

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, October 3, 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

&#9679; Mr. Jerry Fogg

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; Native American Day - October 9, 2017

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, September 19, 2017, at 4 p.m.

&#9679; City Council Meeting of Tuesday, September 19, 2017, at 7 p.m.

&#9679; Informational Meeting of Tuesday, September 26, 2017, at 4 p.m.

&#9679; Joint City Council/Minnehaha County Commission Meeting of Tuesday, September 26, 2017, at 5 p.m.

&#9679; Joint City Council/Lincoln County Commission/Minnehaha County Commission Meeting of Tuesday, September 26, 2017, at 6 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the September 29, 2017, memo.
2. Approval of the notice of change orders on the September 29, 2017, memo.
3. A communication received from Molly Okerlund, requesting permission to consume, but not sell, liquor, wine and/or malt beverages at the Old Courthouse Museum, 200 W. 6th Street, on November 25, 2017, from 5 p.m. - 8 p.m., pursuant to SDCL 35-1-5.5., for a wedding dinner.
4. Report of Requests for Quotes for Fuel dated: September 14, 2017; #2 Dyed Diesel; 7,500 gallons; Midway Service (\$1.8871); Stern Oil (\$1.8903); Harms Oil (\$1.8805); Howes Oil (\$1.8825); Cole's Petroleum, CHS, Inc., Olson Oil, all no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: September 18, 2017; Unleaded; 8,500 gallons; Midway Service (\$1.9189); Cole's Petroleum (\$1.9327); Stern Oil, Harms Oil, Howes Oil, CHS, Inc., Olson Oil, all no bid. Bid awarded to: Midway Service.
6. Report of Requests for Quotes for Fuel dated: September 20, 2017; Unleaded and Clear Diesel; 675 Unleaded gallons and 500 Clear Diesel gallons; Midway Service (\$1.9789 Unleaded and \$2.2304 Clear Diesel); Stern Oil (\$2.0205 Unleaded and \$2.2607 Clear Diesel); Howes Oil (\$1.9970 Unleaded and \$2.2465 Clear Diesel); Cole's Petroleum, Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.
7. Report of Requests for Quotes for Fuel dated: September 20, 2017; #2 Clear Diesel; 9,023 gallons; CHS, Inc. (\$2.22); Howes Oil (\$2.2115); Harms Oil (\$2.1999) Midwest Oil, no bid. Bid awarded to: Harms Oil, Co.
8. Report of Requests for Quotes for Fuel dated: September 21, 2017; Unleaded; 8,500 gallons; Cole's Petroleum (\$1.9153); Stern Oil (\$2.1655); Harms Oil (\$1.9221); Howes Oil (\$1.9130); Midway Service, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Howes Oil.
9. Report of Requests for Quotes for Fuel dated: September 26, 2017; Dyed Diesel #2; 7,500 gallons; Cole's Petroleum (\$1.9642); Stern Oil (\$1.9930); Howes Oil (\$1.9690); CHS, Inc. (\$2.0175); Midway Service, Harms Oil, Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

10. Statement of Claim for Mechanic's and/or Materialman's Lien relating to a Public Improvement Project from Rice Lake Construction Group, Inc., for work and materials furnished to Merryman Excavation, Inc. regarding the Brandon Road Pump Station.
11. Sheriff s Notice of Levy and Receipt for Goods Levied on Merryman Excavation, Inc.
12. Statement of Claim for Mechanic's and/or Materialman's Lien relating to a Public Improvement Project from Diesel Machinery, Inc., for work and materials furnished to Merryman Excavation, Inc. regarding the Brandon Road Pump Station.

#### APPLICATIONS

13. Special One-Day Liquor License for Empire Productions, Prairie View Event Hall to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for a wedding on October 7, 2017.
14. Special One-Day Liquor License for Ovations Food Services LP to be operated at the Orpheum Theater, 315 North Phillips Avenue, for a wedding on September 1, 2018.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, October 17, 2017, at 7 p.m. for Items 15 through 18:

15. New 2017 Retail Wine License for Commonwealth Gaming & Holdings Corporation, Deuces Casino 8.5, 4205 South Racket Drive, Suite B, with the Conditional Use Permit (2013-05-06) being approved on June 5, 2013.
16. Transfer of 2017 Package Liquor License from Pinnacle Hospitality Incorporated, CJ Callaway s, 500 East 69th Street, to Lewis Drugs Inc., Lewis Drug #14, 136 South Phillips Avenue (CUP not required).
17. Transfer of 2017 Package Liquor License from Lewis Drug Inc., Lewis Drug #1, 500 West 41st Street, to Lewis Drug Inc., Lewis Drug #1, 2901 South Minnesota Avenue, effective upon completion of construction (CUP not required).
18. Special One-day Malt Beverage and Special One-Day Wine licenses for Stockyards Ag Experience to be operated at the Stockyards Ag Experience Barn for a community event on November 2, 2017.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

19. Transfer of 2017 Retail Liquor License, with Sunday sales certificate and video lottery terminals, from W & P of Sioux Falls LLC, Buffalo Wild Wings, 2601 South Louise Avenue, Suite 100, to W & P of Sioux Falls LLC, Buffalo Wild Wings, 640 South Highline Place (CUP not required). Pending final inspections per Fire, Health and Building Services.
20. New 2017-18 Retail Malt Beverage License for Hydra Beer Company LLC, Hydra Beer Company, 125 West 10th Street (CUP not required). Pending final inspections per Fire, Health and Building Services.
21. New 2017 Retail Wine License for Hydra Beer Company LLC, Hydra Beer Company, 125 West 10th Street (CUP not required). Pending final inspections per Fire, Health and Building Services.
22. Special One-Day Malt Beverage License for Sioux Falls Roller Dollz to be operated at Special Olympics South Dakota, 800 East I-90 Lane, for special sporting events on October 7 and November 4, 2017.

INTRODUCTION AND ADOPTION OF ORDINANCES

23. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NORTHEAST CORNER OF N. CAREER AVE. AND W. BENSON RD. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN, RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY, AND O OFFICE DISTRICTS TO THE CN CONSERVATION, RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY, LW LIVE-WORK, AND C-4 COMMERCIAL REGIONAL DISTRICTS, PETITION NO. 6725-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
24. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1210 N. WEBER AVE. FROM THE I-2 HEAVY INDUSTRIAL DISTRICT TO THE REC RECREATION DISTRICT, PETITION NO. 7098-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
25. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF N. WESTPORT AVE. AND NORTH OF W. 54TH ST. N. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO. 7234-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2308, 2400, AND 2412 S. SUMMIT AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE S-2 INSTITUTIONAL CAMPUS

PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7241-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2301 W. 46TH ST. FROM THE C-3 COMMERCIAL COMMUNITY DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 7270-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF W. 41ST ST. AND S. ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN AND RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICTS, PETITION NO. 7291-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
29. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. BENSON RD. AND I-229 FROM THE AG AGRICULTURE AND I-1 LIGHT INDUSTRIAL DISTRICTS TO THE I-2 HEAVY INDUSTRIAL DISTRICT, PETITION NO. 7292-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
30. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF W. 32ND ST. AND WEST OF S. KINDERHOOK AVE. FROM THE LW LIVE-WORK DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 7293-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
31. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. MAPLE ST. AND N. WESTPORT AVE. FROM THE C-4 COMMERCIAL REGIONAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 7295-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NORTHWEST CORNER OF W. 6TH ST. AND S. MINNESOTA AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL AND RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICTS TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7299-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. 4TH ST. AND S. MINNESOTA AVE. FROM THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY AND O OFFICE DISTRICTS TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7307-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING, SUBCHAPTER PUD

PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 160.449 DOWNTOWN (DT) PUD DISTRICT. Planning Commission recommends approval (5-0).

#### HEARINGS AND RESOLUTIONS

35. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF PINNACLE POINT ADDITION.

36. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF OLLERICH FARMS ADDITION.

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)

37. REPORT OF THE SEPTEMBER 22, 2017, NOTICE OF TRANSFER OF APPROPRIATIONS WITH 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.