

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, August 18, 2015 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Rex Rolwing
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
Mayor Mike T. Huether

INVOCATION

● Alan Greene, Evangelist, LifeLight

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Budget Hearings Meeting of Tuesday, August 11, 2015, at 3 p.m.

● City Council Meeting of Tuesday, August 11, 2015, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 13, 2015, memo.
2. Notice of change orders on the August 13, 2015 memo.

3. A communication was received from Anna Ayotte requesting permission to consume, but not sell, malt beverages, wine, and liquor at The Old Courthouse Museum, 200 West Sixth Street, on Friday, September 11, 2015, from 5 p.m. to 8 p.m. pursuant to SDCL 35-1-5.5, for a wedding reception.

APPLICATIONS

4. Renewal of 2015-16 Retail Malt Beverage License for Sioux Falls Trades & Labor Assembly, Sioux Falls Trades and Labor, 101 South Fairfax Avenue.
5. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Ramkota Companies Inc., Best Western Ramkota Hotel, to be operated at Avera Prairie Center, 1000 East 23rd Street, for an Oncology symposium on September 24, 2015.
6. Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Old Courthouse Museum, 200 West 6th Street, for wedding receptions on August 29 and October 10, 2015.
7. Special One-Day Liquor Licenses for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for wedding receptions on September 5, 12, and 19, 2015.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 25, 2015, at 5 p.m. at the Joint City of Sioux Falls/Minnehaha County Meeting (City action only) for Items 8 and 9:

8. Special One-Day Malt Beverage license for Nos Terres, MB Haskett to be operated at 8th & Railroad Center parking lot, 401 East 8th Street, for an OTA15 event on August, 28, 2015, and to authorize publication of the notice on 08-14-15 to set the hearing date.
9. Special One-Day Malt Beverage License for Sioux Falls YMCA to be operated at Leif Erickson Day Camp, 2301 East 26th Street, for the Muddy Vike 5K run on August 29, 2015, and to authorize publication of the notice on 08-14-15 to set the hearing date.

Set a date of hearing for Tuesday, September 1, 2015, at 7 p.m. for Items 10 through 25:

10. New 2015 Full-Service Restaurant On-Sale Liquor License, including Sunday sales certificate, for MRP/Sioux Falls DT, LLC, Mackenzie River Pizza Grill & Pub, 234 South Main Avenue (full service restaurant; CUP not required).
11. New 2015 Retail Wine License, including video lottery terminals, for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015.

12. New 2015-16 Retail Malt Beverage License, including video lottery terminals, for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015.
13. New 2015 Retail Wine License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 7.5, 4713 East 26th Street, with Conditional Use Permit (2928-2015) being approved on August 5, 2015.
14. New 2015-16 Retail Malt Beverage License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 7.5, 4713 East 26th Street, with Conditional Use Permit (2928-2015) being approved on August 5, 2015.
15. New 2015 Retail Wine License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10, Building 1 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015.
16. New 2015-16 Retail Malt Beverage License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10, Building 1 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015.
17. New 2015 Retail Wine License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10.5, Building 2 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015.
18. New 2015-16 Retail Malt Beverage License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10.5, Building 2 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015.
19. Special One Day Liquor License for River Greenway Hospitality, LLC, Hilton Garden Inn Downtown, to be operated at the CNA Building, 101 South Reid Street, for Avery s Aces Bean Bag and Beer Benefit on September 12, 2015.
20. Special One-Day Malt Beverage License for Home Builders Association of the Sioux Empire to be operated at 6904 South Lyncrest Place, for a HBA Membership meeting on September 17, 2015.

21. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a Ribbon Cutting on September 1, 2015.
22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at 2201 East Saint Charles Circle, for a private social on September 15, 2015.
23. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a private social on September 17, 2015.
24. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Orthopedic Institute, 810 East 23rd Street, for a private social on October 3, 2015.
25. Special One-Day Liquor License for Broadwater Bar to be operated at 8th and Railroad Shopping Center back dock, 401 East 8th Street, for a wedding on October 23, 2015.

Set a date of hearing for Tuesday, September 8, 2015, at 7 p.m. for Items 26 and 27:

26. A RESOLUTION APPROVING THE ASSESSMENT ROLL FOR THE COLLECTION OF PAST DUE OCCUPANCY TAX IN THE CITY OF SIOUX FALLS, SD.
27. A PROPOSED RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND THE 2016 2020 CAPITAL PROGRAM.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

28. New 2015 Retail Wine License for Fernson Brewing Company LLC, Fernson Brewing Company, to be operated at 1400 East Robur Drive (CUP not required). Pending final inspections per Health & Building Services.
29. New 2015-16 Retail Malt Beverage License for Fernson Brewing Company LLC, Fernson Brewing Company, to be operated at 1400 East Robur Drive (CUP not required). Pending final inspections per Health & Building Services.

30. New 2015 Retail Wine License for Ramkota Companies, Inc., AeroStay Hotel, to be operated at 2821 North Jaycee Lane (CUP not required).
31. New 2015-16 Retail Malt Beverage License for Ramkota Companies, Inc., AeroStay Hotel, to be operated at 2821 North Jaycee Lane (CUP not required).
32. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a private social on August 26, 2015.
33. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Vance Thompson Vision, 3101 West 57th Street, for customer appreciation on September 14, 2015.

INTRODUCTION AND ADOPTION OF ORDINANCES

34. DEFERRED (from meeting of 08/11/15) 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 30.022 ORDINANCES, RESOLUTIONS, MOTIONS AND OTHER DOCUMENTS.

Set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 35:

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS (\$365,500 for Parks and Recreation).

Set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 36:

36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 85TH ST. AND E. OF S. MEREDITH AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 3010-2015 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, September 1, 2015, at 7 p.m. for Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 85TH ST. AND E. OF S. TALLGRASS AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 3029-2015 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, September 1, 2015, at 7 p.m. for Item 38:

38. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5201 S. SYCAMORE AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN & RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN, AND RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICTS, PETITION NO. 3072-2015 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, September 1, 2015, at 7 p.m. for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3520 S. GATEWAY LANE FROM THE C-3 COMMERCIAL COMMUNITY DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 3104-2015 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, September 1, 2015, at 7 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 82ND ST. AND W. OF FUTURE S. BEAL AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 3105-2015 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, September 1, 2015, at 7 p.m. for Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3801 W. TECHNOLOGY DR. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE RA-3, APARTMENT RESIDENTIAL HIGH-DENSITY DISTRICT, PETITION NO. 3106-2015 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, September 1, 2015, at 7 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NW CORNER OF W. 22ND ST. & S. TEA/ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN, RD-2 TOWNHOME RESIDENTIAL SUBURBAN, AND O OFFICE DISTRICTS, PETITION NO. 3107-2015 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, September 1, 2015, at 7 p.m. for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 2013 SHAPE PLACES ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY FOR OFF-PREMISE (BILLBOARD) SIGN OPPORTUNITIES. Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, September 1, 2015, at 7 p.m. for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING TITLE XV: LAND USAGE, CHAPTER 160: ZONING, SUBCHAPTERS DEFINITIONS AND FORM UT1: BASIC UTILITIES PERTAINING TO BASIC UTILITIES AND TOWER UTILITIES. Planning Commission recommends approval.

HEARINGS AND RESOLUTIONS

45. A RESOLUTION APPROVING THE RELEASE OF THE PERMANENT 10-FOOT UTILITY EASEMENT LOCATED IN PART OF LOT 2, QUE PLACE 2ND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD, AND THE EASEMENTS LOCATED IN VACATED N. CHAPEL HILL RD. LOCATED IN PART OF THE W1/2 OF VACATED N. CHAPEL HILL RD. ADJACENT TO LOT 2, QUE PLACE 2ND ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.
46. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH THE PETITIONERS FOR FOUNDATION PARK.
47. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.
48. Hearing to determine that there is no feasible and prudent alternative to the Touchmark at All Saints Addition proposal based upon the consideration of all relevant factors, and that the program includes all possible planning to minimize harm to the historic property resulting from such use.
49. Motion authorizing the Touchmark at All Saints Addition proposal and the issuance of any related permit based upon the consideration of all relevant factors, and that there is no feasible and prudent alternative to the proposal and the program includes all possible planning to minimize harm to the historic property resulting from such use.
50. Motion to authorize the Sioux Falls City Attorney s Office to prepare written findings consistent with the above motion for discussion, review, and approval by the City Council.

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. 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.