

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, September 4, 2018 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

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

Council Member Christine M. Erickson

Mayor Paul TenHaken

INVOCATION

● Major Thomas Riggs, Corps Officer, The Salvation Army

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Budget Hearings of Tuesday, August 21, 2018, at 3 p.m.

● Informational Meeting of Tuesday, August 28, 2018, at 4 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 31, 2018, memo.
2. Approval of notice of change orders on the August 31, 2018, memo.

3. A memorandum dated July 31, 2018, declaring surplus property.
4. Statement of Claim for Mechanic's and/or Materialman's Lien relating to a Public Improvement Project from A thru Z Consulting and Distributing, Inc. for work and materials furnished to WS Construction Management, LLC, regarding the Great Plains Zoo Brown Bear Exhibit Remodel.
5. Sioux Area Metro. Report of Requests for Quotes for Fuel dated: August 16, 2018; 7,500 Gallons of #2 Clear Diesel; Harms Oil, Inc. (\$2.5625); Howes Oil (\$2.557); CHS, Inc. and Midwest Oil, both no bid. Bid awarded to: Howes Oil.
6. A 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 Avenue, on Thursday, September 27, 2018, from 5 p.m. to 6:30 p.m., pursuant to SDCL 35-1-5.5 for a Women's Leadership Mixer event.
7. A communication was received from Messiah New Hope Lutheran Church requesting permission to consume, but not sell, wine and malt beverage at Messiah New Hope Lutheran Church, 5001 East Madison Street, on Sunday, September 30, 2018, from 11 a.m. to 2 p.m., pursuant to SDCL 35-1-5.5 for a 25th anniversary celebration.
8. A communication was received from the Great Plains Zoo & Delbridge Museum of Natural History requesting permission to consume, but not sell, liquor, wine, and/or malt beverages at the Great Plains Zoo and Delbridge Museum of Natural History, 805 S. Kiwanis Avenue, pursuant to SDCL 35-1-5.5, for appreciation events on the following dates: October 2, 4, 5, 6, 9, 11, 12, 13, 16, 18, 19, 20, 23, 25, 26, 27 and 30, 2018.
9. A communication was received from Nikki Wallenberg requesting permission to consume, but not sell, liquor, wine, or beer at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, November 3, 2018, pursuant to SDCL 36-1-5.5, for a holiday event.

APPLICATIONS

10. Special One-Day Liquor License for Ovations Food Services LP to be operated at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for an awards show on September 13, 2018.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 18, 2018, at 7 p.m. for Items 11 through 17:

11. New 2018 Retail Wine License for Touchmark at All Saints Retirement, Waterford at All Saints, 111 West 17th Street (CUP not required).

12. New 2018-19 Retail Malt Beverage License for Touchmark at All Saints Retirement, Waterford at All Saints, 111 West 17th Street (CUP not required).
13. New 2018-19 Retail Malt Beverage License for The Diamond Room LLC, The Diamond Room, 3501 West 57th Street (CUP not required).
14. Special One-Day Malt Beverage License for The Episcopal Church of the Good Shepherd, 2707 West 33rd Street, for a church fundraiser on September 21, 2018.
15. Special One-Day Wine License for Downtown Sioux Falls to be operated at the 8th & Railroad Center Lobby, 401 East 8th Street, on for a fundraiser on October 5, 2018.
16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for South Dakota Trust Association to be operated at Augustana University, 2001 South Summit Avenue, for a networking event on October 16, 2018.
17. Special One-Day Liquor License for Butterfly House & Aquarium, 4320 South Oxbow Avenue, for a fundraiser on November 9, 2018.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

18. 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).
19. 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. Pending final inspection per Health.
20. 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. Pending final inspection per Health.
21. New 2018-19 Retail Malt Beverage License for MR2T LP, R Wine Bar, 322 East 8th Street (CUP not required). Pending final inspection per Fire.

22. New 2018 Retail Wine License for MR2T LP, R Wine Bar, 322 East 8th Street (CUP not required). Pending final inspection per Fire..
23. 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.
24. 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.
25. Transfer of 2018 Off Sale Delivery License for Tslat Inc., JJ s Wine, Spirits & Cigars, 3000 West 57th Street (CUP not required).
26. 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.
27. 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.
28. Special One-Day Wine License for Augustana University, 2001 South Summit Avenue, for a Hasting South Dakota Archeological Society Meeting on September 8, 2018.
29. Special One-Day Wine License for Butterfly House & Aquarium, 4320 South Oxbow Avenue, for a fundraiser on September 8, 2018.
30. 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.
31. 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.

INTRODUCTION AND ADOPTION OF ORDINANCES

32. 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, SECTION 30.013, ORDER OF BUSINESS.
33. 2nd 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).
34. 2nd 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).
35. 2nd 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).
36. 2nd 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).
37. 2nd 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).
38. 2nd 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).
39. 2nd 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).
40. 2nd 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.

HEARINGS AND RESOLUTIONS

41. A RESOLUTION VACATING THE S. ELMWOOD AVE. RIGHT-OF-WAY FROM THE SOUTH RIGHT-OF-WAY LINE OF W. 26TH ST. TO THE NORTH RIGHT-OF-WAY LINE OF W. 28TH ST.
42. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR INSTALLATION OF CONCRETE SIDEWALK ON W. 9TH ST., N. 4TH AVE., AND EAST OF BENSON RD.
43. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REMOVAL AND REPLACEMENT OF CONCRETE SIDEWALK AT VARIOUS LOCATIONS.
44. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF DONAHOE FARMS ADDITION. The Planning Commission recommends approval (8-0).
45. A RESOLUTION APPROVING THE RELEASE OF 20' PERMANENT DRAINAGE EASEMENTS AND PERMANENT BMP/DRAINAGE EASEMENT LOCATED IN LOT 2, BLOCK 3 OF BROOKS CROSSING ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.
46. A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NO. 17.
47. A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT NO. 19.
48. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.
49. A RESOLUTION ADOPTING WRITTEN FINDINGS BY THE CITY COUNCIL DENYING A 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.

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)

50. REPORT OF THE AUGUST 31, 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: 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.