

MINUTES

Regular City Council Meeting

Wednesday, January 2, 2019 at 7:00 PM

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

CALL TO ORDER

1. MEETING ROLL CALL

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

Absent: Council Member Janet Brekke

2. INVOCATION

Pastor Rick Carlson, Prairie Hills Covenant Church

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3. PLEDGE OF ALLEGIANCE

4. AWARDS & RECOGNITIONS

Assistant City Clerk Tamara Jorgensen was recognized for 17 years of service to the City.

SIOUXPERHERO Citizen Recognition Awards

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Dave Fox and Cathy Anderson were recognized as recipients of the SIOUXPERHERO Citizen Recognition Award.

CONSENT AGENDA

5. APPROVAL OF THE CONSENT AGENDA

A request was made by Council Member Theresa Stehly to place sub-item 6 from Agenda Item 1 on the Regular Agenda for Discussion (Water Reclamation; Agreement for Attorney Services; Wastewater System Revenue Bond Legal Counsel; Davenport, Evans, Hurwitz & Smith, LLP; \$20,000.)

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

Council Member Rick Kiley requested a correction be made to Item 37 of the City Council Meeting Minutes of December 18, 2018; the vote, as recorded, for the third amendment considered (which was an amendment adding Legislative Priority 14) should reflect that Rick Kiley was excused from the meeting and the vote on the item pursuant to City Ordinance 30.017. There were no objections.

Roll call vote to approve, as amended. 7 Yes: Starr, Stehly, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

6. APPROVAL OF MINUTES

Informational Meeting of Tuesday, December 18, 2018

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City Council Meeting of Tuesday, December 18, 2018

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COMMUNICATIONS

7. Approval of contracts/agreements on the December 28, 2018, memo.

Report of Requests for Quotes for Fuel dated: December 13, 2018; 800 Gallons  
8. of Unleaded Ethanol; Howes Oil (\$1.8360); Midway Service, Cole's Petroleum,  
Harms Oil, CHS, Inc., Stern Oil, and Olson Oil all no bid. Bid awarded to:  
Howes Oil.

Sioux Area Metro. Report of Requests for Quotes for Fuel dated: December 13,  
2018; 7,500 Gallons of 50/50 Blend of #1 and #2 Clear Diesel; Howes Oil: #1  
9. Clear Diesel (\$2.6175) and #2 Clear Diesel (\$2.184); CHS, Inc. #1 Clear  
Diesel (\$2.58) and #2 Clear Diesel (\$2.21); Harms Oil, Petroleum Traders,  
and Midwest Oil, all no bids. Bid awarded to: CHS, Inc.

Report of Requests for Quotes for Fuel dated: December 14, 2018; 7,500  
10. Gallons of 50/50 Blend Dyed Diesel; Midway Service (\$2.1078); Cole's  
Petroleum (\$2.0929); Stern Oil (\$2.1798); 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: December 17, 2018; 8,500  
11. Gallons of Unleaded Ethanol; Midway Service (\$1.7345); Cole's Petroleum  
(\$1.7246); Harms Oil, Howes Oil, Stern Oil, CHS, Inc. and Olson Oil, all no  
bid. Bid awarded to: Cole's Petroleum.

Report of Requests for Quotes for Fuel dated: December 18, 2018; #1 Clear  
Diesel (337.5 Gallons); #2 Clear Diesel (337.5 Gallons); Midway Service  
12. (\$2.6000 #1 Clear Diesel & \$2.6000 #2 Clear Diesel); Howes Oil (\$2.6025 #1  
Clear Diesel & \$2.6025 #2 Clear Diesel); Cole's Petroleum, Harms Oil, Stern  
Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.

Sioux Area Metro Report of Requests for Quotes for Fuel dated: December 20,  
2018; 7,500 Gallons of 50/50 Blend of #1 and #2 Clear Diesel; Harms Oil  
13. Inc. (#1 Clear Diesel \$2.4541 & #2 Clear Diesel \$2.1085); Howes Oil (#1  
Clear Diesel \$2.4775 & #2 Clear Diesel \$2.1275); CHS, Inc. (#1 Clear Diesel  
\$2.4975 & #2 Clear Diesel \$2.1475); Petroleum Traders and Midwest Oil, both  
no bid. Bid awarded to: Harms Oil, Inc.

Report of Requests for Quotes for Fuel dated: December 20, 2018; 7,500 gallo  
ns  
of #1 Dyed Diesel and 7,500 gallons of #2 Dyed Diesel; Cole's Petroleum (\$2.  
29  
14. #1 Diesel & \$1.935 #2 Diesel); Harms Oil (\$2.1576 #1 Diesel & \$1.812 #2 Dies  
el);  
Stern Oil (\$2.0338 #1 Diesel & \$2.0338 #2 Diesel); CHS, Inc. (\$2.225 #1 Dies  
el &  
\$1.875 #2 Diesel); Howes Oil, Midway Service & Olson Oil all no bid. Bid  
awarded to Harms Oil.

Report of Requests for Quotes for Fuel dated: December 21, 2018; Unleaded  
Ethanol (5,000 Gallons); #1 Dyed Diesel (1,500 Gallons); #2 Dyed Diesel (1,5  
00  
15. Gallons); Cole's Petroleum (\$1.6545 Unleaded Ethanol & \$2.1975 #1 Dyed Dese

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s  
\$1.8225 #2 Dyed Diesel); Harms Oil (\$1.5947 Unleaded Ethanol & \$2.0971 #1 Dy  
Diesel & \$1.7671 #2 Dyed Diesel); Midway Service, Stern Oil, CHS, Inc., Howe  
Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.

#### APPLICATIONS

- Amend Special One-Day Liquor License approved for Washington Pavilion, 301  
16. South Main Avenue, for special event on January 26, 2019, by changing the  
date to March 16, 2018.
17. Special One-Day Liquor Licenses for Washington Pavilion, 301 South Main  
Avenue, for special events on January 27 and February 16, 2019.
18. 2019 Renewal of Retail Wine License for New Tokyo Cuisine LLC, 4825 South  
Louise Avenue.

Recommendation for abatement approval. The application was deemed legally  
sufficient by the State's Attorney's Office for Minnehaha County and the City  
Attorney for Sioux Falls. The Director of Equalization recommends  
approval.

19. Eritrean Orthodox Tewahedo Church, 3300 N. Cliff Ave., for 2017 property  
taxes in the amount of \$7,951.50. The property is exempt from the tax

#### NOTICE OF HEARINGS

- Set a date of hearing for Tuesday, January 15, 2019. New 2018-19 Retail  
20. Malt Beverage and SD Farm Wine License for Golden Coin Casino, 4701 West  
12th Street, Suite 101.

- Set a date of hearing for Tuesday, January 15, 2019. Request to include  
21. video lottery terminals with the new 2018-19 Retail Malt Beverage and SD  
Farm Wine License for Golden Coin Casino, 4701 West 12th Street, Suite 101.

- Set a date of hearing for Tuesday, January 15, 2019. New 2018-19 Retail  
22. Malt Beverage and SD Farm Wine License for Golden Coin Casino, 4701 West  
12th Street, Suite 102.

- Set a date of hearing for Tuesday, January 15, 2019. Request to include  
23. video lottery terminals with the new 2018-19 Retail Malt Beverage and SD  
Farm Wine License for Golden Coin Casino, 4701 West 12th Street, Suite 102.

- Set a date of hearing for Tuesday, January 15, 2019. Transfer of 2019 Retail  
24. Liquor License from Callaway's, 500 East 69th Street, to Looks 69th Street  
Market LLC, 500 East 69th Street.

- Set a date of hearing for Tuesday, January 15, 2019. Transfer of 2019  
25. Retail Wine and Cider License from Libation Station, 2904 West Russell  
Street, to Catering by Cleavers, 2904 West Russell Street.

- Set a date of hearing for Tuesday, January 15, 2019. New 2019-20 Retail  
26. Malt Beverage and SD Farm Wine License for Catering by Cleavers, 2904 West  
Russell Street.

- Set a date of hearing for Tuesday, January 15, 2019. Special One-Day Malt  
27. Beverage and Special One-Day Wine Licenses for All Day Caf to be operated at

2512 South Lorraine Place, for a special event on January 31, 2019.

Set a date of hearing for Tuesday, January 15, 2019. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera Mckennan Foundation to be operated at 4400 West 69th Street, for a special event on February 2, 2019.

Set a date of hearing for Tuesday, January 15, 2019. Special One-Day Malt Beverage and Special One-Day Wine License for Avera Mckennan Foundation to be operated at 1000 East 23rd Street, for a special event on April 5, 2019.

#### REGULAR AGENDA

#### 30. APPROVAL OF THE REGULAR AGENDA

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

Roll call vote to approve. 7 Yes: Starr, Stehly, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

#### 31. PUBLIC INPUT

Dwaine Schipper spoke about City water and wastewater rates.

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

Steven Siano spoke about Kristy Noem paying for police protection; his experiences with his Catholic background; and that he is continuing to receive medical and social threats.

Sierra Broussard spoke about an ongoing investigation regarding illegal massage parlors and federal funding for food pantries.

Sub-Item 6 to Agenda Item 1 was heard at this time.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to approve Sub-Item 6 to Agenda Item 1.

Roll call vote to approve. 7 Yes: Starr, Stehly, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

#### UNFINISHED BUSINESS

Transfer of 2018-19 Retail Malt Beverage and SD Farm Wine License, including video lottery terminals, from Kings Casino, 721 West 11th Street, to Kings Casino, 4110 West Maple, Suite 106.

Transfer of 2018-19 Retail Malt Beverage and SD Farm Wine License, including video lottery terminals, from Julia Foltz, The Log Cabin, to JD3 LLC, The Log Cabin, 1515 West Burnside Street.

New 2018-19 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine Licenses for Americinn of Sioux Falls North, 3300 West Russell Street.

Special One-Day Liquor License for JJ's Wines, Spirits and Cigars to be operated at 2335 East 60th Street North, for a special event on January 4, 2019.

- Special One-Day Malt Beverage and Wine Licenses for Stockyards Ag
36. Experience, 309 East Falls Park Drive, for a special event on January 22, 2019.
  37. Special One-Day Malt Beverage and Wine Licenses for R Wine Bar to be operated at 324 E 8th Street, for a special event on January 26, 2019.
  38. Special One-Day Malt Beverage and Wine Licenses for Chef Dominique's Catering to be operated at 205 East 6th Street, for a special event on April 4, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to approve Items 32 through 38.

Roll call vote to approve. 7 Yes: Starr, Stehly, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

##### ORDINANCE SECOND READINGS

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. MARION RD. AND W. 5TH ST. FROM THE OFFICE DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, NO. 9453-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
39. OFFICE DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, NO. 9453-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Erickson and seconded by Council Member Neitzert to adopt said Ordinance No. 1-19.

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

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 414 S. LYNDALE AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL-TRADITIONAL DISTRICT, NO. 9541-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
40. RESIDENTIAL-SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL-TRADITIONAL DISTRICT, NO. 9541-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Selberg and seconded by Council Member Kiley to adopt said Ordinance No. 2-19.

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

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. 69TH ST. AND BAHNSON AVE. FROM THE OFFICE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT, NO. 9571-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
41. OFFICE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT, NO. 9571-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Erickson and seconded by Council Member Soehl to adopt said Ordinance No. 3-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. 14TH ST. AND S. 6TH AVE. FROM THE RT-42. 1 SINGLE-FAMILY RESIDENTIAL-TRADITIONAL DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL-TRADITIONAL DISTRICT, NO. 9575-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Selberg and seconded by Council Member Soehl to adopt said Ordinance No. 4-19.

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

#### ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO A MASTER LICENSE AGREEMENT BETWEEN THE CITY OF 43. SIOUX FALLS AND COMMNET CELLULAR INC., D/B/A VERIZON WIRELESS FOR THE INSTALLATION AND MAINTENANCE OF POLES AND SMALL CELL EQUIPMENT IN CITY RIGHTS-OF-WAY, PARKS, AND OTHER CITY-OWNED PROPERTY.

Recommendation: Set a date of 2nd Reading for Tuesday, January 8, 2019.

A motion was made by Council Member Kiley and seconded by Council Member Erickson to set a date of hearing for Tuesday, January 8, 2019.

Roll call vote to set a date of hearing. 7 Yes: Starr, Stehly, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING 44. CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND AUTHORIZING THE EXCHANGE OF CITY LAND WITH A PRIVATE LANDOWNER.

Recommendation: Set a date of 2nd Reading for Tuesday, January 8, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of hearing for Tuesday, January 8, 2019.

Roll call vote to set a date of hearing. 7 Yes: Starr, Stehly, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE 45. CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY AT THE SE1/4 OF THE SE1/4 SECTION 23, TOWNSHIP 100N, RANGE 50W, LINCOLN COUNTY, FROM THE A1 AGRICULTURAL DISTRICT TO THE C COMMERCIAL DISTRICT. The Lincoln County Planning Commission recommends approval (5-0); the Sioux Falls Planning Commission recommends approval (5-0).

Recommendation: Set a date of 2nd Reading for the Joint Sioux Falls City Council/Lincoln County Commission Meeting of Tuesday, January 22, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of hearing for Tuesday, January 22, 2019, at the Joint Sioux Falls City Council/Lincoln County Commission Meeting.

Roll call vote to set a date of hearing. 7 Yes: Starr, Stehly, Erickson, Kiley, Neitzert, Selberg, Soehl; 0 No: (None). Motion Passed.

#### NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adjourn at 7:51 p.m.

Voice vote to adjourn. Motion Passed.

Tamara Jorgensen, MMC, Assistant City Clerk