

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, November 15, 2016, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rick Kiley

Council Member Rex Roling

Council Member Greg Neitzert

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Christine M. Erickson Council Member Theresa Stehly

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Pastor Carman VanSchaick, Celebrate Community Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Hunger and Homelessness Awareness Month, November 2016

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, November 8, 2016, at 4 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the November 10, 2016, memo.

Reports for Requests for Quotes for Fuel dated: November 3, 2016; Unleaded Ethanol & #1 Dyed Diesel; 8,000 Gallons (5,000 Gallons Unleaded & 3,000

2. Gallons #1 Dyed Diesel); Cole's Petroleum (\$1.6135 Unleaded & \$1.6148 #1 DM); Harms Oil (\$1.6333 Unleaded & \$1.6022 #1 DM); Stern Oil (\$1.6339 Unleaded & \$1.6979 #1 DM); CHS, Inc., Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

A communication was received from Ben and Sara Arndt requesting permission

3. to consume, but not sell, liquor, wine, and beer at the Sioux Falls Design Center, 108 W. Eleventh St., on Friday, December 9, 2016, from 5 p.m. to 11 p.m., for an invitation-only Holiday Party.

APPLICATIONS

Special One-Day Liquor License for Washington Pavilion Management Inc., to

4. be operated at the Washington Pavilion of Arts & Science, 301 South Main Avenue, for a reception on November 19, 2016.

Various Retail Liquor, Package Liquor, and Retail Wine License renewals for

5. 2017 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 6, 2016, at 7 p.m. for Items 6 through 13:

Transfer of 2016 Retail Wine License from Fuji Sushi & Hibachi LLC, Fuji

6. Sushi & Hibachi, 2801 West 41st Street, to Fuji Sushi Hibachi of Sioux Falls Inc., Fuji Sushi Hibachi of Sioux Falls Inc., 2801 West 41st Street (CUP not required).

Transfer of 2016-17 Retail Malt Beverage License from Fuji Sushi & Hibachi

7. LLC, Fuji Sushi & Hibachi, 2801 West 41st Street, to Fuji Sushi Hibachi of Sioux Falls Inc., Fuji Sushi Hibachi of Sioux Falls Inc., 2801 West 41st Street (CUP not required).

Transfer of 2016-17 Package Malt Beverage/South Dakota Farm Winery License

8. from Gas Barrel LLC, Gas Barrel, 2500 West Madison Street, to Quick n EZ LLC, Quick n EZ LLC, 2500 West Madison Street (CUP not required).

9. New 2016-17 Retail Malt Beverage License for Sioux Falls My Place LLC, Sioux Falls My Place LLC, 3005 South Carolyn Avenue (CUP not required).

10. New 2017 Retail Wine License for Sioux Falls My Place LLC, Sioux Falls My Place LLC, 3005 South Carolyn Avenue (CUP not required).

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering

11. America Inc., Chef Dominique's to be operated at Poet, 4615 North Lewis Avenue, for an employee social on December 7, 2016.

12. A PROPOSED RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL

PROPERTY. (Downtown Center Urban Renewal Subdivision.)

13. A PROPOSED RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY. (Various Properties.)

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

PUBLIC INPUT

Sierra Broussard spoke regarding low income apartments on Duluth Avenue, criminal activity in the city, and gang activity in Sioux Falls.

Mark Blackburn spoke regarding a newly formed non-profit organization called Establishing Sustainable Connections (ESC). He spoke about an event scheduled for Thursday, November 17, 2016, called Shades of Blackness II, regarding racism within one culture.

UNFINISHED BUSINESS

14. New 2017 Retail Wine License for Libation Station LLC, Libation Station, 2904 West Russell Street (CUP not required).

15. New 2016-17 Retail Malt Beverage License for Libation Station LLC, Libation Station, 2904 West Russell Street (CUP not required).

- New 2016-17 Retail Malt Beverage License for Commonwealth Gaming & Holdings
16. Co., Deuces Casino 6.5, 510 South Valley View Road, Suite 2 (CUP not required).

- Request to include video lottery terminals with the New 2016-17 Retail Malt
17. Beverage license for Commonwealth Gaming & Holdings, Deuces Casino 6.5, 510 South Valley View Road, Suite 2.

- Transfer of 2016 Retail Liquor License, including video lottery terminals
18. and Sunday sales certificate, from KBJ Gaming Inc, Deuces Casino, 4709 East 26th Street, to Commonwealth Gaming & Holdings Co., Deuces Casino 7, 4709 East 26th Street (CUP not required).

19. Renewal of 2017 Retail Liquor License for Commonwealth Gaming & Holdings Co., Deuces Casino 7, 4709 East 26th Street.

- Transfer of 2016-17 Retail Malt Beverage License, including video lottery
20. terminals, from Harms Oil Company, Friendly's Fuel Stop, 3700 North Potsdam Avenue, Suite 300, to CC&F Retail, Inc., Friendly's Fuel Stop, 3700 North Potsdam Avenue, Suite 300.

- Transfer of 2016-17 Package Malt Beverage License from Harms Oil Company,
21. Friendly's Fuel Stop, 3700 North Potsdam Avenue, Suite 100, to CC&F Retail, Inc., Friendly's Fuel Stop, 3700 North Potsdam Avenue, Suite 100.

- Transfer of 2016 Retail Wine License from BYG-SF LLC, Backyard Grill
22. Phillips, 323 South Phillips Avenue, Apt B, to BYG-Phillips, Backyard Grill Phillips, 323 South Phillips Avenue Apt B.
 23. Renewal of 2017 Retail Wine License for BYG-Phillips, Backyard Grill Phillips, 323 South Phillips Avenue Apt B.

- Special One-Day Liquor License request for Hy-Vee, Inc., All Occasions by
24. Hy-Vee to be operated at Raven Industries, 205 East 6th Street, for a Christmas Party on December 8, 2016.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve Items 14 through 24.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and 2nd Reading for Tuesday, December 6, 2016, at 7 p.m. for Item 25:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3009 S. MARION RD. FROM THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT, PETITION NO. 5807-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Roling to set a date of hearing and 2nd Reading for Tuesday, December 6, 2016, at 7 p.m. for Item 25.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Roling, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, December 6, 2016, at 7 p.m. for Item 26:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 909 N. KIWANIS AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL-SUBURBAN DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 5818-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Tuesday, December 6, 2016, at 7 p.m. for Item 26.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Roling, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2005 AMENDED AND RESTATED 27. COMMITMENT AGREEMENT BY AND BETWEEN LEWIS & CLARK RURAL WATER SYSTEM AND THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adopt said Resolution No. 114-16.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Roling, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

RESOLUTION NO. 114-16

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE 2005 AMENDED AND RESTATED COMMITMENT AGREEMENT BY AND BETWEEN LEWIS & CLARK RURAL WATER SYSTEM AND THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

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

That Section 2.3.2(a) of the 2005 Amended and Restated Commitment Agreement ("ARCA") by and between the Lewis & Clark Rural Water System and the City of Sioux Falls should be amended to read as follows:

Section 2.3.2

(a) Establishment of Fund. Lewis & Clark shall establish a Capital Improvement Fund for purposes of maintaining a reasonable reserve for capital improvements and replacements of and to the System (other than operating machinery and equipment). Any funds on deposit in the Capital Improvement Fund shall be used solely (i) for the purposes of replacing components of the System, and (ii) for improvements to the System, other than to add additional capacity or to complete the original construction of the System, whether to enhance the reliability or the functioning of the System, or to address changes in applicable federal or state laws or regulations with respect to water quality, or otherwise. The Capital Improvement Fund shall not be used for those purposes established for the Maintenance and Repair Fund as described in Section 2.3.1(a) above, or for those purposes established for the Operating Reserve Fund as described in Section 2.3.3(a) below. In no event shall any amounts in such Capital Improvement Fund be used to pay Project Costs, Base System Costs, Other Additional Capacity Costs, or Sioux Falls Costs.

The Mayor is hereby authorized to execute an agreement to amend Section 2.3.2 (a) of the ARCA to carry out this resolution.

Date adopted: 11/15/16 .

Mike T. Huether

Mayor

ATTEST:

Tamara Jorgensen, MMC

Assistant City Clerk

28. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO

CERTAIN CITIZEN BOARDS.

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 115-16.

Vote to adopt: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Marshall Selberg, Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

RESOLUTION NO. 115-16

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
Travis Hartland	Plumbing Board of Appeals and Examiners	Reappointed for a term from November 2016 to November 2019.
Paul Rensch	Plumbing Board of Appeals and Examiners	Reappointed for a term from November 2016 to November 2019.

Date adopted: 11/15/16 .

Mike T. Huether

Mayor

ATTEST:

Tamara Jorgensen, MMC

Assistant City Clerk

ADJOURNMENT

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rex Rolwing to adjourn the meeting at 7:32 p.m. Mayor Huether asked for a voice vote and 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.