

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, December 5, 2017 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 Rolfing

Council Member Marshall Selberg

Council Member Pat Starr

Mayor Mike T. Huether

INVOCATION

● Dr. Ron Tottingham, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● TUBACHRISTMAS - December 9, 2017

● Human Rights Day - December 10, 2017

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting Minutes of Tuesday, November 21, 2017, at 4 p.m.

● City Council Meeting of Tuesday, November 21, 2017, at 7 p.m.

● Joint City Council/Minnehaha County Commission Meeting of Tuesday,
November 28, 2017, at 5 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the December 1, 2017, memo.
2. Approval of the notice of change orders on the December 1, 2017, memo.
3. Report of Requests for Quotes for Fuel dated: November 20, 2017; #1 & #2 Dyed Diesel; 7,500 Gallons (3,750 Gallons each); Cole's Petroleum (\$2.1923 #1 DM & \$1.9820 #2 DM); Stern Oil (\$2.2483 #1 DM & \$2.0162 #2 DM); Midway Service, Harms Oil, Howes Oil, CHS, Inc., Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

APPLICATIONS

The following abatement was recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

4. Spencer Aalsburg, 4509 S. Magnolia Avenue, for 2016 property taxes in the amount of \$977.87. Reason: Owner-Occupied status removed in error.
5. Renewal of 2018 Retail Wine License for Hinkkanen Design & DIY LLC, AR Workshop, 2101 West 41st Street, Suite 29B.
6. Renewal of 2018 Package Liquor License for Lewis Drugs Inc, Lewis Drug, 136 South Phillips Avenue.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 19, 2017, at 7 p.m. for Items 7 through 18:

7. Transfer of New 2017-18 Retail Malt Beverage License for Dakota Coffee Roasters LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101, to include the shopping commons area, and courtyard area as part of their licensed premise (CUP not required).
8. New 2017 Retail Wine License for Dakota Coffee Roasters LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Avenue, Suite 101, to include the shopping commons area, and courtyard area as part of their licensed premise (CUP not required).

9. Renewal of 2018 Retail Wine License for Dakota Coffee Roaster, LLC, The Source Coffee Roastery and Taproom, 421 North Phillips Ave, Suite 101, shopping commons area and courtyard area (CUP not required).
10. New 2018 Retail Wine License for Shaeffer DIY Instructing LLC, Board and Brush, 1813 South Marion Road, Suite 101 (CUP not required).
11. New 2017-18 Retail Malt Beverage License for Shaeffer DIY Instructing LLC, Board and Brush, 1813 South Marion Road, Suite 101 (CUP not required).
12. Transfer of 2017 Package Liquor License from Grevco Inc, Shop N Cart West, 5112 West 12th Street, to Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
13. Renewal of 2018 Package Liquor License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101.
14. New 2017-18 Package Malt Beverage License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
15. New 2017-18 Retail Malt Beverage License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite, 102, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
16. Request to include video lottery terminals with the new 2017-18 Retail Malt Beverage License for Davlon Inc., business name to be determined, 400 North West Avenue, Suite 102, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
17. New 2018-19 Package Malt Beverage License for Grevco Inc., Shop N Cart North, 1029 North Minnesota Avenue (CUP not required; this is addition to an existing license).
18. Special One-Day Malt Beverage Licenses for Sioux Falls Roller Dollz to be operated at Special Olympics South Dakota Unify Center, 800 E I-90 Lane, for roller derby games on February 3, March 24 and April 28, 2018.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

19. Deferred from the City Council Meeting on Tuesday, November 7, 2017:
CONDITIONAL USE PERMIT APPEAL (7248-2017): 6000 S. Doral Ave., Lot 1A of
Lot M of Prairie Green Addition, City of Sioux Falls.
The request for the Conditional Use Permit is for the applicant to provide
wood siding in lieu of brick and parking in the front yard for the proposed
building in the O, Office District. Approved at the October 4, 2017
Planning Commission Meeting 7-Yes, 1-No without a condition.
This item will be withdrawn at the City Council Meeting.

UNFINISHED BUSINESS

20. Rescind New 2017 Retail Wine License for The Stag s Head LLC, The Stag s
Head, 6205 Old Village Place.
21. Rescind New 2017-18 Retail Malt Beverage License for The Stag s Head LLC,
The Stag s Head, 6205 Old Village Place.
22. Rescind request to include video lottery terminals with the new 2017-18
Retail Malt Beverage License for The Stag s Head LLC, The Stag s Head, 6205
Old Village Place.
23. New 2017-18 Retail Malt Beverage License for Estetica Unisex Mia LLC, Salon
Mia, 3801 West 34th Street, Suite 115 (CUP not required).
24. Transfer 2017 Package Liquor License from Libation Station LLC, Libation
Station, 5009 South Western Avenue, Suite 200, to IJK Inc, Stogeez Cigar
Lounge, 201 East 11th Street (CUP not required; this is addition to an
existing license).
25. Renewal of 2018 Package Liquor License for IJK Inc, Stogeez Cigar Lounge,
201 East 11th Street.
26. New 2018 Retail Wine License for Everest Indian Cuisine Inc, Everest Indian
Cuisine, 3406 South Western Avenue (CUP not required).
27. New 2017-18 Retail Malt Beverage License for Everest Indian Cuisine Inc,
Everest Indian Cuisine, 3406 South Western Avenue (CUP not required).
28. Transfer of 2017 Package Liquor License from Grevco Inc, Shop N Cart North,
1029 North Minnesota Avenue, to Davlon Inc., Shop N Cart Northwest, 400
North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being
approved on February 1, 2017. Pending final inspections per Fire, Health
and Building Services.
29. Renewal of 2018 Package Liquor License for Davlon Inc., Shop N Cart
Northwest, 400 North West Avenue. Pending final inspections per Fire,
Health and Building Services.

30. New 2017-18 Package Malt Beverage License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017. Pending final inspections per Fire, Health and Building Services.
31. New 2017-18 Retail Malt Beverage License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, with Conditional Use Permit (6224-2017) being approved on February 1, 2017. Pending final inspections per Fire, Health and Building Services.
32. Request to include video lottery terminals with the new 2017-18 Retail Malt Beverage License for Davlon Inc., business name to be determined, 400 North West Avenue, Suite 102, with Conditional Use Permit (6224-2017) being approved on February 1, 2017. Pending final inspections per Fire, Health and Building Services.
33. New 2018-19 Package Malt Beverage License for Grevco Inc., Shop N Cart North, 1029 North Minnesota Avenue (CUP not required; this is addition to an existing license).
34. Special One-Day Package Off-Sale Wine license for Rotary West to be operated at 4712 East Alpine Circle, for a fundraiser on December 22, 2017.
35. Special One-Day Malt Beverage and Special One-Day Wine License for Avera McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street, for a fundraiser on February 3, 2018.
36. Special One-Day Liquor License for Avera McKennan Foundation to be operated at Avera Prairie Center, 1000 East 23rd Street, for a fundraiser on April 13, 2018.
37. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2018 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

INTRODUCTION AND ADOPTION OF ORDINANCES

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. WEBER AVE. AND E. 7TH ST. FROM THE REC RECREATION DISTRICT TO THE LW LIVE-WORK DISTRICT, PETITION NO. 7457-2017, 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 LOCATED WEST OF S. TOWNSLEY AVE. AND SOUTH OF W. 85TH ST. FROM THE O OFFICE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT, PETITION NO. 7505-2017, 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 LOCATED SOUTH OF E. 57TH ST. AND WEST OF HIGHWAY 11 FROM THE AG AGRICULTURE DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 7519-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).
41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6506 AND 6512 S. VINTAGE PL. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 7584-2017, 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 LOCATED AT 1010 E. 9TH ST. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7593-2017, 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 LOCATED AT 7101, 7107, AND 7113 S. MAN CAVE PL. FROM THE O OFFICE DISTRICT TO THE RCD RESIDENTIAL CLUSTER DEVELOPMENT PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7618-2017, 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, SOUTH DAKOTA (THE CITY), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO PAY THE COSTS TO DESIGN, CONSTRUCT, EQUIP, AND FURNISH A NEW PARKING STRUCTURE TO INCLUDE APPROXIMATELY 520 PARKING SPACES AND RELATED IMPROVEMENTS TO BE LOCATED AT 110 S. MALL AVE. IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA (TOGETHER WITH SITE, STREET AND DRAINAGE IMPROVEMENTS, LANDSCAPING, AND RELATED FACILITIES AND EQUIPMENT) AND THE COST OF ISSUANCE THEREOF, AND PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE TO AN AMENDED AND RESTATED INDENTURE OF TRUST BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE BONDS IN AN AMOUNT SUFFICIENT (I) TO FUND A DEPOSIT OF BOND PROCEEDS IN AN AMOUNT NOT TO EXCEED \$16,500,000 TO A CONSTRUCTION FUND TO FINANCE SUCH PROJECT; (II) TO PAY COSTS OF ISSUANCE OF SUCH BONDS; AND (III) TO FUND CAPITALIZED INTEREST, IF ANY, AND A DEBT SERVICE RESERVE FUND.
45. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LEGACY DEVELOPMENT & CONSULTING COMPANY, LLC ALONG WITH OTHER DOCUMENTS, AMENDMENTS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE DEVELOPMENT AGREEMENT.

46. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND JOURNEY GROUP COMPANY FOR CONSTRUCTION MANAGER AT RISK SERVICES FOR THE PARKING RAMP AT THE CORNER OF 10TH ST. AND MALL AVE., ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.
47. A RESOLUTION AMENDING THE 2017 2021 CAPITAL PROGRAM.
48. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PERMANENT ACCESS AND PARKING EASEMENT BETWEEN THE CITY OF SIOUX FALLS AND EARTHBEND PROPERTIES, LLC AND RIVERVIEW HOLDINGS, LLC, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.
49. Deferred from the City Council Meetings of Tuesday, September 19, and Tuesday, November 7, 2017:A RESOLUTION VACATING A PORTION OF THE MALL AVENUE RIGHT-OF-WAY AS SHOWN ON EXHIBIT A.
50. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. Annexation 7107-2017 - Leubecher 2nd Addition (E. 69th St. & S. Bahnson Ave.).
51. A RESOLUTION AMENDING THE CITY OF SIOUX FALLS ENGINEERING DESIGN STANDARDS.
52. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, January 9, 2018, at 7 p.m. for Items 53 through 55:

53. A PROPOSED RESOLUTION VACATING A PORTION OF THE E. ARROWHEAD PARKWAY RIGHT-OF-WAY LYING ADJACENT TO LOT 2 OF TRACT A OF REDROCK PARK 2ND ADDITION.
54. A PROPOSED RESOLUTION VACATING A PORTION OF THE E. ARROWHEAD PARKWAY RIGHT-OF-WAY LYING ADJACENT TO BLOCK 65, CAPITOL HILL ADDITION.
55. A PROPOSED RESOLUTION VACATING A PORTION OF THE E. ARROWHEAD PARKWAY RIGHT-OF-WAY LYING ADJACENT TO LOT 2, LOT 1B, AND LOT 1A RED ROCK PARK SECOND 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)

56. REPORT OF THE NOVEMBER 30, 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.