

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, October 10, 2017 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Roling

Council Member Marshall Selberg

Council Member Pat Starr

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

&#9679; Pastor Kirk Flaa, Abiding Savior Free Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; Domestic Violence Awareness Month - October 2017

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, October 3, 2017, at 4 p.m.

&#9679; Regular City Council Meeting of Tuesday, October 3, 2017, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the October 6, 2017, memo.
2. Approval of the notice of change orders on the October 6, 2017, memo.
3. A memorandum dated September 30, 2017, declaring surplus property.
4. Report of Requests for Quotes for Fuel dated: September 29, 2017; Unleaded; 8,500 gallons; Cole's Petroleum (\$1.9360); Stern Oil (\$1.9287); Harms Oil (\$1.9055); Midway Service, Howes Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Harms Oil.
5. A communication was received from the Butterfly House & Aquarium requesting permission to consume, but not sell, wine and malt beverages at the Butterfly House & Aquarium, 4320 S. Oxbow Ave., on Thursday, November 16, 2017, for a donor appreciation event.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### INTRODUCTION AND ADOPTION OF ORDINANCES

6. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 111: RESTRICTIONS ON ISSUANCE OF MALT BEVERAGE RETAILER LICENSES.

#### NEW BUSINESS

#### ITEMS ADDED AFTER AGENDA DEADLINE

The City Council may include other such business as may come before this body.

#### ADJOURNMENT

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](http://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](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.

Date: 2017-10-10  
SIRE Meeting ID: 2640  
Meeting Type: City Council

YouTube:[https://youtu.be/uIaP\\_0Wazh8](https://youtu.be/uIaP_0Wazh8)  
Agenda Item: Not Assigned  
Item ID: 85389

The following document(s) are public records obtained from the  
City of Sioux Falls.

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# MINUTES

Tuesday, October 3, 2017

Informational City Council Meeting

4 PM

Sioux Falls City Council

Carnegie Town Hall  
235 West 10<sup>th</sup> Street



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**Members Present:** Christine M. Erickson, Michelle Erpenbach (arr. 4:02 p.m.), Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, Mike T. Huether

**Members Absent:** Rick Kiley

## 1. Call To Order

Council Vice-Chair Christine M. Erickson called the meeting to order at 4 p.m.

## 2. Urbanized Development Commission (UDC)

A. Thursday, September 21, 2017

Jim David, Operations Manager, stated that the UDC approved a letter in support of a Federal grant for Tea to reconstruct Heritage Parkway and approved the 2018 – 2021 Transportation Improvement Plan.

## 3. City Council Open Discussion

Council Member Pat Starr discussed meetings he and Council Member Theresa Stehly attended with two neighborhood groups, Norton Acres and the Oakview Neighborhood. The Norton Acres meeting included approximately 35 residents who discussed their decision making process as it relates to whether they are zoned appropriately or not. Representatives from Code Enforcement, Planning, Police, and Fire Rescue were also in attendance. Members of the Administration were also in attendance at the Oakview meeting.

Council Member Rex Rolfing noted City Attorney Dave Pfeifle's new job and thanked him for his service to the City.

## 4. Presentations

A. Events Center Settlement Agreement by City Administration  
Presentation: Approximately 30 minutes followed by discussion

Mayor Mike T. Huether opened the presentation by providing an overview of the intent of the presentation which included answering questions provided by the

Council and from the media; and answering additional questions by the Council based on the presentation. City Attorney Dave Pfeifle discussed: who is at fault, the need to hire an expert, legal fees, and whether the public would see the Judd Allen Group report. Mark Cotter, Director of Public Works, explained why the siding was not replaced, the risks associated with replacing the siding today, and the system's warranty. Tracy Turbak, Director of Finance, explained: the composition of the \$1 million settlement, who paid cash to the City, why the City released money under the agreement, where the cash received by the City went, and how the money has been/ will be used to include projects completed and projects in progress or upcoming. Karen Leonard, Deputy City Attorney, discussed: the cost to replace the siding, why the City Council was not included in the negotiations, the actual amount of the construction manager's contingency remaining at the end of the project before and after the settlement, and whether the City of Sioux Falls counted money that already belonged to the taxpayer as part of the \$1 million amount. Huether explained: why the City of Sioux Falls agreed to the settlement, why the agreement was confidential, why the City told citizens it was a \$1 million settlement, and the options available three years ago.

Council Member Marshall Selberg asked what the cost to replace the siding today would be; Cotter provided an approximate value based on work to the west side of the building. Selberg further asked what the City saved from the settlement; Pfeifle explained types of legal fees that were avoided by not entering into litigation. Selberg also asked what could have been done differently; Huether discussed the need to provide information sooner, the complexity of the settlement process as it relates to risks and rewards, the impact of the settlement on current Events Center operations, and the challenge of construction projects; Pfeifle explained why private entities desire confidential settlements.

Council Member Theresa Stehly thanked citizens who attended or are watching the meeting. She explained that the public deserves to know what is going on in City government, where tax dollars are spent and about projects and contracts. She discussed the lack of information provided to the Council and public by providing examples and noting discussions held with the Council in July, 2014. She recommends that an independent audit take place to determine what steps should be taken next. She asked why we didn't have a more stringent warranty. Cotter explained the 3-year installation and 20-year finish warranties.

Council Member Greg Neitzert asked for clarity on Section 5.2.1 of the contract with Mortenson; Leonard explained the meaning of the section and the meaning of Section 13.7 in the General Conditions which addresses latent defects. Neitzert asked whether the City would be able to have the contractor fix problems with the panels or the roof in the future; Leonard explained that no parties agreed to waive any claims for latent defects that may be discovered during the 10-year period.

Council Member Pat Starr asked "what was settled" as part of the agreement. Pfeifle discussed the arena roofing membrane warranty and resolution of the

Events Center siding aesthetic issue. He explained the meaning of latent defects and protections the statute of repose provides. Starr further asked what the \$1 million is for. Cotter explained why it can be said the panels are structurally sound and why it is an aesthetic issue. The settlement was a financial contribution used for purposes other than to fix an aesthetic issue. Starr asked for clarity about the decision to not release the Judd Allen Group decision. Pfeifle discussed why the Group was first consulted and retained and why a final report was not compiled. He also addressed the nature of the draft report and state law on the release of draft reports. Starr noted that the report is the one outside opinion which can show whether the siding is structurally sound.

Neitzert asked for clarification on the decision to not release the draft report. Pfeifle reiterated the state statute. Neitzert showed the invoice from Judd Allen and asked for clarification about “e-mail on corroding edges” and in what form the preliminary report was in. Pfeifle noted it was an attachment.

Stehly asked Pfeifle if he’s heard any statements from the Administration during the meeting that were inaccurate. He indicated “no.” She also asked the Council to consider an independent auditor to determine what has taken place.

Selberg asked if another settlement would be required for a latent defect and if it would be prorated. Leonard stated that contract terms and law would be followed to resolve issues.

Council Member Rex Rolwing commented on news coverage of the settlement, information provided by Council Members, the Judd Allen report, and the potential impact of the Supreme Court’s decision.

Erickson asked whether latent defects are always in Construction Manager At Risk (CMAR) contracts. Leonard stated it is in CMAR contracts. Erickson asked whether or not we had to bring Mortenson into the lawsuit. Leonard noted that our contract was with Mortenson, not the subcontractors; the construction management contingency, according to the contract, could also be used to correct the work of their subcontractors. Erickson also asked if we used “value siding.” Cotter explained the Full Enclosure Study; he also noted the desire for an attractive and functional building exterior along with an enhanced spectator experience inside. Erickson and Cotter also discussed the use of contingency funds for fan enhancements. Erickson also referenced the Judd Allen report and urged that it be released. Huether emphasized the need to move forward, the success of the Events Center, and that the City can provide additional assurance that the siding is structurally sound.

Starr stated that the Council needs to determine the next steps and suggested that leadership work with the Administration to conduct a follow-up. Erickson stated she will discuss next-steps with Council Chair Rick Kiley and recommended that Council Members re-submit their questions if they were not addressed. Stehly

stated her support for a follow-up meeting.

Council Member Michelle Erpenbach also agreed with having a follow-up meeting or working session and also recommended the Administration post a question and answer webpage.

**5. Adjournment**

Council Vice-Chair Christine M. Erickson adjourned the meeting at 5:40 p.m.

Thomas M. Greco  

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City Clerk



Date: 2017-10-10  
SIRE Meeting ID: 2640  
Meeting Type: City Council

YouTube:[https://youtu.be/uIaP\\_0Wazh8](https://youtu.be/uIaP_0Wazh8)  
Agenda Item: Not Assigned  
Item ID: 85390

The following document(s) are public records obtained from the  
City of Sioux Falls.



# *City of Sioux Falls Council Meeting Minutes*

*Carnegie Town Hall, 235 West 10<sup>th</sup> Street*  
**REGULAR MEETING OF Tuesday, October 3, 2017, at 7 PM**

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## **ROLL CALL**

### **MEMBERS PRESENT/ABSENT OFFICIAL AGENDA**

#### **PRESENT**

Council Member Michelle Erpenbach  
Council Member Greg Neitzert  
Council Member Rex Rolfing  
Council Member Marshall Selberg  
Council Member Pat Starr  
Council Member Theresa Stehly  
Mayor Mike T. Huether

#### **ABSENT**

Council Member Christine M. Erickson  
Council Member Rick Kiley

## **INVOCATION**

- Mr. Jerry Fogg

## **PLEDGE OF ALLEGIANCE**

## **PROCLAMATIONS**

- Native American Day - October 9, 2017

## **CONSENT AGENDA ITEMS**

### **APPROVAL OF CONSENT AGENDA**

A request was made by Council Member Pat Starr to move the following agreement from Item 1 to the Regular Agenda for discussion: Public Parking, Project No. 19002, Amendment to Legal Services Agreement, Faegre Baker Daniels, LLP, \$30,000.

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

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

## MINUTES

- Informational Meeting of Tuesday, September 19, 2017, at 4 p.m.
- City Council Meeting of Tuesday, September 19, 2017, at 7 p.m.
- Informational Meeting of Tuesday, September 26, 2017, at 4 p.m.
- Joint City Council/Minnehaha County Commission Meeting of Tuesday, September 26, 2017, at 5 p.m.
- Joint City Council/Lincoln County Commission/Minnehaha County Commission Meeting of Tuesday, September 26, 2017, at 6 p.m.

## COMMUNICATIONS

1. Approval of contracts/agreements on the September 29, 2017, memo.

A motion was made by Council Member Pat Starr and seconded by Council Member Michelle Erpenbach to approve the following: Public Parking, Project No. 19002, Amendment to Legal Services Agreement, Faegre Baker Daniels, LLP, \$30,000.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, 5. Noes, Theresa Stehly, 1.

### **Motion Passed.**

2. Approval of the notice of change orders on the September 29, 2017, memo.
3. A communication received from Molly Okerlund, requesting permission to consume, but not sell, liquor, wine and/or malt beverages at the Old Courthouse Museum, 200 W. 6th Street, on November 25, 2017, from 5 p.m. - 8 p.m., pursuant to SDCL 35-1-5.5., for a wedding dinner.
4. Report of Requests for Quotes for Fuel dated: September 14, 2017; #2 Dyed Diesel; 7,500 gallons; Midway Service (\$1.8871); Stern Oil (\$1.8903); Harms Oil (\$1.8805); Howes Oil (\$1.8825); Cole's Petroleum, CHS, Inc., Olson Oil, all no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: September 18, 2017; Unleaded; 8,500 gallons; Midway Service (\$1.9189); Cole's Petroleum (\$1.9327); Stern Oil, Harms Oil, Howes Oil, CHS, Inc., Olson Oil, all no bid. Bid awarded to: Midway Service.
6. Report of Requests for Quotes for Fuel dated: September 20, 2017; Unleaded and Clear Diesel; 675 Unleaded gallons and 500 Clear Diesel gallons; Midway Service

(\$1.9789 Unleaded and \$2.2304 Clear Diesel); Stern Oil (\$2.0205 Unleaded and \$2.2607 Clear Diesel); Howes Oil (\$1.9970 Unleaded and \$2.2465 Clear Diesel); Cole's Petroleum, Harms Oil, CHS, Inc., and Olson Oil, all no bid. Bid awarded to: Midway Service.

7. Report of Requests for Quotes for Fuel dated: September 20, 2017; #2 Clear Diesel; 9,023 gallons; CHS, Inc. (\$2.22); Howes Oil (\$2.2115); Harms Oil (\$2.1999) Midwest Oil, no bid. Bid awarded to: Harms Oil, Co.
8. Report of Requests for Quotes for Fuel dated: September 21, 2017; Unleaded; 8,500 gallons; Cole's Petroleum (\$1.9153); Stern Oil (\$2.1655); Harms Oil (\$1.9221); Howes Oil (\$1.9130); Midway Service, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Howes Oil.
9. Report of Requests for Quotes for Fuel dated: September 26, 2017; Dyed Diesel #2; 7,500 gallons; Cole's Petroleum (\$1.9642); Stern Oil (\$1.9930); Howes Oil (\$1.9690); CHS, Inc. (\$2.0175); Midway Service, Harms Oil, Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
10. Statement of Claim for Mechanic's and/or Materialman's Lien relating to a Public Improvement Project from Rice Lake Construction Group, Inc., for work and materials furnished to Merryman Excavation, Inc. regarding the Brandon Road Pump Station.
11. Sheriff's Notice of Levy and Receipt for Goods Levied on Merryman Excavation, Inc.
12. Statement of Claim for Mechanic's and/or Materialman's Lien relating to a Public Improvement Project from Diesel Machinery, Inc., for work and materials furnished to Merryman Excavation, Inc. regarding the Brandon Road Pump Station.

### **APPLICATIONS**

13. Special One-Day Liquor License for Empire Productions, Prairie View Event Hall to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for a wedding on October 7, 2017.
14. Special One-Day Liquor License for Ovations Food Services LP to be operated at the Orpheum Theater, 315 North Phillips Avenue, for a wedding on September 1, 2018.

### **NOTICE OF HEARINGS**

**Set a date of hearing for Tuesday, October 17, 2017, at 7 p.m. for Item 15 through 18:**

15. New 2017 Retail Wine License for Commonwealth Gaming & Holdings Corporation, Deuces Casino 8.5, 4205 South Racket Drive, Suite B, with the

Conditional Use Permit (2013-05-06) being approved on June 5, 2013.

16. Transfer of 2017 Package Liquor License from Pinnacle Hospitality Incorporated, CJ Callaway's, 500 East 69<sup>th</sup> Street, to Lewis Drugs Inc., Lewis Drug #14, 136 South Phillips Avenue (CUP not required).
17. Transfer of 2017 Package Liquor License from Lewis Drug Inc., Lewis Drug #1, 500 West 41<sup>st</sup> Street, to Lewis Drug Inc., Lewis Drug #1, 2901 South Minnesota Avenue, effective upon completion of construction (CUP not required).
18. Special One-day Malt Beverage and Special One-Day Wine licenses for Stockyards Ag Experience to be operated at the Stockyards Ag Experience Barn for a community event on November 2, 2017.

## **REGULAR AGENDA ITEMS**

### **APPROVAL OF REGULAR AGENDA**

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

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

Item 1 was heard at this time. See item for action taken.

### **PUBLIC INPUT**

Robert Kolbe spoke about recent news events in the City of Sioux Falls.

Del'Inkka Beaudion spoke about an upcoming fundraising event called "the First Annual Trunk or Treat" which will be held on October 14, 2017, from 5 p.m. - 8 p.m., at 8th and Railroad. The purpose of the fundraiser is to raise money for hurricane victims.

Scott Ehrisman spoke about releasing the Judd Allen Report regarding the Events Center and the City Council conducting an independent audit on the siding at the Events Center.

Tim Stanga spoke about receiving follow up telephone calls from Don Kearney, Director of Parks and Recreation, regarding recent experiences in a Sioux Falls park. He expressed gratitude to Kearney for his follow through and professionalism.

Bruce Danielson spoke about City related items he has been collecting.

Clair Halverson spoke about constructing a museum in the railroad area dedicated to the history of the railroads in Sioux Falls.

Rick Altof spoke about the importance of disclosure to citizens.

### **UNFINISHED BUSINESS**

19. Transfer of 2017 Retail Liquor License, with Sunday sales certificate and video lottery terminals, from W & P of Sioux Falls LLC, Buffalo Wild Wings, 2601 South Louise Avenue, Suite 100, to W & P of Sioux Falls LLC, Buffalo Wild Wings, 640 South Highline Place (CUP not required). **Pending final inspections per Fire, Health and Building Services.**
20. New 2017-18 Retail Malt Beverage License for Hydra Beer Company LLC, Hydra Beer Company, 125 West 10th Street (CUP not required). **Pending final inspections per Fire, Health and Building Services.**
21. New 2017 Retail Wine License for Hydra Beer Company LLC, Hydra Beer Company, 125 West 10th Street (CUP not required). **Pending final inspections per Fire, Health and Building Services.**
22. Special One-Day Malt Beverage License for Sioux Falls Roller Dollz to be operated at Special Olympics South Dakota, 800 East I-90 Lane, for special sporting events on October 7 and November 4, 2017.

A motion was made by Council Member Rex Rolfing and seconded by Council Member Michelle Erpenbach to approve Items 18 through 22.

Vote to approve: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

### **INTRODUCTION AND ADOPTION OF ORDINANCES**

23. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NORTHEAST CORNER OF N. CAREER AVE. AND W. BENSON RD. FROM THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN, RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY, AND O OFFICE DISTRICTS TO THE CN CONSERVATION, RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY, LW LIVE-WORK, AND C-4 COMMERCIAL—REGIONAL DISTRICTS, PETITION NO. 6725-2017, 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 Michelle Erpenbach and seconded by Council Member Rex Rolfing to adopt said Ordinance No. 95-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

24. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1210 N. WEBER AVE. FROM THE I-2 HEAVY INDUSTRIAL DISTRICT TO THE REC RECREATION DISTRICT, PETITION NO. 7098-2017, 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 Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 96-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

25. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED EAST OF N. WESTPORT AVE. AND NORTH OF W. 54TH ST. N. FROM THE I-1 LIGHT INDUSTRIAL DISTRICT TO THE CN CONSERVATION DISTRICT, PETITION NO. 7234-2017, 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 Greg Neitzert and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 97-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

26. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2308, 2400, AND 2412 S. SUMMIT AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN DISTRICT TO THE S-2 INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 7241-2017, 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 Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 98-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

27. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2301 W. 46TH ST. FROM THE C-3 COMMERCIAL—COMMUNITY DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL—LOW DENSITY DISTRICT, PETITION NO. 7270-2017, 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 Rex Rolwing to adopt said Ordinance No. 99-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

28. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE NORTHWEST CORNER OF W. 41ST ST. AND S. ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL—SUBURBAN AND RA-1 APARTMENT RESIDENTIAL—LOW DENSITY DISTRICTS, PETITION NO. 7291-2017, 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 Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 100-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

29. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT THE SOUTHEAST CORNER OF E. BENSON RD. AND I-229 FROM THE AG AGRICULTURE AND I-1 LIGHT INDUSTRIAL DISTRICTS TO THE I-2 HEAVY INDUSTRIAL DISTRICT, PETITION NO. 7292-2017, 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 Rex Rolwing and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 101-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolwing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**



30. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF W. 32ND ST. AND WEST OF S. KINDERHOOK AVE. FROM THE LW LIVE-WORK DISTRICT TO THE RD-2 TOWNHOME RESIDENTIAL—SUBURBAN DISTRICT, PETITION NO. 7293-2017, 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 Greg Neitzert and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 102-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

31. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. MAPLE ST. AND N. WESTPORT AVE. FROM THE C-4 COMMERCIAL—REGIONAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, PETITION NO. 7295-2017, 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 Rex Rolfing and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 103-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

32. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT NORTHWEST CORNER OF W. 6TH ST. AND S. MINNESOTA AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL—TRADITIONAL AND RA-1 APARTMENT RESIDENTIAL—LOW DENSITY DISTRICTS TO THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7299-2017, 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 Michelle Erpenbach to adopt said Ordinance No. 104-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

33. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,

REZONING PROPERTY LOCATED AT SOUTHWEST CORNER OF W. 4TH ST. AND S. MINNESOTA AVE. FROM THE RA-1 APARTMENT RESIDENTIAL—LOW DENSITY AND O OFFICE DISTRICTS TO THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 7307-2017, 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 Michelle Erpenbach and seconded by Council Member Rex Rolfing to adopt said Ordinance No. 105-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

34. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 160: ZONING, SUBCHAPTER PUD PLANNED UNIT DEVELOPMENT DISTRICTS, SECTION 160.449 DOWNTOWN (DT) PUD DISTRICT. Planning Commission recommends approval (5-0).

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Marshall Selberg to adopt said Ordinance No. 106-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

### **HEARINGS AND RESOLUTIONS**

35. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF PINNACLE POINT ADDITION.

A motion was made by Council Member Rex Rolfing and seconded by Council Member Pat Starr to adopt said Resolution No. 102-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

RESOLUTION NO. 102-17

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF PINNACLE POINT ADDITION.

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

That the preliminary plan of Pinnacle Point Addition to the City of Sioux Falls, Minnehaha 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: 10/03/17 .

Mike T. Huether  
Mayor

ATTEST:  
Thomas M. Greco  
City Clerk

36. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF OLLERICH FARMS ADDITION.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Greg Neitzert to adopt said Resolution No. 103-17.

Vote to adopt: Roll Call: Yeses, Michelle Erpenbach, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, Theresa Stehly, 6. Noes, 0.

**Motion Passed.**

RESOLUTION NO. 103-17

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF OLLERICH FARMS ADDITION.

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

That the preliminary plan of Ollerich Farms Addition to the City of Sioux Falls, Minnehaha 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: 10/03/17 .

Mike T. Huether  
Mayor

ATTEST:  
Thomas M. Greco  
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)**

37. REPORT OF THE SEPTEMBER 22, 2017, NOTICE OF TRANSFER OF APPROPRIATIONS WITH MAJOR ORGANIZATIONAL UNITS.

**ADJOURNMENT**

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Rolfing to adjourn the meeting at 8:15 p.m.

Mayor Mike Huether called 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](http://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](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.

Date: 2017-10-10  
SIRE Meeting ID: 2640  
Meeting Type: City Council

YouTube:[https://youtu.be/uIaP\\_0Wazh8](https://youtu.be/uIaP_0Wazh8)  
Agenda Item: 1  
Item ID: 85391

The following document(s) are public records obtained from the  
City of Sioux Falls.



**Date:** October 6, 2017  
**To:** City Council  
**From:** Mayor Mike T. Huether  
**Subject:** Approval of Contracts/Agreements

I am submitting for approval the following contracts and agreements pursuant to Ordinance No. 75-11:

Department	Project No.	Project Description	Vendor	Amount
Highways/Streets	11018	ADA Improvements; 41st Street, Louise Avenue to Kiwanis Avenue, 41st Street, Western Avenue to Minnesota Avenue, and Minnesota Avenue, 42nd Street to 33rd Street; Professional services agreement	JSA Engineers and Land Surveyors, Inc.	\$ 58,354
Highways/Streets	11090	Ellis Road; Stoney Creek Drive to 41st Street ROW purchase	Getty Abstract & Title	\$ 81,022
Highways/Street	11064	Arrowhead Parkway Improvements Temporary Construction Easement Amendment	SFP Pool Six LLC	\$ 7,781
Highways/Streets	11064	Arrowhead Parkway Improvements Additional survey and closing costs	F & K Assam	\$ 51,149
Highways/Streets	11087	Regional Stormwater Analysis/Improvements - West Pebble Creek Drainage Evaluation; Professional services agreement	HDR Engineering, Inc.	\$ 59,160
Highways/Streets	11087	Regional Stormwater Analysis/Improvements - Southwest Sioux Falls Drainage Improvements; Professional services agreement	Stockwell Engineers, Inc.	\$ 129,440
Water	NA	Keuhn Park Tower Reconditioning; Professional services agreement	KLM Engineering, Inc.	\$ 97,403
Water	NA	Sludge Pump System To award a bid	Van Bergen & Markson, Inc.	\$ 55,000
Parks/Recreation	NA	Tomar Park Bridge Wood Decking Replacement; To award an informal bid	MJ Terveen Construction, Inc.	\$ 37,800
Sanitary Landfill	NA	Furnish Alternative Daily Cover Material Establishes pricing for materials Extend term to 11/30/2018	LSC Environmental Products	\$ 65,000

Highways/Streets

NA

Snow Removal Services  
Motor grader w/operator \$185.00/per hour  
Side dump truckw/operator \$92.00/per hour  
Dozer D8 w/operator \$177.00/per hour  
Dozer D6 w/operator \$154.18/per hour  
Front end loader w/operator \$128.50/per hour  
Agreement for services

To Establish  
Pricing  
D&G Concrete  
Construction  
Dakota Soil  
Construction Inc.  
Double H Paving  
First Rate  
Excavate, Inc.  
Myrl & Roy's  
Paving, Inc.  
Prairie States  
Trucking  
Runge  
Enterprises  
Zacharias  
Construction, Inc.  
C. Dillon Digging  
Friessen  
Construction, Inc.  
Loiseau  
Construction  
Soukup  
Construction  
Winter, Inc.  
Dakota  
Contracting Corp.

Date: 2017-10-10  
SIRE Meeting ID: 2640  
Meeting Type: City Council

YouTube:[https://youtu.be/uIaP\\_0Wazh8](https://youtu.be/uIaP_0Wazh8)  
Agenda Item: 2  
Item ID: 85392

The following document(s) are public records obtained from the  
City of Sioux Falls.





**Date:** October 6, 2017  
**To:** City Council  
**From:** Mayor Mike T. Huether  
**Subject:** Notice of Change Orders

I am reporting the following Change Orders pursuant to Ordinance No. 75-11:

Department	Project No.	Project Description	Vendor	Amount
Entertainment Venues	13008	DSPC Building Improvements - Storage and Cooler Expansion; Relocated three roof drains to achieve better drainage	Peska Construction	\$ 32,119

Date: 2017-10-10  
SIRE Meeting ID: 2640  
Meeting Type: City Council

YouTube:[https://youtu.be/uIaP\\_0Wazh8](https://youtu.be/uIaP_0Wazh8)  
Agenda Item: 3  
Item ID: 85402

The following document(s) are public records obtained from the  
City of Sioux Falls.



## CITY INTEROFFICE MEMORANDUM

**Date:** 09/30/2017  
**To:** Council Members  
**From:** Mayor Mike Huether  
**Subject:** Surplus Property

Department	Asset Description	Asset No.	Book Value	Condition	Acq. Year	Disposal Method
Fire	Fire Truck	3004376	\$0	Operating	2001	Trade In
Fleet	Front End Loader	3016928	\$117,904	Not Operating	2013	Totaled in Accident

Date: 2017-10-10  
SIRE Meeting ID: 2640  
Meeting Type: City Council

YouTube:[https://youtu.be/uIaP\\_0Wazh8](https://youtu.be/uIaP_0Wazh8)  
Agenda Item: 6  
Item ID: 85263

The following document(s) are public records obtained from the  
City of Sioux Falls.

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 111: RESTRICTIONS ON ISSUANCE OF MALT BEVERAGE RETAILER LICENSES.

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

**§ 111.021 RESTRICTIONS ON ISSUANCE OF MALT BEVERAGE RETAILER LICENSES.**

*Section 1. That Section 111.021 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

(a) No malt beverage retailer license shall be issued in the same building as an on-sale license or an off-sale license or another malt beverage retailer license, unless the licenses are intended for use by the same licensee and licenses issued are for the same licensed premise (or legal description) or there is provided the following:

- (1) *Licensed premise separation.* Each licensed premise shall be separated from the other licensed premise by a wall extended from the floor to the underside of the ceiling above, except there may exist openings, inaccessible to the public and in areas where alcohol is not stored, with dimensions no greater than 48 inches in width and 80 inches tall. There may also exist an opening within a refrigerated unit to allow refrigerated air to flow between two licensed premises so long as alcohol cannot pass between the two licensed premises. The portion of the wall located in the public areas of the licensed premise shall contain no openings except for the necessary penetrations of electrical, plumbing, or heating, ventilating, and air-conditioning equipment.
- (2) *Access.* Each licensed premise shall be entered and exited directly from the exterior of the building; except that a building containing multitenant licensed premises may have entrances and exits into a common area or atrium so long as it is not part of the licensed premise.
- (3) *Visual separation.* There shall be no visual connection in any publicly accessible area between the separate licensed premises.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Date: 2017-10-10  
SIRE Meeting ID: 2640  
Meeting Type: City Council

YouTube:[https://youtu.be/uIaP\\_0Wazh8](https://youtu.be/uIaP_0Wazh8)  
Agenda Item: 6  
Item ID: 85263

The following document(s) are public records obtained from the  
City of Sioux Falls.

1st Reading: \_\_\_\_\_  
2nd Reading: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Effective Date: \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 111: RESTRICTIONS ON ISSUANCE OF MALT BEVERAGE RETAILER LICENSES.

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

**§ 111.021 RESTRICTIONS ON ISSUANCE OF MALT BEVERAGE RETAILER LICENSES.**

*Section 1. That Section 111.021 of the Code of Ordinances of Sioux Falls, SD, is hereby amended to read:*

(a) No malt beverage retailer license shall be issued in the same building as an on-sale ~~dealer's~~ license or an off-sale ~~dealer's~~ license or another malt beverage retailer license, unless the licenses are intended for use by the same licensee and licenses issued are for the same licensed premise (or legal description) or there is provided the following:

- (1) ~~Licensed premise Occupancy separation.~~ Each ~~occupancy-licensed premise~~ shall be separated from the other licensed ~~premiseoccupancy~~ by a wall extended from the floor to the underside of the ceiling above, except there may exist openings, inaccessible to the public and in areas where alcohol is not stored, with dimensions no greater than 48 inches in width and 80 inches tall. There may also exist an opening within a refrigerated unit to allow refrigerated air to flow between two licensed premises so long as alcohol cannot pass between the two licensed premises. The portion of the wall located in the public areas of the licensed premise shall contain no openings except for the necessary penetrations of electrical, plumbing, or heating, ventilating, and air-conditioning equipment.
- (2) ~~Access.~~ Each ~~licensed premiseoccupancy~~ shall be entered and exited directly from the exterior of the building; except that a building containing multitenant ~~licensed premises occupancies~~ may have entrances and exits into a principal mall corridor common area or atrium so long as it is not part of the licensed premise having a minimum width of 20' consistent with covered mall provisions of the building code.
- (3) ~~Visual separation.~~ There shall be no visual connection in any publicly accessible area between the separate ~~licensed premisesoccupancies~~.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk