

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, October 6, 2015 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Mayor Mike T. Huether

INVOCATION

&#9679; Senior Pastor Bob Best, Emmanuel Baptist Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; Domestic Violence Awareness Month - October 2015

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, September 15, 2015, at 4 p.m.

&#9679; City Council Meeting of Tuesday, September 15, 2015, at 7 p.m.

&#9679; Informational Meeting of Tuesday, September 22, 2015, at 4 p.m.

## COMMUNICATIONS

1. Approval of contracts/agreements on the October 1, 2015, memo.
2. Approval of the notice of change orders on the October 1, 2015, memo.
3. Report of Requests for Quotes for Fuel dated: August 21, 2015; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$1.9899); Howes Oil (\$1.951); Harms Oil, Midwest Oil, and Petroleum Traders Co., all no bid. Bid awarded to: Howes Oil.
4. Report of Request for Quotes for Fuel dated: September 2, 2015; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$2.04); Howes Oil (\$2.045); Harms Oil (\$2.0278); Midwest Oil and Petroleum Traders Co., both no bid. Bid awarded to: Harms Oil.
5. Report of Request for Quotes for Fuel dated: September 16, 2015; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$1.929); Harms Oil (\$1.9375); Howes Oil, Midwest Oil, and Petroleum Traders Co., all no bid. Bid awarded to: CHS, Inc.
6. Report of Requests for Quotes for Fuel dated: September 22, 2015; Unleaded Ethanol; 708 gallons; Midway Service (\$2.1520); Howes Oil (\$2.1370); Stern Oil, no bid. Bid awarded to: Midway Service.
7. Report of Requests for Quotes for Fuel dated: September 22, 2015; Clear Diesel #1; 538 gallons; Midway Service (\$2.1810); Howes Oil (\$2.3440); Stern Oil, no bid. Bid awarded to: Midway Service.
8. Report of Requests for Quotes for Fuel dated: September 22, 2015; Clear Diesel #2; 538 gallons; Midway Service (\$1.9130); Howes Oil (\$1.9940); Stern Oil, no bid. Bid awarded to: Midway Service.
9. Report of Requests for Fuel dated: September 25, 2015; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$1.6545); Harms Oil (\$1.6690); Cole's Petroleum (\$1.7320); CHS, Inc., Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Howes Oil

## APPLICATIONS

10. Special One-Day Liquor License for Prairie Pasta Inc., Johnny Carino's to be operated at the Army National Guard Armory, 801 West National Guard Drive, for a wedding on October 10, 2015.
11. Special One-Day Liquor License for Washington Pavilion Management Inc., to be operated at Washington Pavilion of Arts & Science, 301 South Main Avenue, for special events on October 10 and 16, 2015.

12. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at the Old Courthouse Museum, 200 West 6th Street, for a holiday party on December 4, 2015.

The following abatement was recommended for denial by the Director of Equalization and the State's Attorney's Office for Lincoln County; and the City Attorney for Sioux Falls:

13. Joseph II and Ann Henkin, 5212 Summerfield Place. Since this item is denied, no dollar amount available at this time.

#### NOTICE OF HEARINGS

Set a date of hearing for Monday, October 19, 2015, at 7 p.m. for Items 14 through 19:

14. New 2015-16 Retail Malt Beverage License for Jacky s Restaurant LLC, to be operated at Jacky s Restaurant, 1301 East Benson Road (CUP not required).
15. New 2015 Retail Wine License for Jacky s Restaurant LLC, to be operated at Jacky s Restaurant, 1301 East Benson Road (CUP not required).
16. Transfer of 2015 Retail Liquor License, with Sunday sales certificate, from Dave Kulish, Martini s Casino & Lounge, 4823 South Louise Avenue, to US Hotel and Resort Management Inc., 2320 South Louise Avenue (CUP not required).
17. New 2015-16 Retail Malt Beverage License, with video lottery terminals, for MG Oil Company, to be operated at Happy Jack s Sioux Falls II, 4823 South Louise Avenue (CUP not required).
18. Special One-Day Malt Beverage, Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for the Multi-Cultural Center of Sioux Falls to be operated at 515 North Main Avenue, for a fundraiser on December 5, 2015.
19. Special One-Day Wine License for the Democratic Forum to be operated at the History Club, 758 South Phillips Avenue, for a fundraiser on November 12, 2015.
20. Transfer of 2015 Retail Liquor License, including Sunday sales certificate, from W&P of Sioux Falls LLC, W&P of Sioux Falls LLC, located on Lot 9A, Block 17, Dawley Farm Village Addition, to W&P of Sioux Falls LLC, Buffalo Wild Wings, 2601 South Louise Avenue, #100 (full service restaurant, CUP not required).

#### REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

21. Transfer of 2015-16 Retail Malt Beverage License, including video lottery terminals, from Homefield Gaming Inc., Royal Casino, 4601 East Arrowhead Parkway, Suite 109, to MG Oil Company, Happy Jack s 5, 4601 East Arrowhead Parkway, Suite 109 (CUP not required).
22. Transfer of 2015-16 Package Malt Beverage License from Melinda Koppien, Park Ridge Gas N Pak, 1801 South Western Avenue, to Scott Bowar, Park Ridge Gas N Grub, 1801 South Western Avenue (CUP not required).
23. New 2015-16 Retail Malt Beverage License for Bold Behavior, LLC, Bold Behavior, 4805 South Louise Avenue (CUP not required).
24. New 2015 Retail Wine License for Bold Behavior, LLC, Bold Behavior, 4805 South Louise Avenue (CUP not required).
25. WITHDRAWN PER APPLICANT REQUEST: Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Vance Thompson Vision, 3101 West 57th Street, for customer appreciation on October 8, 2015.
26. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at 2601 Latigo Circle, for a private social on October 30, 2015.

INTRODUCTION AND ADOPTION OF ORDINANCES

27. Deferred from the City Council Meetings on 4/21/15, 6/2/15, and 8/4/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. AND W. OF N. MARLOW AVE. AND N. OF E. PADDINGTON ST. FROM THE AG, AGRICULTURE DISTRICT TO THE RS, SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO.2249-2015 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
28. Deferred from the City Council Meeting on 8/4/15: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF E. BENSON RD. AND EAST OF I-229 FROM THE AG AGRICULTURE AND CN CONSERVATION DISTRICTS TO THE I-2 HEAVY INDUSTRIAL AND CN CONSERVATION DISTRICTS, PETITION NO. 2895-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

29. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY AMENDING THE FEES SUBCHAPTER OF CHAPTER 95 PARKS AND RECREATION. Note: This is a second reading of an ordinance that is expected to be postponed indefinitely; an alternative proposal shall be up for first reading on Tuesday, October 13, 2015, and a second reading and public input expected to be held on Monday, October 19, 2015.
30. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY BETWEEN S. NORTON AVE. AND VACATED S. DULUTH AVE. AND W. 39TH ST. AND W. 41ST ST. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT AND C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT TO THE C-4 COMMERCIAL REGIONAL DISTRICT, INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS AND ADDING ADDITIONAL TRANSITIONAL REQUIREMENTS WITHIN THE RE5 FORM, PETITION NO. 2541-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval with the following stipulations which have been added to the ordinance: 1) An alternative site plan including detailed buffer yard plans be approved by the Planning Commission; 2) The proposed 113 employee parking spaces (61 within the new parking lot and 52 behind the existing Billion Auto-Kia building) will be permanently marked and reserved for Billion employees only; and 3) Uses will be limited to outdoor motor vehicle sales and display and associated employee parking areas. An amendment has been proposed for 3) adding the sentence, Construction of buildings is prohibited.
31. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4605 S. LOUISE AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 3236-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTHWEST OF GREAT BEAR RECREATION AREA FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 3271-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4800 S. LOUISE AVE. FROM THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT TO THE C-2 COMMERCIAL NEIGHBORHOOD AND STREETCAR DISTRICT, PETITION NO. 3285-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF W. 12TH ST. AND S. DISCOVERY AVE. FROM THE CN CONSERVATION DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE MD1 FORM, PETITION NO. 3238-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (4-2) with the following stipulation which has been added to the ordinance: 1) Buildings shall be no more than one story in height.

Set a date of hearing and 2nd Reading for Tuesday, October 13, 2015, at 7 p.m. for Item 35:

35. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REPEALING SUBCHAPTER ULTIMATE FIGHTING OF CHAPTER 113 AMUSEMENTS AND SECTION 131.006 ULTIMATE FIGHTING, CONTEST OR EXHIBITIONS.

Set a date of hearing and 2nd Reading for Tuesday, October 13, 2015, at 7 p.m. for Item 36:

36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. Highways and Streets (\$3,110,000); Parks and Recreation (\$1,597,000), and Police (\$690,000).

Set a date of hearing and 2nd Reading for Monday, November 2, 2015, at 7 p.m. for Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 124: VEHICLES FOR HIRE PERTAINING TO TRANSPORTATION NETWORK COMPANIES AND AMENDING THE TITLE OF CHAPTER 124 TO READ TRANSPORTATION SERVICES.

#### HEARINGS AND RESOLUTIONS

38. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF TWO SCULPTURES ON PUBLIC PROPERTY.

39. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF COPPER CREEK ESTATES ADDITION.

40. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. ANNEXATION 3150-2015 BARBER S AND KNOBLOCH S ADDITIONS.

41. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 3232-2015 - MADISON & VETERANS PARKWAY.

42. A RESOLUTION AUTHORIZING USE OF CONTRUCTION MANAGER AT RISK SERVICES FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT INCLUDING PRIVATE DEVELOPMENT AND A PARKING RAMP AT THE CORNER OF TENTH STREET AND MALL AVENUE.

43. A RESOLUTION OF THE CITY OF SIOUX FALLS TO GIFT A 3" WATER METER TO THE CITY OF DELMONT, SOUTH DAKOTA.

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

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)

45. REPORT OF THE OCTOBER 1, 2015, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

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.

AS YOUR ELECTED REPRESENTATIVES, THE CITY COUNCIL VALUES YOUR INPUT AND FEEDBACK. WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING WHEN THAT ITEM IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS IN ANY MANNER SHOULD UNDERSTAND THAT THEIR COMMENTS MAY BECOME PART OF THE OFFICIAL RECORD AND SUBJECT TO REVIEW BY ALL PARTIES AND THE PUBLIC.

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 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 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5 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 A.M. ON THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.