

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, February 11, 2014, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Roling

Council Member Sue Aguilar

Council Member Kermit L. Staggers Council Member James Entenman

Council Member Kenny Anderson Jr.

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Pastor Jason Mueller, The Ransom Church

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PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

Boy Scout Troop 48, Sertoma Club

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Boy Scout Troop 171

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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.

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

Motion Passed.

MINUTES

Informational Meeting of Tuesday, February 4, 2014, at 4:00 p.m.

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Regular City Council Meeting of Tuesday, February 4, 2014, at 7:00

* p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on February 6, 2014 memo.

2. Report of Requests for Quotes for Fuel dated: January 29, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; CHS, Inc. (\$2.8040); Howes Oil (\$2.8225); Harms Oil and Olson Oil, both no bid. Bid awarded to: CHS, Inc.

3. Report of Requests for Quotes for Fuel dated: January 31, 2014; #1 & #2 Dyed Diesel Fuel (3,750 gallons each); 7,500 gallons total; CHS, Inc. (\$3.5532 for #1 & \$3.1473 for #2); Harms Oil (\$3.5589 for #1 & \$3.1720 for #2); Howes Oil, Olson Oil and Midwest Oil, all no bid. Bid awarded to: CHS, Inc.

4. Report of Requests for Quotes for Fuel dated: February 3, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.8049); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

5. Report of Requests for Quotes for Fuel dated: February 3, 2014; #2 Clear Diesel; 7,500 gallons; Harms Oil (\$3.5788); CHS, Inc., Howes Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, February 18, 2014, at 7:00 p.m., for Items 6 and 7:

6. Special One-Day Wine License for Sioux Empire Safety Village to be operated at Vance Thompson Vision, 3101 West 57th Street, for a fundraiser on February 27, 2014, and to authorize publication of the notice on 02-07-14 to set the hearing date.
7. New 2014 Package Liquor License for Sports Zone, Inc, The District to be operated at 4521 West Empire Place (CUP not required; this is an addition to an existing license).

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed.

PUBLIC INPUT

NateFlanders, a mixed martial artist, asked the City Council to consider readdressing an ordinance regarding Ultimate Fighting.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, February 18, 2014, at 7:00 p.m., for Item 8:

- 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE
8. CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 37 TO AMEND THE TAX INCREMENTAL DISTRICT APPLICATION.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Tuesday, March 4, 2014, at 7:00 p.m.

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

Motion Passed.

HEARINGS AND RESOLUTIONS

- A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON E. 49TH ST. N. FROM 50'
9. WEST OF N. CLIFF AVE. CENTERLINE TO EAST RIGHT-OF-WAY LINE OF N. 10TH AVE.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution 12-14.

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

Motion Passed.

RESOLUTION NO. 12-14

A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON [E. 49TH ST. N. FROM 50' WEST OF N. CLIFF AVE. CENTERLINE TO EAST RIGHT-OF-WAY LINE OF N. 10TH AVE].

WHEREAS, a petition of the owners of:

[N 600.9' S 900' E 904.2' (ex. Tracts 33 and 34 and Lot H-1 and P-1) SE1/4 SE1/4 Section 33-102-49, Minnehaha County, SD;#xD;Tract 33 SE1/4 Section 33-102-49, Minnehaha County, SD;#xD;Tract 16 SE1/4 Section 33-102-49, Minnehaha County, SD;#xD;Tract 17 SE1/4 Section 33-102-49, Minnehaha County, SD;#xD;]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 [February 11, 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 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. 49th St. N. from 50' west of N. Cliff Ave. centerline to east right-of-way line of N. 10th Ave.] 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: 02/11/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

10. A RESOLUTION REFUNDING STORM DRAINAGE FEE ASSESSMENTS AT PARCEL NO. 54344.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Rolwing to adopt said Resolution 13-14.

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

Motion Passed.

RESOLUTION NO. 13-14

A RESOLUTION REFUNDING STORM DRAINAGE FEE ASSESSMENTS AT PARCEL NO.54344.

WHEREAS, the City of Sioux Falls Catholic Schools Property Corporation owns the

following described real estate in the County of Minnehaha, in the State of South Dakota:

The Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 30, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof, except Lots H-1, H-2, H-3, H-4, H-5, and H-6 contained therein, and except Lots E-1 and E-2 contained therein; and except the South 4' of the West 4' of the East 811' in the South Half of the Southeast Quarter of the Southwest Quarter (S1/2SE1/4SW1/4) of said Section 30, and except the South 4' of the West 4' of the East 550' in the South Half of the Southeast Quarter of the Southwest (S1/2SE1/4SW1/4) of said Section 30, and except the South 4' of the West 4' of the East 278' in the South Half of the Southeast Quarter of the Southwest Quarter (S1/2SE1/4SW1/4) of said Section 30; and

Lot E-1 in the Southwest Quarter (SW1/4) of Section 30, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof; and

Lot E-2 in the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 30, Township 101 North, Range 49 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof; and

WHEREAS, the property consists of Parcel No. 54344; and

WHEREAS, Section 51.100 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish a charge against real property within the city for the operation, maintenance, and capital expenses of the storm sewer and drainage system; and

WHEREAS, at all relevant times herein, the City has established and charged a fee against real property for the operation, maintenance, and capital expenses of the storm sewer and drainage system; and

WHEREAS, Twenty Two Thousand Four Hundred and Three Dollars and No Cents (\$22,403.00) in storm drainage fees were assessed against Parcel No. 54344 for the taxes due in 2009; and

WHEREAS, Twenty Two Thousand Four Hundred and Three Dollars and No Cents (\$22,403.00) in storm drainage fees were assessed against Parcel No. 54344 for the taxes due in 2010; and

WHEREAS, Twenty Two Thousand Four Hundred and Three Dollars and No Cents (\$22,403.00) in storm drainage fees were assessed against Parcel No. 54344 for the taxes due in 2011; and

WHEREAS, Twenty Two Thousand Four Hundred and Three Dollars and No Cents (\$22,403.00) in storm drainage fees were assessed against Parcel No. 54344 for the taxes due in 2012; and

WHEREAS, Section 37.150 of the Code of Ordinances of Sioux Falls, SD, authorizes the City Council to abate or refund any part of a tax if the City Council is satisfied beyond a doubt that the assessment of real property described in the application for abatement or refund is invalid, inequitable, or unjust, if the request is filed no later than the first day of November of the fourth year after which such assessment would have been delinquent;

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

The City Council is satisfied beyond a doubt that a portion of the storm

drainage fee imposed against Parcel No. 54344 was invalid, inequitable, or unjust for the tax years 2009, 2010, 2011, and 2012; and

Twelve Thousand Four Hundred Eighty-Two Dollars and Fifteen Cents (\$12,482.15) in storm drainage fees for Parcel No. 54344 for the 2009 drainage fee assessment due in 2009 charged to the City of Sioux Falls Catholic Schools Property Corporation that have been assessed and paid are to be refunded; and

Twelve Thousand Four Hundred Eighty-Two Dollars and Fifteen Cents (\$12,482.15) in storm drainage fees for Parcel No. 54344 for the 2010 drainage fee assessment due in 2010 charged to the City of Sioux Falls Catholic Schools Property Corporation that have been assessed and paid are to be refunded; and

Twelve Thousand Four Hundred Eighty-Two Dollars and Fifteen Cents (\$12,482.15) in storm drainage fees for Parcel No. 54344 for the 2011 drainage fee assessment due in 2011 charged to the City of Sioux Falls Catholic Schools Property Corporation that have been assessed and paid are to be refunded; and

Twelve Thousand Four Hundred Eighty-Two Dollars and Fifteen Cents (\$12,482.15) in storm drainage fees for Parcel No. 54344 for the 2012 drainage fee assessment due in 2012 charged to the City of Sioux Falls Catholic Schools Property Corporation that have been assessed and paid are to be refunded; and

A total refund of Forty-Nine Thousand Nine Hundred Twenty-Eight Dollars and Sixty Cents (\$49,928.60) assessed to the Sioux Falls Catholic Schools Property Corporation for Parcel No. 54344 shall be refunded pursuant to Section 37.150 of the Code of Ordinances of Sioux Falls, SD, because that portion of the aforementioned assessments was invalid, inequitable, or unjust.

Date adopted: 02/11/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

11. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE RENNER SANITARY DISTRICT FOR UTILIZATION OF THE WASTEWATER COLLECTION AND TREATMENT FACILITY OF SIOUX FALLS.

A motion was made by Council Member Rex Roling and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 14-14.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rex Roling, Kermit L. Stagers, Kenny Anderson Jr., Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 14-14

A RESOLUTION [AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE RENNER SANITARY DISTRICT FOR UTILIZATION OF THE WASTEWATER COLLECTION AND TREATMENT FACILITY OF SIOUX FALLS].

WHEREAS, [the City of Sioux Falls and the Renner Sanitary District find that it is in both parties' best interest to enter into an agreement regarding the utilization of the wastewater collection and treatment facility of Sioux Falls];

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That [the document attached to and a part of this resolution entitled "Joint Powers Agreement for Use of Regional Wastewater System" is hereby approved].

Date adopted: 02/11/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

12. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE PRAIRIE MEADOWS SANITARY DISTRICT FOR UTILIZATION OF THE WASTEWATER COLLECTION AND TREATMENT FACILITY OF SIOUX FALLS.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Resolution 15-14.

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

Motion Passed.

RESOLUTION NO. 15-14

A RESOLUTION [AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE PRAIRIE MEADOWS SANITARY DISTRICT FOR UTILIZATION OF THE WASTEWATER COLLECTION AND TREATMENT FACILITY OF SIOUX FALLS].

WHEREAS, [the City of Sioux Falls and the Prairie Meadows Sanitary District find that it is in both parties best interest to enter into an Agreement regarding the utilization of the Wastewater Collection and Treatment Facility of Sioux Falls].

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That [the document attached to and made a part of this Resolution entitled "Joint Powers Agreement For Use of Regional Wastewater System" is hereby approved].

Date adopted: 02/11/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, March 11, 2014, at 7:00 p.m., for Item 13:

13. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON A PORTION OF N. BLUE BELL LN. AS SHOWN ON EXHIBIT 1.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to set a date of hearing for Tuesday, March 11, 2014, at 7:00 p.m.

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

ADJOURNMENT

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to adjourn at 7:40 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.