

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, September 5, 2017 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

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

Council Member Rex Rolwing

Council Member Marshall Selberg

Mayor Mike T. Huether

INVOCATION

● Pastor Bob Ruedebusch, Sioux Falls First United Methodist Church

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Budget Hearing of Tuesday, August 15, 2017, at 3 p.m.

● City Council Meeting of Tuesday, August 15, 2017, at 7 p.m.

● Joint Sioux Falls City Council/Minnehaha County Commission Meeting of
Tuesday, August 22, 2017, at 5 p.m.

COMMUNICATIONS

1. Approval of the notice of change orders on the September 1, 2017, memo.

2. Approval of contracts/agreements on the September 1, 2017, memo.
3. A memorandum dated August 31, 2017, declaring surplus property.
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 Zoo on 805 South Kiwanis Avenue, pursuant to SDCL 35-1-5.5, for donor appreciation events on the following dates: September: 14, 15, 16, 21, 22, 23, 28, 29, 30; and October: 5, 6, 7, 12, 13, and 14.
5. A communication was received from Krystal Magee and Alix Taylor requesting permission to consume, but not sell, liquor, wine and/or malt beverage at the Old Courthouse Museum, 200 W. 6th Street, on Friday, October 6, 2017, from 4 p.m. to 11:59 p.m., pursuant to SDCL 35-1-5.5 for a wedding.
6. A communication was received from Siouxland Heritage Museums requesting permission to consume, but not sell, beer and wine at the Old Courthouse Museum, 200 West 6th Street, on Thursday, October 12, 2017, from 11 a.m. to 4 p.m., pursuant to SDCL 35-1-5.3, for a ground breaking reception.
7. Report of Requests for Quotes for Fuel dated: August 9, 2017; Clear Diesel; 9,000 gallons; CHS, Inc. (\$2.062); Harms Oil (\$2.0493); Howes Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
8. Report of Requests for Quotes for Fuel dated: August 11, 2017; Unleaded Ethanol and #2 Dyed Diesel; 8,500 gallons Unleaded and 7,500 gallons #2 Dyed Diesel; Midway Service (\$1.8282 Unleaded and \$1.7469 #2 Diesel); CHS, Inc. (\$1.8800 Unleaded and \$1.7875 #2 Diesel); Stern Oil (\$1.8314 Unleaded and \$1.7531 #2 Diesel); Cole's Petroleum (\$1.8295 Unleaded and \$1.7580 #2 Diesel); Harms Oil, Howes Oil and Olson Oil, all no bid. Bid awarded to: Midway Service.
9. Report of Requests for Quotes for Fuel dated: August 17, 2017; Dyed Diesel #2; 7,500 gallons Dyed Diesel #2; Midway Service (\$1.6756); Cole's Petroleum (\$1.6865); Harms Oil (\$1.6903); Howes Oil (\$1.6845); CHS, Inc. (\$1.7325); Stern Oil and Olson Oil both no bid. Bid awarded to: Midway Service.
10. Report of Requests for Quotes for Fuel dated: August 18, 2017; Unleaded; 8,500 gallons; Midway Service (\$1.8023); Cole's Petroleum (\$1.8018); Stern Oil (\$1.8125); Harms Oil (\$1.8198); Howes Oil (\$1.8145); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Cole's Petroleum.
11. Report of Requests for Quotes for Fuel dated: August 23, 2017; Unleaded and Clear Diesel; 674 gallons of Unleaded and 541 gallons of Clear Diesel; Midway Service (\$1.8728 for Unleaded and \$2.0300 for Clear Diesel); Stern Oil (\$1.7760 for Unleaded and \$2.0525 for Clear Diesel); Howes Oil (\$1.8915 for Unleaded and for \$2.0525 Clear Diesel; Cole's Petroleum, Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Stern Oil.

12. Report of Requests for Quotes for Fuel dated: August 25, 2017; Unleaded; 8,500 Gallons; Cole's Petroleum (\$1.8893); Stern Oil (\$1.9519); Howes Oil (\$2.0760); Midway Service, Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
13. Report of Requests for Quotes for Fuel dated: August 28, 2017; Unleaded and #2 Dyed Diesel; 5,000 gallons of Unleaded and 3,000 of #2 Dyed Diesel; Cole's Petroleum (\$1.9245 Unleaded and \$1.7672 #2 Dyed Diesel Fuel); Stern Oil (\$1.9598 Unleaded and \$1.7641 for #2 Dyed Diesel); Harms Oil (\$2.0395 Unleaded and \$1.9038 #2 Dyed Diesel); Midway Service, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

APPLICATIONS

14. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America, Chef Dominique s Catering to be operated at Old Courthouse Museum, 200 West 6th Street, for an awards banquet on September 15, 2017.
15. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for special events on September 21, 22, 23 24, October 14, 17 and 20, 2017, March 3 and August 18, 2018.
16. Amend a New 2017 Retail Wine License, approved on August 15, 2017, for Envy Nail & Spa LLC, Envy Nail & Spa, 4212 West Empire Place, by changing the license to a 2018 Retail Wine License.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 19, 2017, at 7 p.m. for Items 17 through 36:

17. New 2017 Retail Wine License for Hinkkanen Design & DIY LLC, AR Workshop, 2101 West 41st Street, Suite 29B (CUP not required).
18. New 2017-18 Retail Malt Beverage License for Hinkkanen Design & DIY LLC, AR Workshop, 2101 West 41st Street, Suite 29B (CUP not required).
19. New 2017 Retail Wine License for Dakota Coffee Roasters LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101 (CUP not required).
20. New 2017-18 Retail Malt Beverage License for Dakota Coffee Roasters LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101 (CUP not required).

21. New 2017 Retail Wine License for CEC Entertainment Inc., Chuck E Cheese s, 2600 South Louise Avenue (CUP not required).
22. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #1, 1601 South Sycamore Avenue.
23. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #2, 4101 South Louise Avenue.
24. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #3, 3000 South Minnesota Avenue.
25. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #4, 1900 South Marion Road.
26. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #5, 3020 East 10th Street.
27. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #6, 1231 East 57th Street.
28. New 2017 Package Delivery License for Hy-Vee Inc., Hy-Vee Food Store #7, 2700 West 10th Street.
29. New 2017 Package Delivery License for Taylor Oil Company, Good Spirits Fine Wine & Liquor, 3300 South Minnesota Avenue.
30. Transfer of 2017-18 Retail Malt Beverage License from Madina Otban, Red Lion Coffee Shop, 1122 North Weber Avenue, to Mali Abukku, Erik Futigu, 1122 North Weber Avenue (CUP not required).
31. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Stockyards Plaza Inc., to be operated at the Stockyards Ag Experience Barn, 301 East Falls Park Drive, for a reception on September 28, 2017.
32. Special One-Day Malt Beverage Licenses for Panacea Brewing Company LLC, Remedy Brewing Company to be operated at the 8th & Railroad Center parking lot, 401 East 8th Street, for Oktoberfest on September 29, 30 and October 1, 2017.
33. 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 #200A, A League of Your Own, 229 South Phillips Avenue, Atoley Salon & Spa, 317 South Phillips Avenue, Bead Co./Acorn 19, 319 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue #1, Chelsea s Boutique, 220 South Phillips Avenue, Conversation Piece, 301 South Minnesota Avenue, Great Outdoor Store, 201 East Tenth Street, Home Porch Gifts, 217 South Phillips Avenue, J.H. & Sons, 216 South Phillips Avenue, JLG Architects,

232 South Main Avenue, Lot 2029, 207 South Phillips Avenue, Luca s Boutique, 401 East 8th Street, #122, Rehfeld s Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street #114, Say Anything Jewelry, 225 South Phillips Avenue, Simply Perfect, 401 East 8th Street #108, Sioux Falls Design Center, 108 West 11th Street, State Theatre, 316 South Phillips Avenue, Sticks and Steel, 401 East 8th Street #118, Unglued, 218 South Phillips Avenue, and Young & Richard s, 222 South Phillips Avenue, for the First Friday Wine Walk on October 6, 2017.

34. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America, Chef Dominique s Catering to be operated at Leif Ericson Day Camp, 2301 East 26th Street, for a wedding reception on October 7, 2017.
35. Special One-Day Off-Sale Package Wine, Special One-Day Malt Beverage and Special One-Day Wine licenses for the Cathedral of Saint Joseph to be operated at the Cathedral gymnasium, 521 North Duluth Avenue, for a fundraiser on October 20, 2017.
36. Special One-Day Wine License for Siouxland Heritage Museums to be operated at Pettigrew Home & Museum, 131 North Duluth Avenue, for History Happy Hour on November 30, 2017.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

37. CONDITIONAL USE PERMIT APPEAL (7047-2017): 3300 E. 18th St., Lot 4B & Lot 5-12, Block 9, Hilltop Heights Addition, City of Sioux Falls. The request for the Conditional Use Permit was for an Electronic Message Sign in a Residential Zoning District, (Approved at the August 2, 2017 Planning Commission Meeting 5-Yes, 2-No with a condition: The electronic message center sign must be turned off between the hours of 10 p.m. and 6 a.m.

UNFINISHED BUSINESS

38. New 2017 Retail Liquor License, including Sunday sales certificate, for Ted J. Thoms, business name to be determined, 400 North Main Avenue, Suite 206 (CUP not required). Pending permit issuance and final inspections per Fire, Health and Building Services.
39. Request to include video lottery terminals with the new 2017 Retail Liquor License, including Sunday sales certificate, for Ted J. Thoms, business name to be determined, 400 North Main Avenue, Suite 206 (CUP not required). Pending permit issuance and final inspections per Fire, Health and Building

Services.

40. Transfer of 2017 Retail Liquor License, including Sunday sales certificate and video lottery terminals, from Sue Erickson, Happy Jacks Sioux Falls IV, 1211 East Benson Road, to MG Oil Company, Happy Jacks Sioux Falls IV, 1211 East Benson Road.
41. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s to be operated at Vance Thompson Vision, 3101 West 57th Street, for an open house on September 11, 2017.
42. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s to be operated at 2011 Austin Drive, for a United Way fundraiser on September 19, 2017.

INTRODUCTION AND ADOPTION OF ORDINANCES

43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1600 W. 51ST ST. FROM THE UNZONED AND I-1 LIGHT INDUSTRIAL DISTRICTS TO THE S-1 GENERAL INSTITUTIONAL AND I-1 LIGHT INDUSTRIAL DISTRICTS PETITION NO. 6596-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).
44. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 426 W. 7TH ST. FROM THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT PETITION NO. 6980-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).
45. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 430 W. 7TH ST. FROM THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT PETITION NO. 6982-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).
46. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NW CORNER OF E. 85TH ST. AND S. CLIFF AVE. FROM THE AG AGRICULTURE DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT PETITION NO. 6998-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).
47. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF S. SYCAMORE AVE. AND NORTH OF E. 41ST ST. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT TO THE RD-1 TWIN HOME/ DUPLEX RESIDENTIAL SUBURBAN, O OFFICE, AND C-2, COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS PETITION NO. 7071-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).
48. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY

LOCATED NORTH OF W. 41ST ST. AND WEST OF S. ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT PETITION NO. 7078-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

49. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NE CORNER OF W. BENSON RD. AND N. OKLAHOMA AVE. FROM THE O OFFICE DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT PETITION NO. 7080-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

Set a date of hearing and 2nd Reading for Tuesday, September 12, 2017, at 7 p.m. for Item 50:

50. 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 Tuesday, September 19, 2017, at 7 p.m. for Item 51:

51. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 90: ANIMALS AND FOWL TO PROVIDE FOR A DISTINCTION BETWEEN RESTRICTED AND VICIOUS ANIMALS; TO PROVIDE AN EXCEPTION FOR POLICE DOGS; AND TO PROVIDE FOR ADDITIONAL ENFORCEMENT POWERS OF ANIMAL CONTROL OFFICER.

Set a date of hearing and 2nd Reading for Tuesday, September 19, 2017, at 7 p.m. for Item 52:

52. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY.

Set a date of hearing and 2nd Reading for Tuesday, September 26, 2017, at 6 p.m. for Item 53:

53. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 2006 JOINT ZONING REGULATIONS FOR LINCOLN COUNTY AND THE CITY OF SIOUX FALLS.

Set a date of hearing and 2nd Reading for Tuesday, September 26, 2017, at 6 p.m. for Item 54:

54. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE COMPREHENSIVE EXTRATERRITORIAL ZONING REGULATIONS ORDINANCE OF THE CITY OF SIOUX FALLS.

55. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF SUNSET CREEK ADDITION. Planning Commission recommends approval (7-0).
56. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF KNWC ADDITION. Planning Commission recommends approval (7-0).
57. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF LEGACY NORTH FARM ADDITION. Planning Commission recommends approval (6-0).
58. A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A SPECIAL FRONT FOOT ASSESSMENT FEE FOR STREET MAINTENANCE AND REPAIR.

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)

59. REPORT OF THE AUGUST 31, 2017, NOTICE OF TRANSFER OF APPROPRIATIONS WITH MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

60. Motion to reassign the City Council Budget Analyst position from the Fiscal Committee to the Operations Committee.

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.