

City Council Meeting
5/7/2019 7:00:00 PM

CALL TO ORDER

1
MEETING ROLL CALL

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

2
INVOCATION

Pastor Kevin Schneider, Good News Church

3
PLEDGE OF ALLEGIANCE

4
AWARDS & RECOGNITIONS

SIOUXPERHERO Citizen Recognition Awards

Mayor's Award for Historic Preservation

CONSENT AGENDA

5
APPROVAL OF THE CONSENT AGENDA

6
APPROVAL OF MINUTES

Informational Meeting of Tuesday, April 16, 2019

City Council Meeting of Tuesday, April 16, 2019

Informational Meeting of Tuesday, April 23, 2019

Special City Council Meeting of Tuesday, April 23, 2019

COMMUNICATIONS

7
Approval of contracts/agreements on the May 3, 2019, memo.

8
Notice of change orders on the May 3, 2019, memo.

9
Approval of a request from Alexander Huwer and Elin Haegeland to consume, but not sell, wine and beer at the Old Courthouse Museum, 200 W. 6th St., on Tuesday, June 29, 2019 for the following purpose: wedding reception.

10
Report of Requests for Quotes for Fuel dated: April 8, 2019; 440 Gallons of #1

Dyed Diesel and 440 Gallons of #2 Dyed Diesel; Howes Oil: (\$2.594 #1 Dyed Diesel and #2 Dyed Diesel); Midway Service (\$2.5766 #1 Dyed Diesel and #2 Dyed Diesel). Bid awarded to: Midway Service.

11

Report of Requests for Quotes for Fuel dated: April 11, 2019; 1,000 Gallons of #1 Dyed Diesel and 1,000 Gallons of #2 Dyed Diesel; Howes Oil (\$2.594 #1 Dyed Diesel and #2 Dyed Diesel); Cole's Petroleum, Harms Oil, Farstad Oil, CHS, Inc., Midway Service and Olson Oil, all no bid. Bid awarded to: Howes Oil.

12

Report of Requests for Quotes for Fuel dated: April 11, 2019; 400 Gallons of #1 Dyed Diesel, 400 Gallons of #2 Dyed Diesel, 678 Gallons of Unleaded Ethanol and 474 Gallons of #2 Clear Diesel; Howes Oil (\$2.849 #1 Dyed Diesel, \$2.349 #2 Dyed Diesel, \$2.436 Unleaded Ethanol and \$2.649 #2 Clear Diesel); Cole's Petroleum, Harms Oil, Farstad Oil, CHS, Inc., Midway Service & Olson Oil, all no bid. Bid awarded to: Howes Oil.

13

Report of Requests for Quotes for Fuel dated: April 12, 2019; Unleaded Ethanol (12,500 Gallons), E30 Unleaded (4,500 Gallons); Midway Service (\$2.3361 Unleaded Ethanol and \$2.1224 E30 Unleaded); Cole's Petroleum; Harms Oil, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.

14

Report of Requests for Quotes for Fuel dated: April 12, 2019; 500 Gallons of #1 Dyed Diesel and 500 Gallons of #2 Dyed Diesel; Howes Oil: (\$2.644 #1 Dyed Diesel and #2 Dyed Diesel); Midway Service (\$2.72 #1 Dyed Diesel and #2 Dyed Diesel); Cole's Petroleum, Harms Oil, Farstad Oil, all no bid. Bid awarded to: Howes Oil.

15

Report of Requests for Quotes for Fuel dated: April 17, 2019; 7,500 Gallons of #2 Dyed Diesel; Midway Service (\$2.2165); Cole's Petroleum (\$2.2116); Harms Oil (\$2.2039); Howes Oil (\$2.2115); Stern Oil (\$2.2197); Farstad Oil (\$2.2110); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Harms Oil.

16

Sioux Area Metro Report of Requests for Quotes for Fuel dated: April 17, 2019; 8,500 Gallons of #2 Clear Diesel; Parkland USA/SPF Energy Inc./Farstad Oil (\$2.483); Harms Oil (\$2.4804); Howes Oil (\$2.4965); CHS, Inc., Petroleum Traders and Midwest Oil, all no bids. Bid awarded to: Harms Oil.

17

Report of Requests for Quotes for Fuel dated: April 19, 2019; Unleaded Ethanol (6,000 Gallons); #2 Dyed Diesel (2,000 Gallons); Midway Service (\$2.3147 Unleaded & \$2.2015 Diesel); Cole's Petroleum (\$2.3750 Unleaded & \$2.2700 Diesel); Farstad Oil (\$2.3020 Unleaded & \$2.1860 Diesel) Harms Oil (\$2.2968 Unleaded & \$2.1889 Diesel); CHS (\$2.3675 Unleaded & \$2.2300 Diesel); Howes Oil, Stern Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

18

Report of Requests for Quotes for Fuel dated: April 29, 2019; 15,000 Gallons of #2 Dyed Diesel; Midway Service (\$2.1525); Cole's Petroleum (\$2.1492); Farstad Oil (\$2.1560); Harms Oil (\$2.1349); Stern Oil (\$2.1812); CHS, Inc., (\$2.2050); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

19

Report of Requests for Quotes for Fuel for Water Reclamation dated: April 29,

2019; 2,200 Gallons of #2 Dyed Diesel; Midway Service (\$2.2325); Stern Oil (\$2.2800). Cole's Petroleum, Farstad Oil, Harms Oil, Howes Oil, CHS, Inc. and Olson Oil all no bid. Bid awarded to: Midway Service.

APPLICATIONS

20

Special One-Day Liquor Licenses for Great Bear Recreation Park Inc., 5901 East Rice Street, for special events on May 11, July 9 and 27, August 3, September 7, 14, 21, and 28, October 5, 12 and 25, 2019.

21

Special One-Day Malt Beverage License for Fernson Brewing Company to be operated at Cherry Rock Park, 1800 East 18th Street, for a fundraiser on June 29, 2019.

22

Special One-Day Liquor Licenses for Washington Pavilion Management Inc., 301 South Main Avenue, for special events on May 11 and 18, and July 20, 2019.

23

Various Retail Malt Beverage renewals for 2019-2020 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

The following abatements are recommended for denial by the Minnehaha County Director of Equalization:

24

Tatyana V. Sharton, 1222 E. 6th St., Parcel #38396, for 2018 property taxes in the amount of \$428.51. Reason: Did not apply for owner-occupied status by the deadline.

25

Tatyana V. Sharton, 1222 E. 6th St., Parcel #38396, for 2017 property taxes in the amount of \$393.58. Reason: Did not apply for owner-occupied status by the deadline.

26

Tatyana V. Sharton, 1222 E. 6th St., Parcel #38396, for 2016 property taxes in the amount of \$385.81. Reason: Did not apply for owner-occupied status by the deadline.

The following abatements are recommended for approval by the Lincoln County Director of Equalization:

27

Avera McKennan Behavioral Health, P.O. Box 5045, Parcel #281.19.00.001, for 2018 property taxes in the amount of \$255,324.12. Reason: Incorrect exemption value

NOTICE OF HEARINGS

28

New 2018-19 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine and Cider Licenses for Pure Fitness LLC, with the legal description of Lot 3, Block 1 Arrowhead Parkway Addition (pending address of 5120 East Grant Street), effective May 31, 2019 (CUP not required).

29

New 2019-20 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine and

Cider Licenses for Severance Brewing Company, 701 North Phillips Avenue, Suite 110 (CUP not required).

30

New 2019-20 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine and Cider Licenses, requesting off-sale use only, for Family Dollar #25324, 421 West 8th Street (CUP not required).

31

Transfer of 2019 Retail Liquor License from Kelly Inns Ltd, Hotel Phillips, 100 North Phillips Avenue, to The Treasury LLC, The Treasury, 100 North Phillips Avenue.

32

Special One-Day Liquor License for American Legion to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue, for a dinner on June 7, 2019.

33

Special One-Day Liquor License for Pave LLC to be operated at 8th & Railroad Center parking lot, 401 East 8th Street, for an outdoor concert on August 23-24, 2019.

34

Special One-Day Liquor and Special One-Day Off-Sale Package Wine Licenses for Zoological Society of Sioux Falls to be operated at the Great Plains Zoo & Delbridge Museum, 805 South Kiwanis Avenue, for a fundraiser on August 1, 2019.

REGULAR AGENDA

35

APPROVAL OF THE REGULAR AGENDA

36

PUBLIC INPUT

UNFINISHED BUSINESS

37

New 2019 Retail Wine and Cider and New 2018-19 Retail Malt Beverage and SD Farm Wine Licenses for Obscure Brewing Company, 5200 East Garfield Street (CUP not required). Pending final inspections per Fire, Health and Building Services.

38

New 2018-19 Retail Malt Beverage and SD Farm Wine License for 777 Casino, 5237 West 26th Street, with Conditional Use Permit (9993-2019) being approved on April 3, 2019. Pending permit issuance and final inspections per Fire, Health and Building Services.

39

Request to include video lottery terminals with the new 2018-19 Retail Malt Beverage and SD Farm Wine License for 777 Casino, 5237 West 26th Street, with Conditional Use Permit (9993-2019) being approved on April 3, 2019. Pending permit issuance and final inspections per Fire, Health and Building Services.

40

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America to be operated at Poet, 4615 North Lewis Avenue, for a fundraiser on May 8, 2019.

41

Special One-Day Malt Beverage License for Almost Home Canine Rescue to be operated at 300 North Cherapa Place east parking lot, for 605 Summer Classic on June 21 and 22, 2019.

42

Special One-Day Liquor License for TNT Entertainment to be operated at the Albert House parking lot, 337 North Phillips Avenue, for a concert on July 12, 2019.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

43

Deferred from the Meeting of Tuesday, April 2, 2019: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 3920 S. HAWTHORNE AVE. FROM THE RA-1 APARTMENT RESIDENTIAL-LOW DENSITY DISTRICT TO THE O OFFICE DISTRICT, NO. 9928-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0). This item will be withdrawn at the request of the applicant.

44

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY CHANGING A STREET NAME.

45

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7201 S. MINNESOTA AVE. FROM THE LW LIVE-WORK AND C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICTS TO THE O OFFICE, C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR, AND C-3 COMMERCIAL-COMMUNITY DISTRICTS, NO. 10029-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).

46

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. SHAFER DR. AND SOUTH OF E. 26TH ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL-SUBURBAN AND CN CONSERVATION DISTRICTS, NO. 9926-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0) with the following conditions: That the RD-2 Townhome Residential-Suburban District zoned parcels allow development of the following forms: DD2 (Detached Dwelling-Suburban), AD1 (Twin Home/Duplex Residential-Suburban), and AD2 (Townhome Residential-Suburban).

47

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 6800 S. CLIFF AVE. FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR AND S-2 INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT DISTRICTS TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR AND O OFFICE DISTRICTS, NO. 10016-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).

48

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. KEYRELL DR. AND SOUTH OF W. BROEK DR. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICTS, NO. 10019-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (7-0).

ORDINANCE FIRST READINGS

49

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE MAYOR TO ENTER INTO A SUBLEASE AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE UNIVERSITY OF SOUTH DAKOTA.

50

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. Highways and Streets - Sales/Use Tax Fund (\$1,875,000); Facilities Management - Sales/Use Tax Fund (\$1,210,000); General Government Construction Fund (\$290,000).

HEARINGS AND RESOLUTIONS

51

A RESOLUTION RECOMMENDING THAT THE 2019 SIOUX FALLS HOUSING SUMMIT BE FREE OF CHARGE AND VIDEO RECORDED.

52

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. (ANNEXATION 9827-2019-47739 and 47765 57th St.)

53

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. (ANNEXATION 10122-2019-18-101-48 East of 6th St. and Veterans Pkwy.)

54

A RESOLUTION APPROVING THE RELEASE OF 10-FOOT PERMANENT UTILITY EASEMENTS LOCATED IN LOT 1A, BLOCK 1 AND LOTS 1, 2A, & 3, BLOCK 3, ALL IN THELIN BUSINESS CENTER ADDITION TO THE CITY OF SIOUX FALLS, AND IN LOT C IN TRACT 1 (EXCEPT LOT H1), TICKMAN ADDITION TO THE CITY OF SIOUX FALLS, AND IN THE N1/2 OF THE N1/2 (EXCEPT LOTS H1, H2, H3 & H4 & EXCEPT THELIN ADDITION & EXCEPT THELIN BUSINESS CENTER ADDITION) OF SECTION 1-T101N-R50W OF THE 5TH P.M., ALL IN MINNEHAHA COUNTY, SD.

55

A RESOLUTION APPROVING THE RELEASE OF A PORTION OF A PERMANENT UTILITY EASEMENT LOCATED IN LOT 1A OF IDEKER ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

56

A RESOLUTION APPROVING THE RELEASE OF A VESTED DRAINAGE RIGHT LOCATED IN LOTS 3A & 3B IN BLOCK 2 OF WESTERN VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

NOTICE OF HEARINGS FOR STREET VACATIONS

57

A RESOLUTION VACATING THE OLD YANKTON CIR. RIGHT-OF-WAY ABUTTING THE BELOW-DESCRIBED PROPERTY(S) AND AS SHOWN ON EXHIBIT A.

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)

58

REPORT OF THE APRIL 30, 2019, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

59

A MOTION PROVIDING ADVICE AND CONSENT TO THE APPOINTMENT OF JEFF ECKHOFF AS
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES.

ADJOURNMENT