

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, September 10, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach Council Member Dean Karsky

Council Member Greg Jamison Council Member Sue Aguilar

Council Member Rex Roling

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

Pastor Wade Mobley, Living Word Free Lutheran Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, 6. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, September 3, 2013, at 4:00 p.m.

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Regular City Council Meeting of Tuesday, September 3, 2013, at 7:00

* p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on September 5, 2013 memo.

Sponsor: Mayor/Finance

2. Report of Requests for Quotes for Fuel dated: August 28, 2013; #2 Dyed Diesel Fuel; 11,500 gallons; Harms Oil (\$3.070); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

3. Report of Requests for Quotes for Fuel dated: August 28, 2013; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$3.2469); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

4. Report of Requests for Quotes for Fuel dated: August 29, 2013; Diesel (#1 and #2 blend); 1,380 gallons; Howes Oil (\$4,980.42); Midway Service (\$5,052.74); and Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Sioux Falls Fire Rescue

5. Report of Requests for Quotes for Fuel dated: August 29, 2013; Unleaded; 560 gallons; Howes Oil (\$1,899.80); Midway Service (\$1,927.80); and Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Sioux Falls Fire Rescue

6. Report of Requests for Quotes for Fuel dated: August 29, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$3.3388); Howes Oil (\$3.3480); CHS, Inc. (\$3.3520); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Fleet

7. A communication was received from the Great Plains Chapter of the American Society of Landscape Architects requesting permission to consume, but not sell, wine and malt beverage at the Sioux Falls Design Center, at 108 West 11th Street, on Friday, September 13, 2013, from 4:30 p.m. to 6:30 p.m. for their biennial professional design awards program.

Sponsor: SDCL 35-1-5.5

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 17, 2013, at 7:00 p.m. for Item 8:

8. A PROPOSED RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND THE 2014-2018 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council

Member Greg Jamison to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, 6. Noes, 0.

Motion Passed.

Mayor Mike Huether recognized Boy Scout Nick Maher who was attending the meeting as part of a requirement to earn a badge.

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's, to be operated at Sioux Falls Surgical Specialty Hospital, 910 East 20th Street for an employee social on September 16, 2013, and authorize publication of notice on 08-30-13 to set the hearing date.
- 9.

Sponsor: Mayor/City Attorney

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to approve Item 9.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, 6. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF THE WEST 50 FEET OF A PERMANENT SANITARY SEWER EASEMENT LOCATED IN LOT 8 IN BLOCK 4 OF COUNTRY CLUB HEIGHTS SUBDIVISION OF TRACT 7 IN THE NW1/4 OF SECTION 30-T101N-R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA.
- 10.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance 57-13.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 17, 2013 for Item 11:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014.
- 11.

Sponsor: Mayor/Finance

A motion was made by Council Member James Entenman and seconded by Council

Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday, September 17, 2013, at 7:00 p.m. for Item 11.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, September 17, 2013 for Item 12:

12. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Engineering, \$853,000.00)

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, September 17, 2013, at 7:00 p.m. for Item 12.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, 5. Noes, Kermit L. Staggers, 1.

Motion Passed.

HEARINGS AND RESOLUTIONS

13. Deferred Action (from the City Council Meeting of August 13, 2013). A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON A PORTION OF N. BLUE BELL LN. AS SHOWN ON EXHIBIT 1.

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to withdraw Item 13.

Vote to withdraw: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, 6. Noes, 0.

Motion Passed.

14. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON E. 41ST ST. FROM S. CLEVELAND AVE. TO BNSF RAILROAD ROW AND S. CLEVELAND AVE. FROM BNSF RAILROAD ROW TO E. 41ST ST.

Sponsor: Mayor/Public Works

A motion was made by Council Member James Entenman and seconded by Council Member Rex Rolwing to adopt said Resolution 69-13.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 69-13

A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON [E. 41ST ST. FROM S. CLEVELAND AVE. TO BNSF RAILROAD ROW AND S. CLEVELAND AVE. FROM BNSF RAILROAD ROW TO E. 41ST ST.]

WHEREAS, a petition of the owners of:

[That part of the Southwest Quarter of the Southwest Quarter (SW1/4 SW1/4) of Section 26-T101N-R49W of the 5th P.M., Minnehaha County, SD, lying south and west of the Burlington Northern Santa Fe railroad right-of-way; Lot A of County Auditor's Tract 3 in the Southeast Quarter (SE1/4) of Section 26-T101N-R49W of the 5th P.M., Minnehaha County, SD; Lot 21 Block 11 of Brady Section of the Park in Tuthill Highlands, an Addition to the City of Sioux Falls, Minnehaha County, SD; Lot 20 Block 11 of Brady Section of the Park in Tuthill Highlands, an Addition to the City of Sioux Falls, Minnehaha County, SD; Lot 19 Block 11 of Brady Section of the Park in Tuthill Highlands, an Addition to the City of Sioux Falls, Minnehaha County, SD];

to the City of Sioux Falls, [One of: Minnehaha/Lincoln] County, South Dakota has been filed with the City Clerk, asking that the aforesaid be vacated. Pursuant to SDCL, notice of hearing has duly been given, and said notice was properly published; and

WHEREAS, the hearing was held on September 10, 2013, 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 thereto was voiced. Said property, as shown upon the plats attached to and made a part of said petition, has not been used for public travel in the last 20 years.

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

That the public right-of-way on E. 41st St. from S.Cleveland Ave. to BNSF railroad ROW and S. Cleveland Ave. from BNSF railroad ROW to E.41st St. to the City of Sioux Falls, [One of: Minnehaha/Lincoln] County, South Dakota, be and the same hereby is declared vacated, and that the City Clerk shall cause to be filed with the Register of Deeds, [One of: Minnehaha/Lincoln] County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 09/10/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

15. PUBLIC HEARING FOR PUBLIC INPUT FOR A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2014, AND THE 2014-2018 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

There was none.

16. A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution 70-13.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, 5. Noes, Kermit L. Staggers, 0.

Motion Passed.

RESOLUTION NO. 70-13

A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

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

Section 1. It is necessary to levy and there shall be levied a frontage assessment upon each and every lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls for the purpose of creating a fund to be used in maintaining, planting, and otherwise improving and caring for the center parkways and boulevard on 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls.

Section 2. There shall be an assessment against each lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls, the sum of eighty-five cents (\$.85) per front foot for the year 2014.

Section 3. That the City Clerk's Office shall certify such frontage assessments to the County Auditor of Minnehaha County, South Dakota, and the same shall be collected in and as municipal taxes for general purposes.

Date adopted: 09/10/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adjourn at 7:23 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.

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.