

MINUTES

City Council Meeting

Tuesday, February 19, 2019 at 7:00 PM

Carnegie Town Hall, 235 West 10th St., Sioux Falls, South Dakota 57104

CALL TO ORDER

Present: 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, Council Member Rick Kiley, Mayor Paul TenHaken

Absent: None

1. MEETING ROLL CALL

2. INVOCATION

Pastor Jeff Wheeler, Central Church

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3. PLEDGE OF ALLEGIANCE

CONSENT AGENDA

4. APPROVAL OF THE CONSENT AGENDA

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

Roll call vote to approve. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

5. APPROVAL OF MINUTES

Informational Meeting of Tuesday, February 12, 2019

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City Council Meeting of Tuesday, February 12, 2019

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COMMUNICATIONS

6. Approval of contracts/agreements on the February 15, 2019, memo.

7. Notice of change orders on the February 15, 2019, memo.

Report of Requests for Quotes for Fuel dated: February 6, 2019; 400 Gallons of DEF; Midway Service (\$1.0500); Howes Oil (\$0.9490); Stern Oil (\$2.3030); Coles Petroleum, Farstad Oil, Harms Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: February 8, 2019; #1 Dyed Diese  
1 & #2 Dyed Diesel; 7,500 Gallons (3,750 Gallons each); Farstad Oil, Inc.  
9. (\$2.304 #1 Dyed Diesel & \$2.092 #2 Dyed Diesel); Midway Service, Cole's

Petroleum, Harms Oil, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Farstad Oil, Inc.

- Report of Requests for Quotes for Fuel dated: February 11, 2019; Unleaded Ethanol; 8,500 Gallons; Cole's Petroleum (\$1.7412); Harms Oil (\$1.7610);
10. Farstad Oil (\$2.0850); CHS, Inc. (\$1.8225). Midway Service, Howes Oil, Stern Oil, and Olson Oil, all no bid. Bid awarded to: Coles Petroleum.

- A communication was received from Staci Peters, Events Coordinator for the
11. Siouxland Heritage Museums, requesting permission to consume, but not sell beer and wine at the Old Courthouse Museum, 200 W. 6th St., on April 5, July 11, and November 1, 2019, for exhibit opening receptions.

- Approval of the SIOUXPERHERO Committee's recommendation that the City
12. Council award the following individuals the SIOUXPERHERO citizen recognition award: 1. Principal Kersten Dobberpuhl & John Harris Elementary School Employees; and, Don Kelpin.

#### APPLICATIONS

- Special One-Day Liquor Licenses for Washington Pavilion Management Inc.,
13. 301 South Main Avenue, for special events on February 22, March 1, 9, 29, 30, June 21, and October 25, 2019.

#### NOTICE OF HEARINGS

- Set a date of hearing for Tuesday, March 5, 2019. Transfer of 2018-19
14. Retail Malt Beverage and SD Farm Wine License, including video lottery terminals, from Lucky Strike Casino Inc., 1033 North Minnesota Avenue, to MG Oil Company, Lucky Strike Casino, 1033 North Minnesota Avenue.

- Set a date of hearing for Tuesday, March 5, 2019. Transfer of 2018-19
15. Retail Malt Beverage and SD Farm Wine License from Mikrho Management Inc., 825 North Weber Avenue, to Stensland Enterprises Inc, Falls Overlook Caf, 825 North Weber Avenue.

16. Set a date of hearing for Tuesday, March 5, 2019. New 2019 Retail Wine and Cider License for Falls Overlook Caf, 825 North Weber Avenue.

- Set a date of hearing for Tuesday, March 5, 2019. New 2018-19 Retail Malt
17. Beverage and SD Farm Wine and New 2019 Retail Wine and Cider Licenses for Jacky's Restaurant, 3808 North Cliff Avenue, with Conditional Use Permit (9850-2019) being approved on February 6, 2019.

- Set a date of hearing for Tuesday, March 5, 2019. Special One-Day Malt
18. Beverage and Special One-Day Wine Licenses for Catering America to be operated at George Boom Funeral Home, 3408 East 10th Street, for a Chamber Mixer on April 9, 2019.

#### REGULAR AGENDA

19. APPROVAL OF THE REGULAR AGENDA

A motion was made by Council Member Erickson and seconded by Council Member Kiley to approve the Regular Agenda.

Roll call vote to approve. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

20. PUBLIC INPUT

Janelle Cain spoke about parking issues at Lifescape and provided a recommendation to close a portion of Elmwood at certain times of the day.

Catherine Riffle spoke about the need for a warming center for the homeless.

Sierra Broussard spoke about crime and affordable housing in central Sioux Falls.

UNFINISHED BUSINESS

21. New 2019 Retail Wine and Cider License for Johnny Carinos, 2310 South Louise Avenue.

New 2018-19 Retail Malt Beverage and SD Farm Wine License, requesting off-sale use only, for Fleet Farm Fuel, 3705 North Northview Avenue (CUP not required). Pending final inspections per Fire and Building Services.

New 2018-19 Retail Malt Beverage and SD Farm Wine and 2019 Retail Wine and Cider Licenses, requesting off-sale use only, for Fleet Farm, 3035 West Fleet Street (CUP not required). Pending final inspections per Fire and Building Services.

Special One-Day Malt Beverage Licenses for Siouxland Heritage Museums to be operated at Pettigrew Home & Museum, 131 North Duluth Avenue, for History Happy Hour Programs on February 21, April 25 and May 30, 2019.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at Sioux Falls State Theatre, 316 South Phillips Avenue, for an annual meeting on February 26, 2019.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls History Club, 728 South Phillips Avenue, for a Mardi Gras celebration on March 5, 2019.

Special One-Day Malt Beverage License for Siouxland Heritage Museums to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a St. Patrick's celebration on March 16, 2019.

Special One-Day Malt Beverage License for Sisters of the Presentation of the Blessed Virgin Mary to be operated at Falls Park, 305 East Falls Park Drive, for a fundraiser on May 11, 2019.

A motion was made by Council Member Kiley and seconded by Council Member Erickson to approve Items 21 through 28.

Roll call vote to approve. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR COMMUNITY TRIAGE CENTER STUDY. (Public Health, \$100,000)

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Ordinance No. 17-19.

Roll call vote to adopt. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 30. OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 38: ELECTIONS, SECTION 38.010 ELECTION RESULTS, BY REQUIRING A PLURALITY TO BE ELECTED AS COUNCIL MEMBER AND A MAJORITY TO BE ELECTED AS MAYOR.

A motion was made by Council Member Selberg and seconded by Council Member Erickson to adopt Item 30.

Roll call vote to adopt. 4 Yes: Selberg, Soehl, Erickson, Kiley; 4 No: Neitzert, Starr, Stehly, Brekke. Mayor Paul TenHaken broke the tie by voting No. Motion Failed.

#### ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF THE INTERSECTION OF W. TEEM ST. AND N. MARION RD. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT AND O OFFICE DISTRICT AND C-31. 2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE REC RECREATION DISTRICT AND S-1 GENERAL INSTITUTIONAL DISTRICT NO. 9849 2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

Recommendation: Set a date of 2nd Reading for Tuesday, March 5, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, March 5, 2019 for Item 31.

Roll call vote to set a date of 2nd Reading. 7 Yes: Neitzert, Selberg, Soehl, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed. Starr excused himself from the meeting and was not present for the vote on this motion.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTHEAST OF THE CORNER OF E. CHATHAM ST. AND S. WESTWIN D 32. AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TOWN HOME/DUPLEX RESIDENTIAL DISTRICT NO. 9844-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

Recommendation: Set a date of 2nd Reading for Tuesday, March 5, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to set a date of 2nd Reading for Tuesday, March 5, 2019 for Item 32.

Roll call vote to set a date of 2nd Reading. 7 Yes: Neitzert, Selberg, Soehl, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed. Starr excused himself from the meeting and was not present for the vote on this motion.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPER TY LOCATED AT THE SOUTHEAST CORNER OF E. 24TH ST. AND S. 7TH AVE. FROM THE R S 33. SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE S-2 INSTITUTIONAL CAMP US PUD DISTRICT NO. 9840-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE C ITY

OF SIOUX FALLS. Planning Commission recommends approval (4-0).

Recommendation: Set a date of 2nd Reading for Tuesday, March 5, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to set a date of 2nd Reading for Tuesday, March 5, 2019 for Item 33.

Roll call vote to set a date of 2nd Reading. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF W. 2ND ST. AND N. KIWANIS AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE O OFFICE DISTRICT NO. 9701-2018, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

Recommendation: Set a date of 2nd Reading for Tuesday, March 5, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, March 5, 2019 for Item 34.

Roll call vote to set a date of 2nd Reading. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTHEAST OF THE CORNER OF W. PINERIDGE DR. AND N. MARION RD. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT AND O OFFICE DISTRICT TO THE LW LIVE/WORK DISTRICT NO. 9852-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

Recommendation: Set a date of 2nd Reading for Tuesday, March 5, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Selberg to set a date of 2nd Reading for Tuesday, March 5, 2019 for Item 35.

Roll call vote to set a date of 2nd Reading. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

#### HEARINGS AND RESOLUTIONS

36. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING EXTENDING OFFICER DAVID J. HAMILTON'S EMPLOY WITH THE CITY UNTIL OCTOBER 11, 2019.

A motion was made by Council Member Kiley and seconded by Council Member Selberg to adopt Resolution No..

Roll call vote to adopt. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

#### RESOLUTION NO. 13-19

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING EXTENDING OFFICER DAVID J. HAMILTON'S EMPLOY WITH THE CITY UNTIL OCTOBER 11, 2019.

WHEREAS, David J. Hamilton shall turn 60 years old on March 31, 2019; and

WHEREAS, Section 39.229 (a) of the Revised Ordinances of Sioux Falls, SD, requires police officers to separate " . . . from the employ of the city the first day of the calendar month next following the month in which the member attains age 60 years . . ." unless the requirements set forth in Section 39.229 (b) of the Revised Ordinances of Sioux Falls, SD, are satisfied; and

WHEREAS, on January 3, 2019, Officer Hamilton requested in writing to Matthew Burns, Chief of Police, that he be allowed to complete 15 years of service with the City of Sioux Falls; and

WHEREAS, Matthew Burns, Chief of Police, by written email to Bill O'Toole, Director of Human Resources, has approved Officer Hamilton's request and approved extending Officer Hamilton's tenure with the City to October 11, 2019.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just

"BE IT RESOLVED..."NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD  
:

That in accordance with Section 39.229 (b) of the Revised Ordinances of Sioux Falls, SD, that Officer David J. Hamilton's tenure with the City shall be extended until October 11, 2019.

Date adopted: 02/19/19 .

Paul TenHaken, Mayor

ATTEST:

Thomas Greco, City Clerk

HEARING TO DETERMINE THERE IS NO FEASIBLE AND PRUDENT ALTERNATIVE TO THE PROPOSAL TO DEMOLISH THE PROPERTY AT 101 E. 6TH STREET BASED UPON 37. 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. The Board of Historic Preservation voted 5-3 that the demolition would not have an adverse effect on the historic district.

The hearing was held and included input from City staff and the applicant's representative.

MOTION AUTHORIZING THE PROPOSAL TO DEMOLISH THE PROPERTY AT 101 E. 6TH STREET AND THE ISSUANCE OF ANY RELATED PERMIT BASED UPON THE CONSIDERATION OF ALL RELEVANT FACTORS, AND THAT THERE IS NO FEASIBLE AND PRUDENT 38. ALTERNATIVE TO THE PROPOSAL AND THE PROGRAM INCLUDES ALL POSSIBLE PLANNING TO MINIMIZE HARM TO THE HISTORIC PROPERTY RESULTING FROM SUCH USE. The Board of Historic Preservation voted 5-3 that the demolition would not have an adverse effect on the historic district.

A motion was made by Council Member Kiley and seconded by Council Member Soehl to approve Item 38.

Roll call vote to approve. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

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

A motion was made by Council Member Erickson and seconded by Council Member Soehl to approve Item 39.

Roll call vote to approve. 8 Yes: Neitzert, Selberg, Soehl, Starr, Stehly, Brekke, Erickson, Kiley; 0 No: (None). Motion Passed.

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Starr and seconded by Council Member Neitzert to adjourn at 9:01 p.m.

Voice vote to adjourn. Motion Passed.

Thomas M. Greco, City Clerk