

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, March 6, 2018 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

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

Council Member Pat Starr

Council Member Theresa Stehly

Mayor Mike T. Huether

INVOCATION

● Pastor Kirk Thorson, Living Word Free Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● Women in Construction Week - March 4-10, 2018

● Spread the Word to End the Word - March 7, 2018

● Sioux Empire Water Festival Days - March 13 and 14, 2018

RECOGNITION/AWARDS

● SIOUXPERHERO Citizen Recognition Awards

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, February 20, 2018, at 4 p.m.

● City Council Meeting of Tuesday, February 20, 2018, at 7 p.m.

● Informational Meeting of Tuesday, February 27, 2018, at 4 p.m.

● Joint City Council/Minnehaha County Commission Meeting of Tuesday,
February 27, 2018, at 5:30 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the March 2, 2018, memo.
2. Approval of the notice of change orders on the March 2, 2018, memo.
3. Communication was received from the Sioux Falls Irish Club requesting permission to consume, but not sell, beer and wine at the Avera Prairie Center, 1000 E. 23rd St., on March 16, 2018, pursuant to SDCL 35-1-5.5, for a reception to honor the 2018 St. Patrick's Day Parade Grand Marshall.
4. Communication was received from the Butterfly House & Aquarium requesting permission to consume, but not sell, wine and malt beverages at the Butterfly House & Aquarium, 4320 S. Oxbow Ave. on March 22, 2018, from 5 p.m. - 6:30 p.m., pursuant to SDCL 35-1-5.5, for hosting a leadership mixer.
5. Communication was received from the Siouxland Heritage Museums requesting permission to consume, but not sell, beer and wine at the Old Courthouse Museum, 200 W. Sixth St. on April 6, 2018, from 5 p.m. - 7 p.m., pursuant to SDCL 35-1-5.5, for an exhibit opening reception.
6. Communication received from the Unity Lodge #130, A.F. & A.M., requesting permission to consume, but not sell, beer and wine at 520 S. First Ave. on April 28, 2018, between 11 a.m. and 5 p.m., pursuant to SDCL 35-1-5.5, for a "Wine and Canvas" style event.
7. Communication received from the Unity Lodge #130, A.F. & A.M., requesting permission to consume, but not sell, beer and wine at 520 S. First Ave. on May 10, 2018, between 11 a.m. and 5 p.m., pursuant to SDCL 35-1-5.5, for an awards dinner.
8. Report of Requests for Quotes for Fuel dated: February 15, 2018; 11,250 Gallons each Dyed Diesel #1 & #2; Stern Oil (\$2.3185/DM#1 & \$1.9985/DM#2); Midway Service, Cole's Petroleum, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil: All no bid. Bid awarded to: Stern Oil.
9. Report of Requests for Quotes for Fuel dated: February 21, 2018; 8,950 Gallons of unleaded and 350 Gallons of 50/50 blend; Midway Service (\$2.0037

for 8,500 of unleaded, \$2.0700 for 450 of unleaded and \$2.2600 for 350 of 50/50 blend); Cole s Petroleum (\$2.0156 for 8,500 gallons of unleaded no bid on other); Stern Oil (\$2.1225 for 8,500 of unleaded, \$2.2025 for 450 of unleaded and \$2.6476 for 350 of 50/50 blend); Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.

10. Report of Requests for Quotes for Fuel dated: February 22, 2018; #1 and #2 Clear Diesel; 7,500 Gallons; CHS, Inc. (#1 Clear Diesel \$2.585 and #2 Clear Diesel \$2.345); Harms Oil (#1 Clear Diesel \$2.571 and #2 Clear Diesel \$2.3476); Howes Oil, and Midwest Oil, both no bid. Bid awarded to: Harms Oil.
11. Report of Requests for Quotes for Fuel dated: February 23, 2018; 7,500 Gallons of Dyed Diesel # 1 and 7,500 Gallons of Dyed Diesel # 2; Cole s Petroleum: (\$2.3650 for Dyed Diesel # 1 and \$2.1075 for Dyed Diesel #2); Stern Oil: (\$2.2868 for Dyed Diesel # 1 and \$2.1026 for Dyed Diesel #2); Midway Service, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Stern Oil.
12. Report of Requests for Quotes for Fuel dated: February 26, 2018; 8,500 Gallons of Unleaded; Midway Service (\$2.0685); Cole s Petroleum (\$2.0782); Stern Oil (\$2.1353); Harms Oil, Howes Oil, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Midway Service.

APPLICATIONS

13. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America, Chef Dominique s Catering to be operated at the Old Courthouse Museum, 200 West 6th Street, for a wedding reception on October 6, 2018.

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

14. City of Sioux Falls, 224 West Ninth Street, Parcel # 28629, for 2017 property taxes in the amount of \$164.38. Reason: Property is exempt from the tax.
15. City of Sioux Falls, 224 West Ninth Street, Parcel 37583, for 2017 property taxes in the amount of \$107.29. Reason: Property is exempt from the tax.
16. City of Sioux Falls, 224 West Ninth Street, Parcel 37584, for 2017 property taxes in the amount of \$180.64. Reason: Property is exempt from the tax.
17. South Dakota Department of Transportation, 700 E. Broadway Avenue, Pierre, SD, Parcel 44201, for 2017 property taxes in the amount of \$818.84. Reason: property is exempt from the tax.

18. South Dakota Department of Transportation, 700 E. Broadway Avenue, Pierre, SD, Parcel #44202, for 2017 property taxes in the amount of \$1,552.24.
Reason: property is exempt from the tax.

Items 19 through 24: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

19. Berton Perryman, 6201 W. Essex Drive, Parcel 51850, for 2017 property taxes in the amount of \$292.82.
20. Carole Pagones, 3612 S. Bahnson, Parcel #59354, for 2017 property taxes in the amount of \$457.19.
21. David Larson, 822 North Spring, Parcel 39381, for 2017 property taxes in the amount of \$942.36.
22. Duane Ness, 1224 East 6th Street, Parcel #38395, for 2017 property taxes in the amount of \$253.44.
23. Marlin Erickson, 1708 South Ester Drive, Parcel #36235, for 2017 property taxes in the amount of \$267.00.
24. Charlotte Hanson, 3608 E. 24th Street, Parcel # 36198, for 2017 property taxes in the amount of \$272.49.

The following abatements were recommended for denial by the Director of Equalization:

25. Char Roth, 709 N. Blue Bell Lane, Parcel #86828, for 2017 taxes in the amount of \$2,335.49. Reason: Equalization did not receive an owner occupied application for this taxpayer.
26. Charles Geurts, 7808 W. Vista Park Street, Parcel #86746, for 2017 property taxes in the amount of \$1,090.28. Reason: Equalization did not receive an owner occupied application for this taxpayer.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, March 20, 2018, at 7 p.m. for Items 27-29:

27. New 2017-18 Package Malt Beverage License for Bwengbugal Matembera & Cynthia Yeanay, Glo Mini Market, 1300 West 12th Street (CUP not required).
28. Transfer of 2017-18 Package Malt Beverage License from Berenise Garcia-Navarett & Alberto Carranza, Mi Casa Latina Mexican Store, 809 South Marion Road, to Mi Casa Latina Mexican Store LLP, Mi Casa Mexican Store, 809 South Marion Road (CUP not required).
29. Special One-Day Malt Beverage License for Sioux Falls Cyclones Inc., to be

operated at Riverdale Park, 2000 East 24th Street, for a fundraiser run on April 7, 2018.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

30. Transfer of 2018 Retail Wine License from Max Nguyen, Nails Art, 5012 South Cliff Avenue, to Nails Art LLC, Nails Art, 5012 South Cliff Avenue, with Conditional Use Permit (2014-09-03) being approved on October 1, 2014.
31. Transfer of 2017-18 Retail Malt Beverage License, with video lottery terminals, from Nelson Operating Company, Friday s Hero, 1004 West 18th Street, to Nelson Operating Company, Northstar Grill & Pub, 4305 West 61st Street North (full service restaurant; CUP not required). Pending final inspections per Fire, Health and Building Services.
32. New 2018 Retail Wine License for Nelson Operating Company, Northstar Grill & Pub, 4305 West 61st Street North (full services restaurant; CUP not required). Pending final inspections per Fire, Health and Building Services.
33. New 2018 Retail Wine License for Shop Dog LLC, Shop Dog, 5015 South Western Avenue, Suite 130 (CUP not required).
34. New 2017-18 Retail Malt Beverage License for Myers LLC, Myers Deli, 221 South Phillips Avenue (CUP not required). Pending final inspections per Health.
35. New 2018 Retail Wine License for Myers LLC, Myers Deli, 221 South Phillips Avenue (CUP not required). Pending final inspections per Health.
36. New 2018 Package Liquor License for Shenanigan s Pub Inc., Shenanigan s Sports Bar & Grill, 1903 South Ellis Road (CUP not required; this is an addition to an existing license).
37. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Stockyards Ag Experience, 300 East Falls Park Drive, for a Young Professionals Network event on March 8, 2018.
38. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America, Chef Dominique s Catering to be operated at Dakota Dental, 208 West 37th Street, for a retirement open house on March 22,

2018.

39. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizens Services to be operated at Active Generations, 2300 West 46th Street, for fundraiser events on March 22 and April 29, 2018.
40. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Westward Ho Country Club Inc., The Country Club of Sioux Falls to be operated at Great Western Bank, 225 South Main Avenue, for a Chamber Mixer on April 10, 2018.
41. Special One-Day Liquor License for Butterfly House & Aquarium, 4320 South Oxbow Avenue, for a fundraiser on April 20, 2018.
42. 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 April 26 and August 30, 2018.
43. Special One-Day Malt Beverage License for Sisters of the Presentation of the Blessed Virgin Mary to be operated at Falls Park, 305 East Falls Park Drive, for a fundraiser on May 12, 2018.
44. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Area Community Foundation to be operated at Sanford Imagenetics, 1321 West 22nd Street, for a fundraiser on May 3, 2018.
45. Special One-Day Malt Beverage License for Siouxland Heritage Museums to be operated at Pettigrew Home & Museum, 131 North Duluth Avenue, for History Happy Hour on May 24, 2018.
46. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Jazz & Blues Society to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for JazzFest on July 20 and 21, 2018.

INTRODUCTION AND ADOPTION OF ORDINANCES

47. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF W. BENSON RD. AND I-29 FROM THE I-1 LIGHT INDUSTRIAL DISTRICT TO THE C-4 COMMERCIAL REGIONAL DISTRICT, PETITION NO. 7972-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
48. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHWEST CORNER OF E. 18TH ST. AND S. DARRYL PL. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, PETITION NO. 7973-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

49. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5600 W. UNIVERSITY TRL. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE PEDESTRIAN-ORIENTED PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7975-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
50. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 3015 S. MINNESOTA AVE. FROM THE C-3 COMMERCIAL COMMUNITY DISTRICT TO THE C-4 COMMERCIAL REGIONAL DISTRICT, PETITION NO. 7978-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
51. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF W. 12TH ST. AND S. MARION RD. FROM THE I-1 LIGHT INDUSTRIAL AND C-3 COMMERCIAL COMMUNITY DISTRICTS TO THE I-1 LIGHT INDUSTRIAL AND C-3 COMMERCIAL COMMUNITY DISTRICTS, PETITION NO. 7980-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
52. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF N. WESTPORT AVE AND SOUTH OF W. 54TH ST. N. FROM THE AG AGRICULTURE DISTRICT TO THE S-2 INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7981-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).
53. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 30: CITY COUNCIL, SUBCHAPTER ORGANIZATION AND PROCEDURE, BY ADDING SUBSECTION (b) TO SECTION 30.029 TO REQUIRE DELIVERY OF ANY NOTICES OF INTENT TO SUE TO THE CITY COUNCIL.

Set a date of hearing and 2nd Reading for Tuesday, March 13, 2018, at 7 p.m. for Item 54:

54. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND APPROVING OFFER TO PURCHASE.

Set a date of hearing and 2nd Reading for Tuesday, March 13, 2018, at 7 p.m. for Item 55:

55. 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 BEDROCK DEVELOPMENT, LLC, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE DEVELOPMENT AGREEMENT.

HEARINGS AND RESOLUTIONS

56. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF DALCO ADDITION.

57. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF NORTH RIDGE ADDITION.

58. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND GREAT BEAR RECREATION PARK, INC. FOR THE MANAGEMENT OF THE GREAT BEAR RECREATION PARK (GREAT BEAR), INCLUDING AN ALPINE SKIING FACILITY, GREAT BEAR LODGE, AND ALL OTHER GREAT BEAR FACILITIES.

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)

59. REPORT OF THE FEBRUARY 28, 2018, 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.