

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Monday, February 6, 2017 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolwing

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Mayor Mike T. Huether

INVOCATION

● John Glasser, Direct Line Prayer Center

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

● Cub Scout Pack 10, Holy Cross Lutheran Church

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, January 17, 2017, at 4 p.m.

● City Council Meeting of Tuesday, January 17, 2017, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the February 3, 2017, memo.
2. Approval of the notice of change orders on the February 3, 2017, memo.
3. Report of Requests for Quotes for Fuel dated: January 10, 2017; 50/50 Blend of Clear Diesel; 9,000 Gallons; CHS, Inc. (\$2.267 #1 Clear Diesel/\$2.01 #2 Clear Diesel); Harms Oil (\$2.2318 #1 Clear Diesel/\$2.0318 #2 Clear Diesel); Howes Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
4. Report of Requests for Quotes for Fuel dated: January 11, 2017; Unleaded Ethanol/#1 Dyed Diesel & #2 Dyed Diesel; 2,500 Gallons Unleaded/2,750 Gallons #1 Diesel & 2,750 Gallons #2 Diesel; Harms Oil (\$1.8421 Unleaded/\$1.8418 #1 Diesel/\$1.6668 #2 Diesel); Cole's Petroleum (\$1.8507 Unleaded/\$1.8753 #1 Diesel/\$1.6738 #2 Diesel); Midway Service (\$1.8640 Unleaded/\$1.8795 #1 Diesel/\$1.6710 #2 Diesel); Stern Oil (\$1.9176 Unleaded/\$1.8904 #1 Diesel/\$1.6919 #2 Diesel); Howes Oil (\$1.8860 Unleaded/\$1.9065 #1 Diesel/\$1.7065 #2 Diesel); CHS, Inc. (\$1.8950 Unleaded/\$1.9675 #1 Diesel/\$1.7100 #2 Diesel); Olson Oil, no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: January 17, 2017; #1 & #2 Dyed Diesel Fuel; 3,750 Gallons #1 & 3,750 Gallons #2 (7,500 Gallons); Harms Oil (\$1.8513 #1 & \$1.6763 #2); Stern Oil (\$1.8600 #1 & \$1.7290 #2); Cole's Petroleum (\$1.8810 #1 & \$1.7085 #2); Howes Oil (\$1.9000 #1 & \$1.7085 #2); CHS, Inc., Midway Service and Olson Oil, all no bid. Bid awarded to: Harms Oil.
6. Report of Requests for Quotes for Fuel dated: January 17, 2017; E-10 Unleaded Ethanol/87 Octane; 8,500 Gallons; Harms Oil (\$1.9102); Howes Oil (\$1.9180); Cole's Petroleum (\$1.9240); Stern Oil (\$1.9691); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Harms Oil.
7. Report of Requests for Quotes for Fuel dated: January 23, 2017; Unleaded Ethanol & #1 Dyed Diesel; 5,500 Gallons Unleaded & 2,500 Gallons #1 Dyed Diesel; Howes Oil (\$1.8345 Unleaded/\$1.8750 #1 Diesel); Midway Service (\$1.8530 Unleaded/\$1.8485 #1 Diesel); Harms Oil (\$1.8600 Unleaded/\$1.8900 #1 Diesel); Stern Oil (\$1.8907 Unleaded/\$1.8729 #1 Diesel); CHS, Inc. (\$1.9050 Unleaded/\$1.9538 #1 Diesel); Cole's Petroleum and Olson Oil, both no bid. Bid awarded to: Howes Oil.
8. Report of Requests for Quotes for Fuel dated: January 23, 2017; Unleaded Ethanol; 687 Gallons; Howes Oil (\$2.0940); Cole's Petroleum (\$2.1300); Midway Service and Stern Oil, both no bid. Bid awarded to: Howes Oil.
9. Report of Requests for Quotes for Fuel dated: January 23, 2017; Clear Diesel #1; 508 Gallons; Howes Oil (\$2.2340); Cole's Petroleum (\$2.2900); Midway Service and Stern Oil, both no bid. Bid awarded to: Howes Oil.
10. Report of Requests for Quotes for Fuel dated: January 23, 2017; Clear Diesel #2; 508 Gallons; Howes Oil (\$2.0440); Cole's Petroleum (\$2.0900); Midway Service and Stern Oil, both no bid. Bid awarded to: Howes Oil.

11. Report of Requests for Quotes for Fuel dated: January 26, 2017; #1 & #2 Dyed Diesel Fuel; 7,500 Gallons #1 & 7,500 Gallons #2 (15,000 Gallons); Harms Oil (\$1.8353 #1 & \$1.6878 #2); CHS, Inc. (\$1.8700 #1 & \$1.7030 #2); Stern Oil (\$1.8887 #1 & \$1.6987 #2); Cole's Petroleum (\$1.8977 #1 & \$1.6949 #2); Howes Oil, Midway Service and Olson Oil, all no bid. Bid awarded to: Harms Oil.
12. Report of Requests for Quotes for Fuel dated: January 26, 2017; E-10 Unleaded Ethanol/87 Octane; 8,500 Gallons; Midway Service (\$1.8210); Harms Oil (\$1.8312); Stern Oil (\$1.8381); Cole's Petroleum (\$1.8383); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Midway Service.
13. Report of Requests for Quotes for Fuel dated: January 26, 2017; 50/50 Blend of Clear Diesel; 7,500 Gallons; CHS, Inc. (\$1.975 #1 Clear Diesel/\$2.145 #2 Clear Diesel); Harms Oil (\$1.9943 #1 Clear Diesel/\$2.1518 #2 Clear Diesel); Howes Oil and Midwest Oil, both no bid. Bid awarded to: CHS, Inc.
14. A communication was received from Crystal Lail, requesting permission to consume, but not sell, liquor, beer and wine at the Old Courthouse Museum, 200 W. 6th St., on Saturday, March 18, 2017, for a wedding reception.
15. A communication was received from the South Dakota State Historical Society requesting permission to consume, but not sell, wine and beer at the Old Courthouse Museum, 200 W. 6th St., on Friday, April 28, 2017, for a conference reception.

APPLICATIONS

16. Special One-Day Liquor License request for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for a wedding reception on July 29, 2017.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, February 21, 2017, at 7 p.m. for Items 17 through Item 31:

17. New 2017 Retail Wine License for Posh Nails Spa LLC, Posh Nail Bar & Spa, 7750 Dakota Hawk Avenue (CUP not required).
18. Transfer of 2016-17 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 Wine Company LLC, The Little Cellar Wine Company, 2425 South Shirley Avenue, Suite 106.
19. Transfer of 2017 Package Liquor License from The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2316-2318 South Louise Avenue, to The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2425 South Shirley Avenue, Suite 106.

20. Transfer of 2017 Retail Wine License from The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2316-2318 South Louise Avenue, to The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2425 South Shirley Avenue, Suite 106.
21. Transfer of 2016-17 Package Malt Beverage License from Coles Petroleum Products Inc., Kota Korner, 900 North Sycamore Avenue, to Trivedi Oil LLC, Kota Korner, 900 North Sycamore Avenue.
22. Transfer of 2017 Package Liquor License from Coles Petroleum Products Inc., Kota Korner, 900 North Sycamore Avenue, to Trivedi Oil LLC, Kota Korner, 900 North Sycamore Avenue.
23. Transfer of 2017 Retail Liquor License, including Sunday sales certificate, from IJK Inc, Stogeez Cigar Lounge, 215 South Phillips Avenue, to IJK Inc., Stogeez Cigar Lounge, 201 East 11th Street, to be effective March 1, 2017.
24. Special One-Day Malt Beverage and Special One-Day Wine License for Stockyards Plaza Inc., to be operated at the Falls Park Horse Barn, 309 East Falls Park Drive, for a Chamber event on March 1, 2017.
25. Special One-Day Wine License for Sioux Empire Safety Village to be operated at Vance Thompson Vision, 3101 West 57th Street, for a fundraiser on March 2, 2017.
26. Special One-Day Package Off-Sale Wine license for Rotary Club of Sioux Falls West to be operated at 4712 Alpine Circle, for a Sioux Falls CASA fundraiser on March 4, 2017.
27. Special One-Day Liquor License for IJK, Inc., Stogeez Cigar Lounge to be operated at 215 South Phillips Avenue, for a fundraiser on March 18, 2017.
28. Special One-Day Wine License for Senior Citizens Services Inc., Active Generations, 2300 West 46th Street, for the Festival of Tables fundraiser on March 23, 2017.
29. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizens Services Inc., Active Generations, 2300 West 46th Street, for the Gourmet Guys fundraiser on April 30, 2017.
30. Special One-Day Malt Beverage License for Sisters of the Presentation of the Blessed Virgin Mary to be operated at Falls Park, 305 East Falls Park Drive, for a Caminando Juntos fundraiser on May 13, 2017.
31. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Jazz and Blues Society to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for JazzFest on July 13, 14, 15, 2017.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

32. New 2017 Retail Wine License for Golden Coin Casino Inc., Golden Coin Casino II, 3404 South Marion Road, with Conditional Use Permit (6046-2016) being approved on January 4, 2017. Pending final inspections per Fire, Health and Building Services.
33. New 2016-17 Retail Malt Beverage License for Golden Coin Casino Inc., Golden Coin Casino II, 3404 South Marion Road, with Conditional Use Permit (6046-2016) being approved on January 4, 2017. Pending final inspections per Fire, Health and Building Services.
34. Request to include video lottery terminals with the new 2016-17 Retail Malt Beverage License for Golden Coin Casino Inc., Golden Coin Casino II, 3404 South Marion Road. Pending final inspections per Fire, Health and Building Services.
35. Special One-Day Liquor License request for Sioux Falls State Theatre Company to be operated at the State Theatre, 316 South Phillips Avenue, for a fundraiser on February 26, 2017.
36. Sustain or override the Mayor's veto of Ordinance 14-17: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 95: PARKS AND RECREATION, SUBCHAPTER PARK AND RECREATION BOARD, TO REQUIRE AUDIO OR VIDEO RECORDING OF PARKS AND RECREATION BOARD MEETINGS AND REQUIRING 48 HOURS PRIOR TO OFFICIAL ACTION.

Action taken at the City Council Meeting on Tuesday, January 17, 2017:

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Theresa Stehly to adopt said Ordinance No 14-17.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Theresa Stehly to amend by removing the words "or audio recorded" from Section 1.

Vote to amend: Roll Call: Yeses, Greg Neitzert, Pat Starr, Theresa Stehly, 3. Noes, Christine M. Erickson, Michelle Erpenbach, Rex Rolwing, Marshall Selberg, 4.

Motion Failed.

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to amend by adding the following sentence, "A technological problem or failure which prevents the recording of a Park Board meeting or the posting of a recording on the City website shall not be a violation of this section, and will not preclude the holding of that meeting."

Vote to amend: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rex

Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, Greg Neitzert, 1.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Christine M. Erickson, Greg Neitzert, Marshall Selberg, Pat Starr, Theresa Stehly, 5. Noes, Michelle Erpenbach, Rex Rolfing, 2.

Motion Passed.

Pursuant to the City Charter, Section 3.04, Mayor Mike T. Huether vetoed said Ordinance No. 14-17.

INTRODUCTION AND ADOPTION OF ORDINANCES

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3408 E. 10TH ST. FROM THE CN CONSERVATION AND C-3 COMMERCIAL COMMUNITY DISTRICTS TO THE CN CONSERVATION AND C-3 COMMERCIAL COMMUNITY DISTRICTS, PETITION NO. 6033-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF W. 69TH ST. AND S. BEAL AVE. FROM THE RA-3 APARTMENT RESIDENTIAL HIGH DENSITY AND CN CONSERVATION DISTRICTS TO THE RA-3 APARTMENT RESIDENTIAL HIGH DENSITY AND CN CONSERVATION DISTRICTS, PETITION NO. 6038-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF VACATED W. 23RD ST AND WEST OF S. MINNESOTA AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS TO THE LW LIVE-WORK DISTRICT, PETITION NO. 6095-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

HEARINGS AND RESOLUTIONS

40. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON E. ARROWHEAD PARKWAY, AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

41. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON S. WESTERN AVE. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

42. A RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS.

43. A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN LOTS 1 THROUGH 12 IN BLOCK 23, MCCLELLAN S ADDITION TO WEST SIOUX FALLS, MINNEHAHA COUNTY, SD.

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)

44. REPORT OF THE JANUARY 27, 2017, 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, 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 FOR SPECIFIC PROGRAMMING TIMES.