (CUP not required).

- Transfer of 2014 Retail Liquor License, including Sunday sales certificate  
15. and video lottery terminals, from Limitrophe Inc., Mr. D's/Raskals Bar Saloon, 2501 West 10th Street, to BDI Inc., business name to be determined, 2501 West 10th Street (CUP not required).

16. Renewal of 2015 Retail Liquor License for BDI Inc., business name to be determined, 2501 West 10th Street.

- Special One-Day Wine License for Senior Citizens Services Inc., to be  
17. operated at Active Generations, 2300 West 46th Street, for an Art Class, on November 11, 2014.

- Special One-Day Liquor License request for the Avera McKennan Foundation to  
18. be operated at the Avera Prairie Center, 1000 East 23rd Street, for the Big Grape fundraiser on April 10, 2015.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to approve Items 14 through 18 with one vote.

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

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
19. THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 90: ANIMALS AND  
FOWL; SUBCHAPTER, GENERAL PROVISIONS.

A motion was made by Council Member Michelle Erpenbach and seconded by Council  
Member Rex Roling to adopt said Ordinance No. 80-14.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach,  
Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 6. Noes, Kenny  
Anderson Jr., 1.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE  
20. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 150: BUILDING; SUBCHAPTER,  
RESIDENTIAL CODE, BY EXEMPTING RESIDENTIAL RESHINGLES FROM PERMIT PROCESS.

A motion was made by Council Member Dean Karsky and seconded by Council Member  
Greg Jamison to adopt said ordinance for Item 20.

Vote to adopt: Roll Call: Yeses, Dean Karsky, 1. Noes, Kenny Anderson  
Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Rick Kiley, Rex  
Roling, 6.

Motion Failed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE  
21. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 150: BUILDING; SUBCHAPTER,  
RESIDENTIAL BUILDING CONTRACTORS, BY RAISING BOND REQUIREMENTS FOR  
RESIDENTIAL BUILDING CONTRACTORS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Rex Roling to adopt said Ordinance No. 82-14.

A motion was made by Council Member Dean Karsky and seconded by Council Member  
Christine M. Erickson to amend by adding "except as stated in 150.129(e)" after  
the  
second word "contractor" in section 150.129(a) and after "\$20,000" in section  
150.129(c); and adding a new section 150.129(e), "Contractor licenses issued bef  
ore  
December 15, 2014, shall maintain a continuous bond in the penal sum of at least  
\$10,000 in a form approved by the City with the contractor as principal on the b  
ond  
and the city as obligee for its benefit and that of consumers dealing with the  
contractor. The aggregate liability of the surety for contractor licenses issued  
before December 15, 2014, regardless of the number of claims made against the bo  
nd  
or the number of years the bond remains in force, shall not exceed the bond's pe  
nal  
sum. All contractors must maintain a \$20,000 bond as of June 1, 2015."

Vote to amend: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson,  
Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling,  
7. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Kenny Anderson Jr., Christine M.

Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1701 E. 54TH ST. N. FROM THE I-2 HEAVY INDUSTRIAL DISTRICT TO 22. THE CN CONSERVATION DISTRICT, PETITION NO. 2014-09-01, 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. 83-14.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4801 E. LINDEN LN. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT 23. TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 2014-09-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Greg Jamison to adopt said Ordinance No. 84-14.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 500 S. HILLVIEW RD. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 2014-09-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Ordinance No. 85-14.

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

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 701 N. EBENEZER AVE. AND W. 5TH ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN, RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN, AND O OFFICE DISTRICTS TO THE I-1 LIGHT INDUSTRIAL AND O OFFICE DISTRICTS, PETITION NO. 2014-09-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

NO. 2014-09-07, 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. 81-14.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, November 12, 2014, at 7:00 p.m., for Item 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 26. OF ORDINANCES OF THE CITY BY REVISING TEMPORARY EMPLOYEE PROVISIONS OF CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS.

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 Wednesday, November 12, 2014, at 7:00 p.m., for Item 26.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, November 12, 2014, at 7:00 p.m., for Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING 27. AMENDMENT NO. 8 TO WASTEWATER AGREEMENT NO. 94-0466 BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF BRANDON AND AMENDING THE REGIONAL WASTEWATER RATES CHARGED TO THE CITY OF BRANDON.

City Council Member Kermit L. Staggers arrived at the meeting at 8:16 p.m.

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 Wednesday, November 12, 2014, at 7:00 p.m., for Item 27.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, November 12, 2014, at 7:00 p.m., for Item 28:

28. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING WATER TANK LEASE AGREEMENTS (MENLO TOWER).

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Wednesday, November 12, 2014, at 7:00 p.m. for Item 28.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., Christine M.

Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

#### 29. A RESOLUTION APPROVING ANGLE PARKING AND EXTENDED FURNITURE ZONES ON MAIN AVENUE.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 125-14.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, 8. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 125-14

A RESOLUTION APPROVING ANGLE PARKING AND EXTENDED FURNITURE ZONES ON MAIN AVENUE.

WHEREAS, the Sioux Falls City Council on June 17, 2014, approved a temporary road diet pilot project for Main Avenue between 6th Street and 14th Street through October 31, 2014; and

WHEREAS, the temporary road diet pilot project repurposed the eastern most lane of Main Avenue for alternative uses that included angled parking and extended furniture zones;

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 establishment of angle parking and extended furniture zones on Main Avenue between 6th Street and 14th Street.

Date adopted: 11/04/14 .

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)

#### 30. REPORT OF THE OCTOBER 28, 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 Michelle Erpenbach and seconded by Council Member Rex Roling to adjourn at 8:50 p.m.

Mayor Mike Huether called for a voice vote and all members present voted yes.

Motion Passed.

Denise D. Tucker, 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.