

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, May 2, 2017 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Roling

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

&#9679; Dorothy TerHorst, Prayer Partner, Direct Line Prayer Center

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; Day of Prayer - May 4, 2017

&#9679; Bike Month - May, 2017

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, April 18, 2017, at 4 p.m.

&#9679; City Council Meeting of Tuesday, April 18, 2017, at 7 p.m.

&#9679; Joint City Council/Lincoln County Commissioner meeting of Tuesday,  
April 25, 2017, at 7 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the April 28, 2017, memo.
2. Approval of the notice of change orders on the April 28, 2017, memo.
3. A request was received requesting permission to consume, but not sell, wine, beer and spirits at the Old Courthouse Museum, 200 W. Sixth St., on Saturday, July 1, 2017, from 5 p.m. to 10 p.m. for a wedding reception.
4. Report of Requests for Quotes for Fuel dated: April 12, 2017; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$1.7683); Stern Oil (\$1.7791); Howes Oil (\$1.7974); CHS, Inc. (\$1.8100); Cole's Petroleum, Midway Service and Olson Oil, all no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: April 13, 2017; Unleaded Ethanol and #2 Dyed Diesel; 6,000 gallons Unleaded and 2,000 #2 Dyed Diesel; Midway Service (\$1.9285 Unleaded and \$1.7716 #2 Dyed Diesel; Cole's Petroleum (\$1.9289 Unleaded and \$1.7732 #2 Dyed Diesel); Howes Oil (\$1.9302 Unleaded and \$1.7745 #2 Dyed Diesel); Harms Oil (\$1.9312 Unleaded and \$1.7781 #2 Dyed Diesel); Stern Oil (\$1.9539 Unleaded and \$1.7756 #2 Dyed Diesel); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Midway Service.
6. Report of Requests for Quotes for Fuel dated: April 18, 2017; E-10 Unleaded Ethanol and #2 Clear Diesel; 700 gallons Unleaded and 350 gallons #2 Clear Diesel; Cole's Petroleum (\$2.0000 Unleaded and \$2.0372 Clear #2 Diesel); Midway Service (\$1.9745 Unleaded and \$2.0895 Clear #2 Diesel); Howes Oil (\$1.9920 Unleaded and \$2.1125 Clear #2 Diesel); Stern Oil (\$1.9899 Unleaded and \$2.1235 Clear #2 Diesel); CHS, Inc., Harms Oil and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
7. Report of Requests for Quotes for Fuel dated: April 20, 2017; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$1.7095); Harms Oil (\$1.7127); Cole's Petroleum (\$1.7142); Stern Oil (\$1.7219); CHS, Inc. (\$1.7440); Midway Service and Olson Oil, both no bid. Bid awarded to: Howes Oil.
8. Report of Requests for Quotes for Fuel dated: April 20, 2017; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Midway Service (\$1.8365); Harms Oil (\$1.8391); Cole's Petroleum (\$1.8445); Howes Oil (\$1.8460); Stern Oil (\$1.8668); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Midway Service.
9. Report of Requests for Quotes for Fuel dated: April 24, 2017; #2 Dyed Diesel; 2,000 Gallons; Howes Oil (\$1.8790); Midwest Oil (\$1.8090); Midway Service (\$1.7675). Bid awarded to: Midway Service.

## APPLICATIONS

10. Amend New 2016-17 Retail Malt Beverage License approved on April 4, 2017, for Anthony & UT Duong, T Nail Spa, 433 West 69th Street, by changing the license to a 2017-18 Retail Malt Beverage License.
11. Special One-Day Liquor Licenses for Great Bear Recreations Park Inc., 5901 East Rice Street for weddings on the following dates in 2017: May 13, June 3 and 11, August 5, September 23, October, 6, 13 and 14.
12. 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 B.

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:

13. City of Sioux Falls, property address at 1800 S. Southeastern, for 2016 property taxes in the amount of 658.77. The property was purchased 12/1/2016.
14. Hills of Rest Memorial Park, 300 N. Chapel Hill Road, for 2016 property taxes in the amount of \$5,428.82. Owner should have had the exemption.

Items 15 and 16: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

15. Ray Schildbauer, 3505 E. 12th Street, for 2016 property taxes in the amount of \$446.04.
16. Crystal Erdmann, 1306 E. 4th Street, for 2016 property taxes in the amount of \$202.21.

## NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 16, 2017, at 7 p.m. for Items 17 through 32:

17. New 2017 Package Liquor License for Kum & Go LC, Kum & Go #635, 1005 West 11th Street (CUP not required).
18. New 2017 Retail Wine License for Substation Inc., Greggs Substation, 1000 West 41st Street (CUP not required).
19. New 2017-18 Retail Malt Beverage License for Sport Bowl Lounge Co. Inc., Sport Bowl Lounge, 1903 West Burnside Street (CUP not required).

20. New 2016-17 Retail Malt Beverage License for Panacea Brewing Company LLC, Remedy Brewing Company, 401 East 8th Street, Suite 120 (CUP not required).
21. New 2017 Retail Wine License for Panacea Brewing Company LLC, Remedy Brewing Company, 401 East 8th Street, Suite 120 (CUP not required).
22. New 2017-18 Retail Malt Beverage License for Hoffberger Escape LLC, Escape 605, 3718 South Westport Ave (CUP not required).
23. New 2017 Retail Wine License for Hoffberger Escape LLC, Escape 605, 3718 South Westport Ave (CUP not required).
24. New 2017 Retail Wine License for John Vu, Pro Nails, 5223 West 26th Street (CUP not required).
25. New 2017 Retail Wine License for John Vu, Pro Nails II, 5416 East Arrowhead Parkway (CUP not required).
26. New 2017-18 Retail Malt Beverage License for Tokyo 26th LLC, Tokyo 26, 4511 East 26th Street (CUP not required).
27. New 2017 Retail Wine License for Tokyo 26th LLC, Tokyo 26, 4511 East 26th Street (CUP not required).
28. Special One-Day Malt Beverage License for Friends of the Big Sioux River to be operated at the Great Outdoor Store, 201 East 10th Street, for a fundraiser on May 25, 2017.
29. Special One-Day Wine License for Active Generations to be operated at 2300 West 46th Street, for an art class on June 13, 2017.
30. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Catholic Diocese of Sioux Falls Vocations Office to be operated at 3201 South Kiwanis Avenue, for a fundraiser on July 22, 2017.
31. Special One-Day Liquor license for PAVE LLC to be operated at the 8th & Railroad Center parking lot, 401 East 8th Street, for an outdoor concert on August 26, 2017.
32. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Sister Cities to be operated at Falls Park West (park area north of the Sioux Falls Parks and Recreation Office along Phillips Avenue) 131 East Falls Park Drive, for the Germanfest on September 9, 2017.

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

33. 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.
34. 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.

INTRODUCTION AND ADOPTION OF ORDINANCES

35. 2nd 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).
36. 2nd 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).
37. 2nd 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).
38. 2nd 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).
39. 2nd 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).

40. 2nd 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).

41. 2nd 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

42. Deferred from the City Council Meeting on Tuesday, April 4, 2017: A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. Annexation 6217-2017 - Willow Ridge (E. Madison S. and Six Mile Rd).

43. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PRELIMINARY PLAN OF SMART HOMES ADDITION. Planning Commission recommends approval (6-0).

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)

44. REPORT OF THE APRIL 27, 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](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, 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](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.