

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, July 5, 2016 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Rex Roling
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
Mayor Mike T. Huether

INVOCATION

● Dr. Ron Tottingham, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, June 21, 2016, at 4 p.m.

● City Council Meeting of Tuesday, June 21, 2016, at 7 p.m.

● Informational Meeting of Tuesday, June 28, 2016, at 4 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the July 1, 2016, memo.

2. A communication was received from the Butterfly House & Marine Cove requesting permission to consume, but not sell, wine and malt beverages at the Butterfly House & Marine Cove, 4320 South Oxbow Avenue, on Thursday, July 21, 2016, from 5 p.m. to 8 p.m., pursuant to SDCL 35-1-5-3 for the purpose of hosting a donor appreciation event.
3. A communication was received from the Bembe Community of Sioux Falls requesting permission to consume, but not sell, beer and wine at the Multi-Cultural Center, 515 North Main Avenue, on Saturday, July 30, 2016, pursuant to SDCL 35-1-5.5, for the purpose of a wedding.
4. 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 beverages at the Great Plains Zoo, 805 South Kiwanis Avenue on the following dates, pursuant to SDCL 35-1-5.3 for supporter and donor appreciation events. Dates: July 15, 16, 21, 26, 27, 28, 29, 30, 2016, and August 5, 6, 12, 13, 19, 20, 26 and 27, 2016.
5. Report of Requests for Quotes for Fuel dated: June 17, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Stern Oil (\$1.6788); Harms Oil (\$1.7108); Howes Oil (\$1.7725); Cole's Petroleum (\$1.7750); CHS, Inc., Olson Oil and Vollan Oil, all no bid. Bid awarded to: Stern Oil.
6. Report of Requests for Quotes for fuel dated: June 20, 2016; Unleaded Ethanol; 729 gallons; Midway Service (\$2.0311); Howes Oil (\$2.0675); Stern Oil (\$2.1245); Cole's Petroleum, no bid. Bid awarded to: Howe's Oil.
7. Special Requests for Quotes for Fuel dated: June 20, 2016; Clear Diesel #1; 914 gallons; Midway Service (\$2.2094); Howes Oil (\$2.0015); Stern Oil (\$2.0628); Cole's Petroleum, no bid. Bid awarded to: Howes Oil.
8. Report of Requests for Quotes for Fuel dated: June 20, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.5850); Harms Oil (\$1.5921); Cole's Petroleum (\$1.6045); Howes Oil (\$1.6200); CHS, Inc., Midwest Oil, Midway Service (Vollan), Olson Oil, all no bid. Bid awarded to: Stern Oil.
9. Report of Requests for Quotes for Fuel dated: June 23, 2016; #2 Clear Diesel; 8,500 gallons; CHS, Inc. (\$1.9089/gallon); Harms Oil (\$1.8794/gallon); Howe's Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
10. Report of Requests for Quotes for Fuel dated: June 24, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.7685); Howes Oil (\$1.7750); Stern Oil (\$1.7768); CHS, Inc. (\$1.8400); Coles Petroleum, Olson Oil and Vollan Oil, all no bid. Bid awarded to: Harms Oil.
11. Report of Requests for Quotes for Fuel dated: June 27, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.5281); Harms Oil (\$1.5345); Cole's Petroleum (\$1.5345); Howes Oil (\$1.5435); CHS, Inc. (\$1.5900); Midwest Oil, Midway Service (Vollan) and Olson Oil, all no bid. Bid awarded to: Stern Oil.

12. Report of Requests for Quotes for Fuel dated: June 28, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Stern Oil (\$1.7137); Coles Petroleum (\$1.7165); Harms Oil (\$1.7186); CHS, Inc. (\$1.7400); Howes Oil, Olson Oil and Vollan Oil, all no bid. Bid awarded to: Stern Oil.

APPLICATIONS

13. Renewal of 2016-17 Retail Malt Beverage license for Ezekiel Osman, Kauda Coffee House and Restaurant, 1701 East 10th Street.
14. Renewal of 2016-17 Retail Malt Beverage license for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, July 19, 2016, at 7 p.m. for Items 15 through 26:

15. New 2016-17 Retail Malt Beverage license for JSM Investment, Inc., Benji s Casino, 5022 South Marion Road (CUP not required).
16. Request to include video lottery terminals with the new 2016-17 Retail Malt Beverage license for JSM Investment, Inc., Benji s Casino, 5022 South Marion Road.
17. New 2016 Retail Wine license for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015.
18. Transfer of 2016-17 Retail Malt Beverage license, with video lottery terminals, from GMJS Enterprises, JJ s Billiards, 309 South Elmwood Avenue, to JS Bar LLC, JJ s Billiards, 309 South Elmwood Avenue.
19. New 2016 Retail Wine license for JS Bar LLC, JJ s Billiards, 309 South Elmwood Avenue.
20. Transfer of 2016 Retail Liquor license, including video lottery terminals and Sunday sales certificate, from M & J Ventures Inc., Red Eye Bar & Casino, 5013 North Cliff Avenue, to Red Eye Holdings Inc., Red Eye Bar & Casino, 5013 North Cliff Avenue.
21. Transfer of 2016 Retail Liquor license, including video lottery terminals and Sunday sales certificate, from MJ Ventures, The LieBrary, 5108 South Marion Road, to LieBrary Holdings Inc., LieBrary Bar, 5108 South Marion Road.
22. Transfer of 2016 Retail Liquor license, including video lottery terminals

and Sunday sales certificate, from Our Ventures, Woody s, 900 South Marion Road, to Woody s Holdings Inc., Woody s Pub, 900 South Marion Road.

23. Transfer of 2016 Retail Liquor license, including video lottery terminals and Sunday sales certificate, from Our Ventures, Woody s, 900 South Marion Road, to Woody s Holdings Inc., Woody s Pub, 900 South Marion Road.
24. New 2016 Package Liquor license for Vanguard Hospitality, Foley s, 2507 South Shirley Avenue.
25. New 2016 Package Liquor license for Vanguard Hospitality, Minerva s, 301-307 South Phillips Avenue.
26. New 2016 Package Liquor license for Vanguard Hospitality, Grille 26, 1716 South Western Avenue.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

27. Deferred from the City Council Meeting on June 21, 2016: Transfer of 2016 Retail Liquor license, with Sunday sales and video lottery terminals, from Sport Zone Inc., Rookies Sports Bar and Grill, 2616 South Louise Avenue, to Hooks South Dakota Inc., Tanner s Bar & Grill, 2616 South Louise Avenue (CUP not required).
28. Transfer of 2016 Retail Wine license from Plums Cooking Co., Plums Cooking, 401 East 8th Street, Suite 107, to Simply Perfect LLC, Simply Perfect, 401 East 8th Street, Suite 107 (CUP not required). Pending final inspections per Health and Building Services.
29. New 2016-17 Retail Malt Beverage license for Simply Perfect LLC, Simply Perfect, 401 East 8th Street, Suite 107 (CUP not required). Pending final inspections per Health and Building Services.
30. New 2016-17 Retail Malt Beverage license for Sioux Falls Pilots LLC, Sioux Falls Pilots, 2505 South Grange Avenue, (Augustana University Ronken Baseball field only) with conditional use permit (4639-2016) being approved on June 1, 2016.
31. New 2016 Retail Wine license for East Dakotah Natural Foods, Co-op Natural Foods, 410 West 18th Street, with conditional use permit (4554-2016) being approved on June 1, 2016.

32. New 2016-17 Retail Malt Beverage license for East Dakota Natural Foods, Co-op Natural Foods, 410 West 18th Street, with conditional use permit (4554-2016) being approved on June 1, 2016.
33. Special One-Day Liquor license for Bates Enterprises to be operated at the Multi-Cultural Center, 515 North Main Avenue, for a wrestling event on July 20, 2016.
34. Special One-Day Wine license for Augustana University to be operated at the Center for Western Study, 2001 South Summit Avenue, for a special event on July 8, 2016.
35. Special One-Day Malt Beverage license for Fernson Brewing Company LLC, Fernson Brewing Company to be operated at Zanbroz Variety, 209 South Phillips Avenue, for a special event on July 13, 2016.

INTRODUCTION AND ADOPTION OF ORDINANCES

36. Deferred from the City Council Meeting on June 21, 2016: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING ONE LEGAL DESCRIPTION TO SECTION 37.038, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.
37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHEAST CORNER OF W. 57TH ST. AND S. ROLLING GREEN AVE. FROM THE LW LIVE-WORK DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, PETITION NO.4459-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NORTHWEST CORNER OF E. 69TH ST. AND S. SYCAMORE AVE. FROM THE AGAGRICULTURE DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY, RA-3 APARTMENT RESIDENTIAL HIGH DENSITY, LW LIVE-WORK, AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS, PETITION NO. 4340-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF W. 57TH ST., WEST OF S. LOUISE AVE., AND EAST OF S. ROLLING GREEN AVE. FROM THE LW LIVE-WORK DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, PETITION NO. 4419-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF W. 26TH ST. AND EAST OF S. ST. MICHAELS CIR. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE RE4 FORM, PETITION NO. 4607-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF

SIOUX FALLS. Planning Commission recommends approval (6-0) with the following conditions: 1) The proposed building will not exceed 30,000 sq. feet; 2) Prohibited land uses include: Off-Sale Alcohol, On-Sale Alcohol and Adult Uses.

41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 301 S. ST. PAUL AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 4635-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST OF S. SOUTHEASTERN AVE., SOUTH OF E. 57TH ST., AND WEST OF S. GRAYSTONE AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS, PETITION NO. 4637-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2601 E. 8TH ST. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT, PETITION NO. 4661-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
44. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1217 E. RICE ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 4665-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
45. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF W. 69TH ST. AND WEST OF S. BEAL AVE. FROM THE AG AGRICULTURE DISTRICT TO THE RR SINGLE-FAMILY RESIDENTIAL RURAL DISTRICT, PETITION NO. 4693-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
46. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE, EXECUTION AND DELIVERY OF ITS WASTEWATER SYSTEM REVENUE BONDS AND RELATED LOAN DOCUMENTS, PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BONDS
47. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A HOTEL GROUND LEASE AGREEMENT, BEING A 50-YEAR LEASE OF CITY PARKLAND LOCATED AT ELMWOOD GOLF COURSE BETWEEN THE CITY AND ELMWOOD HOSPITALITY, LLC.

Set a date of hearing and 2nd Reading for Tuesday, July 12, 2016, at 7 p.m. for Item 48:

48. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING WATER TANK LEASE AGREEMENTS AND MONOPOLE LEASE AGREEMENT WITH BROOKINGS MUNICIPAL UTILITIES, TELEPHONE DEPARTMENT DBA SWIFTEL COMMUNICATIONS AT VARIOUS

TOWERS.

Set a date of hearing and 2nd Reading for Tuesday, July 19, 2016, at 7 p.m. for Item 49:

49. 1st Reading: AN ORDINANCE APPROVING THE ANNUAL RATE INCREASE PURSUANT TO THE FRANCHISE AGREEMENT FOR GROUND AMBULANCE SERVICE FOR THE CITY OF SIOUX FALLS WITH PARAMEDICS PLUS, LLC.

HEARINGS AND RESOLUTIONS

50. Deferred from the City Council Meeting on June 21, 2016: A RESOLUTION INCLUDING CERTAIN CONTINGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. ANNEXATION 3455-2015 - Reiter/Webber Land (E. 57th St. and S. Southeastern Ave.)
51. Deferred from the City Council Meeting on June 21, 2016: A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO ESTABLISH A PREANNEXATION AGREEMENT WITH THE HAYES ADDITION RESIDENTS.
52. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WHISPER RIDGE EAST ADDITION.
53. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND MINNEHAHA COUNTY. (Shared Parking Agreement.)
54. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY. Sculpture is called "Farmer".
55. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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)

56. REPORT OF THE JUNE 30 2016, 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.