

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, April 18, 2017 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolwing

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Mayor Mike T. Huether

INVOCATION

● Reverend Brett Best, Emmanuel Baptist Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● Earth Day - April 22, 2017

● National Volunteer Week - April 23-29, 2017

● Sexual Assault Awareness Month - April 2017

VISITOR RECOGNITION

● Boy Scout Troop 48 - Sertoma Club

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, April 11, 2017, at 4 p.m.

● City Council Meeting of Tuesday, April 11, 2017, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the April 14, 2017, memo.
2. Report of Requests for Quotes for Fuel dated: April 5, 2017; #2 Dyed Diesel; 2,000 Gallons; Howes Oil (\$1.889); Midwest Oil (\$1.779); Midway Service (\$1.830). Bid awarded to: Midwest Oil.
3. Report of Requests for Quotes for Fuel dated: April 7, 2017; E-10 Unleaded Ethanol/87 Octane; 8,500 Gallons; Cole's Petroleum (\$1.8933); Harms Oil (\$1.9059); Stern Oil (\$1.9117); Midway Service (\$1.9270); Howes Oil (\$1.9330); CHS, Inc. (\$1.9799); Olson Oil, no bid. Bid awarded to: Cole's Petroleum.
4. A communication was received from Brady Snell requesting permission to consume, but not sell beer and wine at the History Club of Sioux Falls, 758 S. Phillips Ave., on Saturday, June 10, 2017, for a wedding reception.
5. A communication was received from Elizabeth Whealy requesting permission to consume, but not sell liquor, wine, and malt beverage at the Great Plains Zoo, 805 S. Kiwanis Ave., on Friday, June 16, 2017, for supporter and donor appreciation events.
6. A communication was received from Katie Burkhart requesting permission to consume, but not sell beer, wine, and liquor at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, June 17, 2017, for a wedding reception.
7. A communication was received by Precelia Harris Dickson requesting permission to consume, but not sell beer and wine at the Multicultural Center, 515 N. Main Ave., on Saturday, July 22, 2017, for a wedding reception.

APPLICATIONS

8. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a conference on April 19, 2017.
9. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2017-18 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 2, 2017, at 7 p.m. for Items 10 through 12:

10. Special One-Day Wine License for Siouxland Heritage Museums to be operated at Pettigrew Home & Museum, 131 North Duluth Avenue, for History Happy Hour on May 25, 2017.
11. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at the Great Outdoor Store, 201 East 10th Street, for a Gear and Beer fundraiser on May 25, 2017.
12. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Empire Staters-Alumni Association of South Dakota State University to be operated at Sioux Falls Design Center, 108 West 11th Street, for a fundraiser on May 26, 2017.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

13. Protest Petition Filed. Pursuant to SDCL 11-4-5 and City Ordinance 160-654 (c), the action already approved by the City Council must be reconsidered and approved by a two-thirds majority vote, or six Council Members, to become effective.
AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4209 W. 85TH ST. FROM THE AG AGRICULTURE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT, PETITION NO. 5996-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Action taken at the City Council Meeting of Tuesday, March 7, 2017:

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rex Roling to adopt said Ordinance No. 25-17 with the condition of a south setback of a minimum of 40'.

Vote to adopt: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, Theresa Stehly, 1.

Motion Passed.

UNFINISHED BUSINESS

14. Transfer of a 2017 Retail Liquor License from Pinnacle Hospitality, Tre Lounge, 601 West 33rd Street, to Elmwood Hospitality LLC, Crooked Pint Ale House, 2020 West Russell Street (CUP not required). Pending final inspections per Fire, Health and Building Services.
15. New 2017 Retail Wine License for Divine Nail Spa LLC, Divine Nail Spa, 6807 South Louise Avenue, with Conditional Use Permit (6297-2017) being approved on March 1, 2017.
16. New 2016-17 Retail Malt Beverage License for Big Rig HD LLC, Big Rig BBQ, 3219 South Minnesota Avenue (CUP not required).
17. New 2017 Retail Wine License for Chef Jeni & Company Inc., Chef Jeni & Company, 3638 South Southeastern Avenue, with the Conditional Use Permit (2010-11-05) being approved on December 1, 2010.
18. New 2017-18 Retail Malt Beverage License for Chef Jeni & Company Inc., Chef Jeni & Company, 3638 South Southeastern Avenue, with the Conditional Use Permit (2010-11-05) being approved on December 1, 2010.
19. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America, Chef Dominique s Catering to be operated at Poet LLC, 4615 North Lewis Avenue, for a social on May 4, 2017.
20. Special One-Day Liquor License for TNT Entertainment, Wiley s Tavern, to be operated at 337 North Phillips Avenue (Albert House parking lot), for an outdoor concert on July 7, 2017.
21. Special One-Day Wine Licenses for Downtown Sioux Falls Inc. to be operated at the following locations: 8th & Railroad Center Lobby, 401 East 8th Street #200A, A League of Your Own, 229 South Phillips Avenue, American State Bank, 223 South Phillips Avenue, Atoley Salon, 317 South Phillips Avenue, Bead Co./Acorn 19, 319 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue #1, Chelsea s Boutique, 220 South Phillips Avenue, Great Outdoor Store, 201 East Tenth Street, Home Porch Gifts, 217 South Phillips Avenue, J.H. & Sons, 216 South Phillips Avenue, Lillians, 311 South Phillips Avenue, Lot 2029, 207 South Phillips Avenue, Luca s Boutique, 401 East 8th Street, #122, NV Studio, 106 West 11th Street, Oh My Word Luxury Paperie, 328 South Phillips Avenue, Rehfeld s Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street #114, Say Anything Jewelry, 225 South Phillips Avenue, Simply Perfect, 401 East 8th Street #108, Sticks and Steel, 401 East 8th Street #118, Unglued, 218 South Phillips Avenue, Young & Richard s, 222 South Phillips Avenue, and Zandbroz Variety, 209 South Phillips Avenue, for the First Friday Wine Walk on May 5, 2017.
22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at 8th & Railroad Center Parking Lot, 401 East 8th Street, for East Bank Block Parties on June 2, July 7, August 4 and September 1, 2017.

23. Special One-Day Malt Beverage Licenses for Downtown Sioux Falls Inc., to be operated on levels 5 & 6 of the City of Sioux Falls Parking Ramp, 110 East 11th Street, for Rooftop Cinema events on June 22, July 27, and August 24, 2017.
24. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated on Phillips Avenue from 10th Street to 14th Street; 11th Street from Dakota Avenue to Mall Avenue, 12th Street from Main Avenue to Phillips Avenue, 13th Street from Main Avenue to 1st Avenue and Great Western Bank parking ramp located at 11th & Dakota, for Hot Summer Nites on July 12, 2017.
25. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated on the River Greenway from 6th Street to South of 8th Street including Raven Industries riverfront and parking lot located at 205 East 6th Street, to include the prairie area between Phase 1 River Greenway and the Cherapa Place parking lot, north to 6th Street and south to Cherapa Place, for Downtown Riverfest on August 19, 2017.

INTRODUCTION AND ADOPTION OF ORDINANCES

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE, EXECUTION, AND DELIVERY OF WASTEWATER SYSTEM REVENUE BONDS AND RELATED LOAN DOCUMENTS, AND PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BONDS.

Set a date of hearing and 2nd Reading for Tuesday, May 2, 2017, at 7 p.m. for Item 27:

27. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2930 N. HIGHLAND AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 6379-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

Set a date of hearing and 2nd Reading for Tuesday, May 2, 2017, at 7 p.m. for Item 28:

28. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF S. KENTON AVE. AND W. BITTERROOT ST. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 6445-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

Set a date of hearing and 2nd Reading for Tuesday, May 2, 2017, at 7 p.m. for Item 29:

29. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 6000 E. 33RD ST. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 6458-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

Set a date of hearing and 2nd Reading for Tuesday, May 2, 2017, at 7 p.m. for Item 30:

30. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4101 S. KLEIN AVE. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 6459-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

Set a date of hearing and 2nd Reading for Tuesday, May 2, 2017, at 7 p.m. for Item 31:

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF E. 85TH ST. AND EAST OF S. MINNESOTA AVE. FROM THE AG AGRICULTURE DISTRICT TO THE C-4 COMMERCIAL REGIONAL DISTRICT, PETITION NO. 6476-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

Set a date of hearing and 2nd Reading for Tuesday, May 2, 2017, at 7 p.m. for Item 32:

32. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTH OF E. 26TH ST. AND WEST OF S. CLEVELAND AVE. FROM THE LW LIVE-WORK AND RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICTS TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN AND CN CONSERVATION DISTRICTS, PETITION NO. 6357-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (6-0).

Set a date of hearing and 2nd Reading for Tuesday, May 2, 2017, at 7 p.m. for Item 33:

33. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 92: HEALTH AND SANITATION TO RESTRICT SMOKING ON CITY PROPERTY.

HEARINGS AND RESOLUTIONS

34. A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.

35. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 14-17. ANNEXATION 5806-2016 Murphy Tracts (48th St. and S. Ellis Rd.)

36. ESTABLISHING SUBDIVISION AUTHORITY BOUNDARY OUTSIDE OF MUNICIPAL CORPORATE LIMITS BETWEEN CITY OF SIOUX FALLS AND CITY OF CROOKS. Planning Commission recommends approval (6-0).
37. A RESOLUTION ESTABLISHING SUBDIVISION AUTHORITY BOUNDARY OUTSIDE OF MUNICIPAL CORPORATE LIMITS BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF HARRISBURG. Planning Commission recommends approval (6-0).
38. A RESOLUTION ESTABLISHING SUBDIVISION AUTHORITY BOUNDARY OUTSIDE OF MUNICIPAL CORPORATE LIMITS BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF TEA. Planning Commission recommends approval (6-0).
39. A RESOLUTION ESTABLISHING SUBDIVISION AUTHORITY BOUNDARY OUTSIDE OF MUNICIPAL CORPORATE LIMITS BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF HARTFORD. Planning Commission recommends approval (6-0).
40. A RESOLUTION AMENDING THE SHAPE SIOUX FALLS 2040 COMPREHENSIVE PLAN. Planning Commission recommends approval (6-0).
41. A RESOLUTION TO ADOPT THE 2040 MAJOR STREET PLAN. Planning Commission recommends approval (6-0).
42. A RESOLUTION APPROVING THE RELEASE OF AN EXISTING BUS STOP SHELTER EASEMENT LOCATED IN BLOCK 7, FREED S ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.
43. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON W. SUCCESS ST., W. SUPERIOR ST., AND N. MASTERS AVE.
44. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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 APRIL 10, 2017, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

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. 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.