

MINUTES

City Council Meeting

Tuesday, February 12, 2019 at 7:00 PM

Carnegie Town Hall, 235 West 10th St., Sioux Falls, South Dakota 57104

CALL TO ORDER

1. MEETING ROLL CALL

Present: Council Member Rick Kiley, Council Member Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Theresa Stehly, Council Member Janet Brekke, Council Member Christine M. Erickson, Mayor Paul TenHaken

Absent: None

2. INVOCATION

Reverend Nicholas J. Collins, Holy Cross Lutheran Church

\*

3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

A request was made by Council Member Pat Starr to place sub-items 1, 6, & 8 from Agenda Item 1 on the Regular Agenda for Discussion (1: Health; Community Center Triage Center planning project to investigate the feasibility and development of an implementation plan for a voluntary, mid-level care alternative for those with substance/alcohol abuse as well as those with mental illness; Policy Research Associates; \$87,632.00); (6: Entertainment Venues; Sioux Falls Stadium-Structural Waterproofing Improvements; to award a bid for building maintenance improvements; Cy-Con, Inc.; \$298,000); and, (8: Parks/ Recreation; Final Design and Construction Administration Agreement; Sherman Park Improvements-Indian Mound Road Retaining Wall near 18th St. and Kiwanis Ave.; Midwest Engineering, LLC; \$40,550.00).

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

Roll call vote to approve. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

5. APPROVAL OF MINUTES

Informational Meeting of Monday, February 4, 2019

\*

Regular City Council Meeting of Monday, February 4, 2019

\*

COMMUNICATIONS

6. Approval of contracts/agreements on the February 8, 2019, memo.

Report of Requests for Quotes for Fuel dated: February 4, 2019; 8,500 gallons

of Unleaded Ethanol, 3,750 gallons of #1 Dyed Diesel and 3,750 gallons of #2 Dyed Diesel; Cole's Petroleum (\$1.6992 Unleaded Ethanol, \$2.1512 #1 Diesel & \$1.8991 #2 Diesel); Harms Oil (\$1.7193 Unleaded Ethanol, \$2.689 #1 Diesel & \$2.4385 #2 Diesel); Farstad Oil (\$1.792 Unleaded Ethanol, \$2.248 #1 Diesel & \$1.956 Diesel #2); Midway Service (\$1.7141 Unleaded Ethanol & no bid Diesel 1 & 2); Howes, Stern Oil, CHS Inc., and Olson Oil, all no bid. Bid awarded to Cole's Petroleum.

Report of Requests for Quotes for Fuel dated: February 5, 2019; #1 Dyed Diesel (3,750 Gallons); #2 Dyed Diesel (3,750 Gallons); Cole's Petroleum (\$2.1775 #1 Dyed Diesel & \$1.9747 #2 Dyed Diesel); Harms Oil (\$2.1693 #1 Dyed Diesel & \$1.9215 #2 Dyed Diesel); Farstad Oil (\$2.1960 #1 Dyed Diesel & \$1.9460 #2 Dyed Diesel); Midway Service, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Harms Oil.

#### REGULAR AGENDA

#### 9. APPROVAL OF THE REGULAR AGENDA

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

Roll call vote to approve. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

#### 10. PUBLIC INPUT

Brett Kruse spoke about government transparency and a traffic citation.

Sierra Brousaard spoke about Call to Freedom and LGBTQ-related bills in the legislature.

Sub-Item 1 from Agenda Item 1 was heard at this time.

A motion was made by Council Member Starr and seconded by Council Member Selberg to approve Sub-Item 1 from Agenda Item 1.

Roll call vote to approve. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

Sub-Item 6 from Agenda Item 1 was heard at this time.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to approve Sub-Item 6 from Agenda Item 1.

Roll call vote to approve. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

Sub-Item 8 from Agenda Item 1 was heard at this time.

A motion was made by Council Member Soehl and seconded by Council Member Erickson to defer Sub-Item 8 from Agenda Item 1 to the City Council Meeting of

Tuesday, March 5, 2019.

Roll call vote to defer. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

#### ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING  
11. SUPPLEMENTAL APPROPRIATIONS FOR COMMUNITY TRIAGE CENTER STUDY. (Public Health, \$100,000)

Recommendation: Set a date of 2nd Reading for Tuesday, February 19, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, February 19, 2019 for Item 11.

Roll call vote to set a date of 2nd Reading. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE  
12. CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 38: ELECTIONS, SECTION 38.010 ELECTION RESULTS, BY REQUIRING A PLURALITY TO BE ELECTED AS COUNCIL MEMBER AND A MAJORITY TO BE ELECTED AS MAYOR.

Recommendation: Set a date of 2nd Reading for Tuesday, February 19, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Starr to set a date of 2nd Reading for Tuesday, February 19, 2019 for Item 12.

Roll call vote to set a date of 2nd Reading. 7 Yes: Kiley, Neitzert, Selberg, Starr, Stehly, Brekke, Erickson; 1 No: Soehl. Motion Passed.

1st Reading: AN ORDINANCE AMENDING THE 2002 REVISED JOINT ZONING  
13. ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY REZONING PROPERTY AT LOT A, TRACT 1, LAUREL RIDGE ADDITION, SE1/4 SE1/4, SECTION 23-T102N-R49W, MAPLETON TOWNSHIP, MINNEHAHA COUNTY, SD, FROM THE A-1 AGRICULTURAL DISTRICT TO THE LAUREL RIDGE CROSSING PLANNED DEVELOPMENT DISTRICT. Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for the Joint Sioux Falls City Council/Minnehaha County Commission Meeting of Tuesday, February 26, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of 2nd Reading for the Joint Sioux Falls City Council/Minnehaha County Commission Meeting Tuesday, February 26, 2019 for Item 13.

Roll call vote to set a date of 2nd Reading. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

#### HEARINGS AND RESOLUTIONS

A RESOLUTION VACATING THE S. ELMWOOD AVE. RIGHT-OF-WAY FROM THE SOUTH  
14. RIGHT-OF-WAY LINE OF W. 26TH ST. TO THE NORTH RIGHT-OF-WAY LINE OF W. 28TH ST.

A motion was made by Council Member Kiley and seconded by Council Member Neitzert to adopt Item 14.

Roll call vote to adopt. 5 Yes: Kiley, Neitzert, Selberg, Soehl, Erickson; 3 No: Starr, Stehly, Brekke. Motion Failed.

15. A RESOLUTION VACATING A PORTION OF THE E. PRODUCER LN. RIGHT-OF-WAY.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt said Resolution No. 12-19.

Roll call vote to adopt. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

RESOLUTION NO. 12-19

A RESOLUTION VACATING A PORTION OF THE E. PRODUCER LN. RIGHT-OF-WAY.

WHEREAS, a petition to vacate city right-of-way has been filed by the owners of the following described property:

Lot 6, Block 4 of the Sioux Empire Development Park 8 Addition to the City of Sioux Falls, Minnehaha County, South Dakota

NE1/4 NE1/4 & S1/2 NE1/4 (except Runge's Tract 3A and except the S323' of the E1665' thereof and except Sioux Empire Development Park 8 Addition contained

therein), Section 35, Township 102 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota

WHEREAS, the hearing was held on February 12, 2019, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony of said petition has been heard. Said property, as shown upon the plat

s attached to and made a part of said petition, has been used as a street, alley, or public ground but no longer serves a useful public purpose.

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

That the E. Producer Ln. right-of-way as shown on Exhibit A, be and the same hereby is declared vacated, and subject to an easement reserved by the City of Sioux Falls in, over, and upon such vacated property as shown on Exhibit A for drainage, sewer, water and gas mains, electric, telephone lines, cable TV, and all public utility uses required or authorized by the City of Sioux Falls, 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: 02/12/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas M. Greco, City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

16. A RESOLUTION VACATING THE N. HIGHLAND AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF E AUSTIN ST. TO THE NORTH RIGHT OF WAY LINE OF E.

8TH ST.

Recommendation: Set a date of hearing for Tuesday, March 12, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of hearing for Tuesday, March 12, 2019 for Item 16.

Roll call vote to set a date of hearing. 8 Yes: Kiley, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson; 0 No: (None). Motion Passed.

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adjourn at 11:24 p.m.

Voice vote to adjourn. Motion Passed.

Thomas M. Greco, City Clerk