

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Monday, October 19, 2015 at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Dean Karsky  
Council Member Rick Kiley  
Council Member Rex Rolfing  
Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison  
Mayor Mike T. Huether

INVOCATION

&#9679; Pastor Bob Chell, St. Dysmas Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; World Polio Day -- October 23, 2015

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; City Council Meeting of Tuesday, October 13, 2015, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the October 15, 2015, memo.

2. Report of Requests for Quotes for Fuel dated October 7, 2015; #2 Clear Diesel, 7500 Gallons; CHS, Inc. (\$2.1293); Howes Oil (\$2.115); Harms Oil (\$2.11); Midwest Oil and Petroleum Traders Co., no bids. Bid awarded to: Harms Oil.
3. Report of Requests for Quotes for Fuel dated October 9, 2015; Unleaded Ethanol & E85, 6500 Gallons Unleaded/2000 Gallons E85; Harms Oil (\$2.0200 Unleaded/ \$1.8750 E85); CHS, Inc., Cole's Petroleum, Howes Oil. and Olson Oil, no bids. Bid awarded to: Harms Oil.

#### APPLICATIONS

4. Special One-Day Liquor Licenses for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for special events on November 7 and 12, 2015.

The following abatement was 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:

5. Roger Thielsen, 1012 North Sherman Avenue, for 2014 taxes in the amount of \$258.32. The applicant was not aware of the Elderly Disabled Property Tax Assessment Freeze.

#### NOTICE OF HEARINGS

Set a date of hearing for Monday, November 2, 2015, at 7 p.m. for Items 6 through 11:

6. New 2015-16 Retail Malt Beverage License for Sanford Frontiers, Sanford Pentagon, 2210 West Pentagon Place, with Special Use Permit (2013-12-13) being approved on January 8, 2014.
7. New 2015 Retail Wine License for Sanford Frontiers, Sanford Pentagon, 2210 West Pentagon Place, with Special Use Permit (2013-12-13) being approved on January 8, 2014.
8. New 2015-16 Retail Malt Beverage License for Hydra Beer Company, Hydra Beer Company, 2425 South Shirley Avenue (CUP not required).
9. New 2016 Retail Wine License for Hydra Beer Company, Hydra Beer Company, 2425 South Shirley Avenue (CUP not required).
10. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Feisty Fighters to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for a fundraiser on November 12, 2015.

11. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the New Colossus to be operated at Chef to Plate, 1712 South Minnesota Avenue, for a fundraiser on November 4, 2015.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

12. New 2015-16 Retail Malt Beverage License for Jacky s Restaurant LLC, to be operated at Jacky s Restaurant, 1301 East Benson Road (CUP not required). Pending final inspection per Fire and Health.
13. New 2015 Retail Wine License for Jacky s Restaurant LLC, to be operated at Jacky s Restaurant, 1301 East Benson Road (CUP not required). Pending final inspection per Fire and Health.
14. Transfer of 2015 Retail Liquor License, with Sunday sales certificate, from Dave Kulish, Martini s Casino & Lounge, 4823 South Louise Avenue, to US Hotel and Resort Management Inc., 2320 South Louise Avenue (CUP not required).
15. New 2015-16 Retail Malt Beverage License, with video lottery terminals, for MG Oil Company, to be operated at Happy Jack s Sioux Falls II, 4823 South Louise Avenue (CUP not required).
16. Special One-Day Malt Beverage, Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for the Multi-Cultural Center of Sioux Falls to be operated at 515 North Main Avenue, for a fundraiser on December 5, 2015.
17. Special One-Day Wine License for the Democratic Forum to be operated at the History Club, 758 South Phillips Avenue, for a fundraiser on November 12, 2015.
18. Transfer of 2015 Retail Liquor License, including Sunday sales certificate, from W&P of Sioux Falls LLC, W&P of Sioux Falls LLC, located on Lot 9A, Block 17, Dawley Farm Village Addition, to W&P of Sioux Falls LLC, Buffalo Wild Wings, 2601 South Louise Avenue, #100 (full service restaurant, CUP not required).

#### INTRODUCTION AND ADOPTION OF ORDINANCES

19. Deferred from the City Council Meeting on 10/6/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF W. 12TH ST. AND S. DISCOVERY AVE. FROM THE CN CONSERVATION DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE MD1 FORM, PETITION NO. 3238-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-2) with the following stipulation which has been added to the ordinance: 1) Buildings shall be no more than one story in height.
  
20. Deferred from the City Council Meetings on 4/21/15, 6/2/15, 8/4/15 and 10/6/15: 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.
  
21. Deferred from the City Council Meeting on 10/6/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTHWEST OF GREAT BEAR RECREATION AREA FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 3271-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
  
22. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING THE FEES SUBCHAPTER OF CHAPTER 95 PARKS AND RECREATION.
  
23. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CORRECTING LEGAL DESCRIPTIONS OF ORDINANCE NO. 58-15.

Set a date of hearing and 2nd Reading for Tuesday, November 10, 2015, at 7 p.m. for Item 24:

24. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING DEFINITIONS TO CHAPTER 70: GENERAL PROVISIONS AND ADDING SECTIONS TO CHAPTER 76: TRAFFIC REGULATIONS, SUBCHAPTER MISCELLANEOUS DRIVING RULES RESTRICTING THE USE OF WIRELESS COMMUNICATION DEVICES.

Set a date of hearing and 2nd Reading for Monday, November 2, 2015, at 7 p.m. for Item 25:

25. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO ELECTIONS.

Set a date of hearing and 2nd Reading for Monday, November 2, 2015, at 7 p.m. for Item 26:

26. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 6601 S. HEMINGSTONE TRL. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS TO THE REC RECREATION DISTRICT, PETITION NO. 3335-2015, 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 Monday, November 2, 2015, at 7 p.m. for Item 27:

27. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF E. 41ST ST. AND S. VETERANS PKWY. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY AND C-3 COMMERCIAL COMMUNITY DISTRICTS TO THE RA-3 APARTMENT RESIDENTIAL HIGH DENSITY DISTRICT, PETITION NO. 3456-2015, 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 Monday, November 2, 2015, at 7 p.m. for Item 28:

28. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1600 1700 W. RUSSELL ST. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR AND C-3 COMMERCIAL COMMUNITY DISTRICTS TO THE C-4 COMMERCIAL REGIONAL DISTRICT, PETITION NO. 3494-2015, 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 Monday, November 2, 2015, at 7 p.m. for Item 29:

29. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 504 AND 508 S. VAN EPS AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 3499-2015, 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 Monday, November 2, 2015, at 7 p.m. for Item 30:

30. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3210 S. SUMMIT AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 3500-2015, 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 Monday, November 2, 2015, at 7 p.m. for Item 31:

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING

PROPERTY AT NORTHEAST CORNER OF W. 22ND ST. AND S. ELLIS RD. FROM THE LW LIVE-WORK DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN AND RD-2 TOWNHOME RESIDENTIAL SUBURBAN DISTRICTS, PETITION NO. 3504-2015, 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 Monday, November 2, 2015, at 7 p.m. for Item 32:

32. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHWEST CORNER OF W. 53RD ST. AND S. LOUISE AVE. FROM THE O OFFICE DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 3510-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

#### HEARINGS AND RESOLUTIONS

33. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF IMANI RIDGE. Planning Commission recommends approval.

34. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN SERVICES AGREEMENT BETWEEN THE CITY AND KOCH HAZARD FOR THE SIOUX FALLS ADMINISTRATIVE OFFICE BUILDING, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

35. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

#### 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](http://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.