

City of Sioux Falls Council Meeting
Minutes
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, June 14, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Rick Kiley
Council Member Greg Neitzert
Council Member Marshall Selberg
Council Member Pat Starr
Council Member Theresa Stehly
Council Member Christine M. Erickson
Council Member Michelle Erpenbach
Mayor Mike T. Huether

ABSENT

Council Member Rex Rolfing

INVOCATION

- Chaplain Russ Hovendick, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Juneteenth Day, June 17, 2016

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

MINUTES

- Informational Meeting of Tuesday, June 7, 2016, at 4 p.m.
- Regular City Council Meeting of Tuesday, June 7, 2016, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the June 9, 2016, memo.
2. A memorandum dated May 31, 2016, declaring surplus property.
3. Report of Requests for Quotes for Fuel dated: June 2, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.5466); Harms Oil (\$1.5520); Cole's Petroleum (\$1.5602); Howes Oil (\$1.5830); CHS, Inc. (\$1.6000); Midwest Oil, Midway Service (Vollan), and Olson Oil, all no bid. Bid awarded to: Stern Oil.
4. Report of Requests for Quotes for Fuel dated: June 2, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.8122); Cole's Petroleum Oil (\$1.8186); Howes Oil (\$1.8465); CHS, Inc. (\$1.8650); Stern Oil (\$1.9328); Olson Oil and Vollan Oil, both no bid. Bid awarded to: Harms Oil.

APPLICATIONS

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

5. Shane and Kellie Bartels, 905 E. 63rd St., for 2016 property taxes in the amount of \$705.78. The value should not have increased in 2015, building permit project did not start as of November 1, 2014.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, June 21, 2016, at 7 p.m., for Item 6:

6. Special One-Day Malt Beverage Licenses for American Legion, Sioux Falls Post 15 to be operated at Augustana University Ronken Baseball Field, 2505 South Grange Avenue, for Sioux Falls Pilot home games on June 25, 29 and 30, July 1, 6 and 10, 2016, and to authorize publication on June 10, 2016.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg,

Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.
Motion Passed.

PUBLIC INPUT

Roger Elgersma spoke about development of neighborhoods.

Reverend David Kraemer, from All Souls Unitarian Universalist, discussed gender identity and the need to add it to the list of categories protected under the City's Civil Rights guarantee.

Hugh Weber, along with his daughter, Emerson, explained the origins of Flag Day and the development of a City of Sioux Falls flag.

Ashley Joubert-Gaddis spoke about her disappointment of gender identity not being included in ordinance.

Thomas Christiansen, President of the Center for Equality, spoke about the Sioux Falls Pride Festival, the City's Equal Employment Opportunity statement, and South Dakota Attorney General Marty Jackley.

Robert Kolbe gave a brief history of the falls at Falls Park, local urban renewal, historic preservation, the Battleship USS South Dakota, consultant selection, and City and Minnehaha County support of museums.

Scott Ehrisman spoke about the railroad redevelopment project and questioned what rail traffic is going to look like when the project is done; what maintenance cost is going to be in 15 years for the Events Center; and his concerns about the Planning Commission.

Tony Burke spoke about the rezoning application for Lacey Estates; and traffic at Sixth Street and Bahnson Avenue.

Libby Skarin, Policy Director for the ACLU of South Dakota, expressed her hopes for the approval of an ordinance which would include gender identity.

Matthew Kappel spoke about the City's Planning and Zoning regulations that conflict with the Lloyd Company's proposed rezoning of 600 N. Bahnson Ave., also known as Lacey Estates.

John Nordlie spoke of his concerns regarding the Planning Commission and the proposed rezoning of Lacey Estates.

Mike Macdonald expressed his concern regarding the lack of a detention pond for the proposed rezoning of Lacey Estates.

Jim Holiway inquired if the Oakview area is receiving more multi-housing apartments or units than the rest of Sioux Falls.

David Zokaites spoke about being motivated by truth and justice and the problems associated with them; human sexuality/homosexuality/a transgender woman; and problems with a City ordinance, regarding peddlers and mobile food vendors.

Sierra Broussard spoke about being upset due to the lack of a moment of silence for the Orlando massacre victims; stated she is transgender; expressed her disappointment in the proposed ordinance, regarding gender identity; LGBT concerns; and the need for a LGBT flag to be flown at City Hall.

Mayor Mike Huether explained how the City Council wanted to allow public input regarding Items 7 and 8, which were proposed to be withdrawn. He stated he thought the Oakview neighborhood presentation was good and some new information was provided. Huether urged the Oakview neighbors to meet directly with the developers to get their questions answered.

Bruce Danielson spoke about public input, new City Council members, Terrace Park, the Oakview neighborhood, Spellerberg Park concerns, and encouraged the Council to be advocates for residents.

Joy Schroeder expressed her concerns regarding the Planning Commission forwarding the proposed rezoning of Lacey Estates to the City Council.

INTRODUCTION AND ADOPTION OF ORDINANCES

7. Deferred from the City Council Meeting of May 3, 2016: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES FOR CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS. This is the second reading of an ordinance that is expected to be withdrawn by the City Council.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Greg Neitzert to withdraw Item 7.

A substitute motion was made by Council Member Pat Starr to defer Item 7 to Tuesday, January 10, 2017. Motion dies for lack of a second.

Vote to withdraw: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Theresa Stehly, Christine M. Erickson, 5. Noes, Pat Starr, Michelle Erpenbach, 2.

Motion Passed.

8. Deferred from the City Council Meeting of May 3, 2016: 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 98: HUMAN RELATIONS. This is a second reading of an ordinance that is expected to be withdrawn by the City Council.

A motion was made by Council Member Christine M. Erickson and seconded by

Council Member Theresa Stehly to withdraw Item 8.

Vote to withdraw: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, 6. Noes, Michelle Erpenbach, 1.

Motion Passed.

HEARINGS AND RESOLUTIONS

9. A RESOLUTION VACATING A PORTION OF THE N. WHITNI AVE. RIGHT-OF-WAY.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 56-16.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 56-16

A RESOLUTION VACATING A PORTION OF THE N. WHITNI AVE. RIGHT-OF-WAY.

WHEREAS, a petition of the owners of:

Tract 1, MLadys Addition in the SE1/4 of the NE1/4 of Section 15-T101N-R50W of the 5th principal meridian, Minnehaha County, South Dakota

A portion of the unplatted NE1/4 of the SE1/4 of the NE1/4 of Section 15-T101N-R50W of the 5th principal meridian, Minnehaha County, South Dakota and Vacated Blue Bell Lane lying adjacent thereto

Lot 13, Block 5 Songbird Addition to the City of Sioux Falls, Minnehaha County, South Dakota and Vacated Blue Bell Lane lying adjacent thereto

Lot 14, Block 6 Songbird Addition to the City of Sioux Falls, Minnehaha County, South Dakota

WHEREAS, the hearing was held on June 14, 2016, 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 for public travel for at least the past twenty years.

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

That the N. Whitney Ave. right-of-way as shown on Exhibit 1, be and the same hereby is declared vacated, 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: 06/14/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco
City Clerk

10. A RESOLUTION AUTHORIZING PARTICIPATION IN A WASTE TIRE DISPOSAL SUBGRANT

PROGRAM TO ELIMINATE MOSQUITO BREEDING GROUNDS AND TO DECLARE AN EMERGENCY THEREFOR.

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to adopt said Resolution No. 57-16.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, 7.
Noes, 0.
Motion Passed.

RESOLUTION NO. 57-16

A RESOLUTION AUTHORIZING PARTICIPATION IN A WASTE TIRE DISPOSAL SUBGRANT PROGRAM TO ELIMINATE MOSQUITO BREEDING GROUNDS AND TO DECLARE AN EMERGENCY THEREFOR.

WHEREAS, the South Dakota Department of Environment and Natural Resources (DENR) obtained a grant on May 11, 2016, authorizing DENR to issue subgrants for eligible projects for the collection and disposal of waste tires in select locations in the state of South Dakota; and

WHEREAS, the City of Sioux Falls (City) has requested a subgrant from the DENR for City collection and disposal of waste tires, and DENR has, on a preliminary basis, determined the City s project is an eligible project under its May 11, 2016, Grant Agreement so long as the City provides a 20 percent local match; and

WHEREAS, the City will use the subgrant funds to dispose of waste tires so as to avoid standing water and eliminate breeding areas for mosquitos, a measure to address the Zika virus;

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

1. That the City hereby approves participation in the DENR waste tire collection and disposal program to avoid standing water and eliminate breeding areas for mosquitos as a measure to address the Zika virus; and

2. That the City hereby commits to fund a local match of 20 percent in the amount of up to \$25,000, provided that DENR grants up to \$100,000 for 80 percent of the costs of the City s waste tire collection and disposal project; and

3. Mayor is hereby authorized to execute an Agreement with the DENR and perform all further acts necessary to effectuate participation in the DENR waste tire collection and disposal program; and

4. Pursuant to SDCL 9-19-13, this resolution is declared necessary for the preservation of the public peace, health, safety, and support of a municipal government and its existing public institutions and shall become effective upon its passage and publication.

Date adopted: 06/18/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco
City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, July 12, 2016, at 7 p.m., for Item 11:

11. A PROPOSED RESOLUTION VACATING THE W. 25TH ST. RIGHT-OF-WAY FROM THE WEST RIGHT-OF-WAY LINE OF S. SUMMIT AVE. TO THE EAST RIGHT-OF-WAY LINE OF S. PRAIRIE AVE.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to set a date of hearing for Tuesday, July 12, 2016, for Item 11.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Pat Starr, Christine M. Erickson, Michelle Erpenbach, 6. Noes, 0. Council Member Theresa Stehly was excused from the meeting and vote of this item.

Motion Passed.

NEW BUSINESS

Mayor Mike Huether recognized Boy Scout Troop 371, Gloria Dei Lutheran Church, for attending the meeting.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Pat Starr to adjourn at 8:28 p.m.

Mayor Mike Huether called for a voice vote. All members said 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.