

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, March 17, 2015 at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

&#9679; Minister David Kraemer, All Souls Unitarian Universalist Church

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, March 10, 2015, at 4:00 p.m.

&#9679; City Council Meeting of Tuesday, March 10, 2015, at 7:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the March 12, 2015 memo.
2. A communication was received from Avera Health requesting permission to consume, but not sell, wine and malt beverages at Avera Health, 3900 W.

Avera Drive, on Monday, March 30, 2015 from 4:30 p.m. to 6:00 p.m. pursuant to SDCL 35-1-5.5. The purpose is a mixer hosting the South Dakota Biotech Association.

3. Report of Requests for Quotes for Fuel dated: March 3, 2015; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.0324); Howes Oil (\$2.0580); CHS, Inc., Cole's Petroleum, and Olson Oil, all no bid. Bid awarded to: Harms Oil.
4. Report of Requests for Quotes for Fuel dated: March 4, 2015; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Howes Oil (\$2.0350); Cole's Petroleum (\$2.0378); Harms Oil (\$2.0530); CHS, Inc. (\$2.1200); Olson Oil, no bid. Bid awarded to: Howes Oil.
5. Report of Requests for Quotes for Fuel dated: March 4, 2015; #1 & #2 Dyed Diesel Fuel; 7,500 gallons (3,750 gallons each #1 & #2); Harms Oil (\$2.2212 #1 & \$2.0522 #2); Cole's Petroleum (\$2.2965 #1 & \$2.0725 #2); CHS, Inc., Howes Oil, Midwest Oil, Olson Oil, all no bid. Bid awarded to: Harms Oil.
6. Report of Requests for Quotes for Fuel dated: March 4, 2015; 50/50 Dyed Diesel; 3,000 gallons; Howes Oil (\$2.429); Midwest Oil (\$2.299); Stern Oil (\$2.3986). Bid awarded to Midwest Oil.
7. Report of Requests for Quotes for Fuel dated: March 5, 2015; #2 Clear Diesel; 8,003 gallons; CHS, Inc. (\$2.26); Howes Oil (\$2.1715); Petroleum Traders Co. (\$2.247); Harms Oil and Midwest Oil, both no bid. Bid awarded to: Howes Oil.
8. Report of Requests for Quotes for Fuel dated: March 10, 2015; #1 & #2 Dyed Diesel Fuel; 15,000 gallons (7,500 gallons each #1 & #2); Harms Oil (\$2.1137 #1 & \$1.9537 #2); Cole's Petroleum, CHS, Inc., Howes Oil, Midwest Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

#### APPLICATIONS

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

9. Rick Wibeto, 705 W. McClellan Street, for 2014 property taxes in the amount of \$531.46. The owner-occupied status was removed in error.
10. Fred Blom, 6520 Verbena Street, for 2014 property taxes in the amount of \$ 880.79. The owner-occupied status was removed in error.
11. City of Sioux Falls, 224 W. 9th Street, for 2014 property taxes in the amount of \$439.19. City purchased property at W95 8 Block 1 Harrison's Addition to the City of Sioux Falls on May 30, 2014.

12. City of Sioux Falls, 224 W. 9th Street, for 2014 property taxes in the amount of \$587.93. The City purchased the property at W. 50.5' 1, 2 & E. 8.7' 8 Block 1 Harrisons Addition to the City of Sioux Falls on May 30, 2014.
  13. Pettigrew Partners, LLC, 216 S. Duluth Ave., for 2014 property taxes in the amount of \$858.50. The house was razed on June 16, 2014.
  14. Lyle K. Krejci, 709 N. Prairie Avenue, for 2014 property taxes in the amount of \$156.98. The house was razed on August 14, 2014.
- Items 15-20: The amount requested is the difference between the elderly freeze and the non-elderly freeze.
15. Agnes Meyer, 705 S. Gardner Drive, for 2014 taxes in the amount of \$524.80.
  16. Samuel E. Marks, 5401 W. 15th Street, for 2014 property taxes in the amount of \$377.02.
  17. Earlien Gavin, 1824 S. Euclid Avenue, for 2014 property taxes in the amount of \$650.31.
  18. Rosemary F. Hammond, 3004 S. Carter Place, for 2014 property taxes in the amount of \$33.83.
  19. Lois A. Merritt, 3004 S. 10th Avenue, for 2014 property taxes in the amount of \$966.75.
  20. Gertrude A. France, 3013 S. Willow Avenue, for 2014 property taxes in the amount of \$500.07.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, April 7, 2015, at 7:00 p.m. for Items 21 through 28:

21. New 2014-15 Retail Malt Beverage License for JLB-SF2 Inc., JL Beers, to be operated at 3623 South Western Avenue (CUP not required).
22. New 2015 Retail Wine License for JLB-SF2, Inc., JL Beers, to be operated at 3623 South Western Avenue (CUP not required).
23. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at Avera Prairie Center, 1000 East 23rd Street, for a retirement social on April 9, 2015.
24. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at Avera eCare,

4500 North Lewis Avenue, for a social event on April 9, 2015.

25. Special One-Day Liquor License for Ovations Food Services, LP, Sioux Falls Convention Center, to be operated at Sanford Research Center, 2301 East 60th Street North, for a dinner on April 15, 2015.
26. Special One-Day Liquor License requests for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for weddings on April 18 and 25, 2015.
27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Jazz & Blues Society, to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for the Jazz Fest on July 16-18, 2015.
28. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Jazz & Blues Society, to be operated at Vern Eide Acura, 4030 South Grange Avenue, for a fundraiser on September 12, 2015.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

29. Transfer of a 2015 Retail Liquor license, including Sunday sales, from Nutty s Inc., Boonies Bar and Bar B. Q., 805 North West Avenue, to Blue Cherry LLC, Ode to Food and Drinks, 300 North Cherapa Place, Suite 102 (full service restaurant; CUP not required).
30. New 2015 Retail Wine License for Body Sculpting Day Spa Inc., Body Sculpting Day Spa to be operated at 5026 South Marion Road (CUP not required).
31. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Brennan Rock & Roll Academy, 900 West 11th Street, for a fundraiser concert on March 27, 2015.
32. Special One-Day Malt Beverage License for Avera McKennan Hospital to be operated at the Avera McKennan Fitness Center, 3400 South Southeastern Avenue, for a Joker Run on April 1, 2015.
33. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Area Community Foundation to be operated at Raven Industries, 205 East Sixth Street, for a fundraiser on May 7, 2015.

34. Special One-Day Malt Beverage and Special One-Day Wine Licenses for South Dakota Association of the Deaf (SDAD) to be operated at 3520 Gateway Lane, for a SDAD Conference/115th Birthday on June 19 and 20, 2015.

INTRODUCTION AND ADOPTION OF ORDINANCES

35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY CHANGING A STREET NAME. (West Hanger Street to West Hangar Street)

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY CHANGING A STREET NAME. (North John Orr Drive to North Knapp Brown Drive)

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 111, ALCOHOLIC BEVERAGES.

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY. (Club Cambria)

Set a date of hearing and 2nd Reading for Tuesday, March 24, at 5:00 p.m. at the Joint City Council/ Minnehaha County Meeting for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1310 N. ELLIS RD. FROM THE A-1 AGRICULTURE DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 15-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, April 7, 2015, at 7:00 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF W. 26TH ST. AND S. KATIE AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 2223-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, April 7, 2015, at 7:00 p.m. for Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1116 S. 4TH AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 2243-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, April 7, 2015, at 7:00 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 633 W. 10TH ST. FROM THE RT-2 TOWNHOME RESIDENTIAL TRADITIONAL DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 2286-

2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, April 7, 2015, at 7:00 p.m. for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3204 S. WEST AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT, PETITION NO. 2287-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, April 7, 2015, at 7:00 p.m. for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF E. 41ST ST. AND WEST OF S. SIX MILE RD. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN, RD-2 TOWNHOME RESIDENTIAL SUBURBAN, RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY, AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS, PETITION NO. 2292-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, April 7, 2015, at 7:00 p.m. for Item 45:

45. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF E. 41ST ST. AND S. SYCAMORE AVE. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE RE4 FORM, PETITION NO. 2298-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval subject to: 1) Building of no more than 30,000 square feet of gross floor area.

#### HEARINGS AND RESOLUTIONS

46. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. NATIONAL AVE. FROM THE SOUTH RIGHT-OF-WAY LINE OF E. BENSON RD. TO THE NORTH RIGHT-OF-WAY LINE OF E. 39TH ST. N. AND ON E. HOGAN AVE. FROM THE EAST RIGHT-OF-WAY LINE OF N. NATIONAL AVE. TO THE WEST RIGHT-OF-WAY LINE OF N. CASCO AVE.

47. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON S. EUCLID AVE. FROM THE SOUTH RIGHT-OF-WAY LINE OF W. 22ND ST. TO THE NORTH RIGHT-OF-WAY LINE OF W. 25TH ST.

48. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON PUBLIC PROPERTY FOR AN INTERNATIONALLY RECOGNIZED VISUAL ARTS PROGRAM KNOWN AS SCULPTUREWALK SIOUX FALLS 2015.

49. A RESOLUTION APPROVING THE COMPREHENSIVE PARKS AND RECREATION SYSTEM MASTER PLAN.

50. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

NEW BUSINESS

ITEMS ADDED AFTER AGENDA DEADLINE

The City Council may include other such business as may come before this body.

ADJOURNMENT

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. HOWEVER, THE SOUTH DAKOTA SUPREME COURT HAS RULED THAT CITY COUNCILORS MAY NOT ENGAGE IN PRIVATE COMMUNICATIONS WITH PERSONS WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT. IN THOSE INSTANCES, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING ON THAT MATTER WHEN IT IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS SHOULD UNDERSTAND THAT THEIR COMMENTS WILL 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 4:00 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 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 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 AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.