

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, August 2, 2016 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolwing

Council Member Marshall Selberg

Council Member Pat Starr

Mayor Mike T. Huether

INVOCATION

&#9679; Iva Spooner, Prayer Partner, Direct Line Prayer Center

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, July 19, 2016, at 4 p.m.

&#9679; City Council Meeting of Tuesday, July 19, 2016, at 7 p.m.

&#9679; Special City Council Meeting of Tuesday, July 26, 2016, at 2:30 p.m.

&#9679; Informational Meeting of Tuesday, July 26, 2016, at 4 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the July 29, 2016, memo.
2. Approval of the notice of change orders on the July 29, 2016, memo.
3. A communication was received from Anthony Fieber requesting permission to consume, but not sell, beer, wine, and liquor at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, August 27, 2016, from 5 p.m. to 9 p.m., pursuant to SDCL 35-1-5.5, for the purpose of a wedding reception.
4. A communication was received from Adam Roach and Samantha Elston requesting permission to consume, but not sell, wine, liquor, and malt beverages at the Old Courthouse Museum, 200 West 6th Street on Saturday, September 17, 2016, pursuant to SDCL 35-1-5.5 for the purpose of a wedding reception.
5. Report of Request for Quotes for Fuel dated: July 14, 2016; E-10 Unleaded Ethanol / 87 Octane; 8,500 gallons; Harms Oil (\$1.6379); Howes Oil (\$1.6400); Stern Oil (\$1.6408); CHS, Inc. (\$1.6500); Cole's Petroleum (\$1.6845); Olson Oil and Vollan Oil, both no bid. Bid awarded to: Harms Oil.
6. Report of Requests for Quotes for Fuel dated: July 19, 2016; #2 Clear Diesel; 8,500 gallons; CHS, Inc. (\$1.7799); Harms Oil (\$1.7497); Howe's Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
7. Report of Requests for Quotes for Fuel dated: July 20, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.4744); Howes Oil (\$1.4795); Harms Oil (\$1.4837); Cole's Petroleum (\$1.4985); CHS, Inc., Midwest Oil, Midway Service (Vollan), and Olson Oil, All no bid. Bid awarded to: Stern Oil.
8. Report of Requests for Quotes for Fuel dated: July 21, 2016; E-10 Unleaded Ethanol / 87 Octane; 8,500 gallons; Harms Oil (\$1.6342); Stern Oil (\$1.6342); Midway (Vollan) Oil (\$1.6422); Cole's Petroleum (\$1.6553); CHS, Inc. (\$1.6600); Howe's Oil (\$1.6685); Olson Oil, no bid. Bid awarded to: Harms Oil. (Note: Harms Oil and Stern Oil bid the same price, so the bid was given to the vendor who bid the price first).
9. Report of Requests for Quotes for Fuel dated: July 21, 2016; #2 Dyed Diesel Fuel; 7,500 gallons; Cole's Petroleum (\$1.4907); Stern Oil (\$1.4955); Harms Oil (\$1.5056); Howes Oil (\$1.5145); CHS, Inc. (\$1.5200); Midwest Oil, Midway Service (Vollan) and Olson Oil, all no bids. Bid awarded to: Cole's Petroleum.

#### APPLICATIONS

10. Special One-Day Liquor license 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 a wedding reception on October 8, 2016.
11. Renewal of 2016-17 Retail Malt Beverage license for Heineman Hospital Corp, Looks Market, 6213 S Old Village Place.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 16, 2016, at 7 p.m. for Items 12-24:

12. Transfer of 2016-17 Retail Malt Beverage license, with video lottery terminals, from Paradise Management Inc., Paradise Casino, 5109 West 12th Street, to Crown Gaming Inc., Paradise Casino, 5109 West 12th Street.
13. Transfer of 2016-17 Retail Malt Beverage license, with video lottery terminals, from Paradise Management Inc., Paradise East Casino, 1914 South Sycamore Avenue, Suite 106, to Crown Gaming Inc., Paradise East Casino, 1914 South Sycamore Avenue, Suite 106.
14. New 2016 Package Liquor license for MF Spot Inc., The Barrel House, 4701 East 54th Street.
15. Transfer of 2016 Retail Liquor license, with Sunday sales certificate and video lottery terminals, from Westwinds Casino Inc., Westwinds Casino, 4615 West Homefield Drive, to Westwinds Casino Inc., Westwinds Casino, 4609 West Homefield Drive.
16. New 2016-17 Retail Malt Beverage license for Hy-Vee Inc., Hy-Vee #4, 1900 South Marion Road, with conditional use permit (5165-2016) being reviewed by the Planning Commission on August 3, 2016.
17. New 2016 Retail Wine license for Hy-Vee Inc., Hy-Vee #4, 1900 South Marion Road, with conditional use permit (5165-2016) being reviewed by the Planning Commission on August 3, 2016.
18. New 2016-17 Retail Malt Beverage license for Hy-Vee Inc., Hy-Vee #1, 1601 South Sycamore Avenue, with conditional use permit (4834-2016) being reviewed by the Planning Commission on August 3, 2016.
19. New 2016 Retail Wine license for Hy-Vee Inc., Hy-Vee #1, 1601 South Sycamore Avenue, with conditional use permit (4834-2016) being reviewed by the Planning Commission on August 3, 2016.
20. New 2016-17 Retail Malt Beverage license for Burrito Brothers Inc., Pancheros Mexican Grill, 4824 South Louise Avenue, with the conditional use permit (4833-2016) being approved on July 6, 2016.
21. Special One-Day Malt Beverage and Special One-Day Wine licenses for Sanford Health to be operated at 2301 East 60th Street North, for a private event on August 23, 2016.
22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Stockyards Plaza Inc., to be operated at the Falls Park Horse Barn, 309

East Falls Park Drive, for a fundraiser on September 20, 2016.

23. Special One-Day Malt Beverage license for The Banquet to be operated at Cliff Avenue Greenhouse and Garden Center, 2101 East 26th Street, for a Project SOS fundraiser on October 6, 2016.
24. Special One-Day Malt Beverage and Special One-Day Wine licenses for Catering America Inc. to be operated at Orthopedic Institute Auditorium, 810 East 23rd Street, for a holiday party on December 1, 2016.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

25. New 2016 Retail Wine license for Mama G Rest and Bar LLC, Mama G Rest and Bar, 125 West 10th Street (CUP not required).
26. New 2016-17 Retail Malt Beverage license for Mama G Rest and Bar LLC, Mama G Rest and Bar, 125 West 10th Street (CUP not required).
27. New 2016-17 Retail Malt Beverage license for Fierro LLC, Fiero Pizza, 3101 West 41st Street, Suite 107, with conditional use permit (4864-2016) being approved on July 6, 2016.
28. New 2016-17 Retail Malt Beverage license for SRS Inc., Connexions +, 5415 West 41st Street, with conditional use permit (4866-2016) being approved on July 6, 2016.
29. Request to include video lottery terminals with the new 2016-17 Retail Malt Beverage license for SRS Inc., Connexions +, 5415 West 41st Street.
30. New 2016 Retail Wine license for Tri State Gaming, Jokerz 3, 5005 West 12th Street.
31. Transfer of 2016 Retail Liquor license, including Sunday sales certificate and video lottery terminals, from LCU Inc., Little Coalinga, 114 North Indiana Avenue, to Taylor Ventures Inc., Bubba J s, 114 North Indiana Avenue (CUP not required).
32. Transfer of 2016 Retail Wine license from Amavo LLC, Amavo Boutique, 4807 South Louise Avenue, to Amavo LLC, Amavo Boutique, 5015 South Western Avenue, Suite 260, with conditional use permit (4865-2016) being approved

on July 6, 2016.

33. Special One-day Malt Beverage licenses for Nos Terres LLC, MB Haskett to be operated at the 8th & Railroad Shopping Center parking lot, 401 East 8th Street, for Live Art and Music Festivals on August 19 and September 17, 2016.
34. Special One-day Malt Beverage license for Susan G. Komen SD to be operated at Falls Park, 131 East Falls Park Drive, for the Race for the Cure on September 25, 2016.
35. Special One-day Malt Beverage license for Hydra Beer Company LLC, to be operated in their parking lot located at 2425 South Shirley Avenue, for a special event on August 5, 2016.
36. Sustain or Override the Mayor's Veto of Ordinance No. 83-16:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE CITY ), REPEALING ORDINANCE NO. 36-16 AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS AND OTHER ACTIONS RELATED THERETO.  
Action taken at the City Council Meeting on Tuesday, July 19, 2016:

A motion was made by Council Member Greg Neitzert and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 83-16.

Vote to adopt: Roll Call: Yeses, Pat Starr, Theresa Stehly, Christine M. Erickson, Greg Neitzert, Marshall Selberg, 5. Noes, Michelle Erpenbach, Rick Kiley, Rex Rolwing, 3.

Motion Passed.

Pursuant to the City Charter, Section 3.04, Mayor Mike T. Huether vetoed said Ordinance No. 83-16.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 810 S. 10TH AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 4722-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 5TH ST. AND EAST OF N. MARION RD. FROM THE O OFFICE DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO. 4746-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 715 721 W. 13TH ST. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 4846-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 301 S. PRAIRIE AVE. FROM THE RT-2 TOWNHOME RESIDENTIAL TRADITIONAL DISTRICT TO THE LW LIVE-WORK DISTRICT, PETITION NO. 4847-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 421 W. 7TH ST. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 4848-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1215 E. 28TH ST. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 4849-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 724 E. 8TH ST. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 4850-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
44. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3301 N. AURORA CIR. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 4851-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
45. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5000 W. 26TH ST. FROM THE O OFFICE DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, PETITION NO. 4867-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
46. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1800 W. 41ST ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 4870-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-1).
47. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2101 S. EUCLID AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 4871-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
48. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 24TH ST. AND S. SPRING AVE. FROM THE O OFFICE DISTRICT TO THE C-

2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 4873-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

49. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES FOR CHAPTER 156: FLOODPLAIN MANAGEMENT AND 157 SUBDIVISION ORDINANCE.

Set a date of hearing and 2nd Reading for Tuesday, August 9, 2016, at 7 p.m. for Item 50:

50. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES FOR CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS.

Set a date of hearing and 2nd Reading for Tuesday, August 23, 2016, at 7 p.m. at the Joint City Council/Lincoln County Commission Meeting for Item 51:

51. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY AT THE SE1/4 SECTION 21, TOWNSHIP 100N, RANGE 50W, LINCOLN COUNTY, FROM THE AG AGRICULTURAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT. The Joint Planning Commission recommends approval (Sioux Falls: 5-0; Lincoln County: 6-0).

#### HEARINGS AND RESOLUTIONS

52. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF SYCAMORE SPRINGS ADDITION. The Planning Commission recommends approval (8-0).

53. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF SOUTH CLIFF GRASSLANDS ADDITION. The Planning Commission recommends approval (8-0).

54. A RESOLUTION AMENDING THE CITY OF SIOUX FALLS ENGINEERING DESIGN STANDARDS.

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)

55. REPORT OF THE JULY 29, 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](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, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO CITYLINK AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.