

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, December 6, 2016 at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Greg Neitzert  
Council Member Rex Rolwing  
Council Member Marshall Selberg  
Council Member Pat Starr  
Council Member Theresa Stehly

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Council Member Rick Kiley

Mayor Mike T. Huether

INVOCATION

&#9679; Pastor Dennis Thomas, Celebrate Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; Human Rights Day - December 10, 2016

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, November 15, 2016, at 4 p.m.

&#9679; City Council Meeting of Tuesday, November 15, 2016, at 7 p.m.

&#9679; Informational Meeting of Tuesday, November 22, 2016, at 4 p.m.

## COMMUNICATIONS

1. Approval of contracts/agreements on the December 2, 2016, memo.
2. Approval of the notice of change orders on the December 2, 2016, memo.
3. A memorandum dated November 30, 2016, declaring surplus property.
4. Report of Requests for Quotes for Fuel dated: November 9, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$1.5541); Cole's Petroleum (\$1.5778); Stern Oil (\$1.5782); Midway Service (\$1.5883); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.
5. Report of Requests for Quotes for Fuel dated: November 9, 2016; 50/50 Blend of Clear Diesel; 7,500 gallons; Harms Oil (\$1.7572 #1 Clear Diesel / \$1.8572 #2 Clear Diesel); CHS, Inc., Howe's Oil, and Midwest Oil, all no bid. Bid awarded to: Harms Oil
6. Report of Requests for Quotes for Fuel dated: November 15, 2016; #1 and #2 Dyed Diesel Fuel; 3,750 gallons each; Harms Oil (\$1.5197 #1 and \$1.4197 #2); Cole's Petroleum (\$1.5875 #1 and \$1.4295 #2); Stern Oil (\$1.6397 #1 and \$1.4279 #2); CHS, Inc., Howes Oil, Midwest Oil, Midway Service (Vollan), Olson Oil, all no bid. Bid awarded to: Harms Oil.
7. Report of Requests for Quotes for Fuel dated: November 16, 2016; #1 and #2 Dyed Diesel Fuel; 3,750 gallons of each; Stern Oil (\$1.5804 #1 and \$1.4548 #2); Harms Oil (\$2.1092 #1 and \$2.0092 #2); CHS, Inc., Cole's Petroleum, Howes Oil, Midwest Oil, Midway Service (Vollan) and Olson Oil, all no bid. Bid awarded to: Stern Oil.
8. Report of Requests for Quotes for Fuel dated: November 17, 2016; Unleaded Ethanol & #1 Dyed Diesel; 6,500 gallons Unleaded/1,500 Gallons #1 Diesel; Harms Oil (\$1.5517 Unleaded/\$1.5932 #1 Diesel); Stern Oil (\$1.5859 Unleaded/\$1.6029 #1 Diesel); Cole's Petroleum, CHS, Inc. Howes Oil, Midway Service, and Olson Oil, all no bid. Bid awarded to: Harms Oil.
9. Reports of Requests for Fuel dated: November 22, 2016; #1 and #2 Dyed Diesel Fuel; 3,750 Gallons of each (7,500 gallons total); Cole's Petroleum (\$1.6185 #1 and \$1.5168 #2); Harms Oil (\$1.6587 #1 and \$1.5587 #2); CHS, Inc. (\$1.7100 #1 and \$1.5550 #2); Stern Oil (\$1.6773 #1 and \$1.6773 #2); Howes Oil, Midwest Oil, Midway Service (Vollan), and Olson Oil, all no bid. Bid awarded to: Cole's Petroleum.
10. Report of Requests for Quotes for Fuel dated: November 23, 2016; Unleaded Ethanol and #1 Dyed Diesel; 6,000 gallons Unleaded/2,000 gallons #1 Diesel; Midway Service (\$1.6513 Unleaded/\$1.6219 #1 Diesel); Stern Oil (\$1.6723 Unleaded/\$1.6429 #1 Diesel); Harms Oil (\$1.7067 Unleaded/\$1.6732 #1 Diesel); Cole's Petroleum (\$1.8270 Unleaded/\$1.6540 #1 Diesel); CHS, Inc., Howes Oil, Olson Oil, all no bid. Bid awarded to: Midway Service.

11. Reports for Requests for Quotes for Fuel dated: November 23, 2016; 50/50 Blend of Clear Diesel; 7,500 gallons; Harms Oil (\$1.9497 per #1 Clear Diesel gallon/\$1.8647 Gallon); CHS, Inc., Howe's Oil, Midwest Oil, all no bid.
12. Report of Requests for Quotes for Fuel dated: November 28, 2016; Unleaded Ethanol; 684 gallons; Midway Service (\$1.9175); Stern Oil (\$1.9669); Cole's Petroleum (\$1.9800); Howes Oil, no bid. Bid awarded to: Midway Service.
13. Report of Requests for Quotes for Fuel dated: November 28, 2016; Clear Diesel #1; 494 Gallons; Midway Service (\$1.9285); Stern Oil (\$1.9525); Cole's Petroleum (\$2.0100); Howes Oil, no bid. Bid awarded to: Midway Service.
14. Report of Requests for Quotes for Fuel dated: November 28, 2016; Clear Diesel #2; 494 gallons; Midway Service (\$1.8405); Stern Oil (\$1.8844); Cole's Petroleum (\$1.9000); Howes Oil, no bid. Bid awarded to: Midway Service.
15. Report of Requests for Quotes for Fuel dated: November 30, 2016; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Stern Oil (\$1.6517); CHS, Inc., Cole's Petroleum, Harms Oil, Howes Oil, Midway Service, Olson Oil, all no bid. Bid awarded to: Stern Oil.
16. Report of Requests for Quotes for Fuel dated: November 30, 2016; #1 Dyed Diesel Fuel; 7,500 gallons; Stern Oil (\$1.5904); CHS, Inc., Cole's Petroleum, Harms Oil, Howes Oil, Midwest Oil, Midway Service (Vollan), Olson Oil, all no bid. Bid awarded to: Stern Oil.

#### APPLICATIONS

17. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s to be operated at The Old Courthouse Museum, 200 West 6th Street, for a holiday party on December 16, 2106.
18. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for special events on January 7 and 10, 2017.
19. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2017 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit D.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 20, 2016, at 7 p.m. for Items 20

through 24:

20. New 2017 Retail Wine License for GL Management LLC, Great Life at Suburban Lanes, 2621 South Spring Avenue (CUP not required).
21. New 2016-17 Retail Malt Beverage License for Kurt Zandt, Hibir Ethiopia, 3101 West 41st Street, Suite 105 (CUP not required).
22. New 2017 Retail Wine License for Kurt Zandt, Hibir Ethiopia, 3101 West 41st Street, Suite 105 (CUP not required).
23. Transfer of 2016 Retail Liquor License, with Sunday sales certificate and video lottery terminals, from Loyal Order of the Moose, Moose Lodge, 1926 Burnside Street, to Loyal Order of the Moose, Moose Lodge, 5013 North Cliff Avenue (CUP not required).
24. Renewal of 2017 Retail Liquor License for Loyal Order of the Moose, Moose Lodge, 5013 North Cliff Avenue.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

25. Transfer of 2016 Retail Wine License from Fuji Sushi & Hibachi LLC, Fuji Sushi & Hibachi, 2801 West 41st Street, to Fuji Sushi Hibachi of Sioux Falls Inc., Fuji Sushi Hibachi of Sioux Falls Inc., 2801 West 41st Street (CUP not required).
26. Transfer of 2016-17 Retail Malt Beverage License from Fuji Sushi & Hibachi LLC, Fuji Sushi & Hibachi, 2801 West 41st Street, to Fuji Sushi Hibachi of Sioux Falls Inc., Fuji Sushi Hibachi of Sioux Falls Inc., 2801 West 41st Street (CUP not required).
27. Transfer of 2016-17 Package Malt Beverage/South Dakota Farm Winery License from Gas Barrel LLC, Gas Barrel, 2500 West Madison Street, to Quick n EZ LLC, Quick n EZ LLC, 2500 West Madison Street (CUP not required).
28. New 2016-17 Retail Malt Beverage License for Sioux Falls My Place LLC, Sioux Falls My Place LLC, 3005 South Carolyn Avenue (CUP not required).
29. New 2017 Retail Wine License for Sioux Falls My Place LLC, Sioux Falls My Place LLC, 3005 South Carolyn Avenue (CUP not required).

30. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s to be operated at Poet, 4615 North Lewis Avenue, for an employee social on December 7, 2016.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

31. Deferred from the City Council Meeting on November 1, 2016: 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1200 E. 3RD ST. FROM THE S-1 GENERAL INSTITUTIONAL DISTRICT TO THE C-3 COMMERCIAL COMMUNITY DISTRICT, PETITION NO. 5397-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends denial (4-3).
32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 92: HEALTH AND SANITATION BY ADDING A SUBCHAPTER ENTITLED TOBACCO FREE POLICY FOR ALL CITY PROPERTY.
33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3009 S. MARION RD. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 5807-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).
34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 909 N. KIWANIS AVE. FROM THE RD-1 TWIN HOME/DUPLEX RESIDENTIAL SUBURBAN DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 5818-2016, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval (7-0).

Set a date of hearing and 2nd Reading for Tuesday, December 20, 2016, 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 AMENDING CHAPTER 124: TRANSPORTATION SERVICES, SUBCHAPTER GENERAL PROVISIONS, SECTION 124.012, TRANSIT AND PARATRANSIT FARES TO PROVIDE YOUTH AN OPPORTUNITY TO RIDE FIXED ROUTE BUS SERVICE AT NO CHARGE EACH SUMMER.

Set a date of hearing and 2nd Reading for Tuesday, January 10, 2016, at 7 p.m. for Item 36:

36. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 95: PARKS AND RECREATION, SUBCHAPTER PARK AND RECREATION BOARD, TO REQUIRE AUDIO OR VIDEO RECORDING OF PARKS AND RECREATION BOARD MEETINGS AND REQUIRING 48 HOURS PRIOR TO OFFICIAL ACTION.

#### HEARINGS AND RESOLUTIONS

37. A RESOLUTION APPROVING THE 2016 SIOUX FALLS TRANSIT DEVELOPMENT PLAN.
38. A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.

(Downtown Center Urban Renewal Subdivision.)

39. A RESOLUTION OF INTENT TO ENTER INTO A LEASE OF MUNICIPAL REAL PROPERTY.  
(Various Properties.)
40. A RESOLUTION OF INTENT TO EXTEND THE BOUNDARIES OF THE CITY OF SIOUX FALLS.
41. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 103-16. ANNEXATION 4841-2016 Burkey Tract 12 (S. KLEIN AVE. AND W. 48TH ST.)
42. A RESOLUTION ESTABLISHING A PAY-FOR-PERFORMANCE PROGRAM FOR THE CITY COUNCIL-APPOINTED POSITIONS OF BUDGET ANALYST, CITY CLERK, INTERNAL AUDITOR, INTERNAL AUDIT MANAGER, AND THE CITY COUNCIL OPERATIONS MANAGER.
43. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 814 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.
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 DECEMBER 1, 2016, 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, COMMITTEE MEETINGS, AND CITY COUNCIL MEETINGS ON FRIDAYS AND SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS ON FIRST FRIDAY AND SUNDAY AFTER LIVE MEETING. GO TO CITYLINK AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG) FOR SPECIFIC PROGRAMMING TIMES.