

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, January 5, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach Council Member Rex Rolwing

Council Member Greg Jamison Council Member Kermit L. Staggers

Council Member Dean Karsky

Council Member Rick Kiley

Mayor Mike T. Huether

INVOCATION

Pastor Katherine Olson, First Lutheran Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Sex Trafficking Awareness and Action Month

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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 Rick Kiley to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, December 15, 2015, at 4 p.m.

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City Council Meeting of Tuesday, December 15, 2015, at 7 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the December 31, 2015 memo.

Report of Requests for Quotes for Fuel dated: December 10, 2015; Unleaded Ethanol & #1 Dyed Diesel & #2 Dyed Diesel; 2,000 Gallons Unleaded/3,000 Gallons Each #1 & #2 Dyed Diesel; Harms Oil (\$1.5114 Unleaded/\$1.5066 #1

2. Diesel/\$1.2566 #2 Diesel); Howes Oil (\$1.5585 Unleaded/\$1.5175 #1 Diesel/\$1.2550 #2 Diesel); CHS, Inc. (\$1.4510 Unleaded/\$1.5649 #1 Diesel/\$1.2810 #2 Diesel); Cole's Petroleum (\$1.5440 Unleaded/\$1.5210 #1 Diesel/\$1.2720 #2 Diesel); and Olson Oil, no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: December 10, 2015; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$1.555); Howes Oil (\$1.5395); Harms Oil (\$1.5381); Midwest Oil and Petroleum Traders Co., both no bid. Bid awarded to: Harms Oil.

3. Report of Requests for Quotes for Fuel dated: December 14, 2015; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.5195); Cole's Petroleum (\$1.5403); Howes Oil (\$1.5510); CHS, Inc. (\$1.6000); and Olson Oil, no bid. Bid awarded to: Harms Oil.

4. Report of Requests for Quotes for Fuel dated: December 15, 2015; #1 & #2 Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each); Howes Oil (\$1.4235 #1 DM & \$1.1650 #2 DM); Harms Oil (\$1.4222 #1 DM & \$1.1737 #2 DM); Cole's Petroleum (\$1.4625 #1 DM & \$1.2075 #2 DM); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Howes Oil.

5. Report of Requests for Quotes for Fuel dated: December 21, 2015; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$1.4675); Howes Oil, Harms Oil, Midwest Oil, and Petroleum Traders Co., all no bid. Bid awarded to: CHS, Inc.

6. Report of Requests for Quotes for Fuel dated: December 22, 2015; #1 & #2 Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Harms Oil (\$1.3808 #1 DM & \$1.1616 #2 DM); Cole's Petroleum (\$1.4020 #1 DM & \$1.1720 #2 DM); Howes Oil (\$1.4140 #1 DM & \$1.1635 #2 DM); CHS, Inc. (\$1.4239 #1 DM & \$1.1900 #2 DM); Midwest Oil, Olson Oil, and Stern Oil, all no bid. Bid awarded to: Harms Oil.

7. Report of Requests for Quotes for Fuel dated: December 22, 2015; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.4300); Stern Oil (\$1.4554); Howes Oil (\$1.4820); CHS, Inc. (\$1.4840); Cole's Petroleum (\$1.5370); and Olson Oil, no bid. Bid awarded to: Harms Oil.

8. Report of Requests for Quotes for Fuel dated: December 23, 2015; Unleaded Ethanol & #1 Dyed Diesel & #2 Dyed Diesel; 4,000 gallons Unleaded/6,000 gallons Each #1 & #2 Diesel; Harms Oil (\$1.4480 Unleaded/\$1.3860 #1 Diesel/\$1.1820 #2 Diesel); Stern Oil (\$1.4679 Unleaded/\$1.4054 #1 Diesel/\$1.1594 #2 Diesel); CHS, Inc. (\$1.4500 Unleaded/\$1.4070 #1 Diesel/\$1.1750 #2 Diesel); Howes Oil (\$1.4920 Unleaded/\$1.4370 #1 Diesel/\$1.1865 #2 Diesel); Cole's Petroleum (\$1.5040 Unleaded/\$1.4550 #1 Diesel/\$1.1221 #2 Diesel); and Olson Oil, no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: December 28, 2015; #1 and #2 Dyed Diesel Fuel; 15,000 gallons (7,500 gallons each); Harms Oil (\$1.3822

10. #1 DM & \$1.1522 #2 DM); Stern Oil (\$1.3858 #1 DM & \$1.2174 #2 DM); Howes Oil (\$1.4095 #1 DM & \$1.1675 #2 DM); CHS, Inc. (\$1.4272 #1 DM & \$1.1936 #2 DM); Cole's Petroleum (\$1.4350 #1 DM & \$1.2250 #2 DM); and Olson Oil, no bid. Bid awarded to: Harms Oil.

APPLICATIONS

11. Special One-Day Malt Beverage License for Bates Enterprises to be operated at Multi-Cultural Center, 515 North Main Avenue, for a wrestling event on January 22, 2016.

12. Special One-Day Liquor Licenses for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for special events on January 9 and 12, 2016.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, January 19, 2016, at 7 p.m. on Items 13 through 16:

13. New 2015-16 Package Malt Beverage License for Hy-Vee Inc., Hy-Vee Gas, 3100 East 10th Street.
14. New 2016 Package Liquor License for Berenise Garcia-Navarrete and Alberto Carranza, Mi Casa Latina Mexican Store, 809 South Marion Road.

15. Special One-Day Off-Sale Package Wine Licenses for the St. Joseph Cathedral Parish to be operated at the St. Joseph Cathedral, 521 North Duluth Avenue, for a fundraiser being held January 26-29, 2016.

16. Special One-Day Wine License for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for the Festival of Tables event on March 31, 2016.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

PUBLIC INPUT

Joy Tuscherer spoke out against sex trafficking, provided statistics regarding the offense, and suggested a way to provide funds to help combat the crime.

Lisa Heth, with Wiconi Wawokiya Inc. (Helping Families Inc.), spoke about the Pathfinder Center, which protects and finds purpose for victims of human trafficking.

Dawn Stenberg, with Junior League of Sioux Falls, spoke about their new initiative against human trafficking.

Robert Kolbe invited the City Council to attend presentations, regarding the

two explosions at the Powder House, on January 21st at 7 p.m. He then read a list of suggestions for the City Council to do in the new year.

Sierra Broussard discussed prostitutes, problems at hotel/motels, domestic abuse, problems with landlords evicting tenants who report domestic abuse, and problems at Wiley's Tavern.

David Zokaites spoke about civil rights and problems he has had with the police.

Tim Stanga spoke about ticketing during snow alerts, liquor stings and creating an ordinance requiring a deadbolt on garage service doors to help prevent robberies.

Bruce Danielson discussed construction manager at risk position and the indoor pool project.

UNFINISHED BUSINESS

Deferred from meeting of December 15, 2015: Renewal of 2016 Package
17. Liquor License for Walmart Stores, Inc., Walmart Supercenter, 5200 West 60th Street North.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to approve Item 17.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

New 2016 Retail Wine License for PRG SF East LLC, Marco's Pizza, 3220 South 18. Sycamore Avenue, Suite 110, with Conditional Use Permit (3804-2015) being approved on December 2, 2015.

New 2015-16 Retail Malt Beverage License for PRG SF East LLC, Marco's Pizza,
19. 3220 South Sycamore Avenue, Suite 110, with Conditional Use Permit (3804-2015) being approved on December 2, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for JAM Art 20. & Supplies to be operated at 140 North Phillips Avenue, for an art exhibit opening and artist performances on January 8 and 9, 2016.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for 21. Catering America Inc., to be operated at Poet, 4615 North Lewis Avenue, for a business meeting on January 28, 2016.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve Items 18 through 21.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

22. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,

APPROVING A LEASE OF HORSEBARN FACILITIES WITHIN FALLS PARK.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 1-16.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST AND WEST OF S. VETERANS PKWY. AND SOUTH OF E. MADISON ST. FROM

THE AG AGRICULTURE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY, RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY, O OFFICE, C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR, C-3 COMMERCIAL-COMMUNITY, AND C-4 COMMERCIAL-REGIONAL DISTRICTS, PETITION NO. 3677-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 2-16.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to amend the ordinance title by replacing "S. VETERANS PKWY." with "N. VETERANS PKWY.".

Vote to amend: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 812 S. SPRING AVE. FROM THE RD-1 TWIN HOME/DUPLEX

24. RESIDENTIAL-SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL-TRADITIONAL DISTRICT, PETITION NO. 3776-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Dean Karsky and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 3-16.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF W. 12TH ST. AND WEST OF S. SERTOMA AVE. FROM THE

25. C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO. 3808-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Christine M. Erickson and seconded by

Council Member Michelle Erpenbach to adopt said Ordinance No. 4-16.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY WEST OF S. GRAYSTONE AVE. AND NORTH OF E. 69TH ST. FROM THE RD-26. 1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE LW LIVE/WORK DISTRICT, PETITION NO. 3812-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Ordinance No. 5-16.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

27. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF SOUTH POINTE ADDITION. (Planning Commission recommends approval.)

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Greg Jamison to adopt said Resolution No. 1-16.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 1-16

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [SOUTH POINTE ADDITION].

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

That the preliminary plan of [South Pointe Addition] to the City of Sioux Falls, [Lincoln] County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 01/05/16 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

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)

28. REPORT OF THE December 29, 2015, NOTICE OF TRANSFER OF APPROPRIATIONS
WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member
Kenny Anderson Jr. to adjourn at 8:04 p.m.

Mayor Mike Huether called for a voice vote. All members said 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. 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 A.M. ON
THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M.
AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30
AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/
MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE
MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.