

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, August 7, 2018 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Theresa Stehly

Council Member Janet Brekke

Council Member Christine M. Erickson

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Marshall Selberg

Council Member Curt Soehl

Council Member Pat Starr

Mayor Paul TenHaken

INVOCATION

&#9679; Alan Greene, Evangelist and Founder of LifeLight Communications

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

&#9679; Helpline Center Spirit of Volunteerism Award - Group Award: Soroptimist  
Sioux Falls Club

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, July 17, 2018, at 4 p.m.

&#9679; City Council Meeting of Tuesday, July 17, 2018, at 7 p.m.

&#9679; Joint City Council/Minnehaha County Commission Meeting of Tuesday, July

24, 2018, at 4 p.m.

&#9679; Informational Meeting of Tuesday, July 24, 2018, at 5 p.m.

&#9679; Special City Council Meeting of Tuesday, July 31, 2018, at 2:30 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the August 3, 2018, memo.
2. Approval of notice of change orders on the August 3, 2018, memo.
3. A communication was received from Whitney R. Owens requesting permission to consume, but not sell, liquor, wine and beer at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, August 18, 2018, pursuant to SDCL 35-1-5.5 for a wedding reception.
4. Report of Requests for Quotes for Fuel dated: July 13, 2018; 8,500 Gallons of Unleaded Ethanol; Stern Oil (\$2.3268); Midway Service, Cole s Petroleum, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Stern Oil.
5. Report of Requests for Quotes for Fuel dated: July 19, 2018; 15,000 Gallons #2 Dyed Diesel; Midway Service (\$2.2088); Stern Oil (\$2.2278); Cole s Petroleum, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.
6. Report of Requests for Quotes for Fuel dated: July 20, 2018; 8,500 Gallons of Unleaded Ethanol and 7,500 Gallons of #2 Dyed Diesel; Midway Service (\$2.2804 Unleaded & \$2.2125 Diesel #2); Stern Oil (\$2.3108 Unleaded & \$2.2344 Diesel); Cole s Petroleum, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.
7. Report of Requests for Quotes for Fuel dated: July 24, 2018; Unleaded Ethanol (480 Gallons); #2 Clear Diesel (370 Gallons); Midway Service (\$2.37 Unleaded & \$2.57 Diesel); Stern Oil (\$2.4474 Unleaded & \$2.6304 Diesel); Harms Oil, Howes Oil, Cole s Petroleum, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.
8. Sioux Area Metro. Report of Requests for Quotes for Fuel dated: July 24, 2018, 7,500 Gallons of #2 Clear Diesel; Harms Oil, (\$2.5892); Howes Oil (\$2.5795); CHS, Inc. and Midwest Oil, both no bid. Bid awarded to: Howes Oil.
9. Report of Requests for Quotes for Fuel dated: July 26, 2018; 8,500 Gallons Unleaded Ethanol; Midway Service (\$2.3593); Cole s Petroleum (\$2.3487); Stern Oil (\$2.3824); Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bids. Bid awarded to: Cole's Petroleum.

## APPLICATIONS

Recommendation for approval of abatement. The following application for abatement was deemed legally sufficient by the State's Attorney's Office for Minnehaha County and the City Attorney for Sioux Falls. Based upon the reason stated below, the Director of Equalization recommends the request for abatement be approved.

10. Northwest District of Wesleyan Church c/o The Ransom Church, Lot 1 Block 3 South Ridge Addition to the City of Sioux Falls, for 2017 property taxes in the amount of \$6,352.15. The property is exempt from the tax.

## NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 21, 2018, at 7 p.m. for Items 11 through 25:

11. New 2018-19 Retail Malt Beverage License for Rudy M. Navarrete s Tex-Mex Food, Rudy M. Navarrete s Tex-Mex Food, 2209 West 57th Street, with the Conditional Use Permit (8899-2018) being reviewed on August 8, 2018.
12. New 2018 Retail Wine License for Rudy M. Navarrete s Tex-Mex Food, Rudy M. Navarrete s Tex-Mex Food, 2209 West 57th Street, with the Conditional Use Permit (8899-2018) being reviewed on August 8, 2018.
13. New 2018-19 Retail Malt Beverage License for Winetime on Main LLC, Winetime on Main, 330 South Main Avenue (CUP not required).
14. Transfer of 2018 Package Liquor License from Lewis Drugs Inc, Lewis Drug, 2701 South Minnesota Avenue, to Lewis Drug #15, 2525 South Ellis Road, with the Conditional Use Permit (7728-2017) being approved on December 6, 2017.
15. Transfer of 2018 Retail Liquor License, with video lottery terminals, from D & K Enterprises LLC, Bigs Sports Bar & Billiards, 3100-3108-3110 West 12th Street, to M & K Enterprises LLC, Bigs Sports Bar, 3110 West 12th Street.
16. Transfer of 2018-19 Retail Malt Beverage License, with video lottery terminals, from Osmina Halilovic, Emina Sports Coffee Bar, 2309 West Madison Street, to Darinda Martinez, Business Name to be determined, 2309 West Madison Street, with Conditional Use Permit (8110-2018) being approved on March 7, 2018.
17. New 2018 Retail Wine License for Darinda Martinez, Business Name to be determined, 2309 West Madison Street, with Conditional Use Permit (8110-2018) being approved on March 7, 2018.

18. New 2018 Full-Service Restaurant On-Sale Liquor License for WR Hospitality LLC, 22Ten Kitchen & Cocktails, 2210 West 69th Street (CUP not required).
19. New 2019 Full-Service Restaurant On-Sale Liquor License for 212 Restaurant Group LLC, Roam Kitchen & Bar, 4521 West Empire Place (CUP not required).
20. Special One-Day Liquor License for Ramkota Companies Inc., to be operated at Avera Health, 1000 East 23rd Street, for a retirement event on August 30, 2018.
21. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizens Services Inc. to be operated at Active Generations, 2300 West 46th Street, for special events on September 13 and December 11, 2018.
22. Special One-Day Liquor Licenses for Sioux Falls Sports Authority to be operated at Minnehaha Country Club (course only), 3101 West 22nd Street, for a PGA Tour Champions Event to be held September 15-24, 2018.
23. Special One-Day Malt Beverage License and Special One-Day Wine Licenses for Interstate House of Pancakes, Rollin Pin Restaurant, to be operated at Camp Leif Ericson, 2301 East 26th Street, for a wedding reception on September 15, 2018.
24. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Joe Foss Squadron Commemorative Air Force to be operated at Maverick Air Center, 4201 North Maverick Place, for a fundraiser on September 22, 2018.
25. Special One-Day Malt Beverage License for Siouxland Heritage Museums to be operated at Pettigrew Home & Museum, 131 North Duluth Avenue, for History Happy Hour on October 25, 2018.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

26. Transfer of 2018 Retail Wine License from Envy Nails and Spa LLC, Envy Nails and Spa, 4521 East 26th Street, to Jada Le, Lux Nails and Spa, 4521 East 26th Street.
27. Transfer of 2018-19 Retail Malt Beverage License from Mali Abukku, Erik Futigu, 1122 North Weber Avenue, to Erik Futigu LLC, Erik Futigu, 1122 North Weber Avenue. Pending final inspection per Health.

28. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls to be operated at 417 South 2nd Avenue (northwest parking lot at the corner of 13th Street and 2nd Avenue), for an outdoor movie on August 30, 2018.
29. Special One-Day Malt Beverage and Special One-Day Wine License for Downtown Sioux Falls to be operated at the State Theatre, 316 South Phillips Avenue, for a fundraiser on October 12, 2018.
30. Special One-Day Liquor License for K & P Enterprises, The Nickel Spot to be operated in the parking lot at 2918 South Minnesota Avenue, for a special event on August 18, 2018.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

31. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1240 & 1246 E. 21ST ST. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, NO. 8743-2018, 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 7201 S. CLIFF AVE. FROM THE C-2 COMMERCIAL NEIGHBORHOOD STREETCAR DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT PETITION NO. 8731-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0) with the following condition: maximum building size of 35,000 sq. ft.
33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF N. MARION RD. AND SOUTH OF W. 54TH ST. N. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT TO THE RS SINGLE FAMILY RESIDENTIAL SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICTS, NO. 8720-2018, 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, REZONING PROPERTY LOCATED NORTH OF E. 69TH ST. AND WEST OF S. GRAYSTONE AVE. FROM THE CN CONSERVATION DISTRICT TO THE REC RECREATION DISTRICT, NO. 8691-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF S. HIGHLINE AVE. AND E. ARROWHEAD PKWY. FROM THE MH MANUFACTURED RESIDENTIAL HOUSING AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS TO THE CN CONSERVATION DISTRICT NO. 8690-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. BROKEN ARROW ST. AND N. BAHNSON AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8689-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF S. WESTPORT AVE. AND W. 10TH ST. FROM THE C-3 COMMERCIAL COMMUNITY DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8687-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. 41ST ST. AND S. SOUTHEASTERN AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8686-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. 6TH ST. AND N. CLEVELAND AVE. FROM THE RA-2, APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT TO THE CN CONSERVATION DISTRICT NO. 8685-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 401 S. JOLIET AVE. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT NO. 8684-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).
41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF S. LOUISE AVE. AND W. 95TH ST. FROM THE AG AGRICULTURAL DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT NO. 8749-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

Set a date of hearing and 2nd Reading for Tuesday, August 14, 2018, at 7 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL, SUBCHAPTER: ORGANIZATION AND PROCEDURE, SECTION 30.013, ORDER OF BUSINESS.

Set a date of hearing and 2nd Reading for Tuesday, August 21, 2018, at 7 p.m. for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING CHAPTER 161 TO BE ENTITLED SIOUX FALLS DOWNTOWN RAILYARD ENVIRONMENTAL OVERLAY DISTRICT.

Set a date of hearing and 2nd Reading for Tuesday, August 21, 2018, at 7 p.m. for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND APPROVING OFFER TO PURCHASE.

Set a date of hearing and 2nd Reading for Tuesday, August 28, 2018, at 5 p.m. at the Joint City Council/Minnehaha County Commission Meeting for Item 45:

45. 1st Reading: AN ORDINANCE AMENDING THE 2002 REVISED JOINT ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY REZONING PROPERTY AT THE W 350' OF THE S 400' OF THE N 1,378' OF THE E 560', LOT 1, OLSON S ADDITION, W1/2 NE1/4, SECTION 10-T101N-R50W, WAYNE TOWNSHIP, MINNEHAHA COUNTY, FROM THE A-1 AGRICULTURAL DISTRICT TO THE EMERALD PINES PLANNED DEVELOPMENT DISTRICT. The Minnehaha County Planning Commission recommends approval (7-0); the Sioux Falls Planning Commission recommends approval (4-1).

#### HEARINGS AND RESOLUTIONS

46. Deferred from the City Council Meeting of Tuesday, July 17, 2018:  
A RESOLUTION DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND AUTHORIZING THE LISTING THEREOF.

47. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT SHELVING TO MINNEHAHA COUNTY AND THE PARKER PUBLIC LIBRARY.

48. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF THE CITY.

49. A RESOLUTION SUPPORTING THE CANDIDACY OF MICHAEL HALL FOR A POSITION ON THE BOARD OF DIRECTORS OF THE SOUTH DAKOTA PUBLIC ASSURANCE ALLIANCE (SDPAA).

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)

50. REPORT OF THE JULY 18, 2018, 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.