

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, November 21, 2017 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolwing

Council Member Marshall Selberg

Mayor Mike T. Huether

INVOCATION

● Pastor Brett Best, Emmanuel Baptist Church

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

● 2017 Sioux Falls Mayoral Beautification Excellence Award for Residential - Home and Yard

● 2017 Sioux Falls Mayoral Beautification Excellence Award for Nonresidential - Business or Public Space

VISITOR RECOGNITION

● Cub Scout Pack 371

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, November 14, 2017, at 4 p.m.

● City Council Meeting of Tuesday, November 14, 2017, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the November 17, 2017, memo.
2. Approval of the notice of change orders on the November 17, 2017, memo.
3. Report of Requests for Quotes for Fuel dated: November 8, 2017; Unleaded & Clear Diesel #2; 1,025 Gallons (335 Gallons Unleaded & 690 Gallons Clear Diesel #2); Howes Oil (\$2.1925 Unleaded & \$2.5425 Clear Diesel #2); Midway Service, Cole's Petroleum, Stern Oil, Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Howes Oil.
4. Report of Requests for Quotes for Fuel dated: November 14, 2017; Unleaded; 8,500 Gallons; Cole's Petroleum (\$2.0127); Stern Oil (\$2.0925); Harms Oil (\$2.0055); Howes Oil (\$2.0175); Midway Service, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: November 14, 2017; #1 & #2 Clear Diesel; 9,000 Gallons; Harms Oil (\$2.4000 #1 Clear Diesel & \$2.6752 #2 Clear Diesel); CHS, Inc., Howes Oil, and Midwest Oil, all no bid. Bid awarded to: Harms Oil.
6. A communication was received from Michael Leslie, Cave Enterprises dba Burger King, requesting permission to consume, but not sell, liquor, wine, and/or malt beverage at the Old Courthouse Museum, 200 W. Sixth St., on Monday, December 11, 2017, for a Leaders Christmas Party.

APPLICATIONS

7. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Canton Barn LLC to be operated at The French Door, 4819 South Louise Avenue, for grand opening events on December 8, 9 and 10, 2017.
8. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2018 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 5, 2017, at 7 p.m. for Items 9

through 26:

9. Rescind New 2017 Retail Wine License for The Stag s Head LLC, The Stag s Head, 6205 Old Village Place.
10. Rescind New 2017-18 Retail Malt Beverage License for The Stag s Head LLC, The Stag s Head, 6205 Old Village Place.
11. Rescind request to include video lottery terminals with the new 2017-18 Retail Malt Beverage License for The Stag s Head LLC, The Stag s Head, 6205 Old Village Place.
12. New 2017-18 Retail Malt Beverage License for Estetica Unisex Mia LLC, Salon Mia, 3801 West 34th Street, Suite 115 (CUP not required).
13. Transfer 2017 Package Liquor License from Libation Station LLC, Libation Station, 5009 South Western Avenue, Suite 200, to IJK Inc, Stogeez Cigar Lounge, 201 East 11th Street (CUP not required; this is addition to an existing license).
14. Renewal of 2018 Package Liquor License for IJK Inc, Stogeez Cigar Lounge, 201 East 11th Street.
15. New 2018 Retail Wine License for Everest Indian Cuisine Inc, Everest Indian Cuisine, 3406 South Western Avenue (CUP not required).
16. New 2017-18 Retail Malt Beverage License for Everest Indian Cuisine Inc, Everest Indian Cuisine, 3406 South Western Avenue (CUP not required).
17. Transfer of 2017 Package Liquor License from Grevco Inc, Shop N Cart North, 1029 North Minnesota Avenue, to Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
18. Renewal of 2018 Package Liquor License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue.
19. New 2017-18 Package Malt Beverage License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, Suite 101, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
20. New 2017-18 Retail Malt Beverage License for Davlon Inc., Shop N Cart Northwest, 400 North West Avenue, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.
21. Request to include video lottery terminals with the new 2017-18 Retail Malt Beverage License for Davlon Inc., business name to be determined, 400 North

West Avenue, Suite 102, with Conditional Use Permit (6224-2017) being approved on February 1, 2017.

22. New 2018-19 Package Malt Beverage License for Grevco Inc., Shop N Cart North, 1029 North Minnesota Avenue (CUP not required; this is addition to an existing license).
23. Special One-Day Package Off-Sale Wine license for Rotary West to be operated at 4712 East Alpine Circle, for a fundraiser on December 22, 2017.
24. Special One-Day Malt Beverage and Special One-Day Wine License for Avera McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street, for a fundraiser on February 3, 2018.
25. Special One-Day Liquor License for Avera McKennan Foundation to be operated at Avera Prairie Center, 1000 East 23rd Street, for a fundraiser on April 13, 2018.
26. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2018 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

27. New 2018 Retail Wine License for Boss Pizza and Chicken LLC, Boss Pizza and Chicken, 2111 South Minnesota Avenue (CUP not required; this is an addition to an existing license).
28. New 2017-18 Retail Malt Beverage License for Dragonfly Salon LLC, Dragonfly Salon, 7720 South Dakota Hawk Avenue (CUP not required). Pending final inspections per Fire, Health and Building Services.
29. New 2017-18 Package Malt Beverage License for Berenise Garcia-Navarrete and Alberto Carranza, Mi Casa Latina Mexican Store, 809 South Marion Road (CUP not required).
30. New 2017-18 Package Malt Beverage License for Kum & Go LC, Kum & Go #635, 1005 West 11th Street (CUP not required). Pending final inspections per Fire, Health and Building Services.

31. Transfer of 2017 Package Liquor License from I-90 Fuel Services, Inc., The Gas Stop #123, 4800 South Western Avenue (now known as 1927 West 57th Street), to I-90 Fuel Services, Inc., The Gas Stop #104, 7414 South Minnesota Avenue (CUP not required). Pending final inspection per Fire, Health and Building Services.
32. Renewal of 2018 Package Liquor License for I-90 Fuel Services, Inc., The Gas Stop #104, 7414 South Minnesota Avenue. Pending final inspection per Fire, Health and Building Services.
33. New 2017-18 Package Malt Beverage License for I-90 Fuel Services, Inc., The Gas Stop #123, 1927 West 57th Street (CUP not required).
34. Transfer of 2017 Package Liquor License from The Little Cellar Wine Company, The Little Cellar Wine Company, 2425 South Shirley Avenue, Suite 106, to Lewis Drugs Inc., Lewis Drug, 2701 South Minnesota Avenue (CUP not required).
35. Renewal of 2018 Package Liquor License for Lewis Drugs Inc., Lewis Drug, 2701 South Minnesota Avenue.
36. Special One-day Malt Beverage and Special One-Day Wine Licenses for Catering America, Chef Dominique s Catering to be operated at Orthopedic Institute, 810 East 23rd Street, for a holiday party on November 30, 2017.

INTRODUCTION AND ADOPTION OF ORDINANCES

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING SECTION 37.038, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.
38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A MIDAMERICAN ENERGY COMPANY GAS AND REGULATOR STATION EASEMENT.

Set a date of hearing and 2nd Reading for Tuesday, December 5, 2017, at 7 p.m. for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF N. WEBER AVE. AND E. 7TH ST. FROM THE REC RECREATION DISTRICT TO THE LW LIVE-WORK DISTRICT, PETITION NO. 7457-2017, 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, December 5, 2017, at 7 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. TOWNSLEY AVE. AND SOUTH OF W. 85TH ST. FROM THE O OFFICE

DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT, PETITION NO. 7505-2017, 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, December 5, 2017, at 7 p.m. for Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF E. 57TH ST. AND WEST OF HIGHWAY 11 FROM THE AG AGRICULTURE DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 7519-2017, 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, December 5, 2017, at 7 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6506 AND 6512 S. VINTAGE PL. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 7584-2017, 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, December 5, 2017, at 7 p.m. for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1010 E. 9TH ST. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7593-2017, 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, December 5, 2017, at 7 p.m. for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7101, 7107, AND 7113 S. MAN CAVE PL. FROM THE O OFFICE DISTRICT TO THE RCD RESIDENTIAL CLUSTER DEVELOPMENT PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7618-2017, 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, December 5, 2017, at 7 p.m. for Item 45:

45. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE CITY), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO PAY THE COSTS TO DESIGN, CONSTRUCT, EQUIP, AND FURNISH A NEW PARKING STRUCTURE TO INCLUDE APPROXIMATELY 520 PARKING SPACES AND RELATED IMPROVEMENTS TO BE LOCATED AT

110 S. MALL AVE. IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA (TOGETHER WITH SITE, STREET AND DRAINAGE IMPROVEMENTS, LANDSCAPING, AND RELATED FACILITIES AND EQUIPMENT) AND THE COST OF ISSUANCE THEREOF, AND PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A SECOND SUPPLEMENTAL INDENTURE TO AN AMENDED AND RESTATED INDENTURE OF TRUST BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE BONDS IN AN AMOUNT SUFFICIENT (I) TO FUND A DEPOSIT OF BOND PROCEEDS IN AN AMOUNT NOT TO EXCEED \$16,500,000 TO A CONSTRUCTION FUND TO FINANCE SUCH PROJECT; (II) TO PAY COSTS OF ISSUANCE OF SUCH BONDS; AND (III) TO FUND CAPITALIZED INTEREST, IF ANY, AND A DEBT SERVICE RESERVE FUND.

Set a date of hearing and 2nd Reading for Tuesday, December 5, 2017, at 7 p.m. for Item 46:

46. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LEGACY DEVELOPMENT & CONSULTING COMPANY, LLC ALONG WITH OTHER DOCUMENTS, AMENDMENTS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE DEVELOPMENT AGREEMENT.

HEARINGS AND RESOLUTIONS

47. A RESOLUTION TO AMEND AND RESTATE RESOLUTION 109-10 TO ADOPT AS A GOAL THAT THE CITY MAINTAIN AN 11 PERCENT MONTHLY UNRESTRICTED CASH BALANCE AND A 25 PERCENT GENERAL FUND RESERVE BALANCE AT YEAR END; THAT FUTURE BUDGETS OF THE CITY BALANCE WITHOUT THE USE OF UNOBLIGATED RESERVE BALANCES; ESTABLISHING A CITY COUNCIL POLICY REGARDING THE USE OF PROJECTED REVENUE FROM FEE OR TAX INCREASES IN ANY BUDGET ADOPTED BY THE CITY COUNCIL; AND ESTABLISHING A CITY COUNCIL POLICY ON THE USE OF ENTERPRISE FUNDS.

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)

48. REPORT OF THE NOVEMBER 14, 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.