

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, November 17, 2015 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolwing

Mayor Mike T. Huether

INVOCATION

&#9679; Senior Pastor Randy Gehring, Our Saviors Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; South Dakota Prematurity Awareness Day, November 17, 2015

&#9679; Great American Smokeout Day, November 19, 2015

&#9679; American Diabetes Month -- November 2015

RECOGNITION/AWARDS

&#9679; Recognition of All City Elementary for Receiving the National Blue Ribbon Award from the U.S. Department of Education

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

## MINUTES

&#9679; Informational Meeting of Tuesday, November 10, 2015, at 4 p.m.

&#9679; City Council Meeting of Tuesday, November 10, 2015, at 7 p.m.

## COMMUNICATIONS

1. Approval of contracts/agreements on the November 12, 2015, memo.
2. A communication was received from Kathy Peterson requesting permission to consume, but not sell, wine and/or malt beverages at The Old Courthouse Museum, 200 West Sixth Street, on Saturday, January 2, 2016, from 4 p.m. to midnight pursuant to SDCL 35-1-5.5, for a wedding celebration and reception.
3. Report of Requests for Quotes for Fuel dated November 4, 2015; #2 Clear Diesel, 7500 Gallons; CHS, Inc. (\$1.9779); Harms Oil (\$1.9801); Howes Oil, Midwest Oil, and Petroleum Traders Co., no bids. Bid awarded to: CHS, Inc.
4. Report of Requests for Quotes for Fuel dated November 4, 2015, Unleaded Ethanol; 5000 Gallons; Harms Oil (\$1.8789); CHS, Inc. (\$1.8870); Cole's Petroleum (\$1.8820); Howes Oil and Olson Oil, no bids. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated November 4, 2015; #1 Dyed Diesel, 3000 Gallons; Harms Oil (\$2.0455); CHS, Inc. (\$2.0550); Cole's Petroleum (\$2.0640); Howes Oil and Olson Oil, no bids. Bid awarded to: Harms Oil.
6. Report of Requests for Quotes for Fuel dated November 5, 2015; 50/50 Dyed Diesel, 3000 Gallons; Howes Oil (\$2.129); Midwest Oil (\$2.029); Midway Service (\$1.940). Bid awarded to: Midway Service.
7. Report of Requests for Quotes for Fuel dated November 9, 2015; E-10 Unleaded Ethanol-87 Octane, 8500 Gallons; Harms Oil (\$1.7850); Cole's Petroleum (\$1.8140); CHS, Inc., Howes Oil, and Olson Oil, no bids. Bid awarded to: Harms Oil.

## APPLICATIONS

8. Special One-Day Malt Beverage License for Holy Spirit Knights of Columbus to be operated at Holy Spirit Catholic Church, 3601 East Dudley Lane, for a fundraiser on January 30, 2016.
9. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for

2016 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 1, 2015, at 7 p.m. for Items 10 through 20:

- 10.. Transfer of 2016 Retail Liquor License, including Sunday sales and video lottery terminals, from Pancakes and More, Inc., Original Pancake House, 2715 West 41st Street, to MF Spot Inc., MF Spot Inc., on Lot 2, Block 2, Brooks Crossing Addition to the City of Sioux Falls (general location east 54th Street and Hosta Avenue) (full service restaurant; CUP not required).
11. Transfer of 2015-16 Retail Malt Beverage License from Marquette Council, Knights of Columbus, 315 North Summit Avenue, to Cobra Ventures LLC, Knights of Columbus, 315 North Summit Avenue.
12. New 2015-16 Retail Malt Beverage License for The Bakery LLC, The Bakery, 910 North Main Avenue (CUP not required).
13. New 2016 Retail Wine License for The Bakery LLC, The Bakery, 910 North Main Avenue (CUP not required).
14. New 2016 Retail Wine License for Olive Destination Inc., Olive Destination, 720 South Highline Place (CUP not required).
15. Rescind 2015-16 Retail Malt Beverage License, effective January 1, 2016, for Dakotas Best East LLC, Dakotas Best Wine & Gifts, 4001 West 41st Street, Suite 20.
16. New 2015-16 Retail Malt Beverage/South Dakota Farm Wine License, effective January 1, 2016, for Sioux Falls Wine & Gift, LLC, Sioux Falls Wine & Gift, 4001 West 41st Street, Suite 20 (CUP not required).
17. Rescind 2015-16 Retail Malt Beverage License, effective January 1, 2016, for Catering America Inc., Chef Dominique s Catering & Banquet Carpenter Building Ballroom, 221 South Phillips Avenue, Suite 100.
18. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., to be operated at 3901 North Lewis Avenue, for an open house on December 10, 2015
19. Special One-Day Package Off-Sale Wine license for Rotary West, Rotary West, 4712 East Alpine Circle, for a fundraiser on December 18, 2015.
20. Special One-Day Malt Beverage and Special One-Day Wine Licenses for

Catering America Inc., to be operated at The Carpenter Ballroom, 221 South Phillips Avenue, for a wedding on January 2, 2016.

Set a date of hearing for Tuesday, December 8, 2015, at 7 p.m. for Item 21:

21. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON N. 4TH AVE. AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

22. Transfer of 2015 Retail Liquor License, with Sunday sales and video lottery terminals, from Falls Landing Inc., Falls Landing, 200 East 8th Street, to Nelson Landing Inc., Falls Landing, 200 East 8th Street.
23. New 2015-16 Package Malt Beverage License for Davlon Inc., Shop N Cart 49er, 3501 West 49th Street.
24. New 2015 Package Liquor License for Davlon Inc., Shop N Cart 49er, 3501 West 49th Street.
25. New 2015 Package Liquor License for Shaen Haven Hospitality, Inc., Bogtrotter s Pub Grub & Tap, 201 East 11th Street.
26. Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for the History Club, 758 South Phillips Avenue, for a fundraiser on December 5, 2015.
27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for American Baptist Homes of the Midwest to be operated at Trail Ridge Retirement Community, 3408 West Ralph Rogers Road, Suite 100, for a Chamber Mixer on December 8, 2015.
28. Special One-Day Liquor License for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at Raven Industries, 205 East 6th Street, for an employee Christmas party on December 11, 2015.
29. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street, for Hearts in Healing fundraiser on February 6, 2016.

30. Special One-Day Liquor License for Avera McKennan Foundation to be operated at Avera Prairie Center, 1000 East 23rd Street, for the Big Grape fundraiser on April 8, 2016.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

31. Deferred from the City Council Meetings on 4/21/15, 6/2/15, 8/4/15, 10/6/15, and 10/19/15: 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.
32. Reconsideration from the City Council Meeting of 11/02/15: 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, AMENDING SECTIONS 51.081 AND 51.081.01 OF THE CODE OF ORDINANCES OF THE CITY BY ADDING SURCHARGE AND RATE SECTIONS.
34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING FOR A SURCHARGE FOR A PROJECT TO MAKE IMPROVEMENTS TO ITS WASTEWATER SYSTEM AND FOR NONPOINT SOURCE FACILITIES, IMPROVEMENTS, AND ACTIVITIES FOR PAYMENT OF REVENUE BONDS AND YEARLY REVIEW OF RATES.
35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AUTHORIZING THE ISSUANCE OF REVENUE BONDS AND PLEDGING A SURCHARGE FOR IMPROVEMENTS TO ITS WASTEWATER SYSTEM AND NONPOINT SOURCE IMPROVEMENTS.
36. 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; SECTION 39.036 APPLICATION TO APPOINTIVE OFFICERS.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 37:

37. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY LOCATED S. OF W. 85TH ST. AND W. OF S. WESTERN AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE DD2 FORM TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE DD2 FORM, PETITION NO. 3669-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission

recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 38:

38. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 700 N. FRENCH AVE. FROM THE RT-1 SINGLE-FAMILY RESIDENTIAL TRADITIONAL DISTRICT TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT, PETITION NO. 3675-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 800 S. SYCAMORE AVE. FROM THE O, OFFICE TO THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY, PETITION NO. 3676-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 40:

40. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SW CORNER OF W. 12TH ST. AND S. DISCOVERY AVE. FROM THE CN CONSERVATION DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN AND RA-1 APARTMENT RESIDENTIAL LOW DENSITY, INCLUDING CONDITIONS AS ALLOWED IN SECTION 160.650 (e) PLACING LIMITATIONS ON REGULATIONS WITHIN THE AD1 AND MD1 FORM, PETITION NO. 3238-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval with the following condition: 1) Buildings shall be no more than one story in height.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 41:

41. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SE CORNER OF W. 85TH ST. AND S. BRETT AVE. FROM THE AG, AGRICULTURE DISTRICT TO THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY DISTRICT, PETITION NO. 3665-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS.

Set a date of hearing and 2nd Reading for Tuesday, December 1, 2015, at 7 p.m.

for Item 43:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY TO REGULATE MOBILE FOOD VENDORS.

#### HEARINGS AND RESOLUTIONS

44. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT-RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND HENRY CARLSON COMPANY FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE SIOUX FALLS ADMINISTRATIVE OFFICE BUILDING, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.
45. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SD. ANNEXATION 3564-2015 3RD ST. AND LA MESA DR.
46. A RESOLUTION AUTHORIZING SIOUXLAND LIBRARIES TO GIFT A BOOK DROP TO THE CITY OF HUDSON, SD.
47. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT CERTAIN SURPLUS ASSETS TO MINNEHAHA COUNTY, SD.
48. A RESOLUTION REMOVING UNCOLLECTIBLE, DELINQUENT ACCOUNTS FROM THE RECORDS.
49. A RESOLUTION ABATING STORM DRAINAGE FEES FOR PORTIONS OF E. KNOLL DR., N. RANCH OAK PL., FAIRWAY PL., AND E. FAIRWAY DR. WITHIN MINNEHAHA COUNTY, SD (2014-2015 in the amount of \$638.88).
50. A RESOLUTION ABATING STREET MAINTENANCE FEES FOR PORTIONS OF E. KNOLL DR., N. RANCH OAK PL., FAIRWAY PL., AND E. FAIRWAY DR. WITHIN MINNEHAHA COUNTY, SD (2012-2015 in the amount of \$212).

#### 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.