

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, September 4, 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 Rolwing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

● City Council Member Michelle Erpenbach

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● Suicide Prevention Week, September 9 - 15, 2012

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational/Budget Meeting of Tuesday, August 14, 2012, at 3:00 p.m.

● Informational Meeting of Tuesday, August 21, 2012, at 4:00 p.m.

● City Council Meeting of Tuesday, August 21, 2012, at 7:00 p.m.

● Informational Meeting of Tuesday, August 28, 2012, at 4:00 p.m.

● Joint City Council/Minnehaha County Commission Meeting of Tuesday, August 28, 2012, at 5:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 30, 2012, memo.
Sponsor: Mayor/Finance
2. Notice of change orders on the August 30, 2012, memo.
Sponsor: Mayor/Finance
3. Report of Requests for Quotes for Fuel dated: August 15, 2012; #2 Dyed Diesel; 1,000 gallons; Midway Service (\$3.4135); Howes Oil (\$3.5690); Midwest Oil (\$3.5890). Bid awarded to: Midway Service.
Sponsor: Mayor/Public Works
4. Report of Requests for Quotes for Fuel dated: August 16, 2012; Unleaded Ethanol & E85; 7,000 gallons Unleaded/1,000 Gallons E85 (8,000 total); Harms Oil (\$3.3220 Unleaded/\$2.9700 E85); CHS, Inc. (\$3.3500 Unleaded/\$3.0500 E85); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
5. Report of Requests for Quotes for Fuel dated: August 17, 2012; #2 Dyed Diesel Fuel; 3,000 gallons; Harms Oil (\$3.4100); CHS, Inc. (\$3.4100); Howes Oil, Midwest Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
6. Report of Requests for Quotes for Fuel dated: August 20, 2012; Unleaded; 700 gallons; Howes Oil (\$2,299.50); Midway Service (\$2,334.50); Palisades Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Fire Rescue
7. Report of Requests for Quotes for Fuel dated: August 20, 2012; Diesel (#1 and #2 blend); 550 gallons; Howes Oil (\$2,001.58); Midway Service (\$1,995.66); Palisades Oil, no bid. Bid awarded to: Midway Service.
Sponsor: Mayor/Fire Rescue
8. Report of Requests for Quotes for Fuel dated: August 22, 2012; Diesel (#1 and #2 blend); 650 gallons; Howes Oil (\$2,359.66); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Fire Rescue
9. Report of Requests for Quotes for Fuel dated: August 23, 2012; #2 Dyed Diesel Fuel; 7,500 gallons; CHS, Inc. (\$3.3800); Howes Oil (\$3.3925); Harms Oil (\$3.4150); Midwest Oil and Olson Oil, both no bid. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Public Works

10. A communication was received from the South Dakota Symphony Orchestra stating their intent to sell raffle tickets from September 21, 2012, to November 3, 2012, for a Judith Lieber Handbag or a Man's Watch (valued at \$5,500.00) with tickets being sold for \$20.00 each. The second prize is a wine package including a wine cooler and bottles of wine (valued at \$3,000.00) with tickets being sold for \$100.00 each. The proceeds are to be used for the South Dakota Symphony Orchestra General Operations.
Sponsor: SDCL 22-25-25
11. A communication was received from the Sioux Falls Green Project requesting permission to consume, but not sell, beer and wine at the Sioux Falls Design Center, 108 W. 11th Avenue, on Friday, September 7, 2012, from 6:00 p.m. to 9:00 p.m. for hosting a Pecha Kucha Night.
Sponsor: SDCL 35-1-5.3
12. A communication was received from Erin McCord and Michael Green requesting permission to consume, but not sell wine and/or malt beverages at the Old Courthouse Museum, 200 W. 6th Street on Sunday, September 23, 2012, from 1:00 p.m. to 5:00 p.m. for a wedding reception.
Sponsor: SDCL 35-1-5.3
13. A communication was received from the Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and/or malt beverages at the Prairie Center, 1000 E. 23rd Street on Tuesday, September 25, 2012, from 6:00 p.m. to 7:30 p.m. for a dinner event for their physicians.
Sponsor: SDCL 35-1-5.3
14. A communication was received from Mindy Rima requesting permission to consume, but not sell, wine at the Old Courthouse Museum, 200 W. 6th Street on Saturday, November 24, 2012, from 1:00 p.m. to 4:00 p.m. for a 20th wedding anniversary party for her parents.
Sponsor: SDCL 35-1-5.3

APPLICATIONS

15. Special One-Day Liquor License request for TSK LLC, Stogeez, to be operated at the Old Courthouse Museum, 200 West 6th Street for a wedding on October 6, 2012.
Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 18, 2012, at 7:00 p.m. for Items 16 through 24:

16. New 2012 Retail Wine License for Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to be operated at 1010 North Minnesota Avenue with the Special

Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

17. New 2012-2013 Retail Malt Beverage License for Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

18. New 2012-2013 Package Malt Beverage License for Kum & Go LC, Kum & Go #620, to be operated at 412 North Sycamore.

Sponsor: Mayor/City Attorney

19. New 2012-2013 Package Malt Beverage License for Kum & Go LC, Kum & Go #631, to be operated at 1400 North Cliff Avenue.

Sponsor: Mayor/City Attorney

20. New 2012 Package Liquor License for Kim & Go LC, Kum & Go #631, to be operated at 1400 North Cliff Avenue.

Sponsor: Mayor/City Attorney

21. Transfer of 2012 Retail Wine License from Utopia, LLC, Falls Overlook Cafø, 825 North Weber to Capo, LLC, Acoustic, 196 East 6th Street, Suite 101, effective October 21, 2012.

Sponsor: Mayor/City Attorney

22. Transfer of 2012-13 Retail Malt Beverage License from Utopia, LLC Falls Overlook Cafø, 825 North Weber to Capo, LLC, Acoustic, 196 East 6th Street, Suite 101, effective October 21, 2012.

Sponsor: Mayor/City Attorney

23. 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 wedding on October 20, 2012.

Sponsor: Mayor/City Attorney

24. Special One-Day Wine License requests for Downtown Sioux Falls Inc., for the First Friday Wine Walk to be held on October 5, 2012, at the following locations: 8th & Railroad Center Lobby, 401 East 8th Street, Bead Co., 319 South Phillips Avenue, Cookie Jar, 125 West 10th Street, East Bank Yoga, 401 East 8th Street #220, Great Outdoor Store, 201 East 10th Street, Kaladi s, 200 South Phillips Avenue, Lillian s Shoppe, 311 South Phillips Avenue, Suite 101, Oh My Cupcakes, 524 North Main Avenue #106, Rehfeld s Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street #114, Sticks & Steel, 401 East 8th Street, #118, Young & Richards, 222 South Phillips Avenue, Zandbroz, 209 South Phillips Avenue.

Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

25. Transfer of a 2012 Retail Liquor License from Dakota Billiards Inc, Bigs Sports Bar & Casino, 3100 West 12th Street, to D & K Enterprises, LLC, Bigs Sports Bar & Billiards, 3100 West 12th Street, with Conditional Use Permit (2012-07-02) being approved on August 1, 2012.
Sponsor: Mayor/City Attorney
26. New 2012 Retail Wine License for WR Golf Management Inc., Willow Run Golf Course, 8000 East Highway 42 (CUP not required; this is addition to an existing license which predates the ordinance).
Sponsor: Mayor/City Attorney
27. New 2012-13 Retail Malt Beverage License for Sid s Crown Liquor, LLC, Sid s Crown Liquor, 330 South 1st Avenue with the Conditional Use Permit (2012-07-03) being approved on 08-01-12.
Sponsor: Mayor/City Attorney
28. New 2012 Retail Wine License for Sid s Crown Liquor, LLC, Sid s Crown Liquor, 330 South 1st Avenue with the Conditional Use Permit (2012-07-03) being approved on 08-01-12.
Sponsor: Mayor/City Attorney
29. New 2012-13 Retail Malt Beverage License for Starz, LLC, Starz, 2209 West 57th Street, with the Conditional Use Permit (2012-07-06) being approved on August 1, 2012. Pending final inspections per Building Services.
Sponsor: Mayor/City Attorney
30. New 2012 Retail Wine License for Starz, LLC, Starz, 2209 West 57th Street, with the Conditional Use Permit (2012-07-06) being approved on August 1, 2012. Pending final inspections per Building Services.
Sponsor: Mayor/City Attorney
31. New 2012-13 Package Malt Beverage for B&D Group Investments LLC, Nutty s Pub & Casino, 3400 West 49th Street (CUP not required; this is an addition to an existing license which predates the ordinance).
Sponsor: Mayor/City Attorney
32. New 2012 Retail Wine License for B&D Group Investments LLC, Nutty s Pub & Casino, 3400 West 49th Street (CUP not required; this is an addition to an existing license which predates the ordinance).
Sponsor: Mayor/City Attorney
33. New 2012-13 Package Malt Beverage License for Hy-Vee, Inc., Hy-Vee Gas #4, 5201 West 26th Street with Conditional Use Permit (2012-04-01) being approved on May 2, 2012. Pending final inspections per Building Services.

Sponsor: Mayor/City Attorney

34. Special One-Day Wine License request for Senior Citizens Services Inc., to be held at Active Generations, 2300 West 46th Street, for the Cocktails and Canvas Art Class on September 25, 2012.

Sponsor: Mayor/City Attorney

INTRODUCTION AND ADOPTION OF ORDINANCES

35. DEFERRED (from the meeting of 08/21/12): 2nd 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

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO PERFORM MARKETING SERVICES FOR THE NEW EVENTS CENTER AND THE SIOUX FALLS ARENA AND CONVENTION CENTER.

Sponsor: Mayor/Community Development

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 18TH ST. AND 22ND ST., BETWEEN MENLO AVE. AND PRAIRIE AVE., FROM THE RS-2 AND RD, RESIDENTIAL DISTRICTS TO THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2012-06-17, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2012-07-08, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT W. 58TH ST. AND S. ROLLING GREEN AVE. 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

39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING ARTICLE II OF CHAPTER 23 AND ARTICLE VII OF CHAPTER 26 OF THE REVISED ORDINANCES OF SIOUX FALLS, SD.

Sponsor: Mayor/Police

Set a date of hearing and 2nd Reading for Tuesday, September 11, 2012, at 7:00 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013.

Sponsor: Mayor/Finance

HEARINGS AND RESOLUTIONS

41. DEFERRED (from the meetings of 07/10/12 and 08/07/12): 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

42. PUBLIC HEARING FOR PUBLIC INPUT FOR A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2013, AND THE 2013-2017 CAPITAL PROGRAM.

Sponsor: Mayor/Finance

43. A RESOLUTION APPROVING A JOINT COOPERATIVE AGREEMENT WITH THE MOODY COUNTY CONSERVATION DISTRICT.

Sponsor: Mayor/Public Works

44. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Sponsor: Mayor

45. A RESOLUTION ADOPTING THE CONCERTED WHITTIER HEIGHTS NEIGHBORHOOD REDEVELOPMENT/REVITALIZATION PLAN.

Sponsor: Mayor/Community Development

46. A RESOLUTION CREATING TAX INCREMENTAL DISTRICT NUMBER SIXTEEN, CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

47. A RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENTAL DISTRICT NUMBER SIXTEEN, CITY OF SIOUX FALLS.

Sponsor: Mayor/Community Development

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)

48. REPORT OF THE AUGUST 28, 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, AND LAST TUESDAYS OF EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND LAST 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 THIRD TUESDAY OF EACH MONTH AT 5:30 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.