

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, November 20, 2018, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

PRESENT

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

ABSENT

Council Member Christine M. Erickson

INVOCATION

- Brenda Hill, Direct Line Prayer Center

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

A motion was made by Council Member Marshall Selberg and seconded by Council Member Greg Neitzert to amend Item 4 by changing the date to "November 30."

Vote to amend: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.  
Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.  
Motion Passed.

MINUTES

- Informational Meeting of Tuesday, November 13, 2018, at 4 p.m.

- City Council Meeting of Tuesday, November 13, 2018, at 7 p.m.

#### COMMUNICATIONS

1. Approval of contracts/agreements on the November 16, 2018, memo.
2. Report of Requests for Quotes for Fuel dated: November 9, 2018; Unleaded Ethanol (3,500 Gallons); #1 Dyed Diesel (2,250 Gallons); #2 Dyed Diesel (2,250 Gallons); Unleaded Ethanol for Fire Station #3 (716 Gallons); Midway Service (\$2.0500 Unleaded for Fire Station #3; No Bid for Unleaded Ethanol, #1 Diesel or #2 Diesel); Cole s Petroleum (\$1.9678 Unleaded Ethanol, \$2.5975 #1 Diesel & \$2.2625 #2 Dyed Diesel; No Bid for Unleaded Ethanol at Fire Station #3 ); Harms Oil ,Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Cole s Petroleum for Unleaded Ethanol, #1 Dyed Diesel & #2 Dyed Diesel and Midway Service for Unleaded Ethanol for Fire Station #3.
3. A communication was received from Tracy Hostler (Aflac-Regional Office), requesting permission to consume, but not sell, liquor, wine, and/or malt beverage at the Old Courthouse Museum, 200 W. 6th St., on December 15, 2018, for an office Christmas party.
4. A communication was received from Carmen Toft, LEAD South Dakota, requesting permission to consume, but not sell, beer and wine at the History Club, 758 S. Phillips Ave., on Friday, November 20, 2018, for an anniversary celebration.

#### APPLICATIONS

5. Special One-Day Liquor License for Washington Pavilion Management Inc., Washington Pavilion of Arts and Sciences, 301 South Main Avenue, for special event on November 29, 2018.
6. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2019 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 4, 2018, at 7 p.m. for Items 7 through 19:

7. New 2019 Retail Wine License for Crown Gaming Inc., Crown Casino 41 II, 2516 West 41st Street, Suite 200.
8. New 2019 Retail Wine License for Storm Clinic Prof. LLC, Storm Clinic, 7000

South Lyncrest Place, with the Conditional Use Permit (9450-2018) being approved on November 7, 2018.

9. New 2019-20 Retail Malt Beverage License for Storm Clinic Prof. LLC, Storm Clinic, 7000 South Lyncrest Place, with the Conditional Use Permit (9450-2018) being approved on November 7, 2018.
10. Transfer of 2018 Retail Wine License from Jada Le, Lux Nails and Spa, 4521 East 26th Street, to Lux Nails and Spa LLC, Lux Nails and Spa, 4521 East 26th Street.
11. Renewal of 2019 Retail Wine License for Lux Nails and Spa LLC, Lux Nails and Spa, 4521 East 26th Street.
12. Transfer of 2018 Convention Center Liquor License from Sioux Falls Convention Arena Catering Inc., Sheraton Sioux Falls Hotel, 1211 North West Avenue, to JDHQ Hotels LLC, Sheraton Sioux Falls & Convention Center, 1211 North West Avenue.
13. Renewal of 2019 Convention Center Liquor License for JDHQ Hotels LLC, Sheraton Sioux Falls & Convention Center, 1211 North West Avenue.
14. Transfer of 2018 Retail Liquor License from Frerichs Inc., Stoplight Lounge, 2501 East Tenth Street, to Blackstreet Partners LLC, 2101 West 69th Street, Suite 101, with Conditional Use Permit (9426-2018) being approved on November 7, 2018.
15. Renewal of 2019 Retail Liquor License for Blackstreet Partners LLC, 2101 West 69th Street, Suite 101.
16. Rescind 2018-19 Retail Malt Beverage License, effective, December 31, 2018, issued to Commonwealth Gaming & Holding Co., Deuces Casino 6, 510 South Valley View Road.
17. Transfer of 2019 Retail Liquor License, including video lottery terminals, from 50/50 Holdings Inc., Deuces Casino 9, 2601 South Carolyn Avenue, to Commonwealth Gaming & Holdings Co, Deuces Casino 6, 510 South Valley View Road, Suite 1 (CUP not required).
18. Special One-Day Malt Beverage and Special One-Day Wine Licenses for T Slat, JJ s Wine, Spirits, & Cigars to be operated at Sanford Imaginetics, 1321 West 22nd Street, for a holiday party on December 20, 2018.
19. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2019 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit E.

## APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Marshall Selberg and seconded by Council Member Greg Neitzert to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.  
Motion Passed.

## PUBLIC INPUT

Bruce Danielson spoke about responsiveness to citizens and the responsibilities of government.

Catherine Riffle spoke about her responsibility and involvement with taking care of others in the community.

Steven Siano spoke about his struggles, discrimination, physical and mental disabilities, and communications to the Council.

Christopher Bruce spoke about 5G and showed pictures of 5G infrastructure.

John Cunningham spoke about using local tax dollars to provide additional security during the President's recent visit to Sioux Falls.

Tim Stanga spoke about the importance of maintaining and prioritizing City facilities.

Bridget Myers spoke about the planning and zoning process as it relates to planned senior apartments in her neighborhood.

Sierra Broussard read an e-mail received from a local commercial property landlord and spoke about grounds for evictions.

## UNFINISHED BUSINESS

20. New 2018-19 Retail Malt Beverage License for Regal Holdings Inc., Paradise Central Casino II, 1821 West 12th Street, Suite D, with Conditional Use Permit being approved on July 5, 2018. Pending plan review, permit issuance and final inspections per Fire and Building Services.
21. Request to include video lottery terminals with the new 2018-19 Retail Malt Beverage License for Regal Holdings Inc., Paradise Central Casino II, 1821 West 12th Street, Suite D. Pending plan review, permit issuance and final

inspections per Fire and Building Services.

22. Transfer of 2018 Retail Liquor License, including video lottery terminals, from 50/50 Holdings Inc., Deuces Casino 9, 2601 South Carolyn Avenue, to Commonwealth Gaming & Holdings Co, Deuces Casino 6, 510 South Valley View Road, Suite 1 (CUP not required).
23. Special One-Day Liquor License for T Slat Inc., JJ s Wine, Spirits and Cigars, to be operated at Sanford Foundation House, 2335 East 60th Street North, for a Christmas Party on December 6, 2018.

A motion was made by Council Member Rick Kiley and seconded by Council Member Janet Brekke to withdraw Item 22.

Vote to withdraw: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.  
Motion Passed.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to approve Items 20, 21, and 23.

Vote to approve: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.  
Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 24:

24. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. AUSTIN ST. AND N. SHERMAN AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL TRADITIONAL AND RA-1 APARTMENT RESIDENTIAL LOW-DENSITY DISTRICTS TO THE S-1 GENERAL INSTITUTIONAL DISTRICT NO. 9430-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 24.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.  
Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 25:

25. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHEAST CORNER OF E. 26TH ST. AND S. HIGHLINE AVE. FROM THE REC RECREATION DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICTS NO. 9477-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (5-0).

A motion was made by Council Member Marshall Selberg and seconded by Council Member Curt Soehl to set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 25.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0. Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 26:

26. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 51 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO ELECTRIC RATES.

A motion was made by Council Member Pat Starr and seconded by Council Member Curt Soehl to set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 26.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0. Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 27:

27. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES, SUBCHAPTER STORM DRAINAGE AND SUBCHAPTER STORM WATER DRAINAGE SYSTEM IMPROVEMENT COST RECOVERY.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 27.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0. Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 28:

28. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING SECTIONS 51.081 AND 51.081.01 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO WASTEWATER.

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, December 4, 2018, at 7 p.m. for Item 28.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Janet Brekke, 6. Noes, Theresa Stehly, 1. Motion Passed.

#### HEARINGS AND RESOLUTIONS

29. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to adopt said Resolution No. 102-18.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0. Motion Passed.

#### RESOLUTION NO. 102-18

A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

1. That the Collective Bargaining Agreement between the City of Sioux Falls and Local 519 of the American Federation of State, County, and Municipal Employees providing for terms and conditions of employment for the period from January 1, 2019, through December 31, 2020, is hereby approved by the City Council.

Date adopted: 11/20/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

30. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

A motion was made by Council Member Marshall Selberg and seconded by Council Member Rick Kiley to adopt said Resolution No. 103-18.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Greg Neitzert, Marshall Selberg, Curt Soehl, Pat Starr, Theresa Stehly, Janet Brekke, 7. Noes, 0.  
Motion Passed.

RESOLUTION NO. 103-18

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Liz Wheeler	Board of Health	Appointed for a term from November 2018 to November 2021 (to replace Scott Bartlett).
Nick Kapperman	Building Board of Appeals and Examiners	Appointed for a term from November 2018 to November 2021 (to replace Jarrod Smart).
James Kellar	Falls Community Health Center Governing Board	Reappointed for a term from November 2018 to November 2021.
Nicholas Thompson	Falls Community Health Center Governing Board	Appointed for a term from November 2018 to November 2021 (to replace John Peterson).
Dr. Bruce Vogt	Falls Community Health Center Governing Board	Reappointed for a term from November 2018 to November 2021.

Date adopted: 11/20/18 .

Paul TenHaken

Mayor

ATTEST:

Thomas M. Greco

City Clerk

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Rick Kiley and seconded by Council Member Curt Soehl to adjourn at 9:23 p.m.

Mayor Paul TenHaken called for a voice vote. All members present voted yes.  
Motion Passed.



Thomas M. Greco  
City Clerk