

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, June 12, 2018, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Marshall Selberg

Council Member Curt Soehl

Council Member Christine M. Erickson

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Janet Brekke

Mayor Paul TenHaken

INVOCATION

Reverend Brett Best, Emmanuel Baptist Church

\*

Mayor Paul TenHaken provided the invocation.

PLEDGE OF ALLEGIANCE

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.

Vote to approve: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, June 5, 2018, at 4 p.m.

\*

\*

#### COMMUNICATIONS

1. Approval of contracts/agreements on the June 8, 2018, memo.
2. Approval of the notice of change orders on the June 8, 2018, memo.
3. A memorandum dated May 31, 2018, declaring surplus property.

Report of Requests for Quotes for Fuel dated: May 31, 2018; 15,000 Gallons  
4. of Dyed Diesel #2; Midway Service (\$2.3199); Cole's Petroleum (\$2.3490); Harms Oil, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: MidwayService.

Report of Requests for Quotes for Fuel dated: June 4, 2018; 8,500 Gallons of  
5. Unleaded Ethanol; Midway Service: (\$2.3350); Cole's Petroleum (\$2.3248); Stern Oil (\$2.3438); Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

Sioux Area Metro Report of Requests for Quotes for Fuel dated: June 4,  
6. 2018; 7,500 Gallons #2 Clear Diesel; Howes Oil (\$2.649); CHS, Inc. (\$2.64); Harms Oil and Midwest Oil, both no bid. Bid awarded to: CHS, Inc.

#### APPLICATIONS

The following abatement was 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:

Item 7: Applicant qualifies for property exemption under SDCL 10-4-40.

7. Parcel #38634 for 2017 property taxes in the amount of \$1,521.17.

#### REGULAR AGENDA ITEMS

##### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Rick Kiley and seconded by Council Member Greg Neitzert to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Thor Bardon spoke about the public input proposal and recommended the matter be referred to a committee.

Heather Pastor spoke about a protection order, the cost of living, and comments about those who provide public input.

James Reed agreed that profanity should not be used during public input.

Rebecca Dunn spoke about the value and courtesy of keeping public input at

the beginning of the meeting. She provided several decorum recommendations.

Kermit Stagers spoke in opposition to changing the order of business.

June Stagers spoke about public input as a democratic principle and how it makes citizens feel important.

Tambi White spoke about who would have to wait at Council Meetings if public input was moved. She expressed counterarguments to the current proposal.

John Matthius recommended that the placement of input not be changed and that certain changes in decorum would help in making input more productive for everyone.

Cathy Brechtelsbauer spoke about the Municipal Band and the diversity of participants with public input at the beginning of the meeting.

Kathy Kersey spoke about the importance of democracy and that there can be a dark side to it which needs to be managed fairly.

Bob Kolbe spoke about representation and what is being done with our resources.

Briggs Warren spoke about citizen engagement and transparency.

Rose Bailey spoke about the value of public input and recounted how her input nearly two years ago resulted in a change to an ordinance.

James Mitchell spoke about the negative impact moving public input would have on older citizens.

Jeff Davis spoke about his experience with public input as a member of the Annexation Task Force. In reference to decorum, he recommended not making new rules for those who are breaking the existing ones.

Ron Flynn spoke about following Robert's Rules of Order and was in favor of the change to move input. He recommended that people could ask to have an item placed on the agenda.

Craig Lloyd spoke about the lack of decorum of some at public input. He recommended that the order of business not be changed, but that steps be taken to improve decorum.

Bob Trzynka spoke about the history of the initiative and referendum in South Dakota, the meaning of democracy, and what's important to the public.

Sue Bird spoke about coming together and doing what's right for the citizens.

Nancy Hanson spoke about enforcement of the five-minute speaking limit and recommended that total input could be limited to a certain amount of time.

Qadir Aware recommended a sign-up sheet be used with a set time limit for total input.

Nancy Tapken spoke about how moving input to the end would discourage citizens from coming to the meetings to provide input.

Pam Sabo discussed how later public input would discourage citizens, particularly during the winter months. She also recommended that input be evaluated for patterns of comments that may merit attention.

Rhanda Heller spoke about her experience addressing the Council in the past and noted that citizen engagement is part of the government process.

John Cunningham recommended having two separate public input periods during the meeting.

Rod Brandriet noted that most of the people in the audience were retired and it would be an insult to have public input at the end of the meeting.

Julie Cook noted how valuable it is to hear what others have to say because of the variety of new ideas that may be presented.

Carol Flowers spoke about how difficult it is for some people to speak at public input and that all most want is some time for the Council to hear their concerns.

Scott Ehrisman spoke about the presiding officer's ability to control a meeting using Robert's Rules of Order; he relayed a story about Treasurer Pam Nelson.

Tim Stanga recounted several instances where his input resulted in policy changes or enforcement of existing ordinances.

Anne Hajek noted that public input is an important part of the meeting, but so are the scheduled agenda items which should be heard first. She stated there needs to be a balance between general public input and scheduled business.

Tom Walsh noted that changing the current ordinance because of the actions of five or 10 others is not desirable.

Sierra Broussard spoke about why citizens provide input and recommended that more transparency would address many of the issues.

Brian Majerus recommended a citizen and councilor committee to address public input.

Peter Pischke recommended a compromise by moving public input before the reading of alcohol items.

Dan Dailey recommended changing the order of business is not necessary, but a sign-in sheet and identification of a specific topic would address many issues.

Bruce Danielson spoke about his petition effort and noted that any changes public input may result in a petition for a change in government.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, June 19, 2018, at 7 p.m. for Item 8:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, UPDATING ORDINANCE 8. NO. 52-17 DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND AUTHORIZING THE DISPOSITION THEREOF.

A motion was made by Council Member Rick Kiley and seconded by Council Member Theresa Stehly to set a date of hearing and 2nd Reading for Tuesday, June 19, 2018, at 7 p.m. for Item 8.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 19, 2018, at 7 p.m. for Item 9:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 9. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL, SUBCHAPTER: ORGANIZATION AND PROCEDURE, SECTION 30.013, ORDER OF BUSINESS.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, June 19, 2018, at 7 p.m. for Item 9.

A motion was made by Council Member Pat Starr and seconded by Council Member Janet Brekke to amend by changing the date of hearing and 2nd Reading to July 10, 2018, at 7 p.m.

Vote to amend: Roll Call: Yeses, Pat Starr, Theresa Stehly, Janet Brekke, 3. Noes, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 4.

Motion Failed.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, 4. Noes, Pat Starr, Theresa Stehly, Janet Brekke, 3.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE 10. CITY OF SIOUX FALLS AND THE UNIVERSITY OF SOUTH DAKOTA RESEARCH PARK, INC., D/B/A THE UNIVERSITY OF SOUTH DAKOTA DISCOVERY DISTRICT, TO FUND AND MAINTAIN STREET IMPROVEMENTS.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to adopt said Resolution No. 54-18.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.

Motion Passed.

#### RESOLUTION NO. 54-18

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE UNIVERSITY OF SOUTH DAKOTA RESEARCH PARK, INC., D/B/A THE UNIVERSITY OF SOUTH DAKOTA DISCOVERY DISTRICT, TO FUND AND MAINTAIN STREET IMPROVEMENTS.

WHEREAS, the University of South Dakota Research Park, Inc., d/b/a University of South Dakota Discovery District ("Discovery District"), is a public-private partnership involving the University of South Dakota, the South Dakota Board of Regents, the South Dakota Governor's Office of Economic Development, Forward Sioux Falls, and the City of Sioux Falls, and the Discovery District leases land owned by the state of South Dakota for the purposes of a corporate and academic research park ("Research Park"); and

WHEREAS, the state of South Dakota has granted the City a permanent public

right-of-way drainage and utility easement for certain areas within Research Park and is in the process of surveying and granting additional similar permanent easements for public use within Research Park; and

WHEREAS, the City and the Discovery District intend to cooperate on the construction and maintenance of street improvements (and maintenance thereof) and a parking facility within Research Park;

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

The Mayor is hereby authorized to enter into an agreement with the Discovery District on behalf of the City to fund the actual costs for constructing street improvements (streets, curb and gutter, sanitary sewer, water mains, street lights, storm drains, and sidewalks) and a parking facility within Research Park in a total amount of up to one million five hundred thirteen thousand one hundred thirty dollars (\$1,513,130). The Agreement shall provide for disbursing the funds during fiscal years 2018 and 2019. The Agreement shall be in substantially the same format as the attached draft Funding Agreement Between the University of South Dakota Research Park, Inc., and the City.

The City shall publish this resolution, without the attachment, after its passage. The attachment is on file and available for inspection in the City Clerk's Office.

Date adopted: 06/12/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

11. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Greg Neitzert to adopt said Resolution No. 55-18.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 55-18

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Theresa Stehly	Multi-Cultural Center Intergovernmental Board	Appointed for a term from June 2018 until replaced (to

replace Michelle Erpenbach).

Janet Brekke Sioux Falls Convention & Appointed for a term from  
Visitors Bureau Business June 2018 until replaced (to  
Improvement District Board replace Rex Roling).

Steve Westra Sioux Falls Convention & Appointed for a term from  
Visitors Bureau Business June 2018 to April 2020 (to  
Improvement District Board fill the unexpired term of Jennifer  
Seifert-Brenna).

Date adopted: 06/12/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION  
BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED  
IN THE SIOUX FALLS CITY CHARTER SECTION 5.07(d)

12. REPORT OF THE MAY 31, 2018, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN  
MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Marshall Selberg and seconded by Council  
Member Curt Soehl to adjourn at 9:48 p.m.

Mayor Paul TenHaken called for a voice vote. All members voted yes.

Motion Passed.

Thomas M. Greco

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.