

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, September 1, 2015 at 7 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 Rolfing

Mayor Mike T. Huether

INVOCATION

● Dr. Erich McCandless, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● Childhood Cancer Awareness Month September, 2015

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Budget Hearings Meeting of Tuesday, August 18, 2015, at 3 p.m.

● City Council Meeting of Tuesday, August 18, 2015, at 7 p.m.

● Joint City Council/Minnehaha County Commission Meeting of Tuesday,
August 25, 2015, at 5 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 27, 2015 memo.
2. Approval of notice of change orders on the August 27, 2015 memo.
3. A communication was received from Anna Ayotte requesting permission to consume, but not sell, liquor, wine and/or malt beverages at The Old Courthouse Museum, 200 West 6th St., on Saturday, September 12, 2015, from 11 a.m. to 6 p.m. pursuant to SDCL 35-1-5.5 for a wedding celebration.
4. The Stockyards Plaza, Inc. has requested permission to consume, but not sell, beer and wine at the Horsebarn, located at Falls Park (E. Falls Park Drive), on Wednesday, September 23, 2015, pursuant to SDCL 35-1-5.5 for an informational meeting.
5. A communication was received from Natalie Fox requesting permission to consume, but not sell, beer, wine and liquor at The Old Courthouse Museum, 200 West 6th Street, on Saturday, October 24, 2015, pursuant to SDCL 35-1-5.5 for a wedding reception.
6. Report of Request for Quotes for Fuel dated August 24, 2015; #2 Dyed Diesel Fuel; 7,500 gallons; Cole's Petroleum (\$1.6250); Howes Oil (\$1.6280); Harms Oil (\$1.6350); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

APPLICATIONS

7. Special One-day Liquor license for Prairie Pasta, Johnny Carino s to be operated at The Old Courthouse Museum, 200 West 6th Street, for a wedding on September 17, 2015.
8. Special One-Day Liquor licenses for Hy-Vee Inc, All Occasions by Hy-Vee to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for weddings on September 19, October 3 and 10, 2015.
9. Special One-day Liquor license for Great Bear Recreation Park Inc., to be operated at Great Bear Recreation Park, 5901 East Rice Street, for a special event on October 23, 2015.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 15, 2015, at 7 p.m. for Items 10 through 19:

10. Transfer of 2015-16 Retail Malt Beverage License from The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2316-2318 South Louise Avenue, to The Little Cellar, Inc., The Little Cellar Wine Company, 2316-2318 South Louise Avenue (CUP not required).
11. Transfer of 2015 Retail Wine License from The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2316-2318 South Louise Avenue, to The Little Cellar, Inc., The Little Cellar Wine Company, 2316-2318 South Louise Avenue (CUP not required).
12. Transfer of 2015 Package Liquor License from The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2316-2318 South Louise Avenue, to The Little Cellar, Inc., The Little Cellar Wine Company, 2316-2318 South Louise Avenue (CUP not required).
13. Transfer of 2015-16 Retail Malt Beverage License from LFK Holdings Inc., Old Skoolz Winehouse & Pub, 921 East 8th Street, to Red Sea Pub LLC, Red Sea Pub, 921 East 8th Street (CUP not required).
14. Transfer of 2015 Retail Wine License from LFK Holdings Inc., Old Skoolz Winehouse & Pub, 921 East 8th Street, to Red Sea Pub LLC, Red Sea Pub, 921 East 8th Street (CUP not required).
15. Special One-Day Malt Beverage and Special One-Day Wine licenses for Kilian Community College to be operated at 300 East 6th Street, for a Chamber Mixer on September 22, 2015.
16. Special One-Day Wine Licenses for Downtown Sioux Falls, Inc. to be operated at the following locations: 8th & Railroad Center Lobby, 401 East 8th Street, A League of Your Own, 229 South Phillips Avenue, Atoley Salon, 317 South Phillips Avenue, Bead Co., 319 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue, Chelsea s Boutique, 321 South Phillips Avenue, Exposure Gallery & Studios, 401 N. Phillips Avenue, Great Outdoor Store, 201 East Tenth Street, Half Baked, 120 South Phillips Avenue, Lillians, 311 South Phillips Avenue, NV Salon Studio, 106 West 11th Street, Rehfeld s Art & Framing, 210 South Phillips Avenue, Say Anything Jewelry, 225 South Phillips Avenue, Simply Perfect, 401 East 8th Street #108, Sioux Falls Design Center, 108 West 11th Street, Sticks and Steel, 401 East 8th Street Suite 118, Urban Archeology, 126 North Phillips Avenue, Young & Richard s, 222 South Phillips Avenue, and Zandbroz, 209 South Phillips Avenue, for the First Friday Wine Walk on October 2, 2015.
17. Special One-Day Package Off-Sale Wine license for Downtown Sioux Falls, Inc. to be operated at Exposure Gallery & Studios, 401 North Phillips Avenue, for the First Friday Wine Walk on October 2, 2015.
18. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for weddings on September 26 and October 3, 2015.
19. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee

to be operated at the Sanford Research Center, 2301 East 60th Street North, for the Roosevelt Hall of Fame event on October 3, 2015.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

20. CONDITIONAL USE PERMIT APPEAL (3096-2015): A CONDITIONAL USE PERMIT IN THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT WAS APPROVED TO ALLOW ON SALE ALCOHOL WITHIN 500 OF A SENSITIVE USE AT THE NORTHEAST CORNER OF W. 85TH ST. AND S. LOUISE AVE. (Approved at the August 5, 2015 Planning Commission Meeting with a vote of 8-Yes, 0-No).

UNFINISHED BUSINESS

21. 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). Pending final inspections per Fire, Health, and Building Services.

22. 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. Pending permits and final inspections per Fire, Health, and Building Services.

23. 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. Pending permits and final inspections per Fire, Health, and Building Services.

24. 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. Pending permits and final inspections per Fire, Health, and Building Services.

25. 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. Pending permits and final inspections per Fire, Health, and Building Services.

26. New 2015 Retail Wine License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10, Building 10 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. Pending permits and final inspections per Fire, Health, and Building Services.

27. 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. Pending permits and final inspections per Fire, Health, and Building Services.
28. 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. Pending permits and final inspections per Fire, Health, and Building Services.
29. 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. Pending permits and final inspections per Fire, Health, and Building Services.
30. 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.
31. 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.
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 Ribbon Cutting on September 1, 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 2201 East Saint Charles Circle, for a private social on September 15, 2015.
34. 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.

35. 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.
36. 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.

INTRODUCTION AND ADOPTION OF ORDINANCES

37. 2nd 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.
38. 2nd 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.
39. 2nd 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.
40. 2nd 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.
41. 2nd 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.
42. 2nd 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.
43. 2nd 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.

44. 2nd 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.

45. 2nd 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 8, 2015, at 7 p.m. for Item 46:

46. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 57: GARBAGE AND RECYCLING TO CHANGE THE COMPOSITION OF THE SOLID WASTE PLANNING BOARD.

HEARINGS AND RESOLUTIONS

47. A RESOLUTION AMENDING THE 2015 2019 CAPITAL PROGRAM.

48. A RESOLUTION ADOPTING THE WRITTEN FINDINGS BY THE CITY COUNCIL 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.

49. A RESOLUTION APPROVING THE 2015-2016 BUDGET FOR THE SIOUX FALLS CONVENTION & VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT S BUDGET AND AMENDING THE 2014-2015 BUDGET.

50. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF LEGACY RIDGE ADDITION.

51. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF THE CITY FROM THE SCHEDULED CITY COUNCIL MEETING FOR TUESDAY, NOVEMBER 3, 2015, TO MONDAY, NOVEMBER 2, 2015.

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)

52. REPORT OF THE AUGUST 27, 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. 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.