

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, February 17, 2015, at 7:00 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 Dean Karsky

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Intern Pastor Bob O'Connor, St. John American Lutheran

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson 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, 7. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, February 10, 2015, at 4:00 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the February 10, 2015 memo.

A request was made by Council Member L. Stagers to move the following agreements from Item 1 to the Regular Agenda for discussion purposes: 1) Highways/Streets, Project No. 11060, Cliff Avenue from 61st Street to 85th Street, Purchase of functional capacity unit credits, Tetonka LLP, \$176,996; 2) Water, 2015 Water Reclamation Rate Planning Agreement for engineering services, Advanced Engineering, \$10,000.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to approve the following agreement: 1) Highways/ Streets, Project No. 11060, Cliff Avenue from 61st Street to 85th Street, Purchase of functional capacity unit credits, Tetonka LLP, \$176,996.

A motion to amend was made by Council Member Kermit L. Stagers and seconded by Council Member Christine Erickson to change the dollar amount of this contract from \$176,996 to \$104,125.

Vote to approve: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L. Stagers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

Vote to approve the main motion, as amended: Roll Call: Yeses, Rick Kiley, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 6. Noes, Kermit L. Stagers, 1.

Motion Passed.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to approve the following agreement: 2) Water, 2015 Water Reclamation Rate Planning Agreement for engineering services, Advanced Engineering, \$10,000.

Vote to approve : Roll Call: Yeses, Rick Kiley, Rex Roling, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 6. Noes, Kermit L. Stagers, 1.

Motion Passed.

A communication was received from Candy Gambrill requesting permission to
2. consume, but not sell, wine and/or malt beverages at The Old Courthouse Museum, 200 W. 6th Street, on Sunday, May 10, 2015, from 4:30 PM until 8:30 PM for a wedding reception pursuant to SDCL 35-1-5.5.

Report of Requests for Quotes for Fuel dated: February 2, 2015; Unleaded Ethanol 655 Gallons/Clear Diesel #1 300 Gallons/Clear Diesel #2 300 Gallons;
3. Howes Oil (\$1.883 Unleaded /\$2.285 #1/\$2.285 #2); Stern Oil (\$2.0272 Unleaded/\$2.2975 #1/\$2.2978 #2); Midway Service, no bids. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: February 5, 2015; #1 and #2
4. Dyed Diesel Fuel, 3,750 Gallons each; Howes Oil (\$2.0400 #1/\$1.8400 #2); CHS, Inc., Cole's Petroleum, Harms Oil, Midwest Oil, Olson Oil, no

bids. Bid awarded to: Howes Oil.

- Report of Requests for Quotes for Fuel dated: February 6, 2015; Unleaded
5. Ethanol 7,000 Gallons and E85 1,500 Gallons; Harms Oil (\$1.7410 Unleaded// \$1.6000 E85); CHS, Inc., Cole's Petroleum, Howes Oil, Olson Oil, no bids. Bid awarded to: Harms Oil.

- Report of Requests for Quotes for Fuel dated: February 12, 2015; E-10
6. Unleaded Ethanol/87 Octane 8,500 Gallons; Cole's Petroleum (\$1.7392); Harms Oil (\$1.7599); CHS, Inc. (\$1.8299); Howes Oil (\$1.8305); Olson Oil, no bid. Bid awarded to: Cole's Petroleum.

APPLICATIONS

- An amendment to the New 2015 Retail Wine License for TNT Pizza Inc., Pizza Rev, to be operated at 3905 West 49th Street, Suite 103 (CUP not required),
7. approved on December 16, 2014, changing the address from 3905 West 49th Street, Suite 103, to 3901 West 49th Street, Suite 103. Pending Final Inspections per Fire, Health and Building Services.

- An amendment to the New 2014-15 Retail Malt Beverage License for TNT Pizza Inc., Pizza Rev, to be operated at 3905 West 49th Street, Suite 103 (CUP not
8. required), approved on December 16, 2014, changing the address from 3905 West 49th Street, Suite 103, to 3901 West 49th Street, Suite 103. Pending Final Inspections per Fire, Health and Building Services.

- Special One-Day Liquor License for Ovations Food Services LP, to be operated
9. at the Sioux Falls Orpheum Theater, 315 North Phillips Avenue, for American Association of Community Theater Fest on March 6 and 7, 2015.

- Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to
10. be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for a social event on March 12, 2015.

- Special One-Day Liquor Licenses for Ovations Food Services LP, Sioux Falls
11. Canaries Baseball Club, to be operated at 1001 North West Avenue, in the Tiki Bar and Suites, for the 2015 Home Season Games.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, March 3, 2015, at 7:00 p.m. for Items 12 through 20:

12. New 2015 Retail Wine License for Envy Nails and Spa LLC, Envy Nails and Spa to be operated at 4521 East 26th Street (CUP not required).

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for
13. Catering America Inc., to be operated at Vance Thompson Vision, 3101 West 57th Street, for the Vance Thompson Eye Ball on March 13, 2015.

- Special One-Day Wine License for Senior Citizens Services Inc., to be
14. operated at Active Generations, 2300 West 46th Street, for a Canvas and Cocktails Art Class on March 24, 2015.

- Special One-Day Wine License for Senior Citizens Services Inc., to be
15. operated at Active Generations, 2300 West 46th Street, for a Festival of Tables event on March 26, 2015.

- Special One-Day Malt Beverage and One-Day Wine Licenses for Augustana
16. College to be operated at the Elmen Center, 2001 South Summit Avenue, for a

fundraiser auction on April 10, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma
17. Butterfly House and Marine Cove, 4320 South Oxbow Avenue, for a fundraiser
on April 17, 2015.

Special One-Day Wine License for Senior Citizens Services Inc., to be
18. operated at Active Generations, 2300 West 46th Street, for the Gourmet Guys
fundraiser, on April 19, 2015.

Special One-Day Malt Beverage License for SculptureWalk, Inc to be operated
19. at 8th & Railroad Center, 401 East 8th Street, for a fundraiser reception
on May 1, 2015.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for
20. Catering America Inc., to be operated the State Theatre, 316 South Phillips
Avenue for Poet events on May 12 and 19 and June 2 and 9, 2015.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed.

PUBLIC INPUT

Scott Ehrisman spoke regarding peace among the City Council; mental illness
awareness; Drake Springs Pool; food trucks; and TIF's.

Liz Muilenberg spoke regarding the quit claim deed with the Veteran's
Administration with regard to the indoor aquatic center at Spellerberg
Park.

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

UNFINISHED BUSINESS

21. New 2015 Package Liquor License for Austad's Golf Inc., Austad's Golf to be
operated at 2801 East 10th Street (CUP not required).

New 2014-15 Retail Malt Beverage License for Kelly Midwest Ventures LP,
22. Holiday Inn Express & Suites Southwest to be operated at 3821 West Avera
Drive (CUP not required).

New 2015 Retail Wine License for Kelly Midwest Ventures LP, Holiday Inn
23. Express & Suites Southwest to be operated at 3821 West Avera Drive (CUP not
required).

New 2014-15 Retail Malt Beverage License for Kelly Midwest Ventures LP, La
24. Quinta Inn & Suites to be operated at 4521 West 41st Street (CUP not
required).

25. New 2015 Retail Wine License for Kelly Midwest Ventures LP, La Quinta Inn &

Suites to be operated at 4521 West 41st Street (CUP not required).

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the
26. Sioux Falls Area Community Foundation to be operated at DocuTap, 101 South
Phillips Avenue, Suite 300, for a fundraiser on February 27, 2015.

Special One-Day Wine License for Sioux Empire Safety Village to be operated
27. at Vance Thompson Vision, 3101 West 57th Street, for a fundraiser on March
5, 2015.

A motion was made by Council Member Michelle Erpenbach and seconded by Council
Member Rex Roling to approve Items 21 through 27.

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

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE
NAMING OF A FACILITY SPACE ON PUBLIC PROPERTY.

A motion was made by Council Member Greg Jamison and seconded by Council Member
Kenny Anderson Jr. to adopt said Ordinance No. 14-15.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m.
for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY AT THE SOUTHWEST CORNER OF N. CAREER AVE. & W. RESEARCH DR. FROM
29. THE C-2, COMMERCIAL-NEIGHBORHOOD & STREETCAR DISTRICT TO THE CN,
CONSERVATION DISTRICT, PETITION NO. 2094-2014 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 Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday,
March 3, 2015, at 7:00 p.m. for Item 29.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Roling, Kermit L.
Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg
Jamison, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m.
for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY AT 901 N. MAIN AVE. FROM THE C-2, COMMERCIAL-NEIGHBORHOOD & STREETC
AR
30. DISTRICT TO THE DTPUD-DOWNTOWN PLANNED UNIT DEVELOPMENT DISTRICT, PETITION N

O.

2144-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.
Planning Commission recommends approval.

A motion was made by Council Member Rick Kiley and seconded by Council Member Greg Jamison to set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m. for Item 30.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m. for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 910 N. MAIN AVE. FROM THE C-2, COMMERCIAL-NEIGHBORHOOD & 31. STREETCAR DISTRICT TO THE DTPUD-DOWNTOWN PLANNED UNIT DEVELOPMENT DISTRICT, PETITION NO. 2145-2015 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 Rex Rolwing to adopt of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m. for Item 31.

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

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m. for Item 32:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1224 AND 1226 E. RICE ST. FROM THE RD-1, TWIN HOME/DUPLEX RESIDENTIAL-SUB URBAN 32. DISTRICT TO THE C-2, COMMERCIAL-NEIGHBORHOOD & STREETCAR DISTRICT, PETITION NO.

2163-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.
Planning Commission recommends approval.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rick Kiley to set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m. for Item 32.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg Jamison, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m. for Item 33:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST OF S. CLIFF AVE. & NORTH AND SOUTH OF E. 77TH ST. FROM THE AG,

AGRICULTURE DISTRICT TO THE RA-3, APARTMENT RESIDENTIAL-HIGH DENSITY, S-2,
33. INSTITUTIONAL CAMPUS PLANNED UNIT DEVELOPMENT, CN, CONSERVATION DISTRICT &
C-2, COMMERCIAL-NEIGHBORHOOD & STREETCAR DISTRICT, PETITION NO. 2164-2015
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 Rex Rolwing to set a date of hearing and 2nd Reading for Tuesday, March
3, 2015, at 7:00 p.m. for Item 33. Council Members Greg Jamison and
Kermit L. Staggers were excused from the meeting and the vote on this item.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kenny Anderson
Jr., Christine M. Erickson, Michelle Erpenbach, 5. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m.
for Item 34:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY AT 3405 S. CATHY AVE. FROM THE C-2, COMMERCIAL-NEIGHBORHOOD AND
34. STREETCAR DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2176-2015 AND
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning
Commission recommends approval.

A motion was made by Council Member Christine M. Erickson and seconded by
Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for
Tuesday, March 3, 2015, at 7:00 p.m. for Item 34.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L.
Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg
Jamison, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, March 3, 2015, at 7:00 p.m.
for Item 35:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING
PROPERTY SOUTH OF E. 26TH ST. & WEST OF S. SHAFER AVE. FROM THE C-2,
35. COMMERCIAL-NEIGHBORHOOD AND STREETCAR DISTRICT TO THE O, OFFICE DISTRICT,
PETITION NO. 2180-2015 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 Michelle Erpenbach to set a date of hearing and 2nd Reading for Tuesday,
March 3, 2015, at 7:00 p.m. for Item 35.

Vote to set a date: Roll Call: Yeses, Rick Kiley, Rex Rolwing, Kermit L.
Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, Greg
Jamison, 7. Noes, 0.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council
Member Christine M. Erickson to adjourn at 7:37 p.m.

Mayor Huether called for a voice vote. All members voted yes.

Motion Passed.

Lorie Hogstad, CMC

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. HOWEVER, THE SOUTH DAKOTA SUPREME COURT HAS RULED THAT CITY COUNCILORS MAY NOT ENGAGE IN PRIVATE COMMUNICATIONS WITH PERSONS WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT. IN THOSE INSTANCES, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING ON THAT MATTER WHEN IT IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS SHOULD UNDERSTAND THAT THEIR COMMENTS WILL 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 4:00 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 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5:00 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 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.