

City of Sioux Falls Council Meeting
Agenda
Carnegie Town Hall, 235 West 10th Street
REGULAR MEETING OF Tuesday, December 4, 2012 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 Rolfing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

● Dr. Ron Tottingham, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, November 20, 2012, at 4:00 p.m.

● City Council Meeting of Tuesday, November 20, 2012, at 7:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the November 29, 2012 memo.
Sponsor: Mayor/Finance
2. Notice of change orders on the November 29, 2012 memo.

Sponsor: Mayor/Finance

3. A memorandum dated November 28, 2012, declaring surplus capital items that will be disposed of as junk.
Sponsor: Mayor/Finance
4. A communication was received from Johnstone Supply, stating their intent to sell raffle tickets from December 19, 2012, to January 31, 2013, for an ATV (valued at \$8,000.00); a shotgun (valued at \$400.00); and a grill (valued at \$300.00). Tickets will be sold for \$10.00 each. The proceeds will be used for Operation Homefront, a nonprofit organization that provides emergency, financial and other assistance to the families of our service members and wounded warriors.
Sponsor: SDCL 22-25-25
5. A communication was received from Philanthropy Promotions, Inc. stating their intent to sell raffle tickets from December 19, 2012, to July 13, 2013, for a 2013 Harley-Davidson Super Glide Custom (valued at approximately \$16,999.00). Tickets will be sold for \$25.00 each or five for \$100.00. The proceeds will be used as a donation to Make-A-Wish South Dakota.
Sponsor: SDCL 22-25-25
6. A communication was received from Kristin Laberis requesting permission to consume, but not sell wine at the Center for Health and Well-Being, 1301 W. 18th Street, on December 6 and December 20, 2012, from 5:30 p.m. to 7:30 p.m. for the purpose of classes teaching holiday meal ideas and international cooking.
Sponsor: SDCL 35-1-5.3
7. A communication was received from the Sioux Falls Design Center requesting permission to consume, but not sell, wine and malt beverages at the Sioux Falls Design Center, 108 W. 11th Street on December 7, 2012, from 6:30 p.m. to 9:00 p.m. for Pecha Kucha Night.
Sponsor: SDCL 35-1-5.3
8. A communication was received from the Avera McKennan Hospital & University Health Center requesting permission to consume, but not sell, wine and malt beverages for Avera Medical Group Comprehensive Breast Care on December 13, 2012, from 5:00 p.m. to 7:30 p.m. for the purpose of a ribbon cutting.
Sponsor: SDCL 35-1-5.3
9. A communication was received from the Van Buskirk Companies requesting permission to consume, but not sell, liquor, wine, and beer at the Overlook Cafe, 825 N. Weber Ave., on January 18, 2013, from 6:00 p.m. to 12:00 a.m. for the purpose of an annual company celebration.
Sponsor: SDCL 35-1-5.3
10. A communication was received from Peggy L. Anderson requesting permission to consume, but not sell, wine and beer at the Old Courthouse Museum, 200 W. Sixth Street, on December 30, 2013, from 6:00 p.m. to 11:00 p.m. for the purpose of a wedding.
Sponsor: SDCL 35-1-5.3

11. Report of Requests for Quotes for Fuel dated: November 14, 2012; Unleaded; 500 gallons; Howes Oil (\$1,497.00); Midway Service (\$1,483.25); Palisades Oil, no bid. Bid awarded to Midway Service.
Sponsor: Mayor/Fire Rescue
12. Report of Requests for Quotes for Fuel dated: November 14, 2012; Diesel (#1 and #2 blend); 1,050 gallons; Howes Oil (\$3,698.10); Midway Service (\$3,670.28); Palisades Oil, no bid. Bid awarded to Midway Service.
Sponsor: Mayor/Fire Rescue
13. Report of Requests for Quotes for Fuel dated: November 21, 2012; Unleaded ethanol; 8,500 gallons; CHS, Inc. (\$2.9200); Harms Oil, Howes Oil and Olson Oil, all no bids. Bid awarded to CHS Inc.
Sponsor: Mayor/Fire Rescue
14. Report of Requests for Quotes for Fuel dated: November 21, 2012; 50/50 Dyed Diesel; 1,000 gallons; Midway Service (\$3.4800); Howes Oil (\$3.5690); Midwest Oil (\$3.5590). Bid awarded to Midway Service.
Sponsor: Mayor/Public Works
15. Report of Request for Quotes for Fuel dated: November 27, 2012; #2 Clear Diesel; 7,500 gallons; CHS, Inc. (\$3.458); Harms Oil (\$3.4395); Howes Oil and Midwest Oil, both no bids. Bid awarded to Harms Oil.
Sponsor: Mayor/Planning and Building Services
16. Report of Request for Quotes for Fuel dated: November 27, 2012; #1 & #2 Dyed Diesel Fuel; 3,750 gallons #1 and 3,750 gallons #2; Harms Oil (#1=\$3.4340 / #2=\$3.2190); Howes Oil (#1=\$3.4540 / #2=\$3.2405); CHS, Inc. (#1=\$3.4910 / #2=\$3.2430); Midwest Oil and Olson Oil, both no bids. Bid awarded to Harms Oil.
Sponsor: Mayor/Public Works

APPLICATIONS

17. Special One-Day Liquor License for Washington Pavilion Management, Inc., Washington Pavilion of Arts & Science to be operated at 301 South Main Avenue for an Avera McKennan Medical/Dental event on January 8, 2013.
Sponsor: Mayor/City Attorney
18. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2013 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.
Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, December 18, 2012, at 7:00 p.m. for Items 19 through 22:

19. New 2013 Retail Wine License for Waterhole 2400 LLC, The Garage, to be operated at 2400 West Madison Street (CUP not required; this is an addition to an existing license which predates the ordinance).
Sponsor: Mayor/City Attorney

20. New 2013 Retail Wine License for Ovations Food Services, LP, Ovations Food Services at the Orpheum Theater to be operated at 315 North Phillips Avenue (CUP not required; this is an addition to an existing license which predates the ordinance).
Sponsor: Mayor/City Attorney

21. Transfer of a 2012-2013 Retail Malt Beverage License from SMG, Orpheum Theater Center, 315 North Phillips Avenue to Ovations Food Services, LP, Ovations Food Services at the Orpheum Theater, 315 North Phillips Avenue (CUP not required; this is a change to an existing license which predates the ordinance).
Sponsor: Mayor/City Attorney

22. Rescind Retail Malt Beverage License for SMG, Sioux Falls Arena, 1201 North West Avenue, effective December 31, 2012.
Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

23. CONDITIONAL USE PERMIT APPEAL (2012-10-07): 1901 S. Minnesota Avenue, E88 Lots 1-3 and all Lots 4 & 5, Block 16, University Addition, Minnehaha County. The conditional use permit was to approve motor vehicle display and sales on the subject property as an accessory use. (Approved at the November 7, 2012, Planning Commission Meeting with a vote of 5-Yes, 0-No).
Sponsor: Mayor/Planning and Building Services

UNFINISHED BUSINESS

24. Deferred (from the City Council Meetings of November 6 and 13, 2012): Joint elections - agreement to share expenses.
Sponsor: City Council

25. Deferred Action (from the meeting of November 20, 2012): 2013 Retail Liquor License Renewal for 50/50 Holdings Inc., Deuces 9 Casino to be operated at 2601 S Carolyn Avenue.
Sponsor: Mayor/City Attorney

26. New 2013 Package Liquor License for Peter Wol, Gas Deals & Foods, to be operated at 1329 North Main Avenue.
Sponsor: Mayor/City Attorney
27. New 2013 Retail Wine License for Boys & Girls Club of the Sioux Empire, Burnside Game Place to be operated at 1605 West Burnside Street with the Conditional Use Permit (2002-03-03) being approved on June 10, 2002.
Sponsor: Mayor/City Attorney
28. Transfer of the 2012-13 Retail Malt Beverage License from Francisco Resendiz, Tacos Lupe #3, 802 East Tenth Street, to Maria Crespin, Los Paisanos, 802 East Tenth Street (full service restaurant, CUP not required).
Sponsor: Mayor/City Attorney
29. Transfer of the 2012-13 Retail Malt Beverage License from Best Batter Inc., The Keg, 5301 West 57th Street to Golf Addiction LLC, Golf Addiction, 5301 West 57th Street, including video lottery terminals (full service restaurant, CUP not required).
Sponsor: Mayor/City Attorney
30. Transfer of the 2012 Retail Wine License from Best Batter Inc., The Keg, 5301 West 57th Street to Golf Addiction LLC, Golf Addiction, 5301 West 57th Street (full service restaurant, CUP not required).
Sponsor: Mayor/City Attorney

INTRODUCTION AND ADOPTION OF ORDINANCES

31. DEFERRED ACTION (from meeting of 11/20/12) 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 1, GENERAL PROVISIONS AND CHAPTER 27, PARKS AND RECREATION, OF THE REVISED ORDINANCES OF THE CITY BY REMOVING SPECIFIC PENALTY, RESTRICTING USE OF REMOTE CONTROL AIRCRAFT, AMENDING EXCEPTIONS TO PARK HOURS, AND REMOVING REFERENCES TO BOARD.
Sponsor: Mayor/Parks and Recreation
32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2012-10-10 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT NORTHEAST CORNER OF W. BENSON RD. AND S. WESTPORT AVE. AMENDING THE SANFORD SPORTS COMPLEX PLANNED DEVELOPMENT DISTRICT. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD REZONING PROPERTY AT 2201 W. 95TH ST. FROM THE RC, RECREATION/CONSERVATION DISTRICT TO THE S, INSTITUTIONAL DISTRICT, PETITION NO. 2012-10-06 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY PERMITTING CLUBHOUSES. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING APPENDIX A SUBDIVISION

ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REVISING, AMENDING, RESTATING, CODIFYING, AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF SIOUX FALLS, SOUTH DAKOTA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING FOR THE MANNER OF AMENDING THE CODE.
Sponsor: City Council/Attorney

37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS TO FUND RETRO PAY WAGES AND HEALTH INSURANCE PREMIUMS FOR TRANSIT.
Sponsor: Mayor/Finance

38. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY TO FURTHER DEFINE WHEN AN ANIMAL CAN BE DECLARED VICIOUS AND TO PROVIDE CERTAIN REQUIREMENTS AFTER AN ANIMAL BITE INCIDENT.
Sponsor: Mayor/Police

Set a date of hearing and 2nd Reading for Tuesday, December 18, 2012, at 5:30 p.m. at the Joint City Council/Lincoln County Commission Meeting for Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY AT THE SE1/4 OF SECTION 8, TOWNSHIP 100, RANGE 49, LINCOLN COUNTY, FROM THE AG, AGRICULTURAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT.
Sponsor: Mayor/Planning and Building Services

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)

40. REPORT OF THE NOVEMBER 27, 2012, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.
Sponsor: Mayor/Finance

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.

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 MEETINGSAT 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.