

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, June 20, 2017, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT ABSENT

Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Council Member Greg Neitzert

Council Member Rex Rolfing

Council Member Marshall Selberg

Council Member Pat Starr

Mayor Mike T. Huether

INVOCATION

Dr. Erich McCandless, Empire Baptist Temple

\*

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Marshall Selberg to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolfing, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, June 13, 2017, at 7 p.m.

\*

City Council Meeting of Tuesday, June 13, 2017, at 7 p.m.

\*

#### COMMUNICATIONS

1. Approval of contracts/agreements on the June 16, 2017, memo.

Report of Requests for Quotes for Fuel dated: June 7, 2017; E-10 Unleaded

2. Ethanol/87 Octane; 8,500 Gallons; Midway Service (\$1.7480); Cole's Petroleum (\$1.7608); Howes Oil (\$1.7645); Harms Oil (\$1.7723); Stern Oil (\$1.7837); CHS, Inc. (\$1.8140); Olson Oil, no bid. Bid awarded to: Midway Service.

Report of Requests for Quotes for Fuel dated: June 8, 2017; E-10 Unleaded Ethanol & \$2 Clear Diesel; 600 Gallons UL & 500 Gallons #2 Clear DM; Stern

3. Oil (\$1.7996 UL & \$1.8448 #2 DM); Midway Service (\$1.8080 UL & \$1.8455 #2 DM); Howes Oil (\$1.8510 UL & \$1.8450 #2 DM); CHS, Inc., Cole's Petroleum, Harms Oil, and Olson Oil, all no bid. Bid awarded to: Stern Oil.

Report of Requests for Quotes for Fuel dated: June 8, 2017; Clear Diesel;

4. 9,000 Gallons; Howe's Oil (\$1.7459); Harms Oil (\$1.8143); CHS, Inc., Midwest Oil, both no bid. Bid awarded to: Howes Oil.

Report of Requests for Quotes for Fuel dated: June 9, 2017; #2 Dyed Diesel;

5. 7,500 Gallons; Cole's Petroleum (\$1.4791); Stern Oil (\$1.4991); Harms Oil (\$1.5853); CHS, Inc., Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.

Report of Requests for Quotes for Fuel dated: June 12, 2017; E-10 Unleaded

6. Ethanol/87 Octane; 8,500 Gallons; Midway Service (\$1.7092); Cole's Petroleum (\$1.7230); Howes Oil (\$1.7215); Harms Oil (\$1.7349); Stern Oil (\$1.7505); CHS, Inc. and Olson Oil, no bid. Bid awarded to: Midway Service.

Report of Requests for Quotes for Fuel dated: June 12, 2017; #2 Dyed Diesel;

7. 7,500 Gallons; Howes Oil (\$1.4835); Cole's Petroleum (\$1.4882); Stern Oil (\$1.5066); Harms Oil (\$1.4998); Midway Service (\$1.4934); CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Howes Oil.

A Communication was received from Juan Ruiz requesting permission to

8. consume, but not sell, tequila and beer at the Coliseum, 515 N. Main Ave., on Saturday, July 29, 2017, for a wedding.

#### APPLICATIONS

Amend a New 2016-17 Retail Malt Beverage License, approved on May 16, 2017,

9. for Panacea Brewing Company LLC, Remedy Brewing Company, 401 East 8th Street, Suite 120, by changing the license to a 2017-18 Retail Malt Beverage License.

Renewal of 2017-18 Retail Malt Beverage License for Full Circle Sandwich

10. Kitchen LLC, Bread & Circus Sandwich Kitchen, 600 North Main Avenue, Suite 110.

11. Renewal of 2017-18 Retail Malt Beverage License for Big Rig HD LLC, Big Rig BBQ, 3219 South Minnesota Avenue.

#### NOTICE OF HEARINGS

Set a date of hearing for Wednesday, July 5, 2017, at 7 p.m. for Items 12

through 15:

12. New 2017-18 Retail Malt Beverage license for Burrito Brothers Inc., Pancheros Mexican Grill, 1503 West 41st Street (CUP not required).
13. Special One-day Malt Beverage Licenses for JAM Art & Supplies to be operated at 1001 East 8th Street, for an Art Show on July 7 & 8, 2017.

- Special One-Day Liquor license for the Zoological Society Sioux Falls to be
14. operated at the Great Plains Zoo and Delbridge Museum of Natural History, 805 South Kiwanis Avenue, for the Jungle Jubilee on August 3, 2017.

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for
15. Commemorative Air Force Joe Foss Squadron to be operated at Maverick Air Center, 4201 North Maverick Place, for a fundraiser on September 16, 2017.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Rick Kiley to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Robert Kolbe spoke about taxes.

Gary Myers spoke about REMSA and EMS.

#### UNFINISHED BUSINESS

- Request to include video lottery terminals with the new 2017-18 Retail Malt
16. Beverage License for Smokehouse Partners Inc, Cody's Smokehouse, 6401 South Louise Avenue. Pending final inspections per Fire, Health and Building Services.

- New 2017-18 Retail Malt Beverage License for Golden Coin Casino Inc, Golden
17. Coin Casino III, 3505 West 49th Street (CUP not required). Pending final inspections per Fire, Health and Building Services.

- Request to include video lottery terminals with the new 2017-18 Retail Malt
18. Beverage License for Golden Coin Casino Inc., Golden Coin Casino III, 3505 West 49th Street. Pending final inspections per Fire, Health and Building Services.

- New 2017-18 Retail Malt Beverage License for Pinball Inc., Jokerz #5, 2220
19. South Minnesota Avenue, Suite 100, with Conditional Use Permit (6438-2017) being approved on April 5, 2017. Pending final inspections per Fire and Building Services.

- Request to include video lottery terminals with the new 2017-18 Retail Malt
20. Beverage License for Pinball Inc., Jokerz #5, 2220 South Minnesota Avenue, Suite 100. Pending final inspections per Fire and Building Services.

New 2017-18 Retail Malt Beverage License for Pinball Inc., Jokerz #6, 2220 South Minnesota Avenue, Suite 102, with Conditional Use Permit (6438-2017) being approved on April 5, 2017. Pending final inspections per Fire and Building Services.

Request to include video lottery terminals with the new 2017-18 Retail Malt Beverage License for Pinball Inc., Jokerz #6, 2220 South Minnesota Avenue, Suite 102. Pending final inspections per Fire and Building Services.

23. New 2017 Retail Wine License for Woodgrain Brewing Company LLC, Woodgrain Brewing Company LLC, 101 South Phillips Avenue, Suite 100.

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

24. America, Chef Dominique's Catering to be operated at the University Center, 4801 North Career Avenue, for a social on August 15, 2017.

Special One-Day Liquor License for Ramkota Companies Inc, Best Western

25. Ramkota Inn to be operated at Avera Prairie Center, 1000 East 23rd Street, for a retirement celebration on June 26, 2017.

A motion was made by Council Member Greg Neitzert and seconded by Council Member Theresa Stehly to approve Items 16 through 25.

Vote to approve: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING CERTAIN REAL PROPERTY OF THE CITY SURPLUS AND AUTHORIZING THE DISPOSITION THEREOF.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Ordinance No. 52-17.

Vote to adopt: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, July 5, 2017, at 7 p.m. for Item 27:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1000 E. 60TH ST. NORTH FROM THE C-2 COMMERCIAL-NEIGHBORHOOD AND

27. STREETCAR DISTRICT, TO THE I-1 LIGHT INDUSTRIAL DISTRICT PETITION NO. 6589-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Planning Commission recommends approval (8-0).

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Wednesday, July 5, 2017, at 7 p.m. for Item 27.

Vote to set a date: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, July 5, 2017, at 7 p.m.  
for Item 28:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY  
LOCATED AT 400 N. WEST AVE. FROM THE REC, RECREATION AND RA-2 APARTMENT  
28. RESIDENTIAL-MODERATE DENSITY DISTRICTS TO THE C-2 COMMERCIAL-NEIGHBORHOOD AN  
D  
STREETCAR DISTRICT PETITION NO. 6591-2017, AND AMENDING THE OFFICIAL ZONING  
MAP  
OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member  
Rex Rolwing to set a date of hearing and 2nd Reading for Wednesday, July 5,  
2017, at 7 p.m. for Item 28.

Vote to set a date: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson,  
Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg,  
Pat Starr, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, July 5, 2017, at 7 p.m.  
for Item 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY  
LOCATED AT 2308 S. DULUTH AVE. FROM THE S-2 INSTITUTIONAL CAMPUS PUD DISTRICT  
T TO  
29. THE RA-1 APARTMENT RESIDENTIAL-LOW DENSITY DISTRICT PETITION NO. 6604-2017,  
AND  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commis  
sion  
recommends approval (8-0).

A motion was made by Council Member Rex Rolwing and seconded by Council Member  
Rick Kiley to set a date of hearing and 2nd Reading for Wednesday, July 5,  
2017, at 7 p.m. for Item 29.

Vote to set a date: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson,  
Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Rolwing, Marshall Selberg,  
Pat Starr, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, July 5, 2017, at 7 p.m.  
for Item 30:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY  
LOCATED AT 3008 E. 26TH ST. FROM THE RA-1 APARTMENT RESIDENTIAL-LOW DENSITY  
30. DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL-MODERATE DENSITY DISTRICT PETITIO  
N  
NO. 6704-2017, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FAL  
LS.  
Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member  
Rex Rolwing to set a date of hearing and 2nd Reading for Wednesday, July 5,  
2017, at 7 p.m. for Item 30.

Vote to set a date: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Wednesday, July 5, 2017, at 7 p.m. for Item 31:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 1826 S. GRANGE AVE. FROM THE S-2 INSTITUTIONAL CAMPUS PUD DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL-SUBURBAN DISTRICT PETITION NO. 6726-2017 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Theresa Stehly to set a date of hearing and 2nd Reading for Wednesday, July 5, 2017, at 7 p.m. for Item 31.

Vote to set a date: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 18, 2017, at 7 p.m. for Item 32:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING PLANNING AND ZONING APPLICATION FEES. Planning Commission recommends approval (8-0).

A motion was made by Council Member Rick Kiley and seconded by Council Member Marshall Selberg to set a date of hearing and 2nd Reading for Tuesday, July 18, 2017, at 7 p.m. for Item 32.

Vote to set a date: Roll Call: Yeses, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 7. Noes, Theresa Stehly, 1.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. (ANNEXATION 6657-2017-Westwood Valley Phase III (W. 41st St. and S. Ellis Rd.))

A motion was made by Council Member Greg Neitzert and seconded by Council Member Rick Kiley to adopt said Resolution No. 57-17.

Vote to adopt: Roll Call: Yeses, Theresa Stehly, Christine M. Erickson, Michelle Erpenbach, Rick Kiley, Greg Neitzert, Rex Roling, Marshall Selberg, Pat Starr, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 57-17

ANNEXATION 6657-2017-Westwood Valley Phase III (W. 41st St. and S. Ellis Rd.)

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2040 Comprehensive Plan.
3. There is access to the major street network through the existing development to the south onto E. 41st St. and S. Ellis Rd.

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

That the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby extended to include such territory.

The E1/2 of the S1/2 of the NW1/4 of Section 28, T101N-R50W of the 5th PM, Minnehaha County, SD

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 06/20/17 .

Mike T. Huether

Mayor

ATTEST:

Thomas M. Greco

City Clerk

ADJOURNMENT

A motion was made by Council Member Greg Neitzert and seconded by Council Member Pat Starr to adjourn at 7:40 p.m.

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

Motion Passed.

Thomas M. Greco

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.