

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, July 3, 2018, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT A BSENT

Council Member Marshall Selberg

Council Member Curt Soehl

Council Member Pat Starr

Council Member Theresa Stehly Council Member Christine M. Erickson

Council Member Janet Brekke

Council Member Rick Kiley

Council Member Greg Neitzert

Mayor Paul TenHaken

INVOCATION

Pastor Austin White, Celebrate Church

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PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

Singing of "God Bless America"

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SIOUXPERHERO Citizen Recognition Awards

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

Council Member Greg Neitzert requested that Item 23 be pulled from the Consent Agenda and placed for consideration on the Regular Agenda: David Holiday, 4212 S. Alpine Avenue, Abatement Number 2018-0091 for Parcel ID # 86941, for 2017 property taxes in the amount of \$1,462.93. Applicant did not apply for owner occupied.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

#### MINUTES

Informational Meeting of Tuesday, June 19, 2018, at 4 p.m.

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City Council Meeting of Tuesday, June 19, 2018, at 7 p.m.

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Informational Meeting of Tuesday, June 26, 2018, at 4 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,  
\* June 26, 2018, at 5 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the June 29, 2018, memo.

2. Approval of notice of change orders on the June 29, 2018, memo.

Report of Requests for Quotes for Fuel dated: June 15, 2018; 8,500 Gallons of Unleaded Ethanol; Midway Service (\$2.2656); Cole's Petroleum

3. (\$2.3650); Howes Oil (\$2.468); Stern Oil (\$2.2906); Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.

Report of Requests for Quotes for Fuel dated: June 19, 2018; 7,500 Gallons #2

4. Dyed Diesel; Midway Service (\$2.2360); Cole's Petroleum (\$2.2418); Harms Oil (\$2.2416); Howes Oil (\$2.315); Stern Oil (\$2.2466); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: June 21, 2018; 8,500 Gallons

5. of Unleaded Ethanol; Midway Service (\$2.2074); Cole's Petroleum (\$2.2088); Howes Oil (\$2.1975); Harms Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: June 27, 2018; 8,500 Gallons

6. of Unleaded Ethanol; Midway Service (\$2.2346); Cole's Petroleum (\$2.2593); Stern Oil (\$2.2784); Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.

#### APPLICATIONS

Special One-Day Liquor Licenses for Washington Pavilion Management Inc.,

7. Washington Pavilion of Arts & Sciences, 301 South Main Avenue, for special events on July 13 and September 1, 2018.

8. Various Retail Malt Beverage renewals for 2018-19 to be operated at various

locations in the City of Sioux Falls, SD, identified as Exhibit F.

The following applications for abatement were deemed legally sufficient by the State's Attorney's Office for Minnehaha County and the City Attorney for Sioux Falls. Based upon the reason(s) stated below, the Director of Equalization recommends the requests for abatement be approved.

Items 9 through 22: Applicants qualify for property exemption under SDCL 10-4-40.

9. Parcel # 41781, for 2017 taxes in the amount of \$1,521.19.
10. Parcel # 48016, for 2017 taxes in the amount of \$1,106.23.
11. Parcel # 48621, for 2017 taxes in the amount of \$637.63.
12. Parcel # 57931, for 2017 taxes in the amount of \$1,521.18.
13. Parcel # 67285, for 2017 taxes in the amount of \$441.77.
14. Parcel # 70699, for 2017 property taxes in the amount of \$1,521.15.
15. Parcel # 70806, for 2017 property taxes in the amount of \$1,521.18.
16. Parcel # 73267, for 2017 property taxes in the amount of \$1,521.16.
17. Parcel # 77889, for 2017 property taxes in the amount of \$560.32.
18. Parcel # 81978, for 2017 taxes in the amount of \$946.06.
19. Parcel # 89916, for 2017 property taxes \$1,521.20.
20. Parcel # 71214, for 2017 property taxes in the amount of \$608.47.
21. Parcel # 65658, for 2017 property taxes in the amount of \$1,521.17.
22. Parcel # 50939, for 2017 property taxes in the amount of \$1,275.31.

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 denied.

- David Holiday, 4212 S. Alpine Avenue, Abatement Number 2018-0091 for Parcel 23. ID # 86941, for 2017 property taxes in the amount of \$1,462.93. Applicant did not apply for owner occupied.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, July 17, 2018, at 7 p.m. for Items 24 through 32:

24. New 2018 Retail Wine License for Crystal Investments Inc., Black Diamond Casino, 5113 West 41st Street (CUP not required).
25. New 2018 Retail Wine License for Hoffberger Escape LLC, Escape 605, 119 West 10th Street (CUP not required).
26. New 2018-19 Retail Malt Beverage License for Hoffberger Escape LLC, Escape 605, 119 West 10th Street (CUP not required).

New 2018-19 Retail Malt Beverage License, requesting off-sale use only, for  
27. Sioux Falls Grocery 1, LLC, Pomegranate Market, 4815 South Louise Avenue  
(CUP not required).

New 2018 Retail Wine License, requesting off-sale use only, for Sioux Falls  
28. Grocery 1, LLC, Pomegranate Market, 4815 South Louise Avenue (CUP not  
required).

Special One-Day Malt Beverage License for El Riad Shriners to be operated at  
29. Nyberg's Ace, 200 East 12th Street parking lot, First Avenue  
between 11th Street & 14th Streets, East 12th Street & East 13th Street  
between First and Second Avenue, for a special event on August 11, 2018.

Special One-Day Liquor License for IJK Inc., Stogeez Cigar Lounge to be  
30. operated in the Avera Health IT parking lot, 212 East 11th Street, for  
Stogeez Steakout on July 28, 2018.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for  
31. Catering America to be operated at Avera Research Institute, 6001 South  
Sharon Avenue, for a ribbon cutting on August 7, 2018.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Multi-  
32. Cultural Center of Sioux Falls, 515 North Main Avenue, for a fundraiser on  
December 8, 2018.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Marshall Selberg and seconded by Council  
Member Rick Kiley to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr,  
Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes,  
0.

Motion Passed.

#### PUBLIC INPUT

Heather Pastor spoke about pursuing a civil matter and discrimination.

James Reed spoke about potholes in the road by HyVee on 10th Street and trying  
to assist Heather Pastor and others.

Scott Ehrisman spoke about religious freedom and invocations.

Katrina Lehr-McKinney spoke about zoning in the All Saints Neighborhood.

George Hamilton spoke about housing availability in the All Saints  
Neighborhood.

Jannelle Cain spoke about the proposed rezone at LifeScape.

Jim Johnson spoke about a letter he received from the City regarding the  
location of his garbage dumpsters needing to be enclosed and his responses to  
the letter.

Sierra Broussard spoke about massage therapists, her intent to post illegal activity on Facebook, and calling City departments.

Nancy Hansen spoke about the amount of time used for public input and recommending pursuing the process Ft. Worth, Texas, uses to address homelessness.

Brett Kruse spoke about the Mayor and Council's responses to public input.

Item 23 was heard at this time.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to recommend denial of Item 23.

Vote to recommend denial: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7.  
Noes, 0.

Motion Passed.

#### UNFINISHED BUSINESS

33. New 2018-19 Retail Malt Beverage License, requesting off-sale use only, for Aldi Inc., Aldi #22, 600 West 85th Street (CUP not required).

34. New 2018 Retail Wine License, requesting off-sale use only, for Aldi Inc., Aldi #22, 600 West 85th Street (CUP not required).

Transfer of 2018 Retail Liquor License from Bistros and More Inc, Old  
35. Chicago, 4301 West 41st Street, to Smokehouse Partners Inc., Cody's Smokehouse, 6401 South Louise Avenue (CUP not required).

36. New 2018-19 Retail Malt Beverage License for The Hideout LLC, The Hideout, 1213 North Cliff Avenue (CUP not required).

37. New 2018 Retail Wine License for The Hideout LLC, The Hideout, 1213 North Cliff Avenue (CUP not required).

Special One-Day Malt Beverage Licenses for Panacea Brewing Company to be  
38. operated at the 8th & Railroad Shopping Center parking lot, 401 East 8th Street, for special events on July 20 and September 28-29, 2018.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the  
39. Catholic Diocese of Sioux Falls Vocations Office to be operated at 3201 South Kiwanis Avenue, for a fundraiser on July 21, 2018.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for  
40. Stockyards Ag Experience, Stockyards Age Experience Barn, 301 East Falls Park Drive, for a special event on July 25, 2018.

Special One-Day Liquor License for the Zoological Society of Sioux Falls to  
41. be operated at the Great Plains Zoo & Delbridge Museum, 805 South Kiwanis Avenue, for a fundraiser on August 2, 2018.

Special One-Day Liquor License for PAVE LLC to be operated at the 8th &  
42. Railroad Shopping Center parking lot, 401 East 8th Street, for an outdoor concert on August 25, 2018.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Sister Cities to be operated at Avera IT parking lot, 230 South

43. Phillips Avenue, Fawick Park, 212 East 11th Street, and on South Second Avenue between East 10th Street and South Third Avenue, for Germanfest on September 8, 2018.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for

44. Catering America to be operated at 3708 Bertina Circle, for a donor social on September 13, 2018.

A motion was made by Council Member Pat Starr and seconded by Council Member Greg Neitzert to approve Items 33 through 44.

Vote to approve: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING

45. THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL, SUBCHAPTER: ORGANIZATION AND PROCEDURE, SECTION 30.015, ADDRESSING THE COUNCIL; TIME LIMIT.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Rick Kiley to adopt said Ordinance No. 55-18.

A motion was made by Council Member Theresa Stehly and seconded by Council Member Janet Brekke to amend the Ordinance by adding the following sentence to subsection (e): "This provision shall not be construed to restrict electronic or hardcopy photos from being presented by the public during a regular meeting."

Vote to amend: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING

PROPERTY LOCATED AT THE NORTHWEST CORNER OF W. 12TH ST. AND S. ELLIS RD. FRO

M

46. THE POPUD PEDESTRIAN-ORIENTED PLANNED UNIT DEVELOPMENT DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 8447-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Curt Soehl to adopt said Ordinance No. 56-18.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTH OF W. 32ND ST. AND EAST OF S. ELLIS RD. FROM THE LW 47. LIVE-WORK DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO. 8463-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to adopt said Ordinance 57-18.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF W. 26TH ST. AND S. ELLIS RD. 48. FROM THE LW LIVE-WORK DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 8537-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Pat Starr to adopt said Ordinance No. 58-18.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2605 AND 2609 S. CAROLYN AVE. FROM THE C- 49. 4 COMMERCIAL-REGIONAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITIO N NO. 8549-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Marshall Selberg and seconded by Council Member Rick Kiley to adopt said Ordinance No. 59-18.

Vote to adopt: Roll Call: Yeses, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, Rick Kiley, Greg Neitzert, 7. Noes, 0.

Motion Passed.

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 JUNE 15, 2018, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Pat Starr and seconded by Council Member Curt Soehl to adjourn the meeting at 8:48 p.m.

Mayor Paul TenHaken 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, 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.