

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

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

Council Member Rex Roling
Council Member Marshall Selberg
Council Member Pat Starr
Council Member Theresa Stehly
Council Member Christine M. Erickson
Council Member Michelle Erpenbach (arr. 7:01 p.m.)
Council Member Rick Kiley
Council Member Greg Neitzert (arr. 7:01 p.m.)
Mayor Mike T. Huether

ABSENT

INVOCATION

- Senior Pastor Bob Ruedebusch, Sioux Falls First United Methodist Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- Hunger and Homelessness Awareness Month, November, 2017

RECOGNITION/AWARDS

- 2017 Citizen Planning Academy Graduates

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.
Motion Passed.

MINUTES

- Informational Meeting of Tuesday, October 17, 2017, at 4 p.m.
- City Council Meeting of Tuesday, October 17, 2017, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the October 3, 2017, memo.
2. Approval of the notice of change orders on the October 3, 2017, memo.
3. Report of Requests for Quotes for Fuel dated: October 12, 2017; Unleaded; 8,500 Gallons; Midway Service (\$1.9281); Cole's Petroleum (\$1.9719); Stern Oil (\$1.9759); Harms Oil (\$1.9624); Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.
4. Report of Requests for Quotes for Fuel dated: October 13, 2017; Dyed Diesel #2; 950 Gallons; Midway Service (\$2.0300); Cole's Petroleum, Stern Oil, Harms Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.
5. Report of Requests for Quotes for Fuel dated: October 19, 2017; Dyed Diesel #1 and Unleaded; 5,500 Gallons of Dyed Diesel #1 and 2,500 Gallons of Unleaded; Cole's Petroleum (\$2.1520 Dyed Diesel #1 and \$1.9860 Unleaded); Stern Oil (\$2.2060 Dyed Diesel #1 and \$2.0262 Unleaded); Harms Oil (\$2.2361 Dyed Diesel #1 and \$2.0958 Unleaded); Midway Service, Howes Oil, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
6. Report of Requests for Quotes for Fuel dated: October 19, 2017; Clear Diesel; 9,000 Gallons; Howe's Oil (\$2.3125); Harms Oil (\$2.3601); CHS, Inc. and Midwest Oil, both no bid. Bid awarded to: Howes Oil.
7. Report of Requests for Quotes for Fuel dated: October 24, 2017; Unleaded Ethanol & #2 Dyed Diesel; 770 Gallons Unleaded; 8,450 Gallons #2 Dyed Diesel; and 7,500 Gallons #1 Dyed Diesel; Midway Service (\$2.0731 Unleaded and \$2.0275 #2 Diesel); Stern Oil (\$1.9085 Unleaded, \$2.0087 #2 Dyed Diesel and \$2.1963 #1 Diesel); Harms Oil, CHS, Inc., Cole's Petroleum, Howes Oil and Olson Oil, all no bid. Bid awarded to Stern Oil.
8. Report of Requests for Quotes for Fuel dated: October 25, 2017; Unleaded; 8,500 Gallons of Unleaded; Cole's Petroleum (\$2.0318); Harms Oil (\$2.0560); Midway Service, Stern Oil, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
9. Report of Requests for Quotes for Fuel dated: October 27, 2017; #1 Dyed Diesel and #2 Dyed Diesel Fuel; 3,750 Gallons of each; Harms Oil (\$2.2311 #1 Dyed Diesel and \$2.0531 #2 Dyed Diesel Fuel); Stern Oil (\$2.2166 #1 Dyed Diesel and \$2.0021 #2 Dyed Diesel Fuel); Cole's Petroleum (\$2.1669 #1 Dyed Diesel Fuel and \$1.9812 #2 Dyed Diesel Fuel); Howes Oil (\$2.230 #1 Dyed

Diesel and \$1.984 #2 Dyed Diesel); Midway Service (\$2.1715 #1 Dyed Diesel and \$1.9897 #2 Dyed Diesel); CHS, Inc., and Olson Oil, both no bid.

APPLICATIONS

10. Special One-Day Liquor License for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts and Sciences, 301 South Main Avenue, for a special event on December 14, 2017.
11. 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 B.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, November 21, 2017, at 7 p.m. for Items 12 through 21:

12. 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).
13. New 2017-18 Retail Malt Beverage License for Dragonfly Salon LLC, Dragonfly Salon, 7720 South Dakota Hawk Avenue (CUP not required).
14. 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).
15. New 2017-18 Package Malt Beverage License for Kum & Go LC, Kum & Go #635, 1005 West 11th Street (CUP not required).
16. 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).
17. Renewal of 2018 Package Liquor License for I-90 Fuel Services, Inc., The Gas Stop #104, 7414 South Minnesota Avenue.
18. New 2017-18 Package Malt Beverage License for I-90 Fuel Services, Inc., The Gas Stop #123, 1927 West 57th Street (CUP not required).
19. 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).

20. Renewal of 2018 Package Liquor License for Lewis Drugs Inc., Lewis Drug, 2701 South Minnesota Avenue.

21. 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.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Steven Siano spoke about efforts by people to deprive him of his needs; his efforts to get local authorities to look into it; and feeling misrepresented when points of his public input comments are missing from previous meeting minutes.

Heather Pastor spoke about the loss of her mother; about being homeless; and about seeking an attorney for a civil matter.

James Reed spoke about treatment at the Union Gospel Mission.

Scott Ehrisman spoke about the SMG contract renewal and profits; the economic impact of the Events Center; and an audit of the Washington Pavilion of Arts and Science.

Kyle Billeter spoke about the Conscious Youth Solutions 2017 Diversity and Inclusion Summit that was held on November 2nd; stating the event was well attended and he appreciated the enthusiasm for diverse working groups in Sioux Falls.

Tim Stanga spoke about the structure of the Events Center.

David Zokaites spoke about apparent corruption in Sioux Falls.

Sierra Broussard spoke about body cameras and the Police Department.

Thor Bardon spoke about the South Dakota foster care system and group homes.

PETITIONS

22. CONDITIONAL USE PERMIT APPEAL (7248-2017): 6000 S. Doral Ave., Lot 1A of Lot M of Prairie Green Addition, City of Sioux Falls.
The request for the Conditional Use Permit is for the applicant to provide wood siding in lieu of brick and parking in the front yard for the proposed building in the O, Office District. Approved at the October 4, 2017 Planning Commission Meeting 7-Yes, 1-No without a condition.

Council Member Rex Rolwing was excused from the discussion and the vote on Item 22.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Neitzert to defer this item to the City Council Meeting of Tuesday, December 5, 2017, at 7 p.m.

Vote to defer: Roll Call: Yeses, Greg Neitzert, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, 7.
Motion Passed.

23. CONDITIONAL USE PERMIT APPEAL (7432-2017): 1029 S. Cleveland Ave., Lots 6-8, Block 16, Gibboney s R.R. Addition, City of Sioux Falls.
The request for the Conditional Use Permit is for the applicant to allow on-sale alcohol and casino within 500 of a sensitive use in the C-2, Commercial-Neighborhood & Streetcar District. Approved at the October 4, 2017 Planning Commission Meeting 7-Yes, 1-No with a condition: For this applicant and owner only.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to approve Item 23.

Vote to approve: Roll Call: Yeses, (None), 0. Noes, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8.
Motion Failed.

UNFINISHED BUSINESS

Council Member Theresa Stehly left the meeting at this time.

24. New 2018 Retail Liquor License, with Sunday sales certificate, for Sandtrap Inc., Bogey s, 815 South Marion Road (CUP not required; this is an addition to an existing license).
25. New 2018 Retail Wine License for G & W Inc., Gary Cone s BP, 1027 South Cleveland Avenue, Suite 101, with Conditional Use Permit (7432-2017) being approved on October 4, 2017.

26. Request to include video lottery terminals with the new 2018 Retail Wine License for G & W Inc., Gary Cone s BP, 1027 South Cleveland Avenue, Suite 101, with Conditional Use Permit (7432-2017) being approved on October 4, 2017.
27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Butterfly House & Aquarium, to be operated at 4320 South Oxbow Avenue, for an Embe Women s Leadership Mixer on November 14, 2017.
28. Special One-Day Liquor License for East River Legal Services to be operated at 335 North Main Avenue, Suite 200, for a fundraiser on November 28, 2017.
29. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Multi-Cultural Center to be operated at 515 North Main Avenue, for a fundraiser on December 9, 2017.
30. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Holy Spirit Knights of Columbus to be operated at Holy Spirit Church gymnasium, 4309 South Bahnson Avenue, for a fundraiser on January 27, 2018.

A motion was made by Council Member Rex Roling and seconded by Council Member Pat Starr to approve Items 24, 27, 28, 29 and 30.

Vote to approve: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.
Motion Passed.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rex Roling to withdraw items 25 and 26.

Vote to withdraw: Roll Call: Yeses, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 7. Noes, 0.
Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

31. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 208, 212, AND 214 N. NESMITH AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 7233-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 107-17.

Vote to adopt: Roll Call: Yeses, Greg Neitzert, Rex Roling, Marshall Selberg,

Pat Starr, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, 7. Noes, 0.
Motion Passed.

Council Member Theresa Stehly returned to the meeting.

32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF N. CACTUS DR. AND SOUTH OF E. IMANI RIDGE PL. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 7287-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to adopt said Ordinance No. 108-17.

Vote to adopt: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.
Motion Passed.

33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTH OF E. 85TH ST. AND EAST OF S. MINNESOTA AVE. FROM THE AG AGRICULTURE AND RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICTS TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS, PETITION NO. 7434-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to adopt said Ordinance No. 109-17.

Vote to adopt: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.
Motion Passed.

34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED WEST OF S. FRANKLIN AVE. AND BETWEEN E. 6TH ST. AND E. 8TH ST. FROM THE UNZONED RAILROAD RIGHT-OF-WAY TO THE DTPUD DOWNTOWN PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7440-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 110-17.

Vote to adopt: Roll Call: Yeses, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, November 21, 2017, at 7 p.m. for Item 35:

35. 1st 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.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rex Rolwing to set a date of hearing and 2nd Reading for Tuesday, November 21, 2017, at 7 p.m. for Item 35.

Vote to set a date: Roll Call: Yeses, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.
Motion Passed.

HEARINGS AND RESOLUTIONS

36. Deferred from the City Council Meeting of Tuesday, September 19, 2017:
A RESOLUTION VACATING A PORTION OF THE MALL AVENUE RIGHT-OF-WAY AS SHOWN ON EXHIBIT A.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to defer this item to the City Council Meeting on Tuesday, December 5, 2017, at 7 p.m.

Vote to defer: Roll Call: Yeses, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.
Motion Passed.

37. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 99-17. Annexation 6419-2017 - DALCO Addition (E. 57th St. and Hwy. 11).

Vote to adopt: Roll Call: Yeses, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, 8. Noes, 0.
Motion Passed.

RESOLUTION NO. 105-17

ANNEXATION 6419-2017 DALCO Addition (E. 57th St. and Hwy. 11)
A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 99-17.
WHEREAS, on September 19, 2017, the City Council of the City of Sioux Falls adopted Resolution No. 99-17 to include certain contiguous territory within the corporate limits of the city of Sioux Falls, SD; and
WHEREAS, the annexation map boundaries have been approved by the City Council; and
WHEREAS, the legal description as set forth in Resolution 99-17 was not accurate;
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the legal description as set forth in Resolution 99-17 hereby is amended to read as follows:

That the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Lincoln County, SD, and the boundary of the city is hereby extended to include such territory. Tract 1 of DALCO Addition in the N1/2 of SE1/4 of Section 8, T100N, R49W of the 5th PM, including adjacent Highway 11 right-of-way, Lincoln County, SD And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 11/07/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

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)

38. REPORT OF THE OCTOBER 23, 2017, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

39. REPORT OF THE OCTOBER 31, 2017, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to adjourn the meeting at 9:12 p.m. Mayor Mike Huether called for a voice vote. All members voted yes. Motion Passed.

Tamara Jorgensen, MMC
Assistant City Clerk

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.