

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, March 14, 2017, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Roling

Mayor Mike T. Huether

INVOCATION

Pastor Calvin Ver Mulm, Center of Hope

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PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

American Heritage Girls - Troop SD 1268

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A request was made by Council Member Theresa Stehly to move the following agreements from Item 1 to the Regular Agenda immediately after Agenda Item 9 for discussion purposes: Public Parking, 19002, New Parking Facility, Professional services agreement, Walker Parking Consultants, \$48,200; Public Parking, 19002 New Parking Facility; First Avenue Storm Drain Relocation, 11007, Amendment to professional services agreement, Sayre Associates Inc., \$16,845; and Public Parking, NA, Provide Bond Counsel Services for Proposed

Public/Private Development Consisting of a City-owned Parking Structure - Professional Services Agreement, Perkins Coie LLP, \$25,000.

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

Vote to approve: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, March 7, 2017, at 4 p.m.

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Regular City Council Meeting of Tuesday, March 7, 2017, at 7 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the March 10, 2017, memo.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Rolwing to approve the following together: Public Parking, 19002, New Parking Facility, Professional services agreement, Walker Parking Consultants, \$48,200; Public Parking, 19002 New Parking Facility; First Avenue Storm Drain Relocation, 11007, Amendment to professional services agreement, Sayre Associates Inc., \$16,845; and Public Parking, NA, Provide Bond Counsel Services for Proposed Public/Private Development Consisting of a City-owned Parking Structure - Professional Services Agreement, Perkins Coie LLP, \$25,000.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 6. Noes, Pat Starr, Theresa Stehly, 2.

Motion Passed.

Report of Requests for Quotes for Fuel dated: March 7, 2017; 50/50 Blend of Clear Diesel; 7,500 Gallons; CHS, Inc. (\$2.1025 #1 Clear Diesel & \$1.9925 #2 Clear Diesel); Howes Oil (\$2.054 #1 Clear Diesel & \$1.959 #2 Clear Diesel); Harms Oil (\$2.0418 #1 Clear Diesel & \$1.983 #2 Clear Diesel); and Midwest Oil, no bid. Bid awarded to: Howes Oil.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Marshall Selberg to approve the Regular Agenda.

A motion was made by Council Member Theresa Stehly and seconded by Council

Member Michelle Erpenbach to amend, the agenda, by placing Item 8 after Item 4.

Vote to amend: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

David Zokaites spoke about his campaign for Mayor of Sioux Falls.

Rhanda Heller spoke about a programcut to the Parks and Recreation Department budget.

Pat Taber spoke about the use of snow gates in her neighborhood.

Liz Muilenberg expressed her appreciation of the City Council; and spoke about a recent vote they made.

Scott Ehrisman spoke about snow gates and the recent Audit Committee Meeting.

Bruce Danielson spoke about snow gates and a recent newspaper article.

Steven Siano spoke about his disabilities and need for assistance.

Sierra Broussard spoke about having the City Administration bring back an ordinance regarding LGBT rights.

INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE
3. CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 95: PARKS AND RECREATION
SUBCHAPTER FEES.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to adopt said Ordinance No. 26-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
4. SUPPLEMENTAL APPROPRIATIONS. Engineering (\$1,125,000) and Police
(\$14,000).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Theresa Stehly to adopt said Ordinance No. 27-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 8. Noes, 0.

Motion Passed.

Item 8 was heard at this time. See item for action taken.

Set a date of hearing and 2nd Reading for Tuesday, March 21, 2017, at 7 p.m. for Item 5:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
5. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 96: STREETS AND SIDEWALKS,
SUBCHAPTER SIDEWALK AND DRIVEWAY APPROACH CONSTRUCTION.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, March 21, 2017, at 7 p.m.

Vote to set a date: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 21, 2017, at 7 p.m. for Item 6:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE
ISSUANCE OF ITS HEALTH FACILITIES REVENUE BONDS (DOW RUMMEL VILLAGE PROJECT),

SERIES 2017, IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED
\$37,000,000, FOR THE PURPOSE OF PROVIDING FUNDS TO BE LOANED TO DOW RUMMEL
VILLAGE, A SOUTH DAKOTA NONPROFIT CORPORATION, FOR THE PURPOSE OF FINANCING A

RENOVATION AND EXPANSION PROJECT; APPROVING THE FORM OF AND AUTHORIZING THE
EXECUTION AND DELIVERY OF A FIRST SUPPLEMENTAL INDENTURE OF TRUST, A FIRST
6. SUPPLEMENTAL LOAN AGREEMENT, A FIRST SUPPLEMENT TO AMENDED AND RESTATED
MORTGAGE-ONE HUNDRED EIGHTY-DAY REDEMPTION, SECURITY AGREEMENT AND FIXTURE
FINANCING STATEMENT, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE
AGREEMENT, AND A TAX REGULATORY AGREEMENT; APPROVING THE FORM OF AND
AUTHORIZING THE EXECUTION AND DELIVERY OF THE BONDS AND CERTAIN RELATED
DOCUMENTS; MAKING CERTAIN FINDINGS AND DETERMINATIONS WITH RESPECT TO THE
BONDS; AND PROVIDING FOR THE SECURITY, RIGHTS, AND REMEDIES OF THE HOLDERS OF
THE BONDS.

A motion was made by Council Member Rex Roling and seconded by Council Member Pat Starr to set a date of hearing and 2nd Reading for Tuesday, March 21, 2017, at 7 p.m.

Vote to set a date: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

PUBLIC HEARING FOR PUBLIC INPUT REGARDING THE PROPOSAL TO ISSUE REVENUE BONDS
IN
A PRINCIPAL AMOUNT NOT TO EXCEED \$37,000,000 (THE "BONDS"), PURSUANT TO SOUTH

DAKOTA CODIFIED LAWS, CHAPTER 9-54, AS AMENDED (THE "ACT"), IN ORDER TO FINANCE A

7. PROJECT ON BEHALF OF DOW RUMMEL VILLAGE, A SOUTH DAKOTA NONPROFIT CORPORATION FORMERLY KNOWN AS RUMMEL MEMORIAL HOME, INC. (THE "CORPORATION"), WHICH OPERATES NURSING HOME, HEALTHCARE, AND HOUSING FACILITIES FOR THE ELDERLY IN SIOUX FALLS, SOUTH DAKOTA.

There was none.

8. A RESOLUTION AMENDING THE 2017-2021 CAPITAL PROGRAM. Public Works-Engineering (\$1,125,00.00) and Police (\$26,000.00)

A motion was made by Council Member Rex Rolwing and seconded by Council Member Christine M. Erickson to adopt said Resolution No. 16-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 16-17

A RESOLUTION AMENDING THE 2017-2021 CAPITAL PROGRAM.

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

That the 2017-2021 Capital Program shall be amended as follows:

Public Works-Engineering

Amend Capital Improvements Program Project No. 11054, Big Sioux River Flood Control, by increasing the amount of funding by \$1,125,000 in 2017 for engineering and construction of flood control structures. The additional funding will require an increase in appropriations that will be funded by unobligated fund balance within the Flood Control Fund.

Police

Amend the Other Capital Expenditures Program by adding a K-9 dog in 2017. The estimated cost is \$12,000 and will not require an increase in appropriations as it will be funded by savings from other police equipment purchased in 2017.

Amend the Other Capital Expenditures Program by adding an animal control trailer in 2017. The estimated cost is \$14,000 and will require an increase in appropriations that will be funded by a grant from the ASPCA.

Date adopted: 03/14/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN SERVICES AGREEMENT BETWEEN THE CITY AND 9. JLG ARCHITECTS FOR THE PARKING RAMP TO BE LOCATED AT 10TH STREET AND MALL AVENUE, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Pat Starr to defer Item 9 to the City Council Meeting of Tuesday, June 20, 2017, at 7 p.m.

Vote to defer: Roll Call: Yeses, Theresa Stehly, 1. Noes, Marshall Selberg, Pat Starr, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 7.

Motion Failed.

A motion was made by Council Member Rex Roling and seconded by Council Member Marshall Selberg to adopt said Resolution No. 17-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, 6. Noes, Pat Starr, Theresa Stehly, 2.

Motion Passed.

RESOLUTION NO. 17-17

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN SERVICES AGREEMENT BETWEEN THE CITY AND JLG ARCHITECTS FOR THE PARKING RAMP TO BE LOCATED AT 10TH ST. AND MALL AVE., ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

WHEREAS, the City selected JLG Architects to provide professional architectural and engineering design services for the parking ramp to be located at 10th St. and Mall Ave.;

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:

Section 1. That the documents for Professional Architectural and Engineering Design Services between the City and JLG Architects (the "Agreement"), substantially in the form attached hereto and made a part of this resolution, are hereby approved.

Section 2. That the Mayor is authorized to sign such Agreement after it is ratified and executed by JLG Architects.

Section 3. In connection with the authorization of the Agreement, the Mayor, City Clerk, Finance Director, Public Works Director, City Attorney, and other officers of the City shall be authorized to enter into, execute, and deliver the Agreement and the following documents, instruments, and agreements as may be deemed necessary by the parties, consistent with the terms of the Agreement, which do not exceed the authorized Project Budget:

A. Amendments, Change Orders, and Change Directives to the Agreement;

B.Insertion of Exhibits into the Agreement which are mutually agreed upon by the parties; and

C.Other required documents or instruments which are mutually agreed upon by the parties pursuant to the Agreement.

The execution and delivery of all such amendments, change orders, change directives, exhibits, documents, and instruments is hereby authorized and directed to be in such form and to contain such terms, consistent with this Resolution, as the officers of the City designated herein shall determine to be necessary and desirable.

Section 4. The City shall publish this resolution, without attachments, after its passage. The attachments are on file and available for inspection in the office of the City Clerk.

Date adopted: 03/14/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

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

10. A RESOLUTION APPOINTING MEMBERS OF THE DISTRICTING COMMISSION.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 18-17.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolfling, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 18-17

A RESOLUTION [APPOINTING MEMBERS OF THE DISTRICTING COMMISSION].

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

That the following persons are hereby appointed as members of the districting commission created by Section 6.02 of the City Charter. The appointments are effective until the adoption of a districting plan pursuant to the charter.

Name	Party Affiliation	District
James Fry	DEM	Southwest
Jason Wierenga	IND	Southeast

Mark Millage REP Northwest
Jeffrey Eckhoff REP Northeast
Debra Elofson DEM Central

Date adopted: 03/14/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adjourn at 8:20 p.m.

Mayor Mike Huether called for a voice vote. All members voted 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, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO "CITYLINK" AT WWW.SIOUXFALLS.ORG FOR SPECIFIC PROGRAMMING TIMES.