

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, March 10, 2015, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Roling

Mayor Mike T. Huether

INVOCATION

Dr. Erich P. McCandless, Empire Baptist Temple

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Sioux Empire Water Festival Days - March 17 and 18, 2015

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve the Consent Agenda.

A request was made by Council Member Kermit L. Staggers to move the following agreements from Item 1 to the Regular Agenda for discussion purposes: Economic Development, Core Fa^sade Revitalization/909 E. 8th Street

Agreement for facade revitalization, Gourley Properties, \$43,682; Economic Development, Core Façade Revitalization/216 S. Phillips Avenue Agreement for facade revitalization, 218 S. Phillips Avenue LLC, \$54,054.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, March 3, 2015, at 4:00 p.m.

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Regular City Council Meeting of Tuesday, March 3, 2015, at 7:00 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the March 5, 2015 memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to approve Economic Development, Core Façade Revitalization/

909 E. 8th Street Agreement for facade revitalization, Gourley Properties, \$43,682; Economic Development, Core Façade Revitalization/216 S. Phillips Avenue Agreement for facade revitalization, 218 S. Phillips Avenue LLC, \$54,054.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

Report of Requests for Quotes for Fuel dated: February 26, 2015; #1 & #2

2. Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Cole's Petroleum (\$2.2430 #1 & \$2.0340 #2); Harms Oil, Howes Oil, CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

Report of Requests for Quotes for Fuel dated: March 3, 2015; E-10 Unleaded

3. Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.0324); Howes Oil (\$2.0580); CHS, Inc., Cole's Petroleum and Olson Oil, all no bid. Bid awarded to: Harms Oil.

A communication was received from Lauri Krause requesting permission to

4. consume, but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, April 18, 2015, from 6:00 p.m. until 12:00 a.m. for a wedding.

A communication was received from Mike Herold and Christine Fogarty

5. requesting permission to consume, but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, June 27, 2015, from 9:00 a.m. until 5:00 p.m. for a wedding reception and dance.

A communication was received from Phaly Chheng and Jack Douangchampa

6. requesting permission to consume, but not sell, liquor, wine and malt beverages at The Coliseum, 515 N. Main Ave., on Saturday, August 29, 2015, from 5:00 p.m. until 12:00 a.m. for a wedding reception.

APPLICATIONS

The following abatement was recommended for denial by the Director of Equalization and the State's Attorney's Office for Lincoln County; and the City Attorney for Sioux Falls:

7. Bo T. Sandness, 2908 W. Stratton St., for 2014 property taxes in the amount of \$1,969.09; and 2015 property taxes in the amount of \$1,952.18.

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

Items 8-9: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

8. Gloria Garry, 617 S. Blauvelt, for 2014 taxes in the amount of \$269.66.
9. Norma Moor, 711 N. Leadale Ave., for 2014 property taxes in the amount of \$181.56.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

There was none.

Item 1 was discussed at this time. See item for action taken.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
10. DECLARING CERTAIN PROPERTY OF THE CITY OF SIOUX FALLS SURPLUS AND APPROVING AN OFFER BY AR PROPERTIES, LLC TO PURCHASE REAL PROPERTY FROM THE CITY OF SIOUX FALLS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to adopt said Ordinance No. 23-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 17, 2015, at 7:00 p.m. for Item 11:

11. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY. (Club Cambria)

A motion was made by Council Member Dean Karsky and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, March 17, 2015, at 7:00 p.m.

Vote to set a date: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

12. (E1/2) OF THE ALLEY LYING ADJACENT TO AND WESTERLY OF SAID FALLS PARK DR., ALL LYING BETWEEN FALLS PARK DR. AND W. 2ND ST.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Resolution 9-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 9-15

A RESOLUTION VACATING THE FALLS PARK DR. RIGHT-OF-WAY AND THE EAST ONE-HALF (E1/2) OF THE ALLEY LYING ADJACENT TO AND WESTERLY OF SAID FALLS PARK DR., ALL LYING BETWEEN FALLS PARK DR. AND W. 2ND ST.

WHEREAS, a petition of the owners of:

Block 4, Phillips to the Falls Addition to the City of Sioux Falls, according to the plat thereof;

The S 36' of Lot 8 and all of Lot 9 in Block 35 of Brookings & Edmund's Addition to Sioux Falls, Minnehaha County, South Dakota, according to the plat thereof;

Lots 3-7 and the N 8' of Lot 8, Block 35, Brookings & Edmund's Addition to Sioux Falls, Minnehaha County, South Dakota;

Lots 1 and 2, Block 35, Brookings & Edmund's Addition to Sioux Falls, Minnehaha County, South Dakota;

WHEREAS, the hearing was held on March 10, 2014, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition hereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has been used as a street or alley and no longer serves a

useful purpose.

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

That the Falls Park Dr. right-of-way and the East one-half (E1/2) of the alley lying adjacent to and westerly of said Falls Park Dr., all lying between Falls Park Dr. and W. 2nd St., be and the same hereby is declared vacated, and that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

This resolution shall become effective April 15, 2015.

Date adopted: 03/10/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION APPROVING THE CHANGE OF CONTROL OF THE SIOUX FALLS BASEBALL 13. STADIUM AGREEMENT, AS AMENDED, CITY AGREEMENT NO. 99-0191, HELD BY THE SIOUX FALLS CANARIES BASEBALL, LLC TO MANKATO BASEBALL, INC.

A motion was made by Council Member Rex Roling and seconded by Council Member Dean Karsky to adopt said Resolution 10-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 10-15

A RESOLUTION APPROVING THE CHANGE OF CONTROL OF THE SIOUX FALLS BASEBALL STADIUM AGREEMENT, AS AMENDED, CITY AGREEMENT NO. 99-0191, HELD BY THE SIOUX FALLS CANARIES BASEBALL, LLC TO MANKATO BASEBALL, INC.

WHEREAS, the City of Sioux Falls ("City") and the Sioux Falls Canaries Professional Baseball Club, L.L.C. ("Baseball Club") executed a Sioux Falls Baseball Stadium Agreement dated September 30, 1999, (the "Initial Lease"), which was subsequently amended by an Amendment to the Sioux Falls Baseball Stadium Agreement dated October 14, 1999, (the "First Amendment") and a Lease Amendment dated November 30, 2009, (the "Second Amendment," collectively the Initial Lease, the First Amendment, and the Second Amendment shall be referred to as the "Lease"); and

WHEREAS, Baseball Club, with the consent of the City, assigned its interest in the Lease to Canaries Baseball, LLC ("Canaries Baseball"); and

WHEREAS, Canaries Baseball has given notice that a controlling ownership interest in Canaries Baseball is being transferred to Mankato Baseball, Inc. (the "Transaction"); and

WHEREAS, pursuant to paragraph 7 of the Second Amendment, a change in

controlling ownership interest of Canaries Baseball requires approval of the City; and

WHEREAS, Canaries Baseball provided City staff with supplemental information in support of the Transaction, including providing a letter to the City agreeing to abide by the terms of the Lease, as amended. Canaries Baseball has further provided resumes, background information, and/or letters of reference with respect to Mankato Baseball, Inc.; and

WHEREAS, the parties have requested the City to consent to the transfer of such controlling ownership interest of Canaries Baseball; and

WHEREAS, after reviewing the supplemental information provided by Canaries Baseball, it is recommended the City consent to the Transaction.

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

It hereby consents to and approves the Transaction. All other provisions of the Lease shall remain as written.

Date adopted: 03/10/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

City Council Member Rex Rolwing asked for a point of privilege to introduce his brother-in-law Vincent Battista, who was visiting from Florida.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adjourn at 7:28 p.m.

Mayor Mike Huether called for a voice vote. All members voted yes.

Motion Passed.

Denise D. Tucker, CMC

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. HOWEVER, THE SOUTH DAKOTA SUPREME COURT HAS RULED THAT CITY COUNCILORS MAY NOT ENGAGE IN PRIVATE COMMUNICATIONS WITH PERSONS WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT. IN THOSE INSTANCES, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING ON THAT MATTER WHEN IT IS CONSIDERED BY THE ENTIRE CITY

COUNCIL. THOSE WHO PROVIDE COMMENTS SHOULD UNDERSTAND THAT THEIR COMMENTS WILL 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 4:00 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 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT 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 AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.