



CITY OF SIOUX FALLS

CITY COUNCIL

AGENDA

City Council Meeting

Monday, January 31, 2022 at 6:00 PM

Carnegie Town Hall, 235 West 10th St., Sioux Falls, South Dakota 57104

*This meeting can be viewed live on CityLink or online
at www.sioxford.org/live and www.sioxford.org/council/view-meetings*

CALL TO ORDER

1. MEETING ROLL CALL

Council Member Curt Soehl
Council Member Pat Starr
Council Member Janet Brekke
Council Member Christine M. Erickson
Council Member Alex Jensen
Council Member Rick Kiley
Council Member Greg Neitzert
Council Member Marshall Selberg
Mayor Paul TenHaken

2. INVOCATION

- Jeff Sveness, Direct Line Prayer Partner

3. PLEDGE OF ALLEGIANCE

4. AWARDS & RECOGNITIONS

- SIOUXPERHERO Citizen Recognition Award: Nicole Bissell-Hovdestad

CONSENT AGENDA

5. APPROVAL OF THE CONSENT AGENDA

6. APPROVAL OF MINUTES

- Informational Meeting of Tuesday, January 18, 2022
- City Council Meeting of Tuesday, January 18, 2022

- Informational Meeting of Tuesday, January 25, 2022
- Joint City Council / Lincoln County Commission Meeting of Tuesday, January 25, 2022

COMMUNICATIONS

7. Approval of contracts/agreements on the memorandum dated January 27, 2022.
8. Report of Requests for Quotes for Fuel dated January 18, 2022; Dyed Diesel #1 (5,000 Gallons), Dyed Diesel #2 (5,000 Gallons), and Unleaded (6,000 Gallons); Coles Petroleum (Dyed Diesel #1 \$2.988, Dyed Diesel #2 \$2.6736, and Unleaded \$2.6476); Howes Oil, Harms Oil, and CHS, all no bid. Bid awarded to: Coles Petroleum.
9. Report of Requests for Quotes for Fuel dated January 24, 2022; Dyed Diesel #1 (2,000 Gallons), Dyed Diesel #2 (2,000 Gallons), and Unleaded (6,500 Gallons); Coles Petroleum (Dyed Diesel #1 \$2.8947, Dyed Diesel #2 \$2.6486, and Unleaded \$2.6041); Parkland Oil, and CHS, all no bid. Bid awarded to: Coles Petroleum.
10. Approval of a request from The History Club to consume, but not sell, wine, beer, malt beverage, and/or liquor at 758 S. Phillips Ave., on the following dates in 2022: February 1, March 1, April 5, May 3, June 7, August 2, September 6, October 4, November 4, and December 6. The purpose is for membership events.

The City Council concurs with the Minnehaha County Commission's recommendation for approval of the following abatements:

11. Parcel #36362, for 2019 property taxes in the amount of \$1,398.75. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
12. Parcel #36362, for 2020 property taxes in the amount of \$2,251.63. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
13. Parcel #52067, for 2019 property taxes in the amount of \$1,528.55. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
14. Parcel #52067, for 2020 property taxes in the amount of \$2,251.63. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
15. Parcel #61578, for 2019 property taxes in the amount of \$129.83. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).
16. Parcel #61578, for 2020 property taxes in the amount of \$2,251.62. Reason: Applicant qualifies for exemption under SDCL 10-4-40 & 10-4-41 (Disabled Veteran).

NOTICE OF HEARINGS

17. **Set a date of hearing for Tuesday, February 15, 2022. A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.**

Sponsor: Mayor

REGULAR AGENDA

18. APPROVAL OF THE REGULAR AGENDA

UNFINISHED BUSINESS

19. New 2022 Retail Liquor License for Commonwealth Gaming & Holdings, Northstar Bar & Casino, 4305 West 61st Street North (full service restaurant; CUP not required).
20. Request to add video lottery terminals with the New 2022 Retail Liquor License for Commonwealth Gaming & Holdings, Northstar Bar & Casino, 4305 West 61st Street North.
21. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, and Transfer of 2022 Retail Wine & Cider License from Nelson Operating Co, Northstar Bar & Grill, 4305 West 61st Street North, to Commonwealth Gaming & Holdings, Northstar Bar & Casino II, 4305 West 61st Street North, Suite A.
22. New 2022 Retail Wine & Cider License for Crown Gaming Inc., Crown Casino Central, 1725 South Minnesota Avenue.
23. New 2021-22 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine & Cider License for SRS Inc., Spade Connexions, 8509 West 26th Street, Suite 100, with Conditional Use Permit (15495-2021) being approved on December 1, 2021.
24. Request to add video lottery terminals with the New 2021-22 Retail Malt Beverage/SD Farm Wine License for SRS Inc., Spade Connexions, 8509 West 26th Street, Suite 100.
25. New 2021-22 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine & Cider License for SRS Inc., Heart Connexions, 8509 West 26th Street, with Conditional Use Permit (15495-2021) being approved on December 1, 2021.
26. Request to add video lottery terminals with the New 2021-22 Retail Malt Beverage/SD Farm Wine License for SRS Inc., Heart Connexions, 8509 West 26th Street.
27. New 2021-22 Retail Malt Beverage/SD Farm Wine License for Cellar 54 LLC, Cellar 54, 720 South Highline Place (CUP not required).
28. New 2021-22 Retail Malt Beverage/SD Farm Wine License and New 2022 Retail Wine & Cider License for Oak & Olive LLC, Roots of Brasil, 201 North Weber Avenue, Suite 1 (CUP not required).
29. New 2022 Package Liquor License for Lewis Drug Inc., Lewis Drug #17, 700 East 54th Street North (CUP not required).
30. New 2022 Package Liquor License for Lewis Drug Inc., Lewis Drug #18, 2701 South Minnesota Avenue (CUP not required).

31. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, from SRS Inc., Lucky Krusers, 2101 West 41st Street, Suite 101, to Access Entertainment Group LLC, Lucky Krusers, 2101 West 41st Street, Suite 101.
32. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, and Transfer of 2022 Retail Wine & Cider License from SRS Inc., East Connexions, 3233 South Sycamore Avenue, to Access Entertainment Group LLC, East Connexions, 3233 South Sycamore Avenue.
33. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, from SRS Inc., Connexions South, 6809 South Louise Avenue, to Access Entertainment Group LLC, Connexions South, 6809 South Louise Avenue.
34. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, from SRS Inc., Connexions Plus, 5415 West 41st Street, to Access Entertainment Group LLC, Connexions Plus, 5415 West 41st Street.
35. Transfer of 2021-22 Retail Malt Beverage/SD Farm Wine License, including video lottery terminals, from SRS Inc., Connexions, 5409 West 41st Street, to Access Entertainment Group LLC, Connexions, 5409 West 41st Street.

INTRODUCTION AND ADOPTION OF ORDINANCES

ORDINANCE SECOND READINGS

36. **2nd Reading: Deferred from the Meeting of Tuesday, January 4, 2022;** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 3801 S. ELMWOOD AVE. FROM THE C-3 COMMERCIAL—COMMUNITY DISTRICT TO THE RA-3 APARTMENT RESIDENTIAL—HIGH DENSITY DISTRICT, NO. 15507-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (6-0).
Private Applicant(s): Bob Natz
37. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 7201 S. MINNESOTA AVE. FROM THE C-3 COMMERCIAL—COMMUNITY DISTRICT TO THE O OFFICE DISTRICT, NO. 15535-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): Sayre Associates - Tyson Hasz
38. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED NORTHEAST OF THE INTERSECTION OF E. 6TH ST. AND VETERANS PKWY. FROM THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN AND THE CN CONSERVATION DISTRICTS, NO. 15627-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): Mystic Creek, LLC – Preston Mettler

39. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING A PORTION OF THE PROPERTY LOCATED AT 7300 E. 41ST ST. FROM THE RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN AND RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN DISTRICTS, NO. 15634-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): Schmitz Kalda And Associates, Inc. – Kim Buell
40. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF E. 57TH ST. AND EAST AND WEST OF S. RATELIFF AVE. FROM THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR AND LW LIVE-WORK DISTRICTS TO THE C-3 COMMERCIAL—COMMUNITY AND C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICTS, NO. 15655-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): VanBuskirk Companies - Ryan Tysdal
41. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 736 S. 1ST AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL—TRADITIONAL DISTRICT TO THE RT-2 TOWNHOME RESIDENTIAL—TRADITIONAL DISTRICT, NO. 15656-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): Aaron George Properties, LLC – Aaron George
42. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 5211 AND 5217 N. HEALY LN. FROM THE C-2 COMMERCIAL—NEIGHBORHOOD AND STREETCAR DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, NO. 15686-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): Sterling Real Estate Trust - Mason Kossan
43. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED AT 2215 N. WESTPORT AVE. FROM THE C-4 COMMERCIAL—REGIONAL DISTRICT TO THE I-1 LIGHT INDUSTRIAL DISTRICT, NO. 15687-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): Natadman, LLC – Bradley Halverson
44. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTHWEST OF THE INTERSECTION OF E. 57TH ST. AND S. DUBUQUE AVE. FROM THE RD-2 TOWNHOME RESIDENTIAL—SUBURBAN DISTRICT TO THE LW LIVE-WORK DISTRICT, NO. 15735-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (4-0).
Private Applicant(s): VanBuskirk Companies - Ryan Tysdal

45. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED SOUTH OF W. 41ST ST. AND WEST OF S. ELLIS RD. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL—SUBURBAN, RD-1 TWIN HOME/DUPLEX RESIDENTIAL—SUBURBAN, RD-2 TOWNHOME RESIDENTIAL—SUBURBAN, AND RA-2 APARTMENT RESIDENTIAL—MODERATE DENSITY DISTRICTS, NO. 15101-2021, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. The Planning Commission recommends approval (5-0).
Private Applicant(s): 41Ellis, LLC - Brady Hyde
46. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY UPDATING PERMIT AND INSPECTION FEE EXEMPTIONS TO INCLUDE VETERANS COMMUNITY PROJECT.
Sponsors: Council Members Soehl and Kiley
47. **2nd Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING OFFER TO PURCHASE REAL ESTATE FROM CITY.
Sponsor: Mayor

ORDINANCE FIRST READINGS

48. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 32: CITY ORGANIZATIONS, SUBCHAPTER: ARENA/CONVENTION/ENTERTAINMENT BOARD.
Recommendation: Set a date of 2nd Reading for Tuesday, February 8, 2022.
Sponsor: Mayor
49. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING CORRECTED PERMANENT EASEMENTS.
Recommendation: Set a date of 2nd Reading for Tuesday, February 8, 2022.
Sponsor: Mayor
50. **1st Reading:** AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING A REFUND OF MUNICIPAL PROPERTY TAXES ON THE PRINCIPAL RESIDENCE OF ELIGIBLE ELDERLY AND DISABLED PERSONS.
Recommendation: Set a date of 2nd Reading for Tuesday, February 8, 2022.
Sponsors: Council Members Soehl and Starr

HEARINGS AND RESOLUTIONS

51. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF 41ELLIS ADDITION (15671-2021). The Planning Commission recommends approval (5-0).
Private Applicant(s): Design and Develop Engineering, LLC – David Jibben
52. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.
Sponsor: Mayor

**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)**

53. NOTICE OF TRANSFER OF APPROPRIATIONS ON THE MEMORANDUM DATED December 30, 2021.
54. NOTICE OF TRANSFER OF APPROPRIATIONS ON THE MEMORANDUM DATED January 1, 2022.

NEW BUSINESS

GENERAL PUBLIC INPUT

ADJOURNMENT

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

UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) TWO (2) BUSINESS DAYS IN ADVANCE OF THE MEETING.

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.

FOR REGULAR MEETINGS, PUBLIC INPUT IS TAKEN BOTH FOR ANY ITEM ON THE REGULAR AGENDA AND GENERALLY. PERSONS PROVIDING INPUT FOR ANY ITEM ON THE REGULAR AGENDA ARE LIMITED TO THREE MINUTES, UNLESS THE ITEM IS BEING PRESENTED FOR FINAL ADOPTION, IN WHICH CASE PUBLIC INPUT IS LIMITED TO FIVE MINUTES. FOR ALL REGULAR AGENDA ITEMS, COMMENTS ARE LIMITED TO THE AGENDA ITEM UNDER CONSIDERATION ONLY.

DURING THE "GENERAL PUBLIC INPUT" PORTION OF THE MEETING, INPUT SHALL LAST NO MORE THAN THREE MINUTES PER PERSON. DURING THE "GENERAL PUBLIC INPUT" PORTION OF THE MEETING, PERSONS WILL BE LIMITED TO TOPICS WHICH DO NOT INVOLVE THOSE AGENDA ITEMS APPEARING EARLIER IN THE REGULAR AGENDA AS PUBLIC INPUT SHALL BE RECEIVED WHEN THAT AGENDA ITEM IS UP FOR DISCUSSION.

PER COUNCIL POLICY: THE CHAIR RESERVES THE RIGHT TO LIMIT THE NUMBER OF SPEAKERS DURING ANY AGENDA ITEM FOLLOWING ONE HOUR OF TESTIMONY, BUT MAY BE OVERRIDDEN BY A MAJORITY VOTE OF THE CITY COUNCIL; AND, DURING A SPECIAL MEETING OF THE CITY COUNCIL, PUBLIC INPUT WILL ONLY BE ALLOWED FOR THE AGENDA ITEM AFTER THE STAFF PRESENTATION, BUT BEFORE CITY COUNCIL DISCUSSION AND VOTING. EACH SPEAKER WILL BE ALLOWED UP TO FIVE MINUTES.

MEETINGS ARE BROADCAST LIVE AND RECORDED. GO TO WWW.SIOUXFALLS.ORG FOR MORE INFORMATION.