

|| City of Sioux Falls Council Meeting  
|| Minutes  
|| Carnegie Town Hall, 235 West 10th Street  
|| MEETING OF Tuesday, November 8, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

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

ABSENT

INVOCATION

- City Council Chair Rex Rolfing

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- American Diabetes Month, November, 2016

VISITOR RECOGNITION

- Cub Scout Pack 162, Hilltop United Methodist Church
- Cub Scout Pack 260, Hillcrest Baptist Church

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Greg Neitzert and seconded by Council Member Theresa Stehly to approve the Consent Agenda.  
Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, 8. Noes, 0.  
Motion Passed.

## MINUTES

- Informational Meeting of Tuesday, November 1, 2016, at 4 p.m.
- Regular City Council Meeting of Tuesday, November 1, 2016, at 7 p.m.

## COMMUNICATIONS

1. Approval of contracts/agreements on the November 4, 2016, memo.
2. Approval of the notice of change orders on the November 4, 2016, memo.
3. Report of Requests for Quotes for Fuel dated: October 12, 2016; #2 Dyed Diesel; 2,000 Gallons; Howes Oil (\$1.949); Midwest Oil (\$1.899); and Midway Service (\$1.810). Bid awarded to: Midway Service.
4. Report of Requests for Quotes for Fuel dated: October 25, 2016; Unleaded Ethanol; 863 gallons; Midway Service (\$1.9940); Howes Oil, Stern Oil, and Cole's Petroleum, all no bid. Bid awarded to: Midway Service.
5. Report of Requests for Quotes for Fuel dated: October 25, 2016; Clear Diesel #1; 457 gallons; Midway Service (\$2.0800); Howes Oil, Stern Oil, and Cole's Petroleum, all no bid. Bid awarded to: Midway Service.
6. Report of Requests for Quotes for Fuel dated: October 25, 2016; Clear Diesel #2; 457 gallons; Midway Service (\$1.9700); Howes Oil, Stern Oil, and Cole's Petroleum, all no bid. Bid awarded to: Midway Service.
7. Report of Requests for Quotes for Fuel dated: October 25, 2016; #2 Dyed Diesel; 2,000 Gallons; Howes Oil (\$1.789); Midwest Oil (\$1.740); and Midway Service (\$1.780). Bid awarded to: Midwest Oil.
8. Report of Requests for Quotes for Fuel dated: October 26, 2016; #1 & #2 Dyed Diesel Fuel; 3,750 Gallons #1 & 3,750 Gallons #2 (7,500 total); Cole's Petroleum (\$1.7987 #1 & \$1.6443 #2); Harms Oil (\$1.8400 #1 & \$1.6600 #2); Stern Oil (\$1.8495 #1 & \$1.6526 #2); CHS, Inc. (\$1.8800 #1 & \$1.6800 #2); Howes Oil, Midwest Oil, Midway Service (Vollan), and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
9. Report of Requests for Quotes for Fuel dated: October 27, 2016; #1 Dyed Diesel Fuel; 7,500 Gallons; Harms Oil (\$1.7500); Cole's Petroleum (\$1.7739); Stern Oil (\$1.8265); CHS, Inc. (\$1.8625); Howes Oil, Midwest Oil, Midway Service (Vollan), and Olson Oil, all no bid. Bid awarded to: Harms Oil.
10. Report of Requests for Quotes for Fuel dated: November 1, 2016: E-10 Unleaded Ethanol/87 Octane; 8,500 Gallons; Cole's Petroleum (\$1.6167);

Stern Oil (\$1.6505); Harms Oil, CHS, Inc., Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Rex Rolwing and seconded by Council Member Marshall Selberg to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Dr. Fady Jamous, Pulmonologist, with Avera McKennan Hospital, spoke about the harmful effects of smoking; support of the tobacco ordinance; and the dangers of e-cigarettes.

Megan Meyers, Government Relations Director, for the American Heart Association in South Dakota, spoke about the priorities of the AHA; benefits of tobacco free environments; and urged the City Council's support of the proposed Tobacco Free Policy ordinance.

Carmyn Egge, representing the American Cancer Society and Cancer Action Network, spoke in support of the Tobacco Free Policy ordinance as written.

Dr. Mike Keppen, a cancer doctor at Sanford Cancer Center, spoke about the dangers of third hand smoke. He provided information and the dangers of third-hand smoke, second-hand smoke, exhale smoke, and side stream smoke. Keppen considered the Tobacco Policy an important first step.

David Zokaites spoke about alcohol and the law and mass incarceration.

Sierra Broussard spoke about problems with Wiley's Tavern and prostitution.

Scott Ehrisman spoke about voting, the First Amendment, the Event Center election, Wiley's Tavern, and the Vault.

Tim Stanga spoke about the City Council's right to ask questions, City employees and smoking, comparing alcohol use to smoking.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, December 6, 2016, at 7 p.m.

for Item 11:

11. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 92: HEALTH AND SANITATION BY ADDING A SUBCHAPTER ENTITLED TOBACCO FREE POLICY FOR ALL CITY PROPERTY.

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 6, 2016.

Vote to set a date: Roll Call: Yeses, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, 8. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

12. A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT WATER LINE EASEMENT LOCATED IN THE E1/2 OF THE NE1/4 OF SECTION 5-T102N-R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SD.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 112-16.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 112-16

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT WATER LINE EASEMENT LOCATED IN THE E1/2 OF THE NE1/4 OF SECTION 5-T102N-R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs part of the permanent water line easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer;

WHEREAS, the permanent water line easement was granted by easement document and filed in Book 232 of Misc. on page 725 in the office of the Register of Deeds for Minnehaha County, SD, on May 6, 1998;

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

That it approves the release of part of the permanent water line easement area, as shown on attached Exhibit A, and affecting the real property described as located in E1/2 of the NE1/4 of Section 5-T102N-R49W of the 5th P.M., Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 11/08/16 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco  
City Clerk

13. A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED IN VACATED 14TH STREET LYING ADJACENT TO LOT 19 IN COUNTY AUDITOR S SUBDIVISION IN THE NW1/4 OF SECTION 24-T101N-R50W OF THE 5TH P.M., MINNEHAHA COUNTY, SD.

A motion was made by Council Member Rick Kiley and seconded by Council Member Pat Starr to adopt said Resolution No. 113-16.  
Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, 8. Noes, 0.  
Motion Passed.

RESOLUTION NO. 113-16

A RESOLUTION APPROVING THE RELEASE OF PART OF A PERMANENT EASEMENT LOCATED IN VACATED 14TH STREET LYING ADJACENT TO LOT 19 IN COUNTY AUDITOR S SUBDIVISION IN THE NW1/4 OF SECTION 24-T101N-R50W OF THE 5TH P.M., MINNEHAHA COUNTY, SD.  
WHEREAS, the City of Sioux Falls, SD, no longer needs part of the permanent utility easement area across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer;  
WHEREAS, a permanent easement was reserved in City Resolution No. 277-89 and filed in Book 183 of Miscellaneous on pages 503 505 in the office of the Register of Deeds for Minnehaha County, SD, on November 22, 1989;  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
That it approves the release of part of the permanent easement area, as shown on attached Exhibit A, and affecting the real property described as vacated 14th Street lying adjacent to Lot 19 in County Auditor s Subdivision in the NW1/4 of Section 24-T101N-R50W of the 5th P.M., Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.  
Date adopted: 11/08/16.

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco  
City Clerk

ADJOURNMENT

A motion was made by Council Member Greg Neitzert and seconded by Council Member Theresa Stehly to adjourn at 8:13 p.m.

Mayor Mike Huether called for a voice vote. All members 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](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, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO CITYLINK AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.