

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, May 15, 2018, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT ABSENT

Council Member Janet Brekke

Council Member Christine M. Erickson

Council Member Greg Neitzert

Council Member Rick Kiley

Council Member Marshall Selberg

Council Member Curt Soehl

Council Member Pat Starr

Council Member Theresa Stehly

Mayor Paul TenHaken

INVOCATION

Pastor Brian Reynoldson, Celebrate Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

National Infrastructure Week - May 14-21, 2018

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RECOGNITION/AWARDS

Council Chair Rick Kiley

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A request was made by Council Member Christine M. Erickson to move the following agreement from Item 1 to the Regular Agenda for discussion: Attorney;

Professional Services Agreement Post Action Report; Woods, Fuller, Shultz, & Smith; \$10,000.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, May 8, 2018, at 4 p.m.

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City Council Meeting of Tuesday, May 8, 2018, at 7 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the May 11, 2018, memo.

Report of Requests for Quotes for Fuel dated: May 3, 2018; 8,500 Gallons Unleaded Ethanol and 7,500 Gallons #2 Dyed Diesel; Midway Service (\$2.2404

2. Unleaded & \$2.2608 Dyed Diesel); Cole's Petroleum (\$2.2305 Unleaded & \$2.4450

Dyed Diesel); Howes Oil (\$2.2840 Unleaded & \$2.3025 Dyed Diesel); Stern Oil (\$2.2665 Unleaded & \$2.2739 Dyed Diesel); Harms Oil, CHS, Inc., and Olson

Oil, all no bid. Bid awarded to: Midway Service.

Report of Requests for Quotes for Fuel dated: May 4, 2018; 4,000 Gallons Unleaded Ethanol and 4,000 Gallons #2 Dyed Diesel; Midway Service (\$2.2523

3. Unleaded & \$2.2570 Dyed Diesel); Stern Oil (\$2.2956 Unleaded & \$2.2640 Dyed Diesel); Cole's Petroleum, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, al

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no bid. Bid awarded to: Midway Service.

Sioux Area Metro Report of Requests for Quotes for Fuel dated: May 7, 2018; 7,500 Gallons 25/75 Blend #1 and #2 Clear Diesel; Howes Oil (\$2.9465 #1

4. Clear Diesel & \$2.7265 #2 Clear Diesel); CHS, Inc. (\$2.765 #1 Clear Diesel & \$2.615 #2 Clear Diesel); Harms Oil and Midwest Oil, both no bid. Bid awarded to: CHS, Inc.

Report of Requests for Quotes for Fuel dated: May 8, 2018; 950 Gallons of #2

5. Dyed Diesel; Midway Service (\$2.3885); Howes Oil (\$2.4170); Stern Oil (\$2.4572); Cole's Petroleum, Harms Oil, CHS, Inc., and Olson Oil, all no bid.

Bid awarded to: Midway Service.

A communication was received from Geri McKenna requesting permission to

6. consume, but not sell, liquor, wine, and beer at the Old Courthouse Museum, 200 W. 6th St., on Saturday, May 11, 2019, for a wedding reception.

APPLICATIONS

7. Various Retail Malt Beverage renewals for 2018-19 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.

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

Leland H. and Marjorie K. Klostergaard, 4423 E. 28th St., for 2017 property taxes in the amount of \$924.73. The amount requested is the difference between the elderly freeze and the non-elderly freeze.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, June 5, 2018, at 7 p.m. for Items 9 through 16:

New 2018-19 Retail Malt Beverage License for Trivedi Oil LLC, Kota Korner, 9. 900 North Sycamore Avenue, with Conditional Use Permit (8325-2018) being approved on May 3, 2018.

Request to include video lottery terminals with the new 2018-19 Retail Malt Beverage License for Trivedi Oil LLC, Kota Korner, 900 North Sycamore Avenue, with Conditional Use Permit (8325-2018) being approved on May 3, 2018.

New 2018 Retail Liquor License for Harrisburg Crossing LLC, Harrisburg Crossing LLC, 5801 East 41st Street, with Conditional Use Permit (8202-2018) being approved on April 4, 2018.

12. New 2018 Package Liquor Delivery License for B & L Group Investments LLC, Fogies Liquor Gallery, 5020 South Marion Road.

Transfer of 2018 Retail Liquor License, including Sunday sales and video lottery terminals, from Pave LLC, Pave, 130 South Phillips Avenue, to Pave LLC, Pave, 130 South Phillips Ave and Level 2 of 136 South Phillips Ave.

Special One-Day Malt Beverage and Special One-Day Wine License for Catering America, Chef Dominique's Catering to be operated at Reliabank, 608 West 86th Street, for an open house on September 6, 2018.

Special One-Day Malt Beverage License for The Banquet to be operated at Cliff Avenue Greenhouse & Garden Center, 2101 East 26th Street, for a fundraiser on October 4, 2018.

Special One-Day Malt Beverage License for Panacea Brewing Company LLC, Remedy Brewing Company to be operated in the 8th & Railroad Center parking lot, 401 East 8th Street, for a Feeding South Dakota fundraiser on July 8 & 9, 2018.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Pat Starr to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Bob Kolbe spoke about politics and the lack of availability to public access broadcasting for those without cable.

Carlton Retzleff welcomed the new Council Members and the Mayor to the City Council and spoke about the lack of bus service on Sundays.

David Zokaites introduced himself to the Mayor and new Council Members and spoke about opportunities for the City Council.

Steven Siano spoke about being disabled, a government-led assault on him, accountability, consequences, and transparency.

John Allmont described how a request from the city for sandbags to control poor drainage resulted in a city truck causing damage to his driveway. He requested compensation from the city to repair the damage.

Bruce Danielson spoke about the work of Sylvia Henkin as an advocate for the disabled and as a former City Commissioner. He recommended the City Council pass a resolution to list all former Sioux Falls elected officials.

Item 1 was heard at this time.

Council Member Janet Brekke disclosed that her daughter is an associate at Woods, Fuller, Shultz, & Smith and excused herself from the meeting pursuant to Section 30.017 of the Code of Ordinances.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Pat Starr to approve the following item from Agenda Item 1: Attorney; Professional Services Agreement Post Action Report; Woods, Fuller, Shultz, & Smith; \$10,000.

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

Motion Passed.

UNFINISHED BUSINESS

New 2018 Retail Liquor License for Main and Main LLC, Courtyard by
17. Marriott, 4300 West Empire Place (CUP not required; this is an addition to an existing license).

New 2018-19 Retail Malt Beverage License, with video lottery terminals, for
18. Lida Investment Corp, Easy Dough Casino, 2309 West 12th Street (CUP not required, this is an addition to an existing license).

New 2018-19 Retail Malt Beverage License for Leslie Reyes, Jacky's Burrito
19. Express, 2315 West 12th Street, with Conditional Use Permit (7632-2017) being approved on December 6, 2017.

New 2017-18 Retail Malt Beverage License for Siwakoti Brothers LLC,
20. Himalayan Indian Cuisine, 5310 East Arrowhead Parkway (CUP not required; full service restaurant). Pending final inspections per Fire, Health and Building Services.

New 2018 Retail Wine License for Siwakoti Brothers LLC, Himalayan Indian

21. Cuisine, 5310 East Arrowhead Parkway (CUP not required; full service restaurant). Pending final inspections per Fire, Health and Building Services.

Special One-Day Malt Beverage License for Full Circle Sandwich Kitchen LLC,
22. Bread & Circus Sandwich Kitchen to be operated at Riverdale Park, 2000 East 24th Street, for a Bean Bag Tournament on May 27, 2018.

Special One-Day Liquor License for TNT Entertainment, Wiley's Tavern to be
23. operated in the parking lot at 320 North Main Avenue, for a bike show/
concert on June 9, 2018.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for
24. Stockyards Ag Experience, Stockyards Ag Experience Barn, 301 East Falls
Park Drive, for donor receptions on June 19 and 26, 2018.

A motion was made by Council Member Christine M. Erickson and seconded by
Council Member Rick Kiley to approve Items 17 through 24.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for
Item 25:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
LOCATED AT 117 S. GARFIELD AVE. FROM THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN
25. DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL-TRADITIONAL DISTRICT PETITION

NO. 8302-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX
FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member
Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, June 5,
2018, at 7 p.m. for Item 25.

Vote to set a date: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg
Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly,
8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for
Item 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY
LOCATED NORTH OF W. BENSON RD. AND WEST OF N. WESTPORT AVE. FROM THE O OFFIC
E

26. DISTRICT TO THE C-4 COMMERCIAL-REGIONAL, I-1 LIGHT INDUSTRIAL, AND CN
CONSERVATION DISTRICTS PETITION NO. 8312-2018, AND AMENDING THE OFFICIAL
ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approv
al
(6-0).

A motion was made by Council Member Greg Neitzert and seconded by Council

Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 26.

Vote to set a date: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2122 AND 2124 S. DULUTH AVE. FROM THE RD-1 TWIN HOME/DUPLEX
27. RESIDENTIAL-SUBURBAN DISTRICT TO THE RT-1 SINGLE FAMILY
RESIDENTIAL-TRADITIONAL DISTRICT PETITION NO. 8313-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 27.

Vote to set a date: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF N. SIX MILE RD. AND NORTH OF E. 10TH ST. FROM THE RS
28. SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX
RESIDENTIAL-SUBURBAN DISTRICT PETITION NO. 8324-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 28.

Vote to set a date: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6220 AND 6224 S. CIMARRON PL. FROM THE RS SINGLE-FAMILY
RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX
29. RESIDENTIAL-SUBURBAN DISTRICT PETITION NO. 8364-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0) with the following condition: required front yard of 20 feet.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 29.

Vote to set a date: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 30. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING, SUBCHAPTER: PUD PLANNED UNIT DEVELOPMENT REGULATIONS. Planning Commission recommends approval (6-0).

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 30.

Vote to set a date: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 31:

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, June 5, 2018, at 7 p.m. for Item 31.

Vote to set a date: Roll Call: Yeses, Janet Brekke, Christine M. Erickson, Greg Neitzert, Rick Kiley, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, 8. Noes, 0.

Motion Passed.

NEW BUSINESS

Mayor Paul TenHaken excused himself from the meeting for Items 32 through 34 and Council Chair Rick Kiley assumed the role of Presiding Officer for said items.

32. ELECTION OF CITY COUNCIL CHAIR.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Greg Neitzert to nominate Council Member Christine M. Erickson for the position of City Council Chair.

Council Chair Rick Kiley called for a voice vote. All members voted yes.

Motion Passed.

33. ELECTION OF CITY COUNCIL VICE CHAIR.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Christine M. Erickson to nominate Council Member Marshall Selberg for the position of City Council Vice Chair.

Council Member Rick Kiley called for a voice vote. All members voted yes.

Motion Passed.

34. ELECTION OF 4TH MEMBER TO CITY COUNCIL OPERATIONS COMMITTEE.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Curt Soehl to nominate Council Member Janet Brekke for the position of 4th Member to the City Council Operations Committee.

Council Member Rick Kiley called for a voice vote. All members voted yes.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Pat Starr and seconded by Council Member Christine M. Erickson to adjourn at 8:08 p.m.

Mayor Paul TenHaken called for a voice vote. All members voted yes.

Motion Passed.

Thomas M. Greco

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. 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.