

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, December 1, 2015 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

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

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

● Susie Wingler, Prayer Minister - Direct Line Prayer Center

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, November 17, 2015, at 4 p.m.

● City Council Meeting of Tuesday, November 17, 2015, at 7 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the November 27, 2015, memo.

2. Approval of the notice of change orders on the November 27, 2015, memo.

3. Report of Requests for Quotes for Fuel dated November 10, 2015; Unleaded Ethanol; 429 Gallons; Midway Service (\$1.9550); Howes Oil (\$2.0450); Stern Oil, no bid. Bid awarded to: Midway Service.
4. Report of Requests for Quotes for Fuel dated November 10, 2015; Clear Diesel #1; 331 Gallons; Midway Service (\$2.2705); Howes Oil (\$2.2985); Stern Oil, no bid. Bid awarded to: Midway Service.
5. Report of Requests for Quotes for Fuel dated: November 10, 2015; Clear Diesel #2; 331 Gallons; Midway Service (\$1.9555); Howes Oil (\$1.9755); Stern Oil, no bid. Bid awarded to: Midway Service.
6. Report of Requests for Quotes for Fuel dated November 11, 2015; #2 Clear Diesel; 7,500 Gallons; CHS, Inc. (\$1.9459); Harms Oil (\$2.002); Howes Oil, Midwest Oil and Petroleum Traders Co., all no bid. Bid awarded to: CHS, Inc.
7. Report of Requests for Quotes of Fuel dated November 18, 2015; Unleaded Ethanol & #1 Dyed Diesel; 5,000 Gallons Unleaded/3,000 Gallons #1; Harms Oil (\$1.7635 Unleaded/\$1.6967 #1 Diesel); CHS, Inc., Cole's Petroleum, Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.
8. Request for Quotes for Fuel dated November 20, 2015; #1 and #2 Dyed Diesel Fuel; 7,500 Gallons each (Total 15,000 Gallons); Harms Oil (\$1.9240 #1 Diesel Fuel and \$1.6223 #2 Diesel Fuel); Cole's Petroleum, CHS, Inc., Howes Oil, Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.
9. Report of Requests for Quotes for Fuel dated November 23, 2015; Unleaded Ethanol; #1 Dyed Diesel; and #2 Dyed Diesel; 2,000 Gallons Unleaded/3,000 Gallons #1 Diesel; and 3,000 Gallons #2 Diesel; Howes Oil (\$1.5360 Unleaded/\$1.8660 #1 Diesel/ and \$1.5315 #2 Diesel); Harms Oil (\$1.5622 Unleaded/\$1.8973 #1 Diesel/and \$1.5657 #2 Diesel); Cole's Petroleum, CHS, Inc. and Olson Oil, all no bid. Bid awarded to: Howes Oil.
10. Report of Requests for Quotes for Fuel dated November 24, 2015; Unleaded Ethanol; #1 Dyed Diesel; and #2 Dyed Diesel; 2,000 Gallons Unleaded,/3,000 Gallons #1 Diesel; and 3,000 Gallons #2 Diesel; Harms Oil (\$1.6094 Unleaded/ \$1.8081 #1 Diesel/ and \$1.5081 #2 Diesel); Cole's Petroleum; (\$1.8150 Unleaded/\$1.8175 #1 Diesel/and \$1.4815 #2 Diesel); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.
11. Report of Requests for Quotes of Fuel dated November 24, 2015; #2 Clear Diesel; 7,500 Gallons; Howes Oil (\$1.7315); Harms Oil (\$1.7726); CHS, Inc., Midwest Oil, and Petroleum Traders Co., all no bid. Bid awarded to: Howes Oil.

APPLICATIONS

12. 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 C.

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 15, 2015, at 7 p.m. for Items 13 through 23:

13. Transfer of 2016 Retail Liquor License, with Sunday sales certificate and video lottery terminals, from Red Buffalo Trading Company Inc., Skelly's Pub & Grill, 130 South Phillips Avenue, to Pave, LLC, Skelly's Pub & Grill, 130 South Phillips Avenue.
14. New 2016 Retail Wine License for Guillermo Pedro, Mi Tierra Authentic Mexican Restaurant & Bakery, 337 South Phillips Avenue.
15. New 2015-16 Retail Malt Beverage License for Guillermo Pedro, Mi Tierra Authentic Mexican Restaurant & Bakery, 337 South Phillips Avenue.
16. New 2016 Retail Wine License for Golden Coin Casino, Inc., Golden Coin Casino, 2505 West Russell Street, Suite 101.
17. Transfer of 2015 Retail Liquor License, with video lottery terminals, from SKK LLC, The Copper Lounge, 136 South Phillips Avenue, to IJK LLC, The Copper Lounge, 136 South Phillips Avenue.
18. Renewal of 2016 Retail Liquor License for IJK LLC, The Copper Lounge, 136 South Phillips Avenue.
19. Transfer of 2015 Retail Liquor License, with Sunday sales certificate, from TSK Inc., Stogeez Cigar Lounge, 215 South Phillips Avenue, to IJK Inc., Stogeez Cigar Lounge, 215 South Phillips Avenue.
20. Renewal of 2016 Retail Liquor License for IJK Inc., Stogeez Cigar Lounge, 215 South Phillips Avenue.
21. Transfer of 2015-16 Package Malt Beverage/South Dakota Farm Wine license from Freedom Valu Centers Inc., Erickson Valu Center, 1601 South Minnesota Avenue, to Jay AMBE-2, LLC, Freedom Valu Center, 1601 South Minnesota Avenue.
22. 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 holiday parties on January 8 and 9, 2016
23. 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 E.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

24. 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). Pending permit issuance and final inspections per Fire, Health and Building Services.
25. 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.
26. New 2015-16 Retail Malt Beverage License for The Bakery LLC, The Bakery, 910 North Main Avenue (CUP not required).
27. New 2016 Retail Wine License for The Bakery LLC, The Bakery, 910 North Main Avenue (CUP not required).
28. New 2016 Retail Wine License for Olive Destination Inc., Olive Destination, 720 South Highline Place (CUP not required). Pending final inspections per Health and Building Services.
29. 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.
30. 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).
31. 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.
32. 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

33. Special One-Day Package Off-Sale Wine license for Rotary West, Rotary West, 4712 East Alpine Circle, for a fundraiser on December 18, 2015.
34. 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.

INTRODUCTION AND ADOPTION OF ORDINANCES

35. RECONSIDERATION (FROM THE NOVEMBER 2, 2015, CITY COUNCIL MEETING) 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHEAST CORNER OF E. 41ST ST. AND S. VETERANS PKWY. FROM THE RA-2 APARTMENT RESIDENTIAL MODERATE DENSITY AND C-3 COMMERCIAL COMMUNITY DISTRICTS TO THE RA-3 APARTMENT RESIDENTIAL HIGH DENSITY DISTRICT, PETITION NO. 3456-2015, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
36. Deferred from the City Council Meeting on 11/17/15: 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.
37. 2nd 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.
38. 2nd 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.
39. 2nd 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.
40. 2nd 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.

41. 2nd 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.

42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS.

43. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY TO REGULATE MOBILE FOOD VENDORS.

Set a date of hearing and 2nd Reading for Tuesday, December 8, 2015, at 7 p.m. for Item 44:

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, DECLARING CERTAIN PROPERTY OF THE CITY OF SIOUX FALLS SURPLUS AND APPROVING AN OFFER BY THE STATE OF SOUTH DAKOTA TO PURCHASE REAL PROPERTY FROM THE CITY OF SIOUX FALLS.

Set a date of hearing and 2nd Reading for Tuesday, December 8, 2015, at 7 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 BY AMENDING CHAPTER 41: FEES.

Set a date of hearing and 2nd Reading for Tuesday, December 8, 2015, at 7 p.m. for Item 46:

46. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 77: PARKING REGULATIONS.

Set a date of hearing and 2nd Reading for Tuesday, December 8, 2015, at 7 p.m. for Item 47:

47. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, ESTABLISHING THE TAX INCREMENT REVENUES TO BE COLLECTED AND AUTHORIZING THE PAYMENT OF TAX INCREMENT REVENUES TO WASHINGTON SQUARE PARTNERS, LLC, IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT FOR TAX INCREMENTAL DISTRICT NO. TWENTY, CITY OF SIOUX FALLS.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 48:

48. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL BUILDING CODE AND AMENDMENTS THERETO.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 49:

49. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL RESIDENTIAL BUILDING CODE AND AMENDMENTS THERETO.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 50:

50. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL EXISTING BUILDING CODE AND AMENDMENTS THERETO.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 51:

51. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL MECHANICAL CODE AND THE 2015 INTERNATIONAL FUEL GAS CODE AND AMENDMENTS THERETO.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 52:

52. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADOPTING THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS THERETO.

Set a date of hearing and 2nd Reading for Tuesday, December 15, 2015, at 7 p.m. for Item 53:

53. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ELIMINATING THE MAXIMUM TWO-YEAR TIME PERIOD FOR A HOMEOWNER S PLUMBING, MECHANICAL, AND ELECTRICAL PERMIT; TO ELIMINATE HOMEOWNER PERMITS FOR NEW HOUSES TO BE CONSISTENT WITH STATE RULE; AND TO SET A 90-DAY TIME PERIOD FROM THE DATE OF APPLICATION TO ADMINISTER A MECHANICAL EXAM, RESIDENTIAL CONSTRUCTION SUPERVISOR EXAM, ELECTRICAL EXAM, AND A PLUMBING EXAM; AND TO EXPAND THE OBLIGATION OF THE RESIDENTIAL CONTRACTOR S COMPLIANCE BOND TO INCLUDE FEES CHARGED BY PUBLIC WORKS.

HEARINGS AND RESOLUTIONS

54. A RESOLUTION REMOVING UNCOLLECTIBLE, DELINQUENT ACCOUNTS FROM THE RECORDS.

55. A RESOLUTION AMENDING THE 2015-2019 CAPITAL PROGRAM. Concrete Pavement Restoration (\$100,000); and Asphalt Street Rehabilitation Program (\$200,000).

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)

56. REPORT OF THE NOVEMBER 25, 2015, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

NEW BUSINESS

57. CONSIDERATION OF TRAVEL REQUEST FOR COUNCILOR KENNY ANDERSON JR. TO ATTEND THE 2016 GOVERNOR'S CONFERENCE ON TOURISM IN PIERRE, SOUTH DAKOTA.

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. 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.