

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
MEETING OF Tuesday, August 21, 2018 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Christine M. Erickson

Council Member Rick Kiley

Council Member Greg Neitzert
Council Member Marshall Selberg
Council Member Curt Soehl
Council Member Pat Starr
Council Member Theresa Stehly

Council Member Janet Brekke

Mayor Paul TenHaken

INVOCATION

● Pastor Jeff Backer, First Lutheran Church

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● City Council Meeting of Tuesday, August 14, 2018, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 17, 2018, memo.
2. Sioux Area Metro Report of Requests for Quotes for Fuel dated: August 7, 2018; 9,001 Gallons of #2 Clear Diesel; Harms Oil, Inc. (\$2.5931); CHS, Inc. (\$2.69); Howes Oil and Midwest Oil, both no bid. Bid awarded to: Harms Oil.

3. Report of Requests for Quotes for Fuel dated: August 8, 2018; 7,500 Gallons of #2 Dyed Diesel; Cole s Petroleum (\$2.2848); Harms Oil (\$2.2719); Howes Oil (\$2.2875); Stern Oil (\$2.2963); Midway Service, CHS, Inc., and Olson Oil, all no bid. Bid awarded to Harms Oil.
4. Report of Requests for Quotes for Fuel dated: August 13, 2018; Unleaded Ethanol (8,500 Gallons); #2 Dyed Diesel (15,000 Gallons); Midway Service (\$2.2862 Unleaded & \$2.2650 Diesel); Cole s Petroleum (\$2.2787 Unleaded & \$2.2718 Diesel); Stern Oil (\$2.3058 Unleaded & \$2.2761 Diesel); Howes Oil (No bid for Unleaded & \$2.2670 Diesel). Harms Oil, CHS and Olson Oil, all no bid. Bid awarded to: Midway Service.
5. A communication was received from Heather Halverson requesting permission to consume, but not sell, beer and wine at the History Club, 758 S. Phillips Ave., on September 14, 2018, for the Minnehaha and Lincoln County Democratic Party 2nd Annual Night of Many Ha-Ha's comedy fundraiser.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 4, 2018, at 7 p.m. for Items 6 through 21:

6. New 2018-19 Retail Malt Beverage License, requesting off-sale use only, for 57th Street Lodging Partners, Hampton Inn & Suites, 3701 West Avera Drive (CUP not required).
7. New 2018 Retail Wine License for Elegant Nail Bar LLC, Elegant Nail Bar, 3010 West 57th Street, with Conditional Use Permit (6910-2017) being approved on July 5, 2017.
8. New 2018-19 Retail Malt Beverage License for Elegant Nail Bar LLC, Elegant Nail Bar, 3010 West 57th Street, with Conditional Use Permit (6910-2017) being approved on July 5, 2017.
9. New 2018-19 Retail Malt Beverage License for MR2T LP, R Wine Bar, 322 East 8th Street (CUP not required).
10. New 2018 Retail Wine License for MR2T LP, R Wine Bar, 322 East 8th Street (CUP not required).
11. New 2018 Retail Wine License for Tslat Inc., JJ s Axes & Ales, 4810 South Western Avenue, with Conditional Use Permit (8262-2018) being approved on May 3, 2018.
12. New 2018-19 Retail Malt Beverage License for Tslat Inc., JJ s Axes & Ales, 4810 South Western Avenue, with Conditional Use Permit (8262-2018) being approved on May 3, 2018.

13. Transfer of 2018 Off Sale Delivery License for Tslat Inc., JJ s Wine, Spirits & Cigars, 3000 West 57th Street (CUP not required).
 14. Special One-Day Malt Beverage License for Sioux Falls Women Run Training Team to be operated at Great Outdoor Store, 201 East 10th Street, for a movie event on September 6, 2018.
 15. Special One-Day Malt Beverage License for Augustana University, 2001 South Summit Avenue, for a Hasting South Dakota Archeological Society Meeting on September 7, 2018.
 16. Special One-Day Wine License for Augustana University, 2001 South Summit Avenue, for a Hasting South Dakota Archeological Society Meeting on September 8, 2018.
 17. Special One-Day Wine License for Butterfly House & Aquarium, 4320 South Oxbow Avenue, for a fundraiser on September 8, 2018.
 18. Special One-day Malt Beverage and One-Day Wine Licenses for Catering America to be operated at Vance Thompson Vision, 3101 West 57th Street, for a social on September 10, 2018.
 19. Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at the following locations: 605 Running Company, 124 South Phillips Avenue; Acorn 19/Bead Co., 319 South Phillips Avenue; American State Bank, 223 South Phillips Avenue; Architecture Incorporated, 415 South Main Avenue; Atoley Salon and Spa, 317 South Phillips Avenue; CH Patisserie, 309 South Phillips Avenue; Chelsea s Boutique, 220 South Phillips Avenue; Great Outdoor Store, 201 East 10th Street; JH & Sons, 216 South Phillips Avenue; JLG Architects, 232 South Main Avenue; LPM Properties/Legacy Development, 101 South Main Avenue; NV Studio, 106 West 11th Street; Nyberg s Ave, 200 East 12th Street; Palmer Lea, 206 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 & Steel, 401 East 8th Street #118; TH Grey, 330 South Phillips Avenue; Urban Archeology, 126 South Phillips Avenue; and Young & Richards, 222 South Phillips Avenue, for an Art Wine Walk on October 5, 2018.
 20. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR INSTALLATION OF CONCRETE SIDEWALK ON W. 9TH ST., N. 4TH AVE., AND EAST OF BENSON RD.
 21. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REMOVAL AND REPLACEMENT OF CONCRETE SIDEWALK AT VARIOUS LOCATIONS.
- Set a date of hearing for Tuesday, September 11, 2018, at 7 p.m. for Item 22:
22. A PROPOSED RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2019, AND THE 2019 2023 CAPITAL PROGRAM.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

23. New 2018-19 Retail Malt Beverage License for Rudy M. Navarrete s Tex-Mex Food, Rudy M. Navarrete s Tex-Mex Food, 2209 West 57th Street, with the Conditional Use Permit (8899-2018) being reviewed on August 8, 2018. Pending final inspection per Health.
24. New 2018 Retail Wine License for Rudy M. Navarrete s Tex-Mex Food, Rudy M. Navarrete s Tex-Mex Food, 2209 West 57th Street, with the Conditional Use Permit (8899-2018) being reviewed on August 8, 2018. Pending final inspection per Health.
25. New 2018-19 Retail Malt Beverage License for Winetime on Main LLC, Winetime on Main, 330 South Main Avenue (CUP not required). Pending final inspection per Fire and Building Services.
26. Transfer of 2018 Package Liquor License from Lewis Drugs Inc, Lewis Drug, 2701 South Minnesota Avenue, to Lewis Drug #15, 2525 South Ellis Road, with the Conditional Use Permit (7728-2017) being approved on December 6, 2017.
27. Transfer of 2018 Retail Liquor License, with video lottery terminals, from D & K Enterprises LLC, Bigs Sports Bar & Billiards, 3100-3108-3110 West 12th Street, to M & K Enterprises LLC, Bigs Sports Bar, 3110 West 12th Street.
28. Transfer of 2018-19 Retail Malt Beverage License, with video lottery terminals, from Osmina Halilovic, Emina Sports Coffee Bar, 2309 West Madison Street, to Darinda Martinez, Business Name to be determined, 2309 West Madison Street, with Conditional Use Permit (8110-2018) being approved on March 7, 2018.
29. New 2018 Retail Wine License for Darinda Martinez, Business Name to be determined, 2309 West Madison Street, with Conditional Use Permit (8110-2018) being approved on March 7, 2018.
30. New 2018 Full-Service Restaurant On-Sale Liquor License for WR Hospitality LLC, 22Ten Kitchen & Cocktails, 2210 West 69th Street (CUP not required). Pending permit issuance and final inspections per Building Services and Health.

31. New 2019 Full-Service Restaurant On-Sale Liquor License for 212 Restaurant Group LLC, Roam Kitchen & Bar, 4521 West Empire Place (CUP not required). Pending permit issuance and final inspections per Building Services and Health.
32. Special One-Day Liquor License for Ramkota Companies Inc., to be operated at Avera Health, 1000 East 23rd Street, for a retirement event on August 30, 2018.
33. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizens Services Inc. to be operated at Active Generations, 2300 West 46th Street, for special events on September 13 and December 11, 2018.
34. Special One-Day Liquor Licenses for Sioux Falls Sports Authority to be operated at Minnehaha Country Club (course only), 3101 West 22nd Street, for a PGA Tour Champions Event to be held September 15-24, 2018.
35. Special One-Day Malt Beverage License and Special One-Day Wine Licenses for Interstate House of Pancakes, Rollin Pin Restaurant, to be operated at Camp Leif Ericson, 2301 East 26th Street, for a wedding reception on September 15, 2018.
36. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Joe Foss Squadron Commemorative Air Force to be operated at Maverick Air Center, 4201 North Maverick Place, for a fundraiser on September 22, 2018.
37. 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 October 25, 2018.

INTRODUCTION AND ADOPTION OF ORDINANCES

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING CHAPTER 161 TO BE ENTITLED SIOUX FALLS DOWNTOWN RAILYARD ENVIRONMENTAL OVERLAY DISTRICT.
39. 2nd 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, September 4, 2018, at 7 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5311 W. 26TH ST. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8906-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m.
for Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5501 E. RED OAK DR. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8904-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m.
for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2513 S. EISENHOWER AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8905-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m.
for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. 26TH ST. AND S. ELMWOOD AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 8534-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0) with the following condition: Principle and accessory uses within the NF1, NF2, UT1, UT2, BCF1, BCF2, BCF3, and RE1 forms be limited to Accessory off-site parking.

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m.
for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6300 W. 41ST ST. FROM THE S-1 GENERAL INSTITUTIONAL DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT, NO. 8738-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-1).

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m.
for Item 45:

45. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2801 N. CAREER AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE LW LIVE-WORK DISTRICT, NO. 8804-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m.
for Item 46:

46. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 509 N. COVELL AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, NO. 8791-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m. for Item 47:

47. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5100 N. HEALY LN. FROM THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, NO. 8879-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

Set a date of hearing and 2nd Reading for Tuesday, September 4, 2018, at 7 p.m. for Item 48:

48. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF INTERSTATE 29 NORTH AND NORTH OF W. 12TH ST. FROM THE C-4 COMMERCIAL REGIONAL DISTRICT TO THE CN CONSERVATION DISTRICT, NO. 8892-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

HEARINGS AND RESOLUTIONS

49. HEARING TO DETERMINE THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSAL TO DEMOLISH 1005, 1023, AND 1027 S. DAKOTA AVE. AND 414 W. 19TH ST. IN THE SHERMAN HISTORIC DISTRICT BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE.

50. MOTION AUTHORIZING THE PROPOSAL TO DEMOLISH HOMES AT 414 W. 19TH ST., 1005, 1023, AND 1027 S. DAKOTA AVE. IN THE SHERMAN HISTORIC DISTRICT AND THE ISSUANCE OF ANY RELATED PERMIT BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSAL AND THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE.

51. MOTION TO AUTHORIZE THE SIOUX FALLS CITY ATTORNEY S OFFICE TO PREPARE WRITTEN FINDINGS CONSISTENT WITH THE MAJORITY VOTE ON THE ABOVE MOTION FOR DISCUSSION, REVIEW AND APPROVAL BY THE CITY COUNCIL.

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)

52. REPORT OF THE AUGUST 13, 2018, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

53. A MOTION TO PROVIDE ADVICE AND CONSENT FOR THE APPOINTMENT OF STACY KOOISTRA AS CITY ATTORNEY

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: PUBLIC INPUT IS ALLOWED FOR ANY ITEM ON THE REGULAR AGENDA. NOTWITHSTANDING THE PRECEDING SENTENCE, THE PUBLIC INPUT PORTION AT THE START OF A CITY COUNCIL MEETING SHALL LAST NO MORE THAN 30 MINUTES AND WILL BE LIMITED TO TOPICS WHICH DO NOT INVOLVE THOSE REGULAR AGENDA ITEMS APPEARING LATER IN THE AGENDA AS PUBLIC INPUT WILL BE RECEIVED WHEN THAT ITEM IS UP FOR DISCUSSION. PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME AND UNLESS FURTHER TIME IS GRANTED BY THE COUNCIL, SHALL BE LIMITED TO THREE 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.