

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, June 2, 2015 at 7:00 PM

ROLL CALL

MEMBERS 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 Rolwing

Mayor Mike T. Huether

INVOCATION

● Jeanne Omland, Direct Line Prayer Center

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, May 19, 2015, at 4 p.m.

● City Council Meeting of Tuesday, May 19, 2015, at 7 p.m.

● Informational Meeting of Tuesday, May 26, 2015, at 4 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the May 28, 2015, memo.

2. A communication was received from the Great Plains Zoo and Delbridge Museum of Natural History requesting permission to consume, but not sell, liquor, wine and/or malt beverage pursuant to SDCL 35-1-5.3 on the following dates in 2015: June 4, 11, 18, 25; July 2, 9, 16, 23, 30, 31; and August 1, 6, 13, 20, 27, 28, and 29, for donor appreciation events at the Zoo.
3. A communication was received from Christopher Weniger requesting permission to consume, but not sell, red and white wine at the Old Courthouse Museum, 200 W. 6th Street, on June 12, 2015, from 6 p.m. to 11 p.m. pursuant to SDCL 35-1-5.5, for a wedding celebration.
4. Report of Requests for Quotes for Fuel dated: May 19, 2015; Unleaded Ethanol; 670 gallons; Midway Service (\$2.4445); Howe's Oil (\$2.4245); Stern Oil (\$2.4982). Bid awarded to: Howe's Oil.
5. Report of Requests for Quotes for Fuel dated: May 19, 2015; Clear Diesel #1; 234 gallons; Midway Service (\$2.4960); Howe's Oil (\$2.5650); Stern Oil (\$2.6469); Bid awarded to: Howe's Oil.
6. Report of Requests for Quotes for Fuel dated: May 19, 2015; Clear Diesel #2; 234 gallons; Midway Service (\$2.3830); Howe's Oil (\$2.3550); Stern Oil (\$2.4084). Bid awarded to: Howe's Oil.

APPLICATIONS

7. Special One-Day Liquor License for Ovations Food Services LP, to be operated at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for a special event on June 13, 2015.
8. Special One-Day Liquor License requests for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street for special events on the following dates in 2015: June 6, June 27, July 18, August 15, September 12, September 15, October 3 and October 10.
9. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2015-16 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit D.

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 10 23: The Minnehaha County Commission approved this parcel for a tax exemption under SDCL 10-4-40 during the 2015 County Board Process. As it also met the requirements for the previous year, the taxpayer(s) are now requesting an abatement for 2014 taxes payable in 2015.

10. Jerry A. Nelson, 5104 W. 49th Street, for 2014 property taxes in the amount of \$1,452.46.
11. Donald E. Roberts, 2705 W. 22nd Street, for 2014 property taxes in the

amount of \$657.47.

12. Carl M. Persinger, 3308 E. 28th Street, for 2014 property taxes in the amount of \$244.94.
13. Larry Bethke, 644 N. Leadale Avenue, for 2014 property taxes in the amount of \$369.56.
14. Patricia M. Reisdorfer, 626 W. 26th Street, for 2014 property taxes in the amount of \$790.69.
15. James P. Prostrollo, 3610 E. Dudley Lane, for 2014 property taxes in the amount of \$906.71.
16. Dennis J. Moore, 2617 S. Avondale Avenue, for 2014 property taxes in the amount of \$1,233.30.
17. Lawrence W. Scarson, 639 N. Solar Drive, for 2014 property taxes in the amount of \$1,229.00.
18. Gerald E. Rose, 1841 S. Sertoma Avenue., #102, for 2014 property taxes in the amount of \$1,568.48.
19. Donald L. Maske, 916 N. Ricochet Place, for 2014 property taxes in the amount of 264.59.
20. Jeffrey G. Mosley, 828 S. Tayberry Avenue, for 2014 property taxes in the amount of \$1,310.64.
21. Todd R. Worthington, 4008 S. Bedford Avenue, for 2014 property taxes in the amount of \$820.76.
22. Richard L. Harr, 3529 S. Prairie Gardens Place, for 2014 property taxes in the amount of \$752.01.
23. Rentschler Living Trust, c/o Lawrence Rentschler, 8801 W. 32nd Street, #4, for 2014 property taxes in the amount of \$1,952.68.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, June 9, 2015, at 7 p.m. for Item 24:

24. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Osher Lifelong Learning Institute to be operated in the CNA Building Communication Room, 101 South Reid and the 8th & Railroad Shopping Center

back dock and patio, 401 East 8th Street, for a Science Happy Hour on June 12, 2015, and to authorize publication of the notice on 05-29-15 to set the hearing date.

Set a date of hearing for Tuesday, June 16, 2015, at 7 p.m. for Item 25 through Item 31:

25. Transfer of 2015 Retail Wine License from Tokyo Japanese Cuisine, LLC, Tokyo Japanese Cuisine, 4825 South Louise Avenue, to New Tokyo Japanese Cuisine, LLC, New Tokyo Japanese Cuisine, 4825 South Louise Avenue (full service restaurant; CUP not required).
26. Transfer of 2014-15 Retail Malt Beverage License from Tokyo Japanese Cuisine, LLC, Tokyo Japanese Cuisine, 4825 South Louise Avenue, to New Tokyo Japanese Cuisine, LLC, New Tokyo Japanese Cuisine, 4825 South Louise Avenue (full service restaurant; CUP not required).
27. Renewal of 2015-16 Retail Malt Beverage License for New Tokyo Japanese Cuisine, LLC, New Tokyo Japanese Cuisine, 4825 South Louise Avenue.
28. Transfer of 2015 Retail Wine License from Tokyo Japanese Restaurant, LLC, Tokyo Japanese Restaurant, 109 East 10th Street, to New Tokyo Japanese Restaurant, LLC, New Tokyo Japanese Restaurant, 109 East 10th Street (full service restaurant; CUP not required).
29. Transfer of 2014-15 Retail Malt Beverage License from Tokyo Japanese Restaurant, LLC, Tokyo Japanese Restaurant, 109 East 10th Street, to New Tokyo Japanese Restaurant, LLC, New Tokyo Japanese Restaurant, 109 East 10th Street (full service restaurant; CUP not required).
30. Renewal of 2015-16 Retail Malt Beverage License for New Tokyo Japanese Restaurant, LLC, New Tokyo Japanese Restaurant, 109 East 10th Street.
31. Transfer of 2015 Retail Liquor license, including Sunday sales certificate and video lottery terminals, from Paul Saxton, Bogtrotter s Pub, Grub & Tap, 201 East 11th Street to Shaen Haven Hospitality, LLC, Bogtrotter s Irish Pub, Grub & Tap, 201 East 11th Street, with the Conditional Use Permit (2012-11-15) being approved on January 9, 2013.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

32. New 2015-16 Retail Malt Beverage License for Woodgrain Brewing Company LLC, Woodgrain Brewing Company LLC, to be operated at 101 South Phillips Avenue,

Suite 100. Pending final inspections per Fire, Health and Building Services.

33. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2015-16 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

INTRODUCTION AND ADOPTION OF ORDINANCES

34. Deferred from 4/21/15 Meeting: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. AND W. OF N. MARLOW AVE. AND N. OF E. PADDINGTON ST. FROM THE AG, AGRICULTURE DISTRICT TO THE RS, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO.2249-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.
35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 520 S. ELMWOOD AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 2386-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 517 S. ELMWOOD AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 2387-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 402 S. HIGHLAND AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 2388-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 824 E. RICE ST. FROM THE I-2 HEAVY INDUSTRIAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2426-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF E. 61ST ST. AND S. SYCAMORE AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 2490-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commissioner recommends approval.
40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHWEST CORNER OF W. 69TH ST. AND S. KERRY AVE. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY AND THE CN CONSERVATION DISTRICTS

TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY AND CN CONSERVATION DISTRICTS, PETITION NO. 2518-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 8201 AND 8301 W. 48TH ST. FROM THE AG AGRICULTURE DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 2540-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4709 E. 6TH ST. FROM THE LW LIVE-WORK AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS TO THE RA-3 APARTMENT RESIDENTIAL HIGH DENSITY DISTRICT, PETITION NO. 2555-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST OF N. CLIFF AVE. AND SOUTH OF THE BURLINGTON NORTHERN RAILROAD TRACKS FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL, REC RECREATION, AND RA-3 APARTMENT RESIDENTIAL HIGH DENSITY DISTRICTS TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL, REC RECREATION, AND RA-3 APARTMENT RESIDENTIAL HIGH DENSITY DISTRICTS, PETITION NO. 2563-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, June 9, 2015, at 7 p.m. for Item 44:

44. AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY CLARIFYING THE PENALTIES FOR VIOLATIONS OF UTILITY ORDINANCES.

Set a date of hearing and 2nd Reading for Tuesday, June 9, 2015, at 7 p.m. for Item 45:

45. AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING REBATES FOR WASHING MACHINE PURCHASES.

HEARINGS AND RESOLUTIONS

46. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF CHARIS CORNER. The Planning Commission recommends approval.

47. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO THE SOUTH EASTERN COUNCIL OF GOVERNMENTS (SECOG) BOARD OF DIRECTORS AND URBANIZED DEVELOPMENT COMMISSION (UDC).

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)

48. REPORT OF THE MAY 26, 2015, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

ITEMS ADDED AFTER AGENDA DEADLINE

The City Council may include other such business as may come before this body.

ADJOURNMENT

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.