

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, May 7, 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

● Sr. Pastor Nick Collins, Hope Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● Motorcycle Safety and Awareness Month, May, 2013

● Municipal Clerks Week, May 5-11, 2013

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, April 16, 2013, at 4:00 p.m.

● City Council Meeting of Tuesday, April 16, 2013, at 7:00 p.m.

● Informational Meeting of Tuesday, April 23, 2013 at 4:00 p.m.

● Special City Council Meeting on Thursday, April 25, 2013, at 1:30 p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on May 2, 2013 memo.
Sponsor: Mayor/Finance
2. Notice of change orders on May 2, 2013 memo.
Sponsor: Mayor/Finance
3. A memorandum dated April 17, 2013, declaring surplus capital items that will be disposed of as junk.
Sponsor: Mayor/Finance
4. Ice Storm Vendor Agreement Listing dated May 2, 2013
Sponsor: Mayor/Purchasing
5. A communication was received from the Sioux Empire Community Theatre (SECT) stating their intent to sell raffle tickets from May 10, 2013, to May 19, 2013, for a 50/50 cash raffle. Tickets will be sold one ticket for \$1.00 and six tickets for \$5.00. The proceeds will be used for fundraising for SECT.
Sponsor: SDCL 22-25-25
6. A communication was received from the Siouxland Retired and Senior Volunteer Program stating their intent to sell raffle tickets from May 22, 2013, to June 7, 2013, for a golf driver (valued at \$250.00). The tickets will be sold for \$10.00 each. The proceeds will be used for volunteer travel reimbursement for Siouxland RSVP.
Sponsor: SDCL 22-25-25
7. A communication was received from the University of Sioux Falls stating their intent to sell raffle tickets from June 1, 2013, to October 31, 2013, for a five day trip for two to Cancun (lodging, transportation, and meals). The tickets will be sold for \$10.00 each. The proceeds will be used to defray the cost of travel for USF Choir students.
Sponsor: SDCL 22-25-25
8. A communication was received from 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 May 15, 2013, from 5:00 p.m. to 7:30 p.m. for the purpose of a retirement party for a physician.
Sponsor: SDCL 10-18-1
9. A communication was received from Kortnee Williamson requesting permission to consume, but not sell, liquor, wine and malt beverages at the Old

Courthouse Museum, 200 West 6th Street on May 18, 2013, from 4:00 p.m. to 11:00 p.m. for the purpose of a wedding reception. Note: This item was approved on the September 18, 2012, Agenda; Ms. Williamson is changing the start time from 5:00 p.m to 4:00 p.m.

Sponsor: SDCL 35-1-5.3

10. A communication was received from Anne Doshier and Kyle Cipperley requesting permission to consume, but not sell, liquor, wine and malt beverages at the Old Courthouse Museum, 200 West 6th Street on September 28, 2013, from 9:00 a.m. to 11:00 p.m. for the purpose of a wedding reception.
Sponsor: SDCL 35-1-5.3
11. Report of Requests for Quotes for Fuel dated: April 11, 2013; #2 Dyed Diesel Fuel; 15,000 gallons; Howes Oil (\$3.1465); Harms Oil (\$3.1600); CHS, Inc. (\$3.1867); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works
12. Report of Requests for Quotes for Fuel dated: April 12, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$3.0775); Harms Oil (\$3.0930); CHS, Inc. (\$3.1327); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works
13. Report of Request for Quotes for Fuel dated: April 15, 2013; Unleaded Ethanol and E85; 6,000 gallons unleaded/2,000 Gallons E85 (8,000 total); Harms Oil (\$2.9990 unleaded/\$2.7290 E85); Howes Oil (\$2.9760 unleaded/\$2.8480 E85); CHS, Inc. (\$3.000 unleaded/\$2.8750 E85); Olson Oil, no bid. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
14. Report of Requests for Quotes for Fuel dated: April 19, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$2.9780); Howes Oil (\$2.9830); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
15. Report of Requests for Quotes for Fuel dated: April 22, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$2.9940); Harms Oil (\$2.9970); CHS, Inc. (\$3.0300); Midwest Oil and Olson Oil, both no bids. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works
16. Report of Request for Quotes for Fuel dated: April 22, 2013; Unleaded Ethanol; 8,500 gallons; CHS, Inc. (\$3.000); Howes Oil (\$3.0035); Harms Oil (\$3.0240); Olson Oil, no bid. Bid awarded to: CHS, Inc.
Sponsor: Mayor/Public Works
17. Report of Requests for Quotes for Fuel dated: April 23, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$2.9950); Harms Oil (\$3.0100); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works

18. Report of Requests for Quotes for Fuel dated: April 25 2013; Diesel (#1 and #2 blend); 500 gallons; Howes Oil (\$1,664.49); Midway Service (\$1,678.76); Palisades Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Fire Rescue
19. Report of Requests for Quotes for Fuel dated: April 25, 2013; Unleaded; 600 gallons; Howes Oil (\$1,827.03); Midway Service (\$1,857.30); Palisades Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Fire Rescue
20. Report of Requests for Quotes for Fuel dated: April 29 2013; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.0595); Harms Oil (\$3.0785); CHS, Inc. (\$3.0890); Olson Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works
21. Report of Requests for Quotes for Fuel dated: May 2, 2013; Diesel (#1 and #2 blend); 700 gallons; Howes Oil (\$2.331.00); Midway Service (\$2,366.00); Palisades Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Fire Rescue

APPLICATIONS

22. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for various special events on May 15, June 1, June 8, June 21 and June 29, 2013.
Sponsor: Mayor/City Attorney
23. Various Retail Malt Beverage, Retail Malt Beverage/South Dakota Farm Winery, Package Malt Beverage, and Package Malt Beverage/South Dakota Farm Winery License renewals for 2013-14 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.
Sponsor: Mayor/City Attorney

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. The amounts requested are the differences between the elderly freeze and the non-elderly freeze.

24. Lawrence A. Jensen, 2501 S. Kiwanis Ave., #106, for 2012 property taxes in the amount of \$514.43.
Sponsor: SDCL 10-18-1
25. Lime H. Harris, 800 E. 3rd Street, for 2012 property taxes in the amount of \$746.18.
Sponsor: SDCL 10-18-1
26. Jessie M. Clauson, 3708 S. Bahnson Avenue, for 2012 property taxes in the amount of \$628.72.
Sponsor: SDCL 10-18-1

27. Michael A. Leyba, 2012 S. Melanie Lane, for 2012 property taxes in the amount of \$933.33.
Sponsor: SDCL 10-18-1

28. Dorothy H. Dvorak, 1708 E. Mulberry St., for 2012 property taxes in the amount of \$478.63.
Sponsor: SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 21, 2013, at 7:00 p.m. for Items 29 through 31:

29. 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 June 13, 2013.
Sponsor: Mayor/City Attorney

30. Special One-Day Liquor License for South Dakota National Guard Enlisted Association to be operated at J & L Harley Davidson, 2601 West 60th Street North, for the 2013 Enlisted Association of the National Guard of the United States 42nd Annual Conference All Area Night on August 20, 2013.
Sponsor: Mayor/City Attorney

31. Special One-Day Liquor License for Philanthropy Promotions Inc., J&L Harley Davidson, 2601 West 60th Street North, for the National Association of State Aviation Officials event on September 30, 2013.
Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

32. New 2013 Retail Wine License for Empire Casino Inc., Empire Casino, to be operated at 3908 West 41st Street (CUP not required; addition to existing license which predates the ordinance).
Sponsor: Mayor/City Attorney

33. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #118 to be operated at 4600 West 41st Street.
Sponsor: Mayor/City Attorney

34. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #120 to be operated at 3312 South Western Avenue.
Sponsor: Mayor/City Attorney
35. New 2012-13 Retail Malt Beverage License for Addabella Restaurants LLC, Kaladi s Coffee Legend & Bistro to be operated at 1716 South Minnesota Avenue with the Conditional Use Permit (2013-03-18) being approved on April 3, 2013.
Sponsor: Mayor/City Attorney
36. New 2013 Retail Wine License for Addabella Restaurants LLC, Kaladi s Coffee Legend & Bistro to be operated at 1716 South Minnesota Avenue with the Conditional Use Permit (2013-03-18) being approved on April 3, 2013.
Sponsor: Mayor/City Attorney
37. New 2012-13 Retail Malt Beverage License for PPC Sioux Falls, Noodles & Company to be operated at 5005 South Louise Avenue (CUP not required; full service restaurant). Pending final inspections by Building Services.
Sponsor: Mayor/City Attorney
38. New 2013 Retail Wine License for PPC Sioux Falls, Noodles & Company to be operated at 5005 South Louise Avenue (CUP not required; full service restaurant). Pending final inspections by Building Services.
Sponsor: Mayor/City Attorney

INTRODUCTION AND ADOPTION OF ORDINANCES

39. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 39: PERSONNEL REGULATIONS AND BENEFITS; RETIREMENT AND PENSIONS.
Sponsor: Mayor/Human Resources
40. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 41ST ST. AND S. FAITH AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE RD-2, RESIDENTIAL DISTRICT, PETITION NO. 2013-03-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 69TH ST. AND FUTURE S. BAHNSON AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2013-03-01, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1521 E. 5TH ST. AND 511 N. HIGHLAND AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2013-03-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 600 S. MAIN AVE. FROM THE C-2, GENERAL COMMERCIAL, AND RA-1, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2013-03-14, 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, May 14, 2013, at 7:00 p.m. for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (\$1,834,000.00. Departments: Fire Rescue, Health, City Council, Transit, Engineering, and Street).

Sponsor: City Council

Set a date of hearing and 2nd Reading for Tuesday, May 14, 2013, at 7:00 p.m. for Item 45:

45. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY REGARDING ALCOHOLIC BEVERAGES AT FALLS PARK OVERLOOK CAFÉ.

Sponsor: Mayor/Parks and Recreation

Set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m. for Item 46:

46. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHWEST CORNER OF W. 85TH ST. AND S. MINNESOTA AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE CN, CONSERVATION; O, OFFICE DISTRICT; C-2, COMMERCIAL DISTRICT; C-3, COMMERCIAL DISTRICT; AND C-4, COMMERCIAL DISTRICT, PETITION NO. 2013-03-15, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m. for Item 47:

47. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, TRANSFERRING REAL PROPERTY (1111 N. DULUTH AVE.) TO THE AFFORDABLE HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

Set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m. for Item 48:

48. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, TRANSFERRING REAL PROPERTY (612 S. WILLOW AVE.) TO HABITAT FOR HUMANITY OF GREATER SIOUX FALLS, INC. PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

Set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m. for Item 49:

49. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, TRANSFERRING REAL PROPERTY (1020 S. SHERMAN AVE.) TO THE AFFORDABLE HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.

Sponsor: Mayor/Community Development

Set a date of hearing and 2nd Reading for Tuesday, May 21, 2013, at 7:00 p.m.
for Item 50:

50. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, TRANSFERRING REAL PROPERTY (821 N. SHERWOOD AVE.) TO THE AFFORDABLE HOUSING PROGRAM PURSUANT TO SDCL 6-5-2.
Sponsor: Mayor/Community Development

HEARINGS AND RESOLUTIONS

51. A RESOLUTION TO APPROVE THE RELOCATION OF ONE HISTORICAL MARKER ONTO CITY PROPERTY FROM ROWENA, SOUTH DAKOTA.
Sponsor: Mayor/Planning and Building Services
52. A RESOLUTION APPROVING DESIGN AND PLACEMENT OF A PAINTED MURAL ON CITY-OWNED PROPERTY AT MELDRUM PARK.
Sponsor: Mayor/Planning and Building Services
53. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE NATIVE AMERICAN COUNCIL OF TRIBES, INC. 5" OR GREATER DIAMETER TREE BRANCHES AND TRUNKS.
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)

54. REPORT OF THE APRIL 30, 2013, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.
Sponsor: Mayor/Finance

NEW BUSINESS

55. SHAPE PLACES PETITION REPORT.
Sponsor: City Council

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. 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.