

MINUTES

Regular City Council Meeting

Tuesday, December 4, 2018 at 7:00 PM

Carnegie Town Hall, 235 West 10th St., Sioux Falls, South Dakota 57104

CALL TO ORDER

Mayor Paul TenHaken called the meeting to order at 7:00 p.m.

1. MEETING ROLL CALL

Present: Council Member Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Theresa Stehly, Council Member Janet Brekke, Council Member Christine M. Erickson, Council Member Rick Kiley, Mayor Paul TenHaken

Absent: None

2. INVOCATION

Rev. Randall Gehring, Our Savior's Lutheran Church

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3. PLEDGE OF ALLEGIANCE

4. AWARDS & RECOGNITIONS

Human Rights Day Essay Winners

*

CONSENT AGENDA

5. APPROVAL OF THE CONSENT AGENDA

A motion was made by Council Member Erickson and seconded by Council Member Selberg to approve the Consent Agenda.

A request was made by Council Member Pat Starr to place Sub-Item 17 to Item 1 on the Regular Agenda for discussion.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to amend the Consent Agenda by changing the effective date from January 7, 2018, to January 7, 2019, in items 14, 15, 16, and 17.

Roll call vote to amend. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

Roll call vote to approve, as amended. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

6. APPROVAL OF MINUTES

Informational Meeting of Tuesday, November 20, 2018

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City Council Meeting of Tuesday, November 20, 2018

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Joint Sioux Falls City Council/Minnehaha County Commission
* Meeting of Tuesday, November 27, 2018

COMMUNICATIONS

7. Approval of contracts/agreements on the November 30, 2018, memo.

8. Approval of notice of change orders on the November 30, 2018, memo.

Report of Requests for Quotes for Fuel dated: November 15, 2018; Unleaded
9. Ethanol (8,500 Gallons); Cole's Petroleum (\$1.976); Midway Service, Stern Oil
,
CHS, Inc, Olson Oil, Harms Oil, and Howes Oil, all no bid. Bid awarded to:
Cole's Petroleum.

Sioux Area Metro. Report of Requests for Quotes for Fuel dated: November
14, 2018; 7,500 Gallons of 50/50 Blend of #1 and #2 Clear Diesel; Howes Oil
10. (#1 Clear Diesel (\$2.82) and #2 Clear Diesel (\$2.555); CHS, Inc., Harms
Oil, Petroleum Traders, and Midwest Oil, all no bids. Bid awarded to: Howes
Oil.

Report of Requests for Quotes for Fuel dated: November 20, 2018; #1 Dyed
Diesel (3,750 Gallons) and #2 Dyed Diesel (3,750 Gallons); Cole's Petroleum
11. (\$2.5528 #1 Dyed Diesel & \$2.2350 #2 Dyed Diesel); Stern Oil (\$2.6036 #1 Dye
d
Diesel & \$2.2436 #2 Dyed Diesel); Midway Service, Harms Oil, Howes Oil, CHS,
Inc., and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

Report of Requests for Quotes for Fuel dated: November 23, 2018; 8,500 Gallo
ns
12. of Unleaded Ethanol; Cole's Petroleum (\$1.9443); Howes Oil (\$2.3660); Midway
Services, Harms Oil, Stern Oil, CHS, Inc. and Olson Oil, all no bid. Bid
awarded to: Cole's Petroleum.

APPLICATIONS

Various Retail Liquor, Package Liquor, and Retail Wine License renewals for
13. 2019 to be operated at various locations in the City of Sioux Falls, SD,
identified as Exhibit D.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 18, 2018. Transfer of 2019
14. Retail Liquor License from Nelson Landing Inc., Falls Landing Bar & Grill,
200 East Eighth Street, to Village River Group LLC, Village on the River,
140 East 10th Street, effective on January 7, 2018. (CUP not required).

Set a date of hearing for Tuesday, December 18, 2018. New 2018-19 Retail
15. Malt Beverage License for Nelson Landing Inc., Falls Landing Bar & Grill,
200 East Eighth Street, effective January 7, 2018 (CUP not required).

Set a date of hearing for Tuesday, December 18, 2018. Request to include
16. video lottery terminals with the new 2018-19 Retail Malt Beverage License
for Nelson Landing Inc., Falls Landing Bar & Grill, 200 East Eighth Street,
effective January 7, 2018.

Set a date of hearing for Tuesday, December 18, 2018. New 2019 Retail Wine
17. License for Nelson Landing Inc., Falls Landing Bar & Grill, 200 East Eighth
Street, effective January 7, 2018 (CUP not required).

Set a date of hearing for Tuesday, December 18, 2018. Special One-Day Malt
18. Beverage and One-Day Wine licenses for Butterfly House & Aquarium, 4320
South Oxbow Avenue, for a networking event on January 17, 2019.

Set a date of hearing for Tuesday, December 18, 2018. Special One-Day
19. Liquor License for Butterfly House & Aquarium, 4320 South Oxbow Avenue, for
a fundraiser on February 8, 2019.

REGULAR AGENDA

20. APPROVAL OF THE REGULAR AGENDA

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

A motion was made by Council Member Stehly and seconded by Council Member
Erickson to amend the Regular Agenda by moving Item 44 immediately before Item
40.

Roll call vote to amend. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly,
Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

Roll call vote to approve, as amended. 8 Yes: Neitzert, Selberg, Soehl, Starr,
Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

21. PUBLIC INPUT

John Cunningham spoke about the President's recent visit and the disadvantages
of political party loyalty.

Scott Ehrisman spoke about an alcohol license for Village on the River,
funding public projects, user fees, internal audit, and paying for the aspects
of the President's recent visit.

Catherine Riffle spoke about the need for shelters during the winter months and
her commitment to advocating for the homeless.

Tim Stanga spoke about decorum at the last City Council Meeting and time limits
for Council debate.

Sub-Item 17 to Item 1 was heard at this time.

A motion was made by Council Member Starr and seconded by Council Member
Neitzert to approve Sub-Item 17 to Item 1.

Roll call vote to approve. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly,
Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

UNFINISHED BUSINESS

22. New 2019 Retail Wine License for Crown Gaming Inc., Crown Casino 41 II,
2516 West 41st Street, Suite 200.

New 2019 Retail Wine License for Storm Clinic Prof. LLC, Storm Clinic, 7000
23. South Lyncrest Place, with the Conditional Use Permit (9450-2018) being
approved on November 7, 2018. Pending final inspections per Fire, Health

and Building Services.

24. New 2019-20 Retail Malt Beverage License for Storm Clinic Prof. LLC, Storm Clinic, 7000 South Lyncrest Place, with the Conditional Use Permit (9450-2018) being approved on November 7, 2018. Pending final inspections per Fire, Health and Building Services.

25. Transfer of 2018 Retail Wine License from Jada Le, Lux Nails and Spa, 4521 East 26th Street, to Lux Nails and Spa LLC, Lux Nails and Spa, 4521 East 26th Street.

26. Renewal of 2019 Retail Wine License for Lux Nails and Spa LLC, Lux Nails and Spa, 4521 East 26th Street.

27. Transfer of 2018 Convention Center Liquor License from Sioux Falls Convention Arena Catering Inc., Sheraton Sioux Falls Hotel, 1211 North West Avenue, to JDHQ Hotels LLC, Sheraton Sioux Falls & Convention Center, 1211 North West Avenue.

28. Renewal of 2019 Convention Center Liquor License for JDHQ Hotels LLC, Sheraton Sioux Falls & Convention Center, 1211 North West Avenue.

29. Transfer of 2018 Retail Liquor License from Frerichs Inc., Stoplight Lounge, 2501 East Tenth Street, to Blackstreet Partners LLC, 2101 West 69th Street, Suite 101, with Conditional Use Permit (9426-2018) being approved on November 7, 2018. Pending final inspections per Fire, Health and Building Services.

30. Renewal of 2019 Retail Liquor License for Blackstreet Partners LLC, 2101 West 69th Street, Suite 101. Pending final inspections per Fire, Health and Building Services.

31. Rescind 2018-19 Retail Malt Beverage License, effective, December 31, 2018, issued to Commonwealth Gaming & Holding Co., Deuces Casino 6, 510 South Valley View Road.

32. Transfer of 2019 Retail Liquor License, including video lottery terminals, from 50/50 Holdings Inc., Deuces Casino 9, 2601 South Carolyn Avenue, to Commonwealth Gaming & Holdings Co, Deuces Casino 6, 510 South Valley View Road, Suite 1 (CUP not required).

33. Special One-Day Malt Beverage and Special One-Day Wine Licenses for T Slat, JJ's Wine, Spirits, & Cigars to be operated at Sanford Imagnetics, 1321 West 22nd Street, for a holiday party on December 20, 2018.

A motion was made by Council Member Starr and seconded by Council Member Erickson to approve Items 22 through 33.

Roll call vote to approve. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

34. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2019 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

A motion was made by Council Member Starr and seconded by Council Member Stehly to defer Item 34 to the City Council Meeting of Tuesday, December 18, 2018.

Roll call vote to defer. 1 Yes: Starr; 7 No: Neitzert, Selberg, Soehl, Stehly,

Brekke, Erickson, Kiley. Motion Failed.

A motion was made by Council Member Neitzert and seconded by Council Member Kiley to approve Item 34.

Roll call vote to approve. 7 Yes: Neitzert, Selberg, Soehl, Stehly, Brekke, Erickson, Kiley; 1 No: Starr. Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF
35. 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 Brekke and seconded by Council Member Stehly to withdraw Item 35.

Roll call vote to withdraw. 3 Yes: Starr, Stehly, Brekke; 5 No: Neitzert, Selberg, Soehl, Erickson, Kiley. Motion Failed.

A motion was made by Council Member Brekke and seconded by Council Member Stehly to defer Item 35 to the meeting of Tuesday, January 2, 2018.

A motion was made by Council Member Stehly and seconded by Council Member Starr to amend the motion to defer by striking "2" and inserting "8" for the date.

Roll call vote to amend. 6 Yes: Neitzert, Selberg, Starr, Stehly, Brekke, Kiley; 2 No: Soehl, Erickson. Motion Passed.

Roll call vote to defer. 3 Yes: Starr, Stehly, Brekke; 5 No: Neitzert, Selberg, Soehl, Erickson, Kiley. Motion Failed.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt said Ordinance No. 115-18.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to amend by striking "30 minutes" and inserting "60 minutes" from paragraph b.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to amend the amendment by substituting in the exhibit labeled "ord0286a".

Roll call vote to amend the amendment. 5 Yes: Neitzert, Selberg, Soehl, Erickson, Kiley; 3 No: Starr, Stehly, Brekke. Motion Passed.

A motion was made by Council Member Stehly and seconded by Council Member Starr to amend by striking "60 minutes and inserting "45 minutes".

Roll call vote to amend. 4 Yes: Neitzert, Starr, Stehly, Brekke; 4 No: Selberg, Soehl, Erickson, Kiley. Mayor TenHaken broke the tie by voting No. Motion Failed.

Roll call vote to adopt. 5 Yes: Neitzert, Selberg, Soehl, Erickson, Kiley; 3 No: Starr, Stehly, Brekke. Motion Passed.

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT TH

SOUTHEAST CORNER OF E. AUSTIN ST. AND N. SHERMAN AVE. FROM THE RT-1 SINGLE-FAMILY

36. RESIDENTIAL-TRADITIONAL DISTRICT RT-2 TOWNHOME RESIDENTIAL-TRADITIONAL AND RA-

1 APARTMENT RESIDENTIAL-LOW-DENSITY DISTRICTS TO THE S-1 GENERAL INSTITUTIONAL

DISTRICT NO. 9430-2018, 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 Selberg and seconded by Council Member Kiley to adopt said Ordinance No. 110-18.

Roll call vote to adopt. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE

NORTHEAST CORNER OF E. 26TH ST. AND S. HIGHLINE AVE. FROM THE REC RECREATION

37. DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICTS NO. 9477 -

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 Erickson and seconded by Council Member Selberg to adopt said Ordinance No. 111-18.

Roll call vote to adopt. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

38. AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO ELECTRIC RATES.

A motion was made by Council Member Kiley and seconded by Council Member Neitzert to adopt said Ordinance No. 112-18.

Roll call vote to adopt. 7 Yes: Neitzert, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Selberg was absent for the vote. Motion Passed.

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF

39. ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES, SUBCHAPTER STORM DRAINAGE AND SUBCHAPTER STORM WATER DRAINAGE SYSTEM IMPROVEMENT COST RECOVERY.

A motion was made by Council Member Erickson and seconded by Council Member Soehl to adopt said Ordinance No. 113-18.

Roll call vote to adopt. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

Item 44 was heard at this time. See item for action taken.

40. AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING SECTIONS 51.081 AND 51.081.01 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO WASTEWATER.

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adopt said Ordinance No. 114-18.

Roll call vote to adopt. 7 Yes: Neitzert, Selberg, Soehl, Starr, Brekke, Erickson, Kiley; 1 No: Stehly. Motion Passed.

ORDINANCE FIRST READINGS

Set a date of 2nd Reading for Tuesday, December 11, 2018. AN ORDINANCE OF 41. THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 57: GARBAGE AND RECYCLING.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to set a date of 2nd Reading for Tuesday, December 11, 2018.

Roll call vote to set a date of 2nd Reading. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF 42. THE CITY FROM THE SCHEDULED CITY COUNCIL MEETING FOR TUESDAY, FEBRUARY 5, 2019, TO MONDAY, FEBRUARY 4, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adopt said Resolution No. 104-18.

Roll call vote to adopt. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

RESOLUTION NO. 104-18

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, RESCHEDULING THE BUSINESS OF THE CITY FROM THE SCHEDULED CITY COUNCIL MEETING FOR TUESDAY, FEBRUARY 5, 2019, TO MONDAY, FEBRUARY 4, 2019.

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, February 5, 2019, will be rescheduled to 7 p.m. on Monday, February 4, 2019.

This resolution is necessary as February 5, 2019, is the date of travel for City Council members and the start of events for the 2019 Municipal Government Day at the State Legislature in Pierre, SD.

The corresponding Informational and Committee Meetings will be rescheduled as noted above.

Date adopted: 12/04/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

43. A RESOLUTION AMENDING THE CITY OF SIOUX FALLS ENGINEERING DESIGN STANDARDS.

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adopt said Resolution No. 105-18.

Roll call vote to adopt. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

RESOLUTION NO. 105-18

A RESOLUTION AMENDING THE CITY OF SIOUX FALLS ENGINEERING DESIGN STANDARDS.

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 City of Sioux Falls Engineering Design Standards adopted by Resolution 107-99 are hereby amended by revising Chapter 8, Street Design and Pavement Thickness, Chapter 10, Water Mains, Chapter 11, Drainage Improvements, Chapter 12, Erosion and Sediment Control, Chapter 13 Plan Submittals, Chapter 15, Roadway Lighting, and Chapter 16, Accessible Sidewalk Requirements. The revised chapters are attached to this resolution by reference.

Date adopted: 12/04/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

A RESOLUTION TO AMEND AND RESTATE RESOLUTION 109-17 TO ADOPT AS A GOAL THAT THE CITY MAINTAIN AN 11 PERCENT MONTHLY UNRESTRICTED CASH BALANCE AND A 25 PERCENT GENERAL FUND RESERVE BALANCE AT YEAR-END; THAT FUTURE BUDGETS OF THE CITY BALANCE WITHOUT THE USE OF UNOBLIGATED RESERVE BALANCES; AND ESTABLISHING A CITY COUNCIL POLICY REGARDING THE USE OF PROJECTED REVENUE FROM FEE OR TAX INCREASES IN ANY BUDGET ADOPTED BY THE CITY COUNCIL.

A motion was made by Council Member Stehly and seconded by Council Member Brekke to approve Item 44.

Roll call vote to approve. 1 Yes: Stehly; 7 No: Neitzert, Selberg, Soehl, Starr, Brekke, Erickson, Kiley. Motion Failed.

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)

45. REPORT OF THE NOVEMBER 30, 2018, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Erickson and seconded by Council Member

Kiley to adjourn at 11:20 p.m.

Voice vote to adjourn. Motion Passed.

Thomas M. Greco, City Clerk