

MINUTES

Regular City Council Meeting

Tuesday, March 5, 2019 at 7:00 PM

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

CALL TO ORDER

1. MEETING ROLL CALL

Present: Council Member Janet Brekke, Council Member Christine M. Erickson, Council Member Rick Kiley, Council Member Greg Neitzert, Council Member Curt Soehl, Council Member Pat Starr, Council Member Theresa Stehly, Mayor Paul TenHaken

Absent: Council Member Marshall Selberg

2. INVOCATION

* Pastor Austin White, Celebrate Community Church

3. PLEDGE OF ALLEGIANCE

4. AWARDS & RECOGNITIONS

SIOUXPERHERO Citizen Recognition Awards

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Don Kelpin; and, Principal Kersten Dobberpuhl and John Harris Elementary School Employees were recognized as recipients of the SIOUXPERHERO Citizen Recognition Award.

CONSENT AGENDA

5. APPROVAL OF THE CONSENT AGENDA

A request was made by Council Member Janet Brekke to place sub-item 61 from Agenda Item 7 on the Regular Agenda for Council discussion (Water Reclamation; Agreement for Attorney Services; Waste Water Treatment Plant; Woods, Fuller, Shultz & Smith, PC; \$75,000.00).

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

Roll call vote to approve. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

6. APPROVAL OF MINUTES

Informational Meeting of Tuesday, February 19, 2019

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City Council Meeting of Tuesday, February 19, 2019

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Informational Meeting of Tuesday, February 26, 2019

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COMMUNICATIONS

7. Approval of contracts/agreements on the February 28, 2019, memo.

A communication was received from the Butterfly House & Aquarium requesting permission to consume, but not sell, wine and malt beverages at the

8. Butterfly House & Aquarium, 4320 S. Oxbow Ave. on Thursday, March 21, from 5 p.m. - 6:30 p.m., pursuant to SDCL 35-1-5.5, for a Donor Cultivation Happy Hour.

Report of Requests for Quotes for Fuel dated: February 15, 2019; Unleaded Ethanol (8,500 Gallons); #1 Dyed Diesel (3,750 Gallons); #2 Dyed Diesel (3,750

9. Gallons); Cole's Petroleum (\$1.8982 Unleaded Ethanol; \$2.5928 #1 Dyed Diesel; \$2.0975 #2 Dyed Diesel); Farstad Oil (\$1.9350 Unleaded Ethanol; \$2.5600 #1 Dyed Diesel; \$2.0975 #2 Dyed Diesel); Midway Service, Harms Oil, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to Cole's Petroleum.

Report of Requests for Quotes for Fuel dated: February 19, 2019; Unleaded Ethanol (755 Gallons); #1 Clear Diesel (255 Gallons); #2 Clear Diesel (255

10. Gallons); Howes Oil (\$2.2190 Unleaded Ethanol; \$2.9175 #1 Clear Diesel; \$2.9175 #2 Clear Diesel); Midway Service, Cole's Petroleum, Farstad Oil, Harms Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to Howes Oil.

Report of Requests for Quotes for Fuel dated: February 19, 2019; #1 Dyed Diesel (3,750 Gallons); #2 Dyed Diesel (3,750 Gallons); Cole's Petroleum (\$2.6540 #1 Dyed Diesel; \$2.1088 #2 Dyed Diesel); Farstad Oil (\$2.4620 #1 Dyed Diesel; \$2.1190 #2 Dyed Diesel); Midway Service, Harms Oil, Howes Oil, Stern Oil, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Farstad Oil.

11. Report of Requests for Quotes for Fuel dated: February 25, 2019; Unleaded Ethanol (8,500 Gallons); #1 Dyed Diesel (11,250 Gallons); #2 Dyed Diesel (11,250 Gallons); Farstad Oil (\$2.0140 Unleaded; \$2.5380 #1 Dyed Diesel and \$2.1630 #2 Dyed Diesel); Harms Oil (\$1.9759 Unleaded; \$2.4964 #1 Dyed Diesel and \$2.1398 #2 Dyed Diesel); Midway Service, Cole's Petroleum, Howes Oil, Stern Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Certificate of Satisfaction of Statement of Account of Claim on Proceeds of Public Improvement Contract for materials provided in the construction of the City of Sioux Falls Administration Building. This is for release of the previously filed Statement of Account Claim on Proceeds of Public Improvement Contract filed on October 5, 2018, and noticed to the City Council at the meeting of November 5, 2018 per SDCL 5-22-3.

13. Certificate of Satisfaction of Statement of Account of Claim on Proceeds of Public Improvement Contract for materials provided in the construction of the City of Sioux Falls Administration Building. This is for release of the previously filed Statement of Account Claim on Proceeds of Public Improvement Contract filed on October 5, 2018, and noticed to the City Council at the meeting of November 5, 2018 per SDCL 5-22-3.

NOTICE OF HEARINGS

14. Set a date of hearing for Tuesday, March 19, 2019. A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.

Set a date of hearing for Tuesday, March 19, 2019. New 2019 Retail Wine and Cider and New 2018-19 Retail Malt Beverage and SD Farm Wine Licenses,

15. Cider and New 2018-19 Retail Malt Beverage and SD Farm Wine Licenses,

requesting off-sale use only, for Dragon Asian Market, 2300 East 10th Street, Suite 101 (CUP not required).

Set a date of hearing for Tuesday, March 19, 2019. New 2019 Retail Wine and
16. Cider and New 2018-19 Retail Malt Beverage and SD Farm Wine Licenses for Lao Szechuan, 3101 West 41st Street, Suite 105 (CUP not required).

Set a date of hearing for Tuesday, March 19, 2019. New 2018-19 Retail Malt
17. Beverage and SD Farm Wine License for Freedom Value Center, 2601 West 12th Street, with Conditional Use Permit (9851-2019) being approved on February 6, 2019.

Set a date of hearing for Tuesday, March 19, 2019. Request to include video
18. lottery terminals with the new 2018-19 Retail Malt Beverage and SD Farm Wine License for Freedom Value Center, 2601 West 12th Street, with Conditional Use Permit (9851-2019) being approved on February 6, 2019.

Set a date of hearing for Tuesday, March 19, 2019. Special One-Day Malt
19. Beverage and Special One-Day Wine Licenses for Augustana University, 2001 South Summit Avenue, for a fundraiser on March 29, 2019.

Set a date of hearing for Tuesday, March 19, 2019. Special One-Day Liquor
20. License for Sioux Falls Jazz & Blues Society to be operated at Yankton Trail Park, 3901 South Minnesota Avenue, for JazzFest on July 19-20, 2019.

REGULAR AGENDA

21. 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. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

22. PUBLIC INPUT

Scott Ehrisman spoke about lawsuits against the federal government for 5G network; and the inmate work program.

Carmen Gross spoke about an experience she had at the Midco Aquatic Center.

Chere Rosa de Sharon shared and reviewed photographs of sign damage done to her vehicle and requested assistance with repair costs.

Brigitte Meyers spoke about a development going on in her neighborhood.

Sierra Broussard spoke about illegal massages being held in the city; and a future presentation coming from the Chief of Police.

Alyssia (last name not provided) spoke about her recent experiences at the Midco Aquatic Center.

Tim Stanga spoke about voting at City Council Meetings.

Steven Siano spoke about the work done by the City Attorney; and about trying to get medical assistance from the Veterans Administration.

Council Member Curt Soehl noted that Item 23 was also listed on the Consent Agenda under contracts.

Sub-Item 61 to Agenda Item 7 was heard at this time.

A motion was made by Council Member Kiley and seconded by Council Member Erickson to approve Sub-Item 61 to Agenda Item 7.

Roll call vote to approve. 6 Yes: Soehl, Starr, Stehly, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed. Brekke was excused from the meeting and the vote on this item pursuant to City Ordinance 30.017.

UNFINISHED BUSINESS

Deferred from the meeting of Tuesday, February 12, 2019: Final Design and
23. Construction Administration Agreement (Sherman Park Improvements-Indian Mound Road Retaining Wall Near 18th St. and Kiwanis Ave.; \$40,550)

A motion was made by Council Member Stehly and seconded by Council Member Kiley to approve Item 23.

Roll call vote to approve. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

Transfer of 2018-19 Retail Malt Beverage and SD Farm Wine License,
24. including video lottery terminals, from Lucky Strike Casino Inc., 1033 North Minnesota Avenue, to MG Oil Company, Lucky Strike Casino, 1033 North Minnesota Avenue.

Transfer of 2018-19 Retail Malt Beverage and SD Farm Wine License from
25. Mikrho Management Inc., 825 North Weber Avenue, to Stensland Enterprises Inc, Falls Overlook Caf, 825 North Weber Avenue. Pending final approval of the management agreement.

26. New 2019 Retail Wine and Cider License for Falls Overlook Caf, 825 North Weber Avenue. Pending final approval of the management agreement.

New 2018-19 Retail Malt Beverage and SD Farm Wine and New 2019 Retail Wine
27. and Cider Licenses for Jacky's Restaurant, 3808 North Cliff Avenue, with Conditional Use Permit (9850-2019) being approved on February 6, 2019.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for
28. Catering America to be operated at George Boom Funeral Home, 3408 East 10th Street, for a Chamber Mixer on April 9, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Soehl to approve Items 24-28.

Roll call vote to approve. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

2nd 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-
29. 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).

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

Roll call vote to adopt. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTHEAST OF THE CORNER OF E. CHATHAM ST. AND S. WESTWIND AVE. FROM 30. THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TOWN HOME/ DUPLX RESIDENTIAL DISTRICT NO. 9844-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adopt Ordinance No. 20-19.

Roll call vote to adopt. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. 24TH ST. AND S. 7TH AVE. FROM THE RS 31. SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE S-2 INSTITUTIONAL CAMPUS PUD DISTRICT NO. 9840-2019, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-0).

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Ordinance No. 21-19.

Roll call vote to adopt. 6 Yes: Soehl, Starr, Brekke, Erickson, Kiley, Neitzert; 1 No: Stehly. Motion Passed.

2nd 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 R D- 32. 1 TWIN HOME/DUPLX 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).

A motion was made by Council Member Erickson and seconded by Council Member Neitzert to adopt Ordinance No. 22-19.

Roll call vote to adopt. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

2nd 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 33. 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).

A motion was made by Council Member Soehl and seconded by Council Member Kiley to adopt Ordinance No. 23-19.

Roll call vote to adopt. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

ORDINANCE FIRST READINGS

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE NAMING OF THE HOSPITALITY AREA AT LEVITT SHELL SIOUX FALLS IN FALLS PARK WEST.

Recommendation: Set a date of 2nd Reading for Tuesday, March 12, 2019.

A motion was made by Council Member Neitzert and seconded by Council Member Brekke to set a date of 2nd Reading for Tuesday, March 12, 2019 for Item 34.

Roll call vote to set a date of 2nd Reading. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING A GRANT OF PERMANENT EASEMENT.

Recommendation: Set a date of 2nd Reading for Tuesday, March 12, 2019.

A motion was made by Council Member Erickson and seconded by Council Member Soehl to set a date of 2nd Reading for Tuesday, March 12, 2019 for Item 35.

Roll call vote to set a date of 2nd Reading. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CALLING A SPECIAL ELECTION ON THE ISSUE OF WHETHER THE CITY OF SIOUX FALLS, SD, CITY COUNCIL SHOULD AMEND CHAPTER 38: ELECTIONS, SECTION 38.010(A) ELECTION RESULTS, BY REQUIRING A PLURALITY TO BE ELECTED AS COUNCIL MEMBER.

Recommendation: Set a date of 2nd Reading for Tuesday, March 12, 2019.

A motion was made by Council Member Starr and seconded by Council Member Brekke to set a date of 2nd Reading for Tuesday, March 12, 2019 for Item 36.

Roll call vote to set a date of 2nd Reading. 3 Yes: Starr, Stehly, Brekke; 4 No: Soehl, Erickson, Kiley, Neitzert. Motion Failed.

HEARINGS AND RESOLUTIONS

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 9031-2018-Westwood Valley 2nd Addition.

A motion was made by Council Member Erickson and seconded by Council Member Kiley to adopt Resolution No. 14-19.

Roll call vote to adopt. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON PUBLIC PROPERTY FOR AN INTERNATIONALLY RECOGNIZED VISUAL ARTS PROGRAM KNOWN AS SCULPTUREWALK SIOUX FALLS 2019.

A motion was made by Council Member Kiley and seconded by Council Member Soehl to adopt Resolution No. 15-19.

Roll call vote to adopt. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

39. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY.

A motion was made by Council Member Brekke and seconded by Council Member Erickson to adopt Resolution No. 16-19.

Roll call vote to adopt. 7 Yes: Soehl, Starr, Stehly, Brekke, Erickson, Kiley, Neitzert; 0 No: (None). Motion Passed.

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)

40. REPORT OF THE MARCH 1, 2019, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

ADJOURNMENT

A motion was made by Council Member Soehl and seconded by Council Member Erickson to adjourn the meeting at 9:50 p.m.

Voice vote to adjourn. Motion Passed.

Tamara Jorgensen, MMC, Assistant City Clerk