

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, December 8, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Christine M. Erickson

Council Member Greg Jamison

Council Member Rick Kiley

Council Member Michelle Erpenbach

Council Member Rex Roling

Council Member Dean Karsky

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Mayor Mike T. Huether

INVOCATION

Pastor Daniel B. Getgayetaye, First Lutheran African Ministry

*

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Human Rights Day - December 10, 2015

*

RECOGNITION/AWARDS

V.L. Crusinberry Award was awarded to Janelle Songstad, Lead Parking

* Patrol, Public Parking Facilities.

Jeanne Fullenkamp Management Excellence Award was awarded to Holly

* Carpenter, EnerGov System Administrator, Information Technology.

Safety Award was awarded to Jean Pearson, Recreation Program

* Coordinator, Parks and Recreation.

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, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Monday, December 1, 2015, at 4 p.m.

*

Regular City Council Meeting of Tuesday, December 1, 2015, at 7 p.m.

*

COMMUNICATIONS

1. Approval of contracts/agreements on the December 3, 2015, memo.

Report of Requests for Quotes of Fuel dated November 25, 2015; Unleaded Ethanol & #1 Dyed Diesel; 2,000 Gallons Unleaded/6,000 Gallons #1 Diesel;

2. Cole's Petroleum (\$1.5670 Unleaded/\$1.7115 #1 Diesel); Howes Oil (\$1.6050 Unleaded/\$1.7785 #1 Diesel); Harms Oil (\$1.6465 Unleaded/\$1.7881 #1 Diesel); CHS, Inc. (41.6500 Unleaded/\$1.8400 #1 Diesel); Olson Oil, no bid. Bid awarded to: Cole's Petroleum.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

PUBLIC INPUT

Roger Elgersma expressed his opinion on the proposed bump back ordinance.

Josh Keiser spoke about distracted driving and his encounters with distracted drivers.

INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,

3. DECLARING CERTAIN PROPERTY OF THE CITY OF SIOUX FALLS SURPLUS AND APPROVING AN OFFER BY THE STATE OF SOUTH DAKOTA TO PURCHASE REAL PROPERTY FROM THE CITY OF SIOUX FALLS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 120-15.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

4. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 41: FEES.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to defer to Tuesday, December 15, 2015, at 7 p.m.

Vote to defer: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
5. AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDINGCHAPTER 77: PARKING REGULATIONS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to defer to Tuesday, December 15, 2015, at 7 p.m.

Vote to defer: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
6. ESTABLISHING THE TAX INCREMENT REVENUES TO BE COLLECTED AND AUTHORIZING THE PAYMENT OF TAX INCREMENT REVENUES TO WASHINGTON SQUARE PARTNERS, LLC, IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. TWENTY, CITY OF SIOUX FALLS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to defer to Tuesday, December 15, 2015, at 7 p.m.

Vote to defer: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 7:

7. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE 2016 MUNICIPAL ELECTION BOOKLET.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 7.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 8:

8. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 117: PEDDLERS AND VENDORS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 8.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 9:

9. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING PROVISIONAL SUPPLEMENTAL APPROPRIATIONS FOR SNOW REMOVAL OPERATIONS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 9.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION VACATING THE S. DESOTO AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. GARFIELD ST. TO APPROXIMATELY 128' SOUTH AS SHOWN ON THE EXHIBIT.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Resolution No. 122-15.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 122-15

A RESOLUTION VACATING THE S. DESOTO AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E. GARFIELD ST. TO APPROXIMATELY 128' SOUTH AS SHOWN ON THE EXHIBIT.

WHEREAS, a petition of the owners of:

E1/2 of Block 63, Capitol Hill Addition to the City of Sioux Falls, Minnehaha County, SD, and the abandoned railroad right-of-way (except Tract 2 in Block 62 and Block 65 in Capitol Hill Addition to the City of Sioux Falls) located in the southwest quarter of Section 13, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, SD

Blocks 64 and 65, Capitol Hill Addition to the City of Sioux Falls, Minnehaha County, SD

WHEREAS, the hearing was held on December 8, 2015, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition hereto was voiced. Said property, as shown upon the plats attached to and made a part

of said petition, has not been used as a street or ally in the past 20 years, and no longer serves a useful purpose.

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

That the S. Desoto Ave. right-of-way from the south right-of-way line of E. Garfield St. to approximately 128' south as shown on the Exhibit, be and the same hereby is declared vacated, and subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property as shown on the Exhibit for drainage, sewer, water and gas mains, electric, telephone lines, cable TV, and all public utility uses required or authorized by the City of Sioux Falls, and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 12/08/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

11. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON N. 4TH AVE. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution No. 123-15.

Vote to adopt: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kenny Anderson Jr., 5. Noes, Kermit L. Stagers, 1.

Motion Passed.

RESOLUTION NO. 123-15

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON N.4TH AVE. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

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

Section 1. It is necessary to CONSTRUCT SIDEWALK in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the city of Sioux Falls, SD, in front of and abutting upon the following described property to be assessed:

EAST SIDE OF N. 4TH AVE. FROM HERMOSA DR. TO BENSON RD.

TRACT 155, EXCEPT LOT H-1, LOT H-2 AND LOT PE1 CONTAINED THEREIN OF COUNTY AUDITOR'S SUBDIVISION IN THE NORTHEAST QUARTER (NE1/4) OF SECTION 4, T101N, R49W OF THE 5TH P.M. (601 E. BENSON RD.)

EAST SIDE OF N. 4TH AVE. FROM AMIDON ST. TO PRESENTATION ST.

LOT 1 IN BLOCK 1 SIOUX EMPIRE DEVELOPMENT PARK THREE EAST ADDITION TO THE CITY

OF SIOUX FALLS (501 E. PRESENTATION ST.)

LOT 5D BLOCK 1 OF SIOUX EMPIRE DEVELOPMENT PARK THREE EAST ADDITION TO THE CITY OF SIOUX FALLS (2700 N. 4TH AVE.)

EAST SIDE OF N. 4TH AVE. FROM MAPLE ST. TO AMIDON ST.

THE NORTH 260 FEET OF THE WEST 226.25 FEET OF TRACT 1, COUNTY AUDITOR'S SUBDIVISION OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4) OF SECTION 4, T101N, R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, ACCORDING TO THE RECORDED PLAT THEREOF, EXCEPT LOT H-1, CONTAINED THEREIN (2400 N. 4TH AVE.)

LOT 1 OF COFFEE'S SUBDIVISION IN THE SOUTH 235.00 FEET OF THE WEST 226.25 FEET OF TRACT 1 OF THE COUNTY AUDITOR'S SUBDIVISION IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 4, T101N, R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, EXCEPT LOT H-1 CONTAINED THEREIN (2318N. 4TH AVE.)

LOT 2 OF COFFEE'S SUBDIVISION IN THE SOUTH 235.00 FEET OF THE WEST 226.25 FEET OF TRACT 1 OF THE COUNTY AUDITOR'S SUBDIVISION IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 4, T101N, R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, EXCEPT LOT H-1 CONTAINED THEREIN (2316 N. 4TH AVE.)

LOT 3 OF COFFEE'S SUBDIVISION IN THE SOUTH 235.00 FEET OF THE WEST 226.25 FEET OF TRACT 1 OF THE COUNTY AUDITOR'S SUBDIVISION IN THE SOUTHEAST QUARTER (SE1/4) OF SECTION 4, T101N, R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, EXCEPT LOT H-1 CONTAINED THEREIN (500E. MAPLE ST.)

THAT PART OF THE SOUTH 950 FEET OF THE WEST 600 FEET OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER (SW1/4 SE1/4), LYING NORTH OF TRACTS 1 AND 2 THEREIN, OF SECTION 4, T101N, R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA, EXCEPT LOT H-1 CONTAINED THEREIN (2500 N. 4TH AVE.)

Section 2. Property owners have the option of constructing the sidewalk adjacent to their properties. The deadline by which the sidewalk must be constructed is July 1, 2016. If not constructed by July 1, 2016, the City will award a contract to construct the sidewalk, and the cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Section 96.035 of the Code of Ordinances of Sioux Falls, SD, and SDCL Chapter 9-46. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the number of front feet fronting or abutting, as provided by law.

Section 3. Notice. The City may waive or reduce special assessments levied against owner-occupied single-family dwellings where the head of the household is 65 years of age or older, or is disabled, or where the annual household income is less than \$10,000. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, 224 W. 9th St., or call 367-7125, prior to the date of the 'Final Levy of the Assessment Roll' before the Sioux Falls City Council. Failure to make proper written application prior to this date will disqualify you from being eligible for waiving or reduction of the special assessment.

Section 4. The assessment may be paid in five (5) equal annual installments. If not paid within 30 days after the assessment roll has been filed in the City Accounting Office, the assessment or any installment shall be collected with interest in accordance with the procedure provided by SDCL 9-43-89.

Interest on the assessment or installment will be charged and collected in accordance with law. The rate to be charged will be set by the City Council in the year of assessment.

Section 5. The estimated cost of the above-named improvements is as follows:

Construct 4" Thick Sidewalk.....\$50.00 Per Front Foot

Date adopted: 12/08/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, January 12, 2016, at 7 p.m. for Item 12:

A PROPOSED RESOLUTION VACATING THE N 17' OF THE W. 6TH ST. RIGHT-OF-WAY 12. FROM THE EAST RIGHT-OF-WAY LINE OF N. HELEN AVE. TO 10' WEST OF THE WEST RIGHT-OF-WAY LINE OF N. KIWANIS AVE. AS SHOWN ON THE EXHIBIT.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to set a date of hearing for Tuesday, January 12, 2016, at 7 p.m.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Greg Jamison, Rick Kiley, Rex Roling, Kenny Anderson Jr., 5. Noes, Kermit L. Staggers, 1.

Motion Passed.

NEW BUSINESS

Mayor Mike Huether recognized Boy Scout Troop 49, Hope Lutheran Church; and students from New Tech High School.

Council Member Christine M. Erickson recognized her 5-year-old son, Charlie who was in the audience.

ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to adjourn at 8:10 p.m.

Mayor Mike Huether called for a voice vote. All members presented voted 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. 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 A.M. ON THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.