

|| City of Sioux Falls Council Meeting
|| Agenda
|| Carnegie Town Hall, 235 West 10th Street
|| REGULAR MEETING OF Tuesday, March 5, 2013 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

● Chaplain John Mooney, Sioux Falls Veterans Administration and Air
National Guard

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

● Spread The Word To End The Word Day, March 6, 2013

● Sioux Empire Water Festival Days, March 12 and 13, 2013

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

● Informational Meeting of Tuesday, February 19, 2013, at 4:00 p.m.

● City Council Meeting of Tuesday, February 19, 2013, at 7:00 p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on the February 28, 2013 memo.
Sponsor: Mayor/Finance
2. Notice of change orders on the February 28, 2013 memo.
Sponsor: Mayor/Finance
3. Report of Requests for Quotes for Fuel dated: February 15, 2013; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.3905); Harms Oil (\$3.3920); CHS, Inc. (\$3.4080); Olson Oil, no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works
4. Report of Requests for Quotes for Fuel dated: February 19, 2013; #1 and #2 Dyed Diesel Fuel; 3,000 Gallons #1 and 4,500 gallons #2; Harms Oil (#1 = \$3.5325/#2 = \$3.3925); Howes Oil (#1 = \$3.5515/#2 = \$3.4240); CHS, Inc., Midwest Oil and Olson Oil, all no bids. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
5. Report of Requests for Quotes for Fuel dated: February 20, 2013; #1 and #2 Dyed Diesel Fuel; 3,000 gallons #1 and 4,500 gallons #2; Howes Oil (#1 = \$3.5100/#2 = \$3.3600); Harms Oil (#1 = \$3.5086/#2 = \$3.3725); Midwest Oil (#1 = \$3.6030/#2 = \$3.4750); CHS, Inc. and Olson Oil, both no bid. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works
6. Report of Requests for Quotes for Fuel dated: February 22, 2013; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.3225); Harms Oil (\$3.3400); CHS, Inc. and Olson Oil, both no bids. Bid awarded to: Howes Oil.
Sponsor: Mayor/Public Works
7. Report of Requests for Quotes for Fuel dated: February 25, 2013; #1 and #2 Dyed Diesel Fuel; 6,000 gallons #1 and 9,000 gallons #2; Howes Oil (#1 = \$3.4570/#2 = \$3.3185); Harms Oil (#1 = \$3.4066/#2 = \$3.3507); CHS, Inc. (#1 = \$3.5000/#2 = \$3.3500); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.
Sponsor: Mayor/Public Works
8. A communication was received from the steering committee for the Roosevelt High School Senior Class Party stating their intent to sell raffle tickets from March 11, 2013, to April 26, 2013, for cash prizes of \$1,000.00 (minimum of one and a maximum of four). The tickets will be sold for \$10.00 each until 2,000 tickets are sold. The proceeds will be used to pay expenses for the all-night Roosevelt High School Senior Class Party on May 19, 2013.
Sponsor: SDCL 22-25-25
9. A communication was received from the YWCA Sioux Falls stating their intent to sell raffle tickets from April 1, 2013, to April 25, 2013, for prizes of an iPad (valued at \$400.00-\$600.00); and a Coach purse (valued at \$400.00-

\$600.00). Tickets will be sold for \$20.00 or less until 100 tickets are sold. The proceeds will be used for programs offered at the YWCA to women, children and families.
Sponsor: SDCL 22-25-25

10. A communication was received from Deep Bench, L.L.C. (d/b/a OTA) requesting permission to consume, but not sell, beer and wine at the Sioux Falls Design Center, 108 West 11th Street, on Thursday, March 14, 2013, from 5:00 p.m. to 9:00 p.m. for a reception.
Sponsor: SDCL 35-1-5.3

APPLICATIONS

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

11. Luella Mengenhause, Parcel 38570, 2013 E. 1st Street, Sioux Falls City, W 61' Lot 4, Block 1, Leader's Sunrise 2nd Addition to Sioux Falls City, for 2011 property taxes in the amount of \$800.81. The amount requested is the difference between the elderly freeze and the non-elderly freeze.
Sponsor: SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, March 19, 2013, at 7:00 p.m. on Items 12 through 18:

12. New 2013 Package Liquor License for Fareway Stores, Inc., Fareway Stores #136, to be operated at 1431 West 41st Street.
Sponsor: Mayor/City Attorney
13. Special One-Day Wine and Special One-Day Off-Sale Package Wine Dealer Licenses for Hy-Vee, Inc., Hy-Vee Food Store #5 to be operated at the Canterbury Village Clubhouse, 5500 East Eastbridge Place, for the Edith Sanford Breast Cancer Foundation Taste of Hope fundraiser on March 22, 2013.
Sponsor: Mayor/City Attorney
14. Special One-Day Wine License for Senior Citizens Services Inc., to be operated at Active Generations, 2300 West 46th Street, for a Cocktails and Canvas Art Class on March 26, 2013.
Sponsor: Mayor/City Attorney
15. Special One-Day Malt Beverage License for Avera McKennan Hospital to be operated at Avera McKennan Fitness Center, 3400 South Southeastern Avenue, for the 5K Joker Run on April 1, 2013.
Sponsor: Mayor/City Attorney

16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma Butterfly House and Marine Cove, to be operated at 4320 South Oxbow Avenue, for a fundraiser on April 19, 2013.
Sponsor: Mayor/City Attorney
17. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sertoma Butterfly House and Marine Cove, to be operated at 4320 South Oxbow Avenue, for a Siouxland Republican Women fundraiser on April 27, 2013.
Sponsor: Mayor/City Attorney
18. Special One-Day Liquor License for Philanthropy Promotions Inc., J&L Harley Davidson, to be operated at Falls Park West (park area north of the Sioux Falls Park and Recreation Office leading to Falls Park along Phillips Avenue) with a north boundary of Falls Park Drive, south boundary to 8th Street, east boundary is to the chain link fence on the east side of the park (the street will be closed on 6th Street from Dakota to Weber Avenues), and the west boundary of Dakota Avenue, for Hot Harley Nights, on July 13, 2013.
Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

19. New 2013 Package Liquor License for Luciano s North LTD, Luciano s North to be operated at 431 North Phillips Avenue (CUP not required; this is an addition to an existing license).
Sponsor: Mayor/City Attorney
20. Transfer of a 2013 Retail Wine License from B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street to Tokyo Sushi and Hibachi Steakhouse LLC, Tokyo Sushi and Hibachi Steakhouse, 3202 East 10th Street (full service restaurant; CUP not required).
Sponsor: Mayor/City Attorney
21. Transfer of a 2012-2013 Retail Malt Beverage License from B&S Japanese Steakhouse, LLC, Tokyo Sushi and Hibachi, 3202 East 10th Street to Tokyo Sushi and Hibachi Steakhouse LLC, Tokyo Sushi and Hibachi Steakhouse, 3202 East 10th Street (full service restaurant; CUP not required).
Sponsor: Mayor/City Attorney
22. Special One-Day Liquor License request for the Avera McKennan Foundation to be operated at the Avera Prairie Center, 1000 East 23rd Street, for The Big Grape fundraiser on April 12, 2013.
Sponsor: Mayor/City Attorney

23. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Area Community Foundation to be operated at CNA Surety, 101 South Reid Street, Suite 300, for a fundraiser on May 2, 2013.
Sponsor: Mayor/City Attorney

INTRODUCTION AND ADOPTION OF ORDINANCES

24. Deferred Action (from the City Council Meetings of November 6, 2012 and January 2, 2013). 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT N. CLIFF AVE. AND E. 1ST ST. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT; I-2, GENERAL INDUSTRIAL DISTRICT; AND THE RD, RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2012-09-14, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
Sponsor: Mayor/Planning and Building Services
25. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Parks/Recreation \$39,518.00)
Sponsor: Mayor/Finance

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 53 PUBLICLY OWNED TREATMENT WORKS SECTION 53.023 REGULATION OF USE OF PUBLIC SEWERS.
Sponsor: Mayor/Public Works/Engineering

27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-01-02, TO SECTION 160.446, PLANNED DEVELOPMENT DISTRICTS, AT E. 57TH ST. BETWEEN S. BAHNSON AVE. AND S. GRAYSTONE AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA B REGULATIONS AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Planning and Building Services

28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 157 OF THE SUBDIVISION ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, March 19, 2013, at 7:00 p.m., for Item 29:

29. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SIOUX FALLS, SD, BY ADOPTING THE SHAPE PLACES ZONING ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, March 19, 2013, at 7:00 p.m., for Item 30:

30. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES; SUBCHAPTER, STORM WATER DRAINAGE SYSTEM IMPROVEMENT COST RECOVERY. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, March 19, 2013, at 7:00 p.m., for Item 31:

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE

CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 51: UTILITY RATES AND CHARGES OF THE ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Tuesday, March 19, 2013, at 7:00 p.m., for Item 32:

32. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 96: STREETS AND SIDEWALKS OF THE ORDINANCE. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

HEARINGS AND RESOLUTIONS

33. A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON N. KIWANIS AVE., AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Sponsor: Mayor/Public Works

34. A RESOLUTION AMENDING THE 2013 2017 CAPITAL PROGRAM. (Parks and Recreation: \$39,518.00; Public Works-Water: \$240,000.00; and Public Works-Water Reclamation: \$11,000.00).

Sponsor: Mayor/Finance

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)

35. REPORT OF THE FEBRUARY 25, 2013, 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 MEETINGS AT 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.