

MINUTES

City Council Meeting

Tuesday, April 16, 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 Christine M. Erickson, Council Member Rick Kiley, Council Member Greg Neitzert, Council Member Marshall Selberg, Council Member Curt Soehl, Council Member Pat Starr, Council Member Theresa Stehly, Council Member Janet Brekke, Mayor Paul TenHaken

Absent: None

2. INVOCATION

Ramesh Kumar Singh, President, Hindu Temple of Sioux Land

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3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

Council Member Pat Starr asked that Items 21 and 22 be placed on the Regular Agenda for discussion.

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

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

5. APPROVAL OF MINUTES

City Council Meeting of Tuesday, April 9, 2019

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Informational Meeting of Tuesday, April 9, 2019

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COMMUNICATIONS

6. Approval of contracts/agreements on the memorandum dated: April 12, 2019.

Report of Requests for Quotes for Fuel dated: April 3, 2019; Unleaded Ethanol

;

7. 8,500 Gallons; Midway Service (\$2.2389); Cole's Petroleum (\$2.2431); Farstad Oil (\$2.2724); Harms Oil (\$2.253); CHS, Inc. (\$2.3150); Howes Oil, Stern Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sioux Area Metro Report of Requests for Quotes for Fuel dated: April 3,

8. 2019; #2 Clear Diesel; 8,500 Gallons; Parkland USA/SPF Energy Inc./Farstad

Oil (\$2.4340); Harms Oil (\$2.4240); CHS, Inc. (\$2.450); Howes Oil (\$2.429); Petroleum Traders and Midwest Oil, both no bid. Bid awarded to: Harms Oil.

- Report of Requests for Quotes for Fuel dated: April 5, 2019; #2 Dyed Diesel;
9. 7,500 Gallons; Cole's Petroleum (\$2.1535); Harms Oil (\$2.1095); Stern Oil (\$2.1291); CHS, Inc. (\$2.175); Farstad Oil (\$2.1290); Midway Service, Howes Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: April 9, 2019; #2 Dyed Diesel;

10. 7,500 Gallons; Cole's Petroleum (\$2.1737); Harms Oil (\$2.1640); Farstad Oil (\$2.1840); Midway Service, Howes Oil, Stern Oil, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Harms Oil.

- Approval of a request from the Great Plains Zoo and Delbridge Museum, 805 S. Kiwanis Ave., to consume, but not sell, liquor, wine, and beer on the following dates: April 25 and 26, 2019; May 2, 3, 9, 10, 16, 17, 23, 24, 30 and 31, 2019; June 6, 7, 13, 14, 20, 21, 27 and 28, 2019; July 4, 5, 11, 12, 18, 19, 25 and 26, 2019; August 1, 2, 8, 9, 15, 16, 22, 23, 29 and 30, 2019; and, September 5, 6, 12, 13, 19, 20, 26 and 27, 2019. The purpose is to provide free liquor, wine, beer, and/or malt beverages to supporters and donors who will attend appreciation events at the Zoo.
- 11.

APPLICATIONS

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee Food Store #2 to be operated at Cathedral of St. Joseph, 521 North Duluth Avenue, for a 100th Anniversary celebration on May 3, 2019.
- 12.

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America to be operated at the Old Courthouse Museum, 200 West 6th Street, for a social on May 7, 2019.
- 13.

- Special One-Day Liquor License for Prairie Pasta Inc. to be operated at the Old Courthouse Museum, 200 West 6th Street, for a wedding on June 22, 2019.
- 14.

The following abatements are recommended for approval by the Minnehaha County Director of Equalization:

- Mary L. Schmidt, 6708 W. 9th St., Parcel #12091, for 2018 property taxes in the amount of \$974.79. Reason: The amount requested is the difference between the elderly freeze and the non-elderly freeze.
- 15.

- Mary A. Schwartzle, 1208 W. 15th St., Parcel #30843, for 2018 property taxes in the amount of \$452.34. Reason: The amount requested is the difference between the elderly freeze and the non-elderly freeze.
- 16.

- Kingdom Boundaries Prison Aftercare Ministries, Inc., 417 S. Summit Ave., Parcel #34105, for 2017 property taxes in the amount of \$3,840.27. Reason: The property is exempt from the tax.
- 17.

- Vincent Kellar, 2509 W. Rice St., Parcel #40000, for 2018 property taxes in the amount of \$898.81. Reason: The amount requested is the difference between the elderly freeze and the non-elderly freeze.
- 18.

- Doris VanderHamm, 2605 S. Anderson Dr., Parcel #46088, for 2018 property taxes in the amount of \$1,241.83. Reason: The amount requested is the difference between the elderly freeze and the non-elderly freeze.
- 19.

Judith Giles, 4309 W. Peacock Dr., Parcel #67707, for 2018 property taxes
20. in the amount of \$163.06. Reason: The amount requested is the difference
between the elderly freeze and the non-elderly freeze.

The following abatements are recommended for denial by the Minnehaha County
Director of Equalization:

Trent W. and Tammy Baumgartel, 2009 S. Canyon Ave., Parcel #85978, for 2018
21. property taxes in the amount of \$1,101.38. Reason: Did not apply for owner-
occupied status by the deadline.

Trent W. and Tammy Baumgartel, 2009 S. Canyon Ave., Parcel #85978, for 2017
22. property taxes in the amount of \$1,060.82. Reason: Did not apply for owner-
occupied status by the deadline.

A motion was made by Council Member Starr and seconded by Council Member Stehly
to recommend denial of Items 21 and 22.

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

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 7, 2019. New 2019 Retail Wine and
23. Cider and New 2018-19 Retail Malt Beverage and SD Farm Wine Licenses for
Obscure Brewing Company, 5200 East Garfield Street (CUP not required).

Set a date of hearing for Tuesday, May 7, 2019. New 2018-19 Retail Malt
24. Beverage and SD Farm Wine License for 777 Casino, 5237 West 26th Street,
with Conditional Use Permit (9993-2019) being approved on April 3, 2019.

Set a date of hearing for Tuesday, May 7, 2019. Request to include video
25. lottery terminals with the new 2018-19 Retail Malt Beverage and SD Farm
Wine License for 777 Casino, 5237 West 26th Street, with Conditional Use
Permit (9993-2019) being approved on April 3, 2019.

Set a date of hearing for Tuesday, May 7, 2019. Special One-Day Malt
26. Beverage and Special One-Day Wine Licenses for Catering America to be
operated at Poet, 4615 North Lewis Avenue, for a fundraiser on May 8, 2019.

Set a date of hearing for Tuesday, May 7, 2019. Special One-Day Malt
27. Beverage License for Almost Home Canine Rescue to be operated at 300 North
Cherapa Place east parking lot, for 605 Summer Classic on June 21 and 22,
2019.

Set a date of hearing for Tuesday, May 7, 2019. Special One-Day Liquor
28. License for TNT Entertainment to be operated at the Albert House parking
lot, 337 North Phillips Avenue, for a concert on July 12, 2019.

REGULAR AGENDA

29. APPROVAL OF THE REGULAR AGENDA

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

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

30. PUBLIC INPUT

Christopher Bruce spoke about controversies surrounding the fielding of 5G technology nationwide and in the city and complained a public records request he made was not useful.

Sierra Broussard spoke about the proposed addition of two officers to the Street Crimes unit and the impact it can have on fighting human trafficking.

UNFINISHED BUSINESS

Items 21 and 22 were heard at this time. See items for action taken.

31. New 2019 Retail Wine and Cider License for Hampton Inn by Hilton, 2417 South Carolyn Avenue (CUP not required).
32. New 2019 Retail Wine and Cider License for Hampton Inn & Suites by Hilton, 3701 West Avera Drive (CUP not required).
33. New 2019 Retail Wine and Cider License for Nail World, 3209 South Sertoma Avenue (CUP not required).

Transfer of 2018-19 Retail Malt Beverage and SD Farm Wine License and 2019 Retail Wine License, including video lottery terminals, from Darinda

34. Martinez, Blue Martini, 2309 West Madison Street, to Juan Nuno, La Carreta, 2309 West Madison Street, with Conditional Use Permit (8110-2018) being approved on March 7, 2018.

Transfer of 2019 Package Liquor License from Sports Zone Inc, The District,

35. 4521 West Empire Place, to Roam Kitchen and Bar, 4525 West Empire Place (CUP not required).

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

36. America, Chef Dominique's Catering to be operated at Liberty National Bank, 133 South Main Avenue, for a social on April 23, 2019.

Special One-Day Malt Beverage License for Friends of the Big Sioux River to

37. be operated at the Great Outdoor Store, 201 East 10th Street, for a fundraiser on May 4, 2019.

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

38. Sculpturewalk Inc. to be operated at Raven Industries, 205 East 6th Street, for an Arc of Dream Dedication on May 31, 2019.

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

39. Commemorative Air Force Joe Foss Squadron to be operated at the Maverick Air Center, 4201 North Maverick Place for a fundraiser on August 15 and September 21, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to approve Items 31 through 39.

A motion was made by Council Member Erickson and seconded by Council Member Soehl to amend Item 38 by replacing "May 31, 2019," with "June 8, 2019".

Roll call vote to amend. 7 Yes: Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). Motion Passed. Stehly excused herself from the meeting and was not present for the vote on this motion.

Roll call vote to approve, as amended. 7 Yes: Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). Motion Passed. Stehly excused herself from the meeting and was not present for the vote on this motion.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE
40. MAYOR TO ENTER INTO AN AMENDED AND RESTATED LEASE AND SUBLEASE AGREEMENT
BETWEEN THE CITY OF SIOUX FALLS, SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND
PARKS, AND THE BUTTERFLY HOUSE & AQUARIUM, INC.

A motion was made by Council Member Neitzert and seconded by Council Member Selberg to adopt Ordinance No. 46-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE
41. NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY. ("Lloyd Lawn at the Levitt
Shell")

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adopt Ordinance No. 47-19.

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

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE
42. MAYOR TO ENTER INTO A PURCHASE AGREEMENT OF REAL PROPERTY FROM NORTHERN
STATES POWER COMPANY AND GRANTING EASEMENTS TO NORTHERN STATES POWER
COMPANY WITHIN FALLS PARK AND WITHIN CITY PROPERTY NEAR VETERANS PARKWAY.

A motion was made by Council Member Erickson and seconded by Council Member Soehl to adopt Ordinance No. 48-19.

Roll call vote to adopt. 7 Yes: Erickson, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke; 0 No: (None). Motion Passed. Kiley was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE
43. MAYOR TO ENTER INTO A PURCHASE AGREEMENT OF REAL PROPERTY AT 1600 N.
RIVERSIDE DR. FROM NORTHERN STATES POWER COMPANY AND GRANTING EASEMENTS TO
NORTHERN STATES POWER COMPANY.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to adopt Ordinance No. 49-19.

Roll call vote to adopt. 7 Yes: Erickson, Neitzert, Selberg, Soehl, Starr, Stehly, Brekke; 0 No: (None). Motion Passed. Kiley was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

44. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A
VERIZON FIBER OPTIC EASEMENT.

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adopt Ordinance No. 50-19.

Roll call vote to adopt. 7 Yes: Erickson, Kiley, Neitzert, Selberg, Soehl,

Stehly, Brekke; 0 No: (None). Motion Passed. Starr excused himself from the meeting and was not present for the vote on this motion.

ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7201 S. MINNESOTA AVE. FROM THE LW LIVE-WORK AND C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICTS TO THE O OFFICE, C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR, AND C-3 COMMERCIAL-COMMUNITY DISTRICTS, NO. 10029-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0). Planning Commission recommends approval

Recommendation: Set a date of 2nd Reading for Tuesday, May 7, 2019.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to set a date of 2nd Reading for Tuesday, May 7, 2019 for Item 45.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. SHAFER DR. AND SOUTH OF E. 26TH ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN AND CN CONSERVATION DISTRICTS, NO. 9926-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0) with the following conditions: That the RD-2 Townhome Residential-Suburban District zoned parcels allow development of the following forms: DD2 (Detached Dwelling-Suburban), AD1 (Twin Home/Duplex Residential-Suburban), and AD2 (Townhome Residential-Suburban) Planning Commission recommends approval

Recommendation: Set a date of 2nd Reading for Tuesday, May 7, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, May 7, 2019 for Item 46.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6800 S. CLIFF AVE. FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR AND S-2 INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT DISTRICTS TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR AND O OFFICE DISTRICTS, NO. 10016-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0). Planning Commission recommends approval

Recommendation: Set a date of 2nd Reading for Tuesday, May 7, 2019.

A motion was made by Council Member Soehl and seconded by Council Member Kiley

to set a date of 2nd Reading for Tuesday, May 7, 2019 for Item 47.

Roll call vote to set a date of 2nd Reading. 7 Yes: Erickson, Kiley, Neitzert, Selberg, Soehl, Starr, Brekke; 0 No: (None). Motion Passed. Stehly was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY

LOCATED WEST OF S. KEYRELL DR. AND SOUTH OF W. BROEK DR. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN AND RD-

48. 1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICTS, NO. 10019-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning

Commission recommends approval (7-0). Planning Commission recommends approval

Recommendation: Set a date of 2nd Reading for Tuesday, May 7, 2019.

A motion was made by Council Member Starr and seconded by Council Member Selberg to set a date of 2nd Reading for Tuesday, May 7, 2019 for Item 48.

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

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING
49. SUPPLEMENTAL APPROPRIATIONS TO ACQUIRE HOMES IN FLOOD PRONE AREAS IN PROXIMITY TO TOMAR PARK.

Recommendation: Set a date of 2nd Reading for the Special City Council Meeting of Tuesday, April 23, 2019.

A motion was made by Council Member Soehl and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, April 23, 2019 for Item 49.

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

HEARINGS AND RESOLUTIONS

50. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

A motion was made by Council Member Kiley and seconded by Council Member Brekke to adopt Resolution No. 30-19.

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

RESOLUTION NO. 30-19

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

WHEREAS, the City of Sioux Falls intends to place a City-owned stainless steel sculpture known as "Bear, Lee, Standing" by artist Gary Hovey, Ohio, and selected by citizens as the 2018 SculptureWalk People's Choice Award; and

WHEREAS, the stainless steel sculpture of welded knives, forks and spoons, depicts a standing bear and measures approximately 6feet5inches in height, 3feet in width; and

WHEREAS, the proposed site placement for the "Bear, Lee, Standing" sculpture be located at 5901E.Rice St., and prominently displayed on a quartzite or concrete base at the main entrance (west end) of the existing chalet within Great Bear Recreation Park; and

WHEREAS, the sculpture will be elevated and anchored securely on a pedestal platform that would have surrounding access, chalet landscaping, lighting, and surveillance. The City will be responsible for project costs associated with the sculpture placement and installation; and

WHEREAS, the Sioux Falls Imagined-A Cultural Plan for a Vibrant and Prosperous City, and the Sioux Falls Visual Arts Commission, encourages and recommends public art integration within public places in Sioux Falls, SD; and

WHEREAS, the Sioux Falls Visual Arts Commission and Parks and Recreation Board reviewed the proposed "Bear Lee, Standing" sculpture and placement on March 19 and 20, 2019, respectively, and unanimously recommended approval for the sculpture and placement, as presented;

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

The "Bear, Lee, Standing" sculpture and its placement at 5901 E. Rice St. within Great Bear Recreation Park be approved as recommended.

Date adopted: 04/16/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

51. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON N. SHERMAN AVE.

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adopt Resolution No. 31-19.

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

RESOLUTION NO. 31-19

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON N. SHERMAN AVE.

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

That it approves the establishment of diagonal parking on the east side of N.

Sherman Ave. between E. Austin St. and E. 8th St.

Date adopted: 04/16/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Starr and seconded by Council Member Kiley to adjourn at 8:55 p.m.

Voice vote to adjourn. Motion Passed.

Thomas M. Greco, City Clerk