

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, August 7, 2012 at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Jim Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

● Pastor Blaze Johnson, Celebrate Community Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● Purple Heart Day - August 7, 2012

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, July 17, 2012 at 4:00 p.m.

● City Council Meeting of Tuesday, July 17, 2012 at 7:00 p.m.

● Informational Meeting of Tuesday, July 24, 2012, at 4:00 p.m.

● Joint City Council/Minnehaha County Commission Meeting of Tuesday, July 24, 2012, at 5:00 p.m.

● Special City Council Meeting of Wednesday, July 25, 2012, at 1:30 p.m.

● Budget Hearings Meeting of Tuesday, July 31, 2012, at 3:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 2, 2012 memo.
Sponsor: Mayor/Finance
2. Notice of change orders on the August 2, 2012 memo.
Sponsor: Mayor/Finance
3. Report of Requests for Quotes for Fuel dated: July 23, 2012; Diesel (#1 and #2 blend); 700 gallons; Howes Oil (\$2,356.90); Palisades Oil and Midway Service, both no bids. Bid awarded to: Howes Oil.
Sponsor: Mayor/Fire Rescue
4. Report of Requests for Quotes for Fuel dated: July 23, 2012; Unleaded Ethanol & E70; 7,000 gallons unleaded/1,000 gallons E70 (8,000 total); Harms Oil (\$3.197 Unleaded/\$3.023 E70); Howes Oil, CHS, Inc. and Olson Oil, all no bids. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
5. Report of Requests for Quotes for Fuel dated: July 25, 2012; Diesel (#1 and #2 blend); 550 gallons; Howes Oil (\$1,789.71); Midway Service (\$1,800.70); Palisades Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Fire Rescue
6. Report of Requests for Quotes for Fuel dated: July 25, 2012; Unleaded; 650 gallons; Howes Oil (\$1,982.18); Midway Service (\$2,012.40); Palisades Oil, no bid. Bid awarded to Howes Oil.
Sponsor: Mayor/Fire Rescue
7. Report of Requests for Quotes for Fuel dated: July 30, 2012; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$3.1197); Howes Oil (\$3.1585); CHS, Inc. (\$3.1690); Olson Oil (\$3.1800). Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
8. A communication was received from OTA requesting permission to consume, but not sell, wine and beer at the Sioux Falls Design Center, 108 West 11th Street, on Wednesday, August 8, 2012, from 5:30 p.m. - 9:30 p.m. for the purpose of hosting an event spotlighting creative leaders in the community.
Sponsor: SDCL 35-1-5.3

9. A communication was received from Ryan Robinson and Rachelle Sather requesting permission to consume, but not sell, liquor, wine and/or malt beverages at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, November 3rd, 2012, from 5:00 p.m. to 12:00 a.m. for the purpose of a wedding reception.
Sponsor: SDCL 35-1-5.3
10. The McKinney/Lott wedding party is requesting permission to consume, but not sell, beer and wine at the Siouxland Heritage Museum, 200 W. 6th Street, on Saturday, April 6, 2013, from 7:30 p.m. until 11:30 p.m. The purpose of the event is for a wedding reception.
Sponsor: SDCL 35-1-5.3
11. Communication received from the Lincoln High School Bandparent Association stating their intent to sell raffle tickets from August 22, 2012, to October 31, 2012, for a cash prize of \$2,000.00. The tickets will be sold for \$5.00 each. The proceeds will be used to support the LHS Band in their fall schedule, regional competitions and to represent LHS and the City of Sioux Falls in the Tournament of Roses Parade.
Sponsor: SDCL 22-25-25
12. A communication was received from the Family Visitation Center stating their intent to sell raffle tickets from October 28, 2012, to December 2, 2012, for a gift certificate to Gunderson's Jewelry (valued at approximately \$1,000.00). Tickets will be sold as one for \$10.00 and three for \$20.00. The proceeds will be used to support the agency's mission of providing safety for children reconnecting with their family.
Sponsor: SDCL 22-25-25

APPLICATIONS

13. Special One-Day Liquor License requests for SMG to be operated at the Arena, 1201 North West Avenue, for a Bob Dylan Concert on August 18, 2012.
Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 21, 2012, at 7:00 p.m. for Items 14 through 21:

14. Transfer of a 2011-2012 Retail Wine License from Tokyo Sushi and Hibachi LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, to B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, (full service restaurant; CUP not required).
Sponsor: Mayor/City Attorney
15. Transfer of a 2011-2012 Retail Malt Beverage License from Tokyo Sushi and Hibachi LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, to B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, (full service restaurant; CUP not required).
Sponsor: Mayor/City Attorney

16. Renewal of the 2012-2013 Retail Malt Beverage for B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street, (full service restaurant; CUP not required).
Sponsor: Mayor/City Attorney
17. New 2012 Retail Wine License for Olive Destination, Inc., Olive Destination, to be operated at 5023 South Louise Avenue, with the special use permit (2012-06-16) being approved on July 18, 2012.
Sponsor: Mayor/City Attorney
18. Special One-Day Liquor License for Southeastern Behavioral Healthcare to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the Festival of Trees on November 16, 2012.
Sponsor: Mayor/City Attorney
19. Special One-day Beer and Special One-day Wine Licenses for Avera McKennan Foundation to be operated at Perspective, 196 East 6th Street, for the Paint the Night Pink fundraiser event on October 19, 2012.
Sponsor: Mayor/City Attorney
20. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Point is to Serve Church, 506 North Kiwanis Avenue, for a wedding on September 29, 2012.
Sponsor: Mayor/City Attorney
21. Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Great Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, for weddings on June 1, 2013 and September 28, 2013.
Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

22. APPEAL OF CONDITIONAL USE PERMIT (2012-06-04) in the RD, Residential District, to allow a day care center at 6900 S. Witzke Avenue. (Legal Description: Lot 7, Block 21, Platinum Valley addition, Lincoln County). (The Planning Commission recommends approval). PETITIONER IS REQUESTING WITHDRAWAL OF THIS ITEM.
Sponsor: Mayor/Planning and Building Services

UNFINISHED BUSINESS

23. DEFERRED ACTION (removed from Council Meeting of 07/17/12): Special One-Day Liquor License for the Sioux Falls Men s Slow-Pitch Softball Association to be operated at Harmodon Park East, 5721 East 41st Street, for a National Men s Slow-Pitch Softball Tournament on September 1-2, 2012.
Sponsor: Mayor/City Attorney

INTRODUCTION AND ADOPTION OF ORDINANCES

24. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY TO UPDATE THE INDUSTRIAL PRETREATMENT PROGRAMS, DEFINITIONS, STANDARDS, AND WASTEWATER LOCAL LIMITS.
Sponsor: Mayor/Public Works
25. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 12 1/2, CONFLICTS OF INTEREST OF OFFICERS AND EMPLOYEES AND ETHICS BOARD.
Sponsor: City Council/City Attorney
26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING SUBSECTION 4 OF CHAPTER 15.59.306 OF APPENDIX B OF THE ZONING ORDINANCE OF SAID CITY. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. SOUTHEASTERN AVE. AND E. STONEY BROOK TRL. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2012-05-20, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 105 S. BLAUVELT AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2012-05-21, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
29. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5204 AND 5208 S. LOOP PL. FROM THE C-4, PLANNED COMMERCIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2012-06-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
30. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2003 N. WAYLAND AVE. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2012-06-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services

31. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 69TH ST. AND S. LOUISE AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE AVERA PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2012-06-10, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2012-05-23, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT E. SIXTH ST. AND N. POWDER HOUSE RD. (SD HWY. 100) ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHWEST CORNER OF W. SECOND ST. AND N. KIWANIS AVE. FROM THE O, OFFICE DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2012-06-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 226 W. 41ST ST. AND 233 AND 229 W. 40TH ST. FROM THE RD, RESIDENTIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2012-06-08, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, August 14, 2012, at 7:00 p.m. for Item 35:

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR CIP NO. 148014, RIGHT-OF-WAY ACQUISITION FOR PUBLIC WORKS. (\$486,765.00)

Sponsor: Mayor/Public Works

Set a date of hearing and 2nd Reading for Tuesday, August 21, 2012, at 7:00 p.m. for Item 36:

36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING SECTION 2-5 REGARDING INFORMATIONAL MEETINGS AND WORKING SESSIONS OF THE CITY COUNCIL.

Sponsor: City Council

Set a date of hearing and 2nd Reading for Tuesday, August 21, 2012, at 7:00 p.m. for Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 40 TO RESTRICT THE USE OF WIRELESS COMMUNICATION DEVICES AND AMENDING THE ESTABLISHMENT OF SPEED ZONES.

Sponsor: City Council

38. DEFERRED (from meeting of 07/10/12): A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2012-05-01 85TH ST. AND I-29 LEMME
Sponsor: Mayor/Planning and Building Services
39. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO SET THE JOINT CITY COUNCIL/LINCOLN COUNTY COMMISSION MEETING AT 7:00 P.M. ON THE FOURTH TUESDAY OF EACH MONTH, AS NECESSARY.
Sponsor: City Council
40. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, TO CHANGE THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETING TIME FROM 5:30 P.M. to 5:00 P.M. AND FROM THE THIRD MONDAY OF EACH MONTH TO THE FOURTH TUESDAY OF EACH MONTH.
Sponsor: City Council
41. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF FOSS FIELDS ADDITION.
Sponsor: Mayor/Planning and Building Services
42. A RESOLUTION AUTHORIZING SIOUX FALLS FIRE RESCUE TO GIFT A FIRE ENGINE TO THE FEDORA, SOUTH DAKOTA, FIRE DEPARTMENT.
Sponsor: Mayor/Fire Rescue

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)

43. REPORT OF THE JULY 27, 2012, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.
Sponsor: Mayor/Finance

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.

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 THE FIRST, SECOND, THIRD, FOURTH, AND LAST TUESDAY OF EACH MONTH AT 4:00

P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAY 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 MEETINGS 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.