

MINUTES	Tuesday, May 24, 2016	
Informational Meeting	4 PM at Carnegie Town Hall	
Sioux Falls City Council	235 West Tenth Street	

Members Present: Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, and Theresa Stehly

Members Absent: Mike T. Huether

Staff Present: Denise D. Tucker, MMC, Assistant City Clerk; David Bixler, Budget Analyst; Jim David, Legislative/Operations Manager; Tom Greco, City Clerk; and Rich Oksol, Lead Internal Audit Manager

### 1. Call To Order

City Council Chair Rex Rolwing called the meeting to order at 4 p.m.

### 2. City Council Open Discussion

Council Member Greg Neitzert spoke about the proposed Administration Building and expressed concern that there was no momentum, at this point, to look at other building options. Council Member Michelle Erpenbach encouraged him to take a leadership role with the issue. Rolwing said that he and Council Member Rick Kiley are meeting next week about buildings that have been vetted. Rolwing said he will report back to the Council with updated information. Council Member Theresa Stehly said the building was a point of discussion among citizens during her campaign; she suggested having a town hall meeting to gather public comment. Rolwing suggested the possibility of having a City Council working session. Stehly questioned what it would take for this matter to go to a public vote. Discussion followed.

### 3. Presentations

#### A. REVIEW AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES FOR CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS by Bill O'Toole, Director of Human Resources

Bill O'Toole, Director of Human Resources, presented a brief history of the ordinance and said the second reading will be on June 14th. He characterized the changes as either: housekeeping matters, substantive changes, and/or adding gender identity as a protected class throughout the Personnel ordinances. The addition of gender identity is a result of the U.S. Department of Labor's Office of Federal Contract Compliance regulation, which requires all federal contractors to have an Equal Opportunity clause in their contracts that includes sexual orientation and gender identity. O Toole reviewed all recommended changes to the ordinance.

Neitzert asked questions regarding jury duty pay and the age restrictions being placed on police and fire candidates. Discussion followed.

Council Member Christine M. Erickson questioned if gender identity is defined in City ordinance. O'Toole said it is not and read the federal regulation

definition. Erickson asked what other South Dakota cities have gender identity as a protected class? Dave Pfeifle, City Attorney, said Sioux Falls would be the first city to have gender identity as a protected class in ordinances. He said that gender identity is included in Executive Orders. Pfeifle informed the Council that this is something that will only affect City employees. Discussion followed.

Stehly asked for clarification that City employees and their spouses can contribute to PACs. According to Pfeifle, the contributions are allowed in Charter. Discussion followed.

Erpenbach asked if the City should be codifying the definition of gender identity. Pfeifle doesn't see the need for that to happen. Erpenbach asked why the changes are being brought forth and if this has to do with transgender bathroom issues. Pfeifle said this is in regards to City employees and has nothing to do with the transgender bathroom issue.

Council Member Pat Starr spoke about the approval of Amendment F to Charter and employee campaign contributions. Discussion followed.

Neitzert spoke about gender identity and discrimination.

Rolfing spoke about the age of retirement for police officers and fire fighters. Discussion followed. He also spoke about jury duty and vacation accrual. Discussion followed.

#### 4. Executive Session

A. Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters per SDCL 1-25-2(3).

B. Preparing for contract negotiations or negotiating with employees or employee representatives per SDCL 1-25-2(4).

A motion made by Rick Kiley and seconded by Christine M. Erickson to enter Executive Session at 4:41 p.m., for consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters pursuant to SDCL 1-25-2(3); and preparing for contract negotiations or negotiating with employees or employee representatives per SDCL 1-25-2(4).

A motion made by Michelle Erpenbach and seconded by Rick Kiley to exit Executive Session at 4:54 p.m.

#### 5. Adjournment

Council Chair Rex Rolfing adjourned the meeting at 4:54 p.m.

Denise D. Tucker, MMC  
Assistant City Clerk