

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, February 13, 2018, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

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

ABSENT

INVOCATION

- Rev. Randall Gehring, Our Savior's Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Congenital Heart Defect Awareness Week, February 7-14, 2018

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to approve the Consent Agenda.

Council Member Pat Starr requested the following items be pulled from Item 1 and placed for consideration on the Regular Agenda after Public Input: Entertainment Venues, 13003, Washington Pavilion Building Improvements -2018 Projects; Professional services agreement, Architecture Incorporated, \$59,300; and Entertainment Venues, 13003, Washington Pavilion Building Improvements-Parapet and Escalator Studies; Professional services agreement, Architecture Incorporated, \$11,700.

Council Member Theresa Stehly requested the following item be pulled from Item 1 and placed for consideration on the Regular Agenda after Public Input: Fleet, NA, Track-Type Tractor Dozer, To award a bid, Butler Machinery Inc., \$905,000.

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

#### MINUTES

- Informational Meeting of Monday, February 5, 2018, at 4 p.m.
- Regular City Council Meeting of Monday, February 5, 2018, at 7 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the February 9, 2018, memo.
2. Report of Requests for Quotes for Fuel dated: February 1, 2018; Dyed Diesel #1 and #2; 3,750 gallons of each; Cole's Petroleum (\$2.4688 for #1 and \$2.1570 for #2); Harms Oil (\$2.4811 for #1 and \$2.1530 for #2); Howes Oil (\$2.4725 for #1 and \$2.1470 for #2); Midway Service, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Howes Oil.
3. Report of Requests for Quotes for Fuel dated: February 6, 2018; Unleaded; 8,500 gallons; Cole's Petroleum (\$2.1117); Stern Oil (\$2.1637); Harms Oil (\$2.1156); Howes Oil (\$2.1165); Midway Service, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

#### APPLICATIONS

The following abatements were recommended for approval by the Director of Equalization and deemed legally sufficient by the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

4. Travis Humpal, 7500 W. Tayberry Cir., Parcel #74609, for 2014 property taxes in the amount of \$2,012.53. Reason: Owner occupied status removed in error.
5. Travis Humpal, 7500 W. Tayberry Cir., Parcel #74609, for 2015 property taxes in the amount of \$1,927.26. Reason: Owner occupied status removed in error.
6. Travis Humpal, 7500 W. Tayberry Cir., Parcel #74609, for 2016 property taxes in the amount of \$1,805.75. Reason: Owner occupied status removed in error.

Item 7: Applicant qualifies for property exemption under SDCL 10-4-30.

7. Parcel #62705 for 2017 property taxes in the amount of \$3,195.65.

Items 8 and 9: The amount requested is the difference between the elderly

freeze and the non-elderly freeze.

8. Shannon Meyer, 3108 N. Wayland Ave., Parcel #40893, for 2017 property taxes in the amount of \$149.78.

9. Esther Polley, 3432 S. Phillips Ave., Parcel #39790, for 2017 property taxes in the amount of \$525.24.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Neitzert to amend the Regular Agenda by placing Item 14 after Item 12.

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

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

#### PUBLIC INPUT

Scott Ehrisman spoke about a Charter Revision report, posting of Campaign Finance reports, and no time limits on City Council meetings.

Sierra Broussard apologized for breaking the rules of Public Input and spoke about the Police Department.

Steven Siano spoke about military idolatry, issues with the VA and his disabilities, discrimination of his beliefs, having money stolen, Falls Community Health, and health issues.

Tim Stanga spoke about snow removal at Patrick Henry Middle School and teachers receiving parking tickets.

David Zokaites spoke about fixing building issues.

Nancy Wehrkamp, Director of the Osher Lifelong Learning Institute, invited the Mayor, City Council and public to the OLLI Community Lecture Series on Tuesdays in March.

Item 1 was heard at this time.

A motion was made by Council Member Pat Starr and seconded by Council Member Michelle Erpenbach to approve the following items from Agenda Item 1: Entertainment Venues, 13003, Washington Pavilion Building Improvements -2018 Projects; Professional services agreement, Architecture Incorporated, \$59,300; and Entertainment Venues, 13003, Washington Pavilion Building Improvements-Parapet and Escalator Studies; Professional services agreement, Architecture Incorporated, \$11,700.

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

Motion Passed.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Michelle Erpenbach to approve the following item from Agenda Item 1: Fleet, NA, Track-Type Tractor Dozer, To award a bid, Butler Machinery Inc., \$905,000.

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

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

10. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 32: CITY ORGANIZATIONS, SUBCHAPTER CHARTER REVISION COMMISSION, ESTABLISHING THE VOTES NECESSARY TO APPROVE A CHARTER REVISION COMMISSION REPORT.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 11-18.

A motion was made by Council Member Pat Starr and seconded by Council Member Theresa Stehly to amend by striking the word four and replacing it with the word three .

Vote to amend: Roll Call: Yeses, Pat Starr, Theresa Stehly, 2. Noes, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, 6.

Motion Failed.

Vote to adopt: Roll Call: Yeses, Pat Starr, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, 7. Noes, Theresa Stehly, 1.

Motion Passed.

11. 2nd Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE CITY ), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE REFUNDING BONDS, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO REFUND THE OUTSTANDING CITY OF SIOUX FALLS SALES TAX REVENUE BONDS, SERIES 2007B AND TO PAY THE COST OF ISSUANCE THEREOF, AND PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS

OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE REFUNDING BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE REFUNDING BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE TO AN AMENDED AND RESTATED INDENTURE OF TRUST BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE REFUNDING BONDS IN AN AMOUNT SUFFICIENT, TOGETHER WITH FUNDS ON HAND, (I) TO FUND A DEPOSIT TO A SERIES 2007B REDEMPTION ACCOUNT TO REDEEM THE SERIES 2007B BONDS, (II) TO PAY COSTS OF ISSUANCE OF SUCH SERIES 2018 BONDS AND (III) TO FUND CAPITALIZED INTEREST, IF ANY, AND A DEBT SERVICE RESERVE FUND.

A motion was made by Council Member Rex Roling and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 12-18.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Neitzert to amend Section 6 by replacing "other amounts on hand are specifically appropriated for such purpose" with "\$1.5 million on hand is specifically appropriated for such purpose".

Vote to amend: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, 2. Noes, Pat Starr, Theresa Stehly, Christine M. Erickson, Rick Kiley, Rex Roling, Marshall Selberg, 6.  
Motion Failed.

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

12. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. Police - General Fund, \$167,000. and Police - Sales/Use Tax Fund, \$155,000.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 13-18.

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

Item 14 was heard at this time. See item for action taken.

Set a date of hearing and 2nd Reading for Tuesday, February 20, 2018, at 7 p.m. for Item 13:

13. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 36 TO REQUIRE PROPOSED MANAGEMENT CONTRACTS FOR THE CITY S PUBLIC FACILITIES OR PROPERTIES BE PRESENTED AT EITHER AN INFORMATIONAL MEETING, WORKING SESSION, OR STANDING COMMITTEE OF THE CITY COUNCIL SEVEN DAYS PRIOR TO ITS CONSIDERATION.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, February 20, 2018, at 7 p.m. for Item 13.

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

Motion Passed.

#### HEARINGS AND RESOLUTIONS

14. A RESOLUTION AMENDING THE 2018 2022 CAPITAL PROGRAM. (Police, estimated \$155,000; Entertainment Venues/Washington Pavilion, estimated \$50,000; Transit, estimated \$35,000; and Fleet, estimated \$100,000)

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution No. 13-18.

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

Motion Passed.

RESOLUTION NO. 13-18

A RESOLUTION AMENDING THE 2018 2022 CAPITAL PROGRAM.

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

That the 2018 2022 Capital Program shall be amended as follows:

Police

Amend the Other Capital Expenditures Program by adding a bomb robot in 2018. The estimated cost is \$155,000 and will require an increase in appropriations that will be funded with grant funds.

Entertainment Venues/Washington Pavilion

Amend the Other Capital Expenditures Program by adding a gas range/oven in 2018. The estimated cost is \$50,000 and will not require an increase in appropriations as it will be funded with existing appropriations.

Transit

Amend the Other Capital Expenditures Program by adding a security system in 2018. The estimated cost is \$35,000, and will not require an increase in appropriations as it will be funded with savings in the Transit OCEP plan.

Fleet

Amend the Other Capital Expenditures Program by adding an air compressor in 2018. The estimated cost is \$60,000 and will not require an increase in appropriations as it will be funded with Fleet user fees.

Public Works-Water

Amend the Other Capital Expenditures Program by adding a utility vehicle in 2018. The estimated cost is \$40,000, and will not require an increase in appropriations as it will be funded with user fees.

Date adopted: 02/13/18 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

15. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT AN EIGHTY- (80- ) FOOT SECTION OF RAILROAD TRACK, INCLUDING RAILS AND TIES, TO THE GRANITE THRESHERMEN S ASSOCIATION, INC. G.T.A.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adopt said Resolution No. 14-18.

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

Motion Passed.

RESOLUTION NO.

14-18

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT AN EIGHTY- (80-) FOOT SECTION OF RAILROAD TRACK, INCLUDING RAILS AND TIES, TO THE GRANITE THRESHERMEN S ASSOCIATION, INC. G.T.A.

WHEREAS, Sioux Falls Public Works hereby declares as surplus an eighty- (80- ) foot section of railroad track, including rails and ties and other appurtenances; and

WHEREAS, the Granite Threshermen s Association, Inc. G.T.A. operates the unincorporated town of Granite, Iowa, and finds it desirable to acquire the above-described surplus property;

WHEREAS, the Granite Threshermen s Association, Inc. G.T.A., is an Iowa nonprofit entity;

WHEREAS, pursuant to SDCL § 6-5-2, the City of Sioux Falls may gratuitously transfer the above-described surplus property to the Granite Threshermen s Association, Inc. G.T.A.;

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

That the gifting by the City of Sioux Falls to the Granite Threshermen s Association, Inc. G.T.A., of the following surplus property to be used within the unincorporated town of Granite, Iowa:

- Eighty- (80-) foot section of railroad track, including rails and ties and other appurtenances is hereby approved.

Date adopted: 02/13/18 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

ADJOURNMENT

A motion was made by Council Member Rex Rolwing and seconded by Council Member Rick Kiley to adjourn at 8:51 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.