

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, March 19, 2013 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

&#9679; Paul Pankratz, Associate Pastor of Discipleship, Oak Hills Baptist Church

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, March 12, 2013, at 4:00 p.m.

&#9679; City Council Meeting of Tuesday, March 12, 2013, at 7:00 p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on March 14, 2013 memo.  
Sponsor: Mayor/Finance

2. Notice of change orders on March 14, 2013 memo.  
Sponsor: Mayor/Finance
3. Report of Request for Quotes for Fuel: March 8, 2013; #1 & #2 Dyed Diesel Fuel; 3000 Gallons #1 & 4500 Gallons #2; Harms Oil (#1, \$3.3831/#2, \$3.2431); Howes Oil (#1, \$3.4010/#2, \$3.2450); CHS Inc., Midwest Oil, and Olson Oil, no bids. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Public Works
4. A communication was received from Jill Kerkvliet requesting permission to consume, but not sell, liquor, wine and beer at The Old Courthouse Museum, 200 West Sixth Street, on April 12, 2013, from 6:00 p.m. to 12:00 a.m. for a wedding reception.  
Sponsor: SDCL 35-1-5.3
5. A communication was received from Laura Eidsness requesting permission to consume, but not sell, wine and malt beverages at The Old Courthouse Museum, 200 West Sixth Street, on June 15, 2013, from 7:00 p.m. to 11:00 p.m. for a wedding reception.  
Sponsor: SDCL 35-1-5.3

#### APPLICATIONS

6. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on April 6, April 27, and May 4, 2013.  
Sponsor: Mayor/Attorney
7. Special One-Day Liquor License requests for Boys & Girls Club of the Sioux Empire Inc., to be operated at Brennan Rock and Roll Academy, 900 West 11th Street, for their Grand Opening celebrations on March 26, March 27, March 28, March 29, and March 30, 2013.  
Sponsor:

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

8. Lawrence Hecht, 1012 East 9th Street, for 2012 property taxes in the amount of \$435.60. The Elderly and Disabled Property Tax Freeze application was submitted on time, but was inadvertently submitted to the wrong office. Property owner is asking for an abatement of 2012 taxes payable in 2013.  
Sponsor: SDCL 10-18-1
9. Francisco Madgrigal, Parcel 53727, Co. Aud. Sub Tract 1 NE1/4 W61.4' E240' S1/2 4 15-101-49, Sioux Falls City Unplatted, for 2011 property taxes in the amount of \$444.91 and 2012 property taxes in the amount of \$416.93. The owner occupied status was removed in error for 2011 payable 2012 and 2012 payable 2013.  
Sponsor: SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, April 2, 2012 at 7:00 p.m. on Item 10:

10. Transfer of 2012-2013 Retail Malt Beverage License from Stag LLC, Grand Casino, 4211 West 12th Street to Isava Inc., Sneaky s Chicken, 4211 West 12th Street (full service restaurant; CUP not required).  
Sponsor: Mayor/Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

11. New 2013 Package Liquor License for Fareway Stores, Inc., Fareway Stores #136, to be operated at 1431 West 41st Street. Pending final inspections by Fire, Health and Building Services.  
Sponsor: Mayor/City Attorney
12. Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for Hy-Vee, Inc., Hy-Vee Food Store #5 to be operated at the Canterbury Village Clubhouse, 5500 East Eastbridge Place, for the Edith Sanford Breast Cancer Foundation Taste of Hope fundraiser on March 22, 2013.  
Sponsor: Mayor/City Attorney
13. Special One-Day Wine License for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for a Cocktails and Canvas Art Class on March 26, 2013.  
Sponsor: Mayor/City Attorney
14. Special One-Day Malt Beverage License for Avera McKennan Hospital to be operated at Avera McKennan Fitness Center, 3400 South Southeastern Avenue, for the 5K Joker Run on April 1, 2013.  
Sponsor: Mayor/City Attorney
15. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma Butterfly House and Marine Cove, to be operated at 4320 South Oxbow Avenue, for a fundraiser on April 19, 2013.  
Sponsor: Mayor/City Attorney
16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma Butterfly House and Marine Cove, to be operated at 4320 South Oxbow Avenue, for a Siouxland Republican Women fundraiser on April 27, 2013.

Sponsor: Mayor/City Attorney

17. Special One-Day Liquor License for Philanthropy Promotions Inc., J&L Harley Davidson, to be operated at Falls Park West (park area north of the Sioux Falls Park and Recreation Office leading to Falls Park along Phillips Avenue) with a north boundary of Falls Park Drive, south boundary to 8th Street, east boundary is to the chain link fence on the east side of the park (the street will be closed on 6th Street from Dakota to Weber Avenues), and the west boundary of Dakota Avenue, for Hot Harley Nights, on July 13, 2013.  
Sponsor: Mayor/City Attorney

#### INTRODUCTION AND ADOPTION OF ORDINANCES

18. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SIOUX FALLS, SD, BY ADOPTING THE SHAPE PLACES ZONING ORDINANCE. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
19. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES; SUBCHAPTER, STORM WATER DRAINAGE SYSTEM IMPROVEMENT COST RECOVERY. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
20. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES OF THE ORDINANCE. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
21. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 96: STREETS AND SIDEWALKS OF THE ORDINANCE. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, April 2, 2013 at 7:00 p.m. on Item 22:

22. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 37 TAXATION OF THE ORDINANCE. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, April 2, 2013 at 7:00 p.m. on Item 23:

23. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 7100 W. SONGBIRD ST. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RD-1, RESIDENTIAL DISTRICT, PETITION NO. 2013-02-03, 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, April 2, 2013 at 7:00 p.m.  
on Item 24:

24. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NW CORNER OF W. 12TH ST. AND N. ELLIS RD. FROM THE A-1, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT AND RC, RECREATION CONSERVATION DISTRICT, PETITION NO. 2013-02-06, 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, April 9, 2013 at 7:00 p.m.  
on Item 25:

25. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PERMANENT EASEMENT LOCATED IN LOT 11A OF BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013 at 7:00 p.m.  
on Item 26:

26. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 15 AND 16, BLOCK 12, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013 at 7:00 p.m.  
on Item 27:

27. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN LOTS 6A AND 7A, BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013 at 7:00 p.m.  
on Item 28:

28. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 1A, 2A, 3A, 4A, 5A, 6A, AND 14A, BLOCK 11, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

Set a date of hearing and 2nd Reading for Tuesday, April 9, 2013 at 7:00 p.m.  
on Item 29:

29. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT UTILITY EASEMENTS LOCATED IN LOT 15 OF BLOCK 1, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS; AND IN LOT 2 OF BLOCK 12, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works/Engineering

#### HEARINGS AND RESOLUTIONS

30. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF CHERRY LAKE RESERVE ADDITION. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

31. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE WEGNER ARBORETUM SOCIETY FOR THE MANAGEMENT OF THE MARY JO WEGNER ARBORETUM AND EAST SIOUX FALLS HISTORIC SITE, INCLUDING THE MABLE AND JUDY JASPER EDUCATIONAL CENTER, THE JASPER FAMILY GARDENS, AND ALL OTHER AMENITIES CONSISTENT WITH THE MASTER PLAN.

Sponsor: Mayor/Parks and Recreation

32. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND GREAT BEAR RECREATION PARK, INC. FOR THE MANAGEMENT OF THE GREAT BEAR RECREATION PARK ( GREAT BEAR ), INCLUDING AN ALPINE SKIING FACILITY, GREAT BEAR LODGE, AND ALL OTHER GREAT BEAR FACILITIES.

Sponsor: Mayor/Parks and Recreation

33. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 7-13. CORRECTION TO 2012-11-19 26TH ST. AND KATIE AVE., SOUTHWEST CORNER.

Sponsor: Mayor/Planning and Building Services

#### 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 MEETINGSAT 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.