

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Monday, November 2, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rick Kiley

Council Member Rex Roling

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Dean Karsky

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Dr. Ron Tottingham, Empire Baptist Ministries

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Pancreatic Cancer Awareness Month - November, 2015

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, October 13, 2015, at 4 p.m.

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Informational Meeting of Monday, October 19, 2015, at 4 p.m.

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City Council Meeting of Monday, October 19, 2015, at 7 p.m.

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Informational Meeting of Tuesday, October 27, 2015, at 4 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the October 29, 2015, memo.

2. Approval of the notice of change orders on the October 29, 2015, memo.

A communication was received from Michael Fuchs requesting permission to
3. consume, but not sell, wine, beer and/or champagne at the Siouxland Heritage Museum, 200 W. 6th Street, on Saturday, October 15, 2016, for the purpose of wedding ceremony preparation, pursuant to SDCL 35-1-5.5.

A communication was received from Siouxland Heritage Museums requesting permission to consume, but not sell, wine and/or malt beverages at the Old
4. Courthouse Museum, 200 West 6th Street, on Thursday, November 19, 2015, from 5 p.m. to 7 p.m. for an exhibit opening reception, pursuant to SDCL 35-1-5.5.

A communication was received from Natasha Stoick and James Hulscher requesting permission to consume, but not sell, liquor, wine, and malt
5. beverages at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, May 21, 2016, from 5:30 p.m. to 11 p.m., for a wedding, pursuant to SDCL 35-1-5.5.

Report of Requests for Quotes for Fuel dated: October 15, 2015; Unleaded
6. Ethanol; 716 Gallons; Midway Service (\$2.1330); Howes Oil (\$2.1895); Stern Oil, no bid. Bid awarded to Midway Service.

Request for Quotes for Fuel dated: October 15, 2015; Clear Diesel #1; 586
7. gallons; Midway Service (\$2.3260); Howes Oil (\$2.3690); Stern Oil, no bid. Bid awarded to: Midway Service.

Report of Requests for Quotes of Fuel dated: October 15, 2015; Clear Diesel
8. #2; 586 gallons; Midway Service (\$1.9740); Howes Oil (\$2.0190); Stern Oil, no bid. Bid awarded to: Midway Service.

Report of Requests for Quotes for Fuel dated: October 20, 2015; #2 Clear
9. Diesel; 7,500 gallons; Howe's Oil (\$1.907); Harms Oil (\$1.8895); CHS, Inc., Midwest Oil, and Petroleum Traders Co., all no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: October 20, 2015; #2 Clear
10. Diesel; 7,500 gallons; Howes Oil (\$1.907); Harms Oil (\$1.8895); CHS, Inc.,

Midwest Oil, and Petroleum Traders Co., all no bid. Bid awarded to: Harms Oil.

- Report of Requests for Quotes for Fuel dated: October 28, 2015; E-10
11. Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.7421); Cole's Petroleum (\$1.7465); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

APPLICATIONS

12. Special One-Day Liquor License for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for a special event on November 10, 2015.

13. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2016 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, November 17, 2015, at 7 p.m. for Items 14 through 22:

14. Transfer of 2015 Retail Liquor License, with Sunday sales and video lottery terminals, from Falls Landing Inc., Falls Landing, 200 East 8th Street, to Nelson Landing Inc., Falls Landing, 200 East 8th Street.
15. New 2015-16 Package Malt Beverage License for Davlon Inc., Shop 'N Cart 49er , 3501 West 49th Street.
16. New 2015 Package Liquor License for Davlon Inc., Shop 'N Cart 49er, 3501 West 49th Street.
17. New 2015 Package Liquor License for Shaen Haven Hospitality, Inc., Bogtrotter's Pub Grub & Tap, 201 East 11th Street.

18. Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for the History Club, 758 South Phillips Avenue, for a fundraiser on December 5, 2015.

19. Special One-Day Malt Beverage and Special One-Day Wine Licenses for American Baptist Homes of the Midwest to be operated at Trail Ridge Retirement Community, 3408 West Ralph Rogers Road, Suite 100, for a Chamber Mixer on December 8, 2015.

20. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at Raven Industries, 205 East 6th Street, for an employee Christmas party on December 11, 2015.

21. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street, for Hearts in Healing fundraiser on February 6, 2016.

22. Special One-Day Liquor License for Avera McKennan Foundation to be operated at Avera Prairie Center, 1000 East 23rd Street, for the Big Grape fundraiser on April 8, 2016.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

The following citizens asked the City Council to reconsider action taken on the first reading of an ordinance restricting the use of wireless communication devices: Rick Knobe, Duane Anderson, Dick Sabers, Sandy Jerstad, Stephanie Herseth Sandlin, and Matt Miller.

UNFINISHED BUSINESS

New 2015-16 Retail Malt Beverage License for Sanford Frontiers, Sanford
23. Pentagon, 2210 West Pentagon Place, with Special Use Permit (2013-12-13)
being approved on January 8, 2014.

New 2015 Retail Wine License for Sanford Frontiers, Sanford Pentagon, 2210
24. West Pentagon Place, with Special Use Permit (2013-12-13) being approved on
January 8, 2014.

New 2015-16 Retail Malt Beverage License for Hydra Beer Company, Hydra Beer
25. Company, 2425 South Shirley Avenue (CUP not required). Pending final
inspections per Building Services.

New 2016 Retail wine License for Hydra Beer Company, Hydra Beer Company,
26. 2425 South Shirley Avenue (CUP not required). Pending final inspections per
Building Services.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for The
27. Feisty Fighters to be operated at Landscape Garden Center, 7201 South
Minnesota Avenue, for a fundraiser on November 12, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the New
28. Colossus to be operated at Chef to Plate, 1712 South Minnesota Avenue, for
a fundraiser on November 4, 2015.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to approve Items 23-28.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

29. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER
38 OF THE CODE OF ORDINANCES OF THE CITY PERTAINING TO ELECTIONS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council

Member Rex Roling to adopt said Ordinance No. 100-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,
30. AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 124:
VEHICLES FOR HIRE PERTAINING TO TRANSPORTATION NETWORK COMPANIES AND
AMENDING THE TITLE OF CHAPTER 124 TO READ TRANSPORTATION SERVICES.

A motion was made by Council Member Dean Karsky and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 108-15.

A motion was made by Council Member Dean Karsky and seconded by Council Member to amend Subsection 124.028 by removing "of a vehicle for hire" from the first sentence.

Vote to amend: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggars, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, Kenny Anderson Jr., 1.

Motion Passed.

Council Member Rex Roling left the meeting at this time.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 6601 S. HEMINGSTONE TRL. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN
31. AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICTS TO THE REC RECREATION DISTRICT, PETITION NO. 3335-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rick Kiley to adopt said Ordinance No. 101-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Kermit L. Staggars, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF E. 41ST ST. AND S. VETERANS PKWY. FROM THE RA-
32. 2 APARTMENT RESIDENTIAL-MODERATE DENSITY AND C-3 COMMERCIAL-COMMUNITY DISTRICTS TO THE RA-3 APARTMENT RESIDENTIAL-HIGH DENSITY DISTRICT, PETITION NO. 3456-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Dean Karsky to adopt said Ordinance No. 102-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

Council Member Rex Roling returned to the meeting at this time.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1600-1700 W. RUSSELL ST. FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR AND 33. C-3 COMMERCIAL-COMMUNITY DISTRICTS TO THE C-4 COMMERCIAL-REGIONAL DISTRICT, PETITION NO. 3494-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 103-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 8. Noes, 0.

Motion Passed.

Council Member Kenny Anderson Jr. left the meeting at this time.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 504 AND 508 S. VAN EPS AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN 34. DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 3499-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to adopt said Ordinance No. 104-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3210 S. SUMMIT AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN 35. DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 3500-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 105-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NORTHEAST CORNER OF W. 22ND ST. AND S. ELLIS RD. FROM THE LW LIVE-WORK DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN AND RD-2 TOWNHOME RESIDENTIAL-SUBURBAN DISTRICTS, PETITION NO. 3504-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rick Kiley to adopt said Ordinance No. 106-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Stagers, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHWEST CORNER OF W. 53RD ST. AND S. LOUISE AVE. FROM THE O OFFICE DISTRICT TO THE C-2 COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 3510 - 2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

A motion was made by Council Member Dean Karsky and seconded by Council Member Rex Roling to adopt said Ordinance No. 107-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Stagers, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

38. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF GRAYSTONE HEIGHTS.

A motion was made by Council Member Rick Kiley and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 113-15.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Stagers, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 113-15

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [GRAYSTONE HEIGHTS].

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

That the preliminary plan of [Graystone Heights] to the City of Sioux Falls, [Lincoln] County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of

this resolution and certify the same thereon.

Date adopted: 11/02/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

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)

39. REPORT OF THE OCTOBER 29, 2015, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

RECONSIDERATION (FROM THE OCTOBER 19, 2015, CITY COUNCIL MEETING): 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTHWEST OF GREAT BEAR RECREATION AREA FROM THE AG AGRICULTURE DISTRICT TO 40. THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 3271-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS AND TO SET THE HEARING DATE AND 2ND READING FOR TUESDAY, NOVEMBER 17, 2015, AT 7 P.M. Planning Commission recommends approval.

A motion was made by Council Member Rex Roling and seconded by Council Member Christine M. Erickson to reconsider and to set a date of hearing and 2nd Reading for Tuesday, November 17, 2015, at 7 p.m. for Item 40.

Vote to reconsider and set a date of hearing and 2nd Reading: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Staggers, Christine M. Erickson, Michelle Erpenbach, Greg Jamison, Dean Karsky, 7. Noes, 0.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adjourn the meeting at 8:44 p.m. Mayor 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 AT 1:30 A.M. AND 9 A.M. ON THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.