

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, November 6, 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

&#9679; Pastor Reed DeVries, Celebrate Community Church

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, October 16, 2012, at 4:00 p.m.

&#9679; City Council Meeting of Tuesday, October 16, 2012, at 7:00 p.m.

&#9679; Informational Meeting of Tuesday, October 23, 2012, at 4:00 p.m.

&#9679; Joint City Council/Minnehaha County Commission Meeting of Tuesday,  
October 23, 2012, at 5:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the November 2, 2012 memo.  
Sponsor: Mayor/Finance
2. Notice of change orders on the November 2, 2012 memo.  
Sponsor: Mayor/Finance
3. Report of Requests for Quotes for Fuel dated: October 12, 2012; #1 Dyed Diesel Fuel; 15,000 gallons; CHS, Inc. (\$3.8930); Harms Oil, Howes Oil, Midwest Oil, and Olson Oil, all no bids. Bid awarded to: CHS, Inc.  
Sponsor: Mayor/Public Works
4. Report of Requests for Quotes for Fuel dated: October 15, 2012; Diesel (#1 and #2 Blend); 1,050 gallons (500 Station 3 and 550 Station 7); Howes Oil (\$4,079.23); Midway Service (\$4,131.76); Palisades Oil, no bid. Bid awarded to: Howes Oil.  
Sponsor: Mayor/Fire Rescue
5. Report of Requests for Quotes for Fuel dated: October 15, 2012; Unleaded; 700 gallons; Howes Oil (\$2,231.95); Midway Service (\$2,266.95); Palisades Oil, no bid. Bid awarded to: Howes Oil.  
Sponsor: Mayor/Fire Rescue
6. Report of Requests for Quotes for Fuel dated: October 17, 2012; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.0695); Harms Oil (\$3.0710); CHS, Inc. (\$3.1050); Olson Oil, no bid. Bid awarded to: Howes Oil.  
Sponsor: Mayor/Public Works
7. Report of Requests for Quotes for Fuel dated: October 17, 2012; #2 Dyed Diesel; 1,000 gallons; Midway Service (\$3.6475); Howes Oil (\$3.8690); Midwest Oil (\$3.8090); Bid awarded to: Midway Service.  
Sponsor: Mayor/Public Works
8. Report of Requests for Quotes for Fuel dated: October 19, 2012; #1 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$3.7845); CHS, Inc., Harms Oil, Midwest Oil and Olson Oil, all no bids. Bid awarded to: Howes Oil.  
Sponsor: Mayor/Public Works
9. Report of Requests for Quotes for Fuel dated: October 24, 2012; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$3.4800); Howes Oil, Harms Oil and Midwest Oil, all not bids. Bid awarded to: CHS, Inc.  
Sponsor: Mayor/Planning and Building Services
10. Report of Requests for Quotes for Fuel dated: October 29, 2012; #1 and #2 Dyed Diesel Fuel; 2,250 gallons #1 and 5,250 gallons #2; Midwest Oil (#1=\$3.6400/#2=\$3.4300); CHS, Inc., Harms Oil, Howes Oil and Olson Oil, all no bids. Bid awarded to: Midwest Oil.  
Sponsor: Mayor/Planning and Building Services

11. Report of Requests for Quotes for Fuel dated: October 30, 2012; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$2.9655); Howes Oil, CHS, Inc. and Olson Oil, all no bids. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Planning and Building Services
12. A communication was received from the Avera McKennan Hospital and University Health Center requesting permission to consume, but not sell, wine and malt beverages at the Prairie Center, 1000 East 23rd Street, on Thursday, November 15, 2012, from 5:00 p.m. to 7:30 p.m. for the purpose of a pediatric symposium social.  
Sponsor: SDCL 35-1-5.3
13. A communication was received from South Dakota Interior Design (SDID) requesting permission to consume but not sell, wine and malt beverages at the Sioux Falls Design Center, 108 W. 11th Street, on Thursday, November 15 and Thursday, November 29, 2012, from 5:30 p.m. to 8:30 p.m. for the purpose of a SDID presentation.  
Sponsor: SDCL 35-1-5.3
14. A communication was received from the Sioux Falls Area Court Appointed Special Advocates (CASA) requesting permission to consume, but not sell, wine at the Avera McKennan Prairie Center Atrium, 1000 E. 23rd Street on Tuesday, December 11, 2012, from 5:00 p.m. to 8:00 p.m. for the purpose of a Christmas gathering for the staff and volunteers of the CASA program.  
Sponsor: SDCL 35-1-5.3
15. A communication was received from Marshal Hansen and Holly Johnson requesting permission to consume, but not sell, beer and wine at the Leif Ericson "Big Top" Shelter, 2301 E. 26th Street, on Saturday, September 14, 2013, from 3:00 p.m. to 12:30 a.m. for the purpose of a wedding.  
Sponsor: SDCL 35-1-5.3
16. A communication was received from the Children's Care Foundation stating their intent to sell raffle tickets from November 7, 2012, to December 16, 2012 for a Gunderson's Gift Certificate (valued at \$1,000.00). Tickets will be sold for \$20.00 each or six for \$100.00. The proceeds will be used for the Children's Care Hospital and School.  
Sponsor: SDCL 22-25-25
17. A communication was received from the Sioux Falls Jazz and Blues Society stating their intent to sell raffle tickets from November 9, 2012, to May 23, 2013, for a guitar (valued at \$300.00) or a hand drawn picture (valued at \$200.00). Tickets will be sold for \$5.00 each or five for \$20.00. The proceeds will be used for the Sioux Falls Jazz and Blues Education Fund.  
Sponsor: SDCL 22-25-25
18. A communication was received from Southeastern Behavioral HealthCare stating their intent to sell raffle tickets on November 16 and November 17, 2012 for a diamond necklace (valued at \$3,000.00). Tickets will be sold for \$10.00 each or three tickets for \$20.00. The proceeds will be used for benefiting consumers of Southeastern who have limited resources.  
Sponsor: SDCL 22-25-25

19. A communication was received from the American Red Cross - Sioux Empire Chapter stating their intent to sell raffle tickets from November 19, 2012 to December 19, 2012, for a 50/50 raffle with the prize being 50% of the ticket sales. Tickets will be sold for \$5.00 each. The proceeds will be for Red Cross Services.

Sponsor: SDCL 22-25-25

20. A communication was received from the Sioux Empire Baseball Association stating their intent to sell raffle tickets from January 2, 2013 to May 13, 2013 for one grand prize of \$1,000.00 and 20 additional prizes of \$50.00 each. Tickets will be sold for \$5.00 each. The proceeds will be used to benefit the Sioux Empire Baseball Association in providing quality youth baseball programs in Sioux Falls.

Sponsor: SDCL 22-25-25

#### APPLICATIONS

21. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2013 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

Sponsor: Mayor/City Attorney

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, November 20, 2012, at 7:00 p.m. for Items 22 through 28:

22. New 2012-13 Retail Malt Beverage License for Effayco Inc, Vishnu Bunny Tattoo, 202 South Phillips Avenue, with Conditional Use Permit (2012-09-10) being approved on October 3, 2012.

Sponsor: Mayor/City Attorney

23. New 2013 Package Liquor License for Wang Enterprises Inc., King s Mart, to be operated at 4200 West 41st Street.

Sponsor: Mayor/City Attorney

24. New 2012-13 Package Malt Beverage South Dakota Farm Winery License for Jaime Reiff, Traveling Wines by CJ, to be operated at 1603 West 12th Street.

Sponsor: Mayor/City Attorney

25. Request to add Video Lottery Terminals to the Retail Malt Beverage License for Stanton Inc., The Log Cabin, to be operated at 1515 West Burnside Street.

Sponsor: Mayor/City Attorney

26. Special One-Day Liquor License for Ovations Food Services L.P., to be operated at the Avera Central Office, 3900 West Avera Drive, for an Avera Health Annual Holiday Party on December 7, 2012.

Sponsor: Mayor/City Attorney

27. Special One-Day Wine License for Senior Citizens Services Inc., to be held at Active Generations, 2300 West 46th Street, for the Cocktails and Canvas Art Class on December 4, 2012.

Sponsor: Mayor/City Attorney

28. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for the Gourmet Guys Fundraiser, on April 21, 2013.

Sponsor: Mayor/City Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

29. Transfer of a 2012 Convention Facility On Sale Liquor License, including Sunday Sales, from Ovations Food Services, LP, Sioux Falls Convention Center, 1211 North West Avenue, to Ovations Food Services, LP, Sioux Falls Convention Center, 1211 North West Avenue, expanding the licensed premises to include the Arena and parking lot, 1201 North West Avenue, effective January 1, 2013.

Sponsor: Mayor/City Attorney

30. Rescind 2012-13 Retail Malt Beverage license issued to Ballard Building Restaurant Co., Parker s, 210 South Main Avenue.

Sponsor: Mayor/City Attorney

31. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Feisty Fighters to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for a wine tasting event on November 20, 2012.

Sponsor: Mayor/City Attorney

#### INTRODUCTION AND ADOPTION OF ORDINANCES

32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. ARROWHEAD PKWY. AND S. POWDER HOUSE RD. FROM THE C-4, PLANNED COMMERCIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2012-09-03, 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, APPROVING A FIRST AMENDMENT TO WATERTANK LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY.

Sponsor: Mayor/Public Works

34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3001 N. LOUISE AVE. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2012-09-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2012-09-12 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT W. 32ND ST. AND W. BROEK DR., 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

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT N. CLIFF AVE. AND E. 1ST ST. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT; I-2, GENERAL INDUSTRIAL DISTRICT; AND THE RD, RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2012-09-14, 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, November 13, 2012 at 7:00 p.m. on Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO FUND THE 2012 ANNUAL DEBT SERVICE PAYMENT FOR THE DENNY SANFORD PREMIER CENTER. (\$4,250,500.00)

Sponsor: Mayor/Finance

Set a date of hearing and 2nd Reading for Tuesday, November 13, 2012 at 7:00 p.m. on Item 38:

38. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REGARDING MUNICIPAL SOLID WASTE.

Sponsor: Mayor/Public Works

#### HEARINGS AND RESOLUTIONS

39. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF A MEMBER TO A CERTAIN CITIZEN BOARD.

Sponsor: Mayor

40. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING DIAGONAL PARKING ON N. GRADUATE AVE. AND ON W. SUCCESS ST.

Sponsor: Mayor/Public Works

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)

41. REPORT OF THE OCTOBER 30, 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 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](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 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.