

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, September 1, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Kermit L. Staggers  
Council Member Kenny Anderson Jr.  
Council Member Christine M. Erickson  
Council Member Michelle Erpenbach  
Council Member Greg Jamison  
Council Member Dean Karsky  
Council Member Rick Kiley  
Mayor Mike T. Huether

ABSENT

Council Member Rex Rolwing

INVOCATION

- Dr. Erich McCandless, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Childhood Cancer Awareness Month- September, 2015

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

MINUTES

- Budget Hearings Meeting of Tuesday, August 18, 2015, at 3 p.m.
- City Council Meeting of Tuesday, August 18, 2015, at 7 p.m.

- Joint City Council/Minnehaha County Commission Meeting of Tuesday, August 25, 2015, at 5:00 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the August 27, 2015 memo.
2. Approval of notice of change orders on the August 27, 2015 memo.
3. A communication was received from Anna Ayotte requesting permission to consume, but not sell, liquor, wine and/or malt beverages at The Old Courthouse Museum, 200 W. 6th St., on Saturday, September 12, 2015, from 11 a.m. to 6 p.m. pursuant to SDCL 35-1-5.5 for a wedding celebration.
4. The Stockyards Plaza, Inc. has requested permission to consume, but not sell, beer and wine at the Horsebarn, located at Falls Park, on Wednesday, September 23, 2015, pursuant to SDCL 35-1-5.5 for an informational meeting.
5. A communication was received from Natalie Fox requesting permission to consume, but not sell, beer, wine and liquor at The Old Courthouse Museum, 200 West 6th Street, on Saturday, October 24, 2015, pursuant to SDCL 35-1-5.5 for a wedding reception.
6. Report of Request for Quotes for Fuel dated August 24, 2015; #2 Dyed Diesel Fuel; 7,500 gallons; Cole's Petroleum (\$1.6250); Howes Oil (\$1.6280); Harms Oil (\$1.6350); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

#### APPLICATIONS

7. Special One-day Liquor license for Prairie Pasta, Johnny Carino s to be operated at the Old Courthouse Museum, 200 West 6th Street, for a wedding on September 17, 2015.
8. Special One-Day Liquor licenses for Hy-Vee Inc, All Occasions by Hy-Vee to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for weddings on September 19, October 3 and 10, 2015.
9. Special One-day Liquor license for Great Bear Recreation Park Inc., to be operated at Great Bear Recreation Park, 5901 East Rice Street, for a special event on October 23, 2015.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 15, 2015, at 7 p.m. for Items 10

through 19:

10. Transfer of 2015-16 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, Inc., The Little Cellar Wine Company, 2316-2318 South Louise Avenue (CUP not required).
11. Transfer of 2015 Retail Wine License from The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2316-2318 South Louise Avenue, to The Little Cellar, Inc., The Little Cellar Wine Company, 2316-2318 South Louise Avenue (CUP not required).
12. Transfer of 2015 Package Liquor License from The Little Cellar Wine Company LLC, The Little Cellar Wine Company, 2316-2318 South Louise Avenue, to The Little Cellar, Inc., The Little Cellar Wine Company, 2316-2318 South Louise Avenue (CUP not required).
13. Transfer of 2015-16 Retail Malt Beverage License from LFK Holdings Inc., Old Skoolz Winehouse & Pub, 921 East 8th Street, to Red Sea Pub LLC, Red Sea Pub, 921 East 8th Street (CUP not required).
14. Transfer of 2015 Retail Wine License from LFK Holdings Inc., Old Skoolz Winehouse & Pub, 921 East 8th Street, to Red Sea Pub LLC, Red Sea Pub, 921 East 8th Street (CUP not required).
15. Special One-Day Malt Beverage and Special One-Day Wine licenses for Kilian Community College to be operated at 300 East 6th Street, for a Chamber Mixer on September 22, 2015.
16. 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, A League of Your Own, 229 South Phillips Avenue, Atoley Salon, 317 South Phillips Avenue, Bead Co., 319 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue, Chelsea s Boutique, 321 South Phillips Avenue, Exposure Gallery & Studios, 401 N. Phillips Avenue, Great Outdoor Store, 201 East Tenth Street, Half Baked, 120 South Phillips Avenue, Lillians, 311 South Phillips Avenue, NV Salon Studio, 106 West 11th Street, Rehfeld s Art & Framing, 210 South Phillips Avenue, Say Anything Jewelry, 225 South Phillips Avenue, Simply Perfect, 401 East 8th Street #108, Sioux Falls Design Center, 108 West 11th Street, Sticks and Steel, 401 East 8th Street Suite 118, Urban Archeology, 126 North Phillips Avenue, Young & Richard s, 222 South Phillips Avenue, and Zandbroz, 209 South Phillips Avenue, for the First Friday Wine Walk on October 2, 2015.
17. Special One-Day Package Off-Sale Wine license for Downtown Sioux Falls, Inc. to be operated at Exposure Gallery & Studios, 401 North Phillips Avenue, for the First Friday Wine Walk on October 2, 2015.
18. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for weddings on September 26 and October 3, 2015.

19. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at the Sanford Research Center, 2301 East 60th Street North, for the Roosevelt Hall of Fame event on October 3, 2015.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adopt the Regular Agenda.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to amend the Regular Agenda by moving Item 47 before Item 46.

Vote to amend: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

#### PUBLIC INPUT

Bruce Danielson spoke regarding videotaping board meetings and City Council Working Sessions.

Greg Neitzert spoke regarding rezoning issues.

#### PETITIONS

20. CONDITIONAL USE PERMIT APPEAL (3096-2015): A CONDITIONAL USE PERMIT IN THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT WAS APPROVED TO ALLOW ON SALE ALCOHOL WITHIN 500 OF A SENSITIVE USE AT THE NORTHEAST CORNER OF W. 85TH ST. AND S. LOUISE AVE. (Approved at the August 5, 2015 Planning Commission Meeting with a vote of 8-Yes, 0-No).

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to approve Item 20.

Vote to approve: Roll Call: Yeses, Kermit L. Staggars, 1. Noes, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean

Karsky, Rick Kiley, 6.  
Motion Failed.

#### UNFINISHED BUSINESS

21. New 2015 Full-Service Restaurant On-Sale Liquor License, including Sunday sales certificate, for MRP/Sioux Falls DT, LLC, Mackenzie River Pizza Grill & Pub, 234 South Main Avenue (full service restaurant; CUP not required). Pending final inspections per Fire, Health, and Building Services.
22. New 2015 Retail Wine License, including video lottery terminals, for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.
23. New 2015-16 Retail Malt Beverage License, including video lottery terminals, for Crown Gaming Inc., Crown Casino Central II, 1721 South Minnesota Avenue, with Conditional Use Permit (3084-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.
24. New 2015 Retail Wine License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 7.5, 4713 East 26th Street, with Conditional Use Permit (2928-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.
25. New 2015-16 Retail Malt Beverage License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 7.5, 4713 East 26th Street, with Conditional Use Permit (2928-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Dean Karsky to approve Items 21, 24 and 25.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to defer Items 22 and 23 to the City Council Meeting on Tuesday, September 8, 2015, at 7 p.m.

Vote to defer: Roll Call: Yeses, Dean Karsky, Rick Kiley, 2. Noes, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 5.  
Motion Failed.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve Items 22 and 23.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 6. Noes, Rick Kiley, 1.

Motion Passed.

26. New 2015 Retail Wine License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10, Building 1 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.
27. New 2015-16 Retail Malt Beverage License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10, Building 1 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.
28. New 2015 Retail Wine License, including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10.5, Building 2 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.
29. New 2015-16 Retail Malt Beverage License, , including video lottery terminals, for Commonwealth Gaming & Holdings, Deuces Casino 10.5, Building 2 on a portion of the SW... Tract 1, Poulson s Addition and the SW... Tract 3A, Seubert s addition (general location Northeast corner of 85th Street and Louise Avenue) with Conditional Use Permit (3096-2015) being approved on August 5, 2015. Pending permits and final inspections per Fire, Health, and Building Services.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to deny Items 26-29.

Vote to deny: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

30. Special One Day Liquor License for River Greenway Hospitality, LLC, Hilton Garden Inn Downtown, to be operated at the CNA Building, 101 South Reid

Street, for Avery s Aces Bean Bag and Beer Benefit on September 12, 2015.

31. Special One-Day Malt Beverage License for Home Builders Association of the Sioux Empire to be operated at 6904 South Lyncrest Place, for a HBA Membership meeting on September 17, 2015.
32. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a Ribbon Cutting on September 1, 2015.
33. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at 2201 East Saint Charles Circle, for a private social on September 15, 2015.
34. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Bank Midwest, 225 South Minnesota Avenue, for a private social on September 17, 2015.
35. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Orthopedic Institute, 810 East 23rd Street, for a private social on October 3, 2015.
36. Special One-Day Liquor License for Broadwater Bar to be operated at 8th and Railroad Shopping Center back dock, 401 East 8th Street, for a wedding on October 23, 2015.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to approve Items 30-31 and Items 33-36.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., Kermit L. Staggars, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to withdraw Item 32.

Vote to withdraw: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY

S. OF W. 85TH ST. AND E. OF S. MEREDITH AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 3010-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 82-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 85TH ST. AND E. OF S. TALLGRASS AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 3029-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Jamison to adopt said Ordinance No. 83-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3520 S. GATEWAY LANE FROM THE C-3 COMMERCIAL COMMUNITY DISTRICT TO THE OFFICE DISTRICT, PETITION NO. 3104-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 84-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY S. OF W. 82ND ST. AND W. OF FUTURE S. BEAL AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 3105-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 85-15.



Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3801 W. TECHNOLOGY DR. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE RA-3, APARTMENT RESIDENTIAL HIGH-DENSITY DISTRICT, PETITION NO. 3106-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt Item 41.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Michelle Erpenbach, Dean Karsky, Rick Kiley, 4. Noes, Kenny Anderson Jr., Christine M. Erickson, Greg Jamison, 3.  
Motion Failed. Note: An ordinance requires five affirmative votes to pass per City Charter section 2.11(c).

42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NW CORNER OF W. 22ND ST. & S. TEA/ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN, RD-1 TWIN HOME/ DUPLEX RESIDENTIAL SUBURBAN, RD-2 TOWNHOME RESIDENTIAL SUBURBAN, AND OFFICE DISTRICTS, PETITION NO. 3107-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Ordinance No. 87-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 2013 SHAPE PLACES ZONING ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY FOR OFF-PREMISE (BILLBOARD) SIGN OPPORTUNITIES. Planning Commission recommends approval.

A motion was made by Council Member Rick Kiley and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 88-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, Kermit L. Staggers, 1.  
Motion Passed.

44. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING TITLE XV: LAND USAGE, CHAPTER 160: ZONING, SUBCHAPTERS DEFINITIONS AND FORM UT1: BASIC UTILITIES PERTAINING TO BASIC UTILITIES AND TOWER UTILITIES. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 89-15.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to amend by adding under Section 1 the title "Section 160.005(b) Definitions.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to amend the definition of Microcell by replacing A cell in a wireless communication network with A microcell tower is a wireless communication network and inserting the sentence, A microcell height should not exceed 35 ft. at the end of the definition.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to amend by adding the definition, Tower Height. The vertical distance above grade to the highest point at the tower, including the base pad and any antenna.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to amend by deleting the sentence in 160.392 (b)1 (A) (2), No ice bridges with all connections to the antenna support structure underground.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to amend by replacing Microcell with Microcell Tower in 160.392 (b)(3) and replacing 160.392 (b)(3)(A) with the following sentence: Microcell towers shall not be within a 600 radius of any other tower.

Vote to amend: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

Vote to adopt, with amendments: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

45. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS (\$365,500 for Parks and Recreation).

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 86-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

Item 47 was heard at this time, see item for action taken.

Set a date of hearing and 2nd Reading for Tuesday, September 8, 2015, at 7 p.m. for Item 46:

46. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 57: GARBAGE AND RECYCLING TO CHANGE THE COMPOSITION OF THE SOLID WASTE PLANNING BOARD.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, September 8, 2015, at 7 p.m. for Item 46.

Vote to set a date: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

47. A RESOLUTION AMENDING THE 2015 2019 CAPITAL PROGRAM.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Resolution No. 81-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 81-15

A RESOLUTION AMENDING THE 2015 2019 CAPITAL PROGRAM.  
BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD.

That the 2015 2019 Capital Program shall be amended as follows:

Parks and Recreation

Amend Capital Improvements Program Project No. 14009, Aquatic Facilities Development, by increasing the amount of funding by \$365,500 in 2015 to fund the cost of adding the outdoor splash pad to the Midco Aquatic Center. The additional funding will require an increase in appropriation that will be funded from the Sales/Use Tax Fund unobligated fund balance.

Date adopted: 09/01/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

48. A RESOLUTION ADOPTING WRITTEN FINDINGS BY THE CITY COUNCIL AUTHORIZING THE TOUCHMARK AT ALL SAINTS ADDITION PROPOSAL AND THE ISSUANCE OF ANY RELATED PERMIT BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSAL AND THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Resolution 82-15.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 6. Noes, 0.

Council Member Kermit L. Staggers was excused from the vote on this item.

Motion Passed.

RESOLUTION NO. 82-15

A RESOLUTION ADOPTING WRITTEN FINDINGS BY THE CITY COUNCIL AUTHORIZING THE TOUCHMARK AT ALL SAINTS ADDITION PROPOSAL AND THE ISSUANCE OF ANY RELATED PERMIT BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSAL AND THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE.

WHEREAS, a hearing to determine that there is no feasible and prudent alternative to the Touchmark at All Saints addition proposal based upon the consideration of all relevant factors, and that the program includes all possible planning to minimize harm to the historic property resulting from such use came before the City Council at its normal meeting time on Tuesday, August 18, 2015;

WHEREAS, the City conducted a public meeting, gave notice of the hearing as required by law, and gave consideration to all relevant factors;

WHEREAS, at the conclusion of the hearing, a motion authorizing the Touchmark at All Saints addition proposal and the issuance of any related permit, based upon the consideration of all relevant factors, and that there is no feasible and prudent alternative to the proposal and the program includes all possible planning to minimize harm to the historic property resulting from such use, was passed by the City Council;

WHEREAS, thereafter the above referenced motion, the City Council authorized the Sioux Falls City Attorney s Office to prepare written findings consistent

with said motion for discussion, review, and approval by the City Council;  
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the recitals above are adopted as findings along with the following:

FINDINGS:

1. The Touchmark at All Saints proposal is a project that involves a historic property that is included in the National and State Registers of Historic Places.
2. The Touchmark at All Saints proposal was reviewed by the Board of Historic Preservation (BoHP) on February 11, 2015, at which time the Board determined that the proposal, if approved, would have an adverse effect on the All Saints Historic District.
3. The Touchmark at All Saints proposal resubmitted modified drawings and images for a second review by the BoHP on March 11, 2015, at which time the Board determined the proposal would have an adverse effect on the All Saints Historic District.
4. On April 15, 2015, a case report was submitted to the South Dakota State Historic Preservation Office (SHPO).
5. On April 21, 2015, SHPO sent a letter to the City indicating that the proposed addition would encroach upon, damage, or destroy a historic property.
6. Touchmark at All Saints requested the City Council to make a final determination on their proposal.
7. Pursuant to SDCL 19A-11.1, the Sioux Falls City Council held a public hearing on August 18, 2015 to determine that there is no feasible and prudent alternative to the Touchmark at All Saints addition proposal based upon the consideration of all relevant factors, and that the program includes all possible planning to minimize harm to the historic property resulting from such use.
8. Touchmark at All Saints has the burden to show the absence of feasible and prudent alternatives.
9. The City Council heard testimony and presentation from City staff, representatives of Touchmark at All Saints, proponents and opponents of the project.
10. The City Council's review and consideration included, but was not limited to, the above referenced testimony and presentation; the Board of Historic Preservation Staff Report and Summary of Touchmark at All Saints Proposed Project; South Dakota Administrative Rule 24:52:07:04, Standards for New Construction and Additions in Historic Districts and The Secretary of the Interior's Standards for Rehabilitation; Board of Historic Preservation Meeting Minutes for February 11, 2015; Board of Historic Preservation Meeting Minutes for March 11, 2015; SHPO letter of February 19, 2015 and letter of April 21, 2015; SHPO SDCL 1-19A-11.1 Case Report; site plan and list of feasible and prudent alternatives, Touchmark at All Saints Phase III City Council Presentation; Touchmark Memorandum dated August 13, 2015; and letters in support of expansion.
11. Many alternatives to the addition proposal, design considerations and factors were analyzed by Touchmark's team of architects and engineers to minimize harm to the existing historic property and district which included, but was not limited to:
  - a. The addition will connect to the historic structure on the back side of the structure at the existing service entrance off of 18th Street;
  - b. The connection was proposed to be made with a one story connector from the historic structure;
  - c. Care was taken to preserve the view of the historic structure from the north entry drive with no connection to the historic structure on the north or east side;
  - d. The site chosen for the addition is on the part of the property with the flattest grade where there now is overflow parking which is the most feasible to build on, allowing for the entry drive and front lawn setting to remain unaltered;
  - e. The front lawns will continue to be open to the neighborhood for community

events;

f. Touchmark made changes to its design to more closely match the materials and details of the historic building by omitting all the stucco and replacing it with cultured stone as well as matching the colors, quoining, gable checkerboard and striped header details of the historic building;

g. Touchmark reduced the size of its original plan from 280 homes to 242, which represented a significant decrease in the overall financial strength of the project; and

h. Touchmark considered eliminating one floor from its design, but that was determined to not be financially viable.

12. The Touchmark at All Saints proposed addition will have a positive economic impact on the community and the growing need for senior housing.

13. There will be a dramatic need for additional senior housing.

14. This proposal will provide additional housing for seniors in need.

15. Touchmark made numerous changes to the exterior in response to the suggestions of the Board of Historic Preservation at significant additional cost.

16. Based upon consideration of all relevant factors, there are no feasible and prudent alternatives to the proposal and the program includes all possible planning to minimize harm to the historic property resulting from such use.

17. The Sioux Falls City Council authorizes the Touchmark at All Saints addition proposal and the issuance of any related permit.

18. The City of Sioux Falls may issue any permit consistent with this authorization after giving ten days notice by certified mail of this determination to the South Dakota State Historic Preservation Office.

19. The recorded minutes, video, supporting materials and testimony on Agenda Items 48, 49 and 50 of the August 18, 2015 Sioux Falls City Council Meeting are incorporated herein in support of any and all findings made herein.

Date adopted: 09/01/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

Council Member Greg Jamison left the meeting at this time.

49. A RESOLUTION APPROVING THE 2015-2016 BUDGET FOR THE SIOUX FALLS CONVENTION & VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT S BUDGET AND AMENDING THE 2014-2015 BUDGET.

A motion was made by Council Member Dean Karsky and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 85-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Dean Karsky, Rick Kiley, 6. Noes, 0.

Motion Passed.

RESOLUTION NO. 85-15

A RESOLUTION APPROVING THE 2015-2016 BUDGET FOR THE SIOUX FALLS CONVENTION &

VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT S BUDGET AND AMENDING THE 2014-2015 BUDGET.

WHEREAS, pursuant to Resolution No. 86-10, the City of Sioux Falls adopted a resolution of intent to establish the Sioux Falls Convention & Visitors Bureau Business Improvement District; and

WHEREAS, in accordance with SDCL Chapter Ch. 9-55 of the South Dakota Codified Laws, the CVB Business Improvement District has imposed an occupational tax of two dollars (\$2.00) per night per rented room for all lodging rooms within the CVB Business Improvement District to market and promote the visitor industry in the city of Sioux Falls and increase the room night sales of lodging facilities within the CVB Business Improvement District; and

WHEREAS, the CVB Business Improvement District Board of Directors has developed an annual budget which is subject to City Council approval;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the budget dated October 1, 2015, through September 30, 2016, and the amendment to the 2014-2015 Budget, which is attached hereto and made a part of this Resolution, is hereby approved.

Date adopted: 09/01/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

Council Member Greg Jamison returned to the meeting at this time.

50. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF LEGACY RIDGE ADDITION.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 83-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 83-15

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF LEGACY RIDGE ADDITION.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the preliminary plan of Legacy Ridge Addition to the City of Sioux Falls, Minnehaha County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 09/01/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

51. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF THE CITY FROM THE SCHEDULED CITY COUNCIL MEETING FOR TUESDAY, NOVEMBER 3, 2015, TO MONDAY, NOVEMBER 2, 2015.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution No. 84-15.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rick Kiley, 7. Noes, 0.  
Motion Passed.

RESOLUTION NO. 84-15

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF THE CITY FROM THE SCHEDULED CITY COUNCIL MEETING FOR TUESDAY, NOVEMBER 3, 2015, TO MONDAY, NOVEMBER 2, 2015.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the business to be conducted at the City Council meeting scheduled for 7 p.m. on Tuesday, November 3, 2015, will be rescheduled to 7 p.m., Monday, November 2, 2015.

This resolution is necessary as November 3, 2015, is the date for travel for those Council Members attending the National League of Cities Conference to be held on November 4 7, 2015, in Nashville, Tennessee.

Date adopted: 09/01/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad  
City Clerk

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)

52. REPORT OF THE AUGUST 27, 2015, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adjourn the meeting at 9:57 p.m.



Mayor Huether called for a voice vote. All members voted yes.  
Motion Passed.

Tamara Jorgensen, MMC  
Assistant City Clerk

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 AT 1:30 A.M. AND 9 A.M. ON THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.