

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, April 16, 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

&#9679; Pastor Blaze Johnson, Celebrate Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; National Public Safety Telecommunications Week, April 14-20, 2013

&#9679; National Library Week, April 14-20, 2013

&#9679; National Volunteer Week, April 21-27, 2013

&#9679; Volunteers of America, Dakotas Day, May 2, 2013

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, April 9, 2013, at 4:00 p.m.

&#9679; City Council Meeting of Tuesday, April 9, 2013, at 7:00 p.m.  
COMMUNICATIONS

1. Approval of Contracts/Agreements on April 12, 2013 memo.  
Sponsor: Mayor/Finance
  
2. Two communications were received from the Children's Home Society stating their intent to hold two raffles as indicated. Each of these raffles are for general operating income to support programs and services that CHS provides to over 2,000 children per year. Raffles: selling raffle tickets from May 28 - September 1, 2013, for \$100.00 each for the following prizes: 1st Prize is a Prius "C" vehicle (valued at \$20,000.00); 2nd Prize is a Gas Card/Gift Card (valued at \$500.00); and 3rd Prize is \$250.00 cash. The second raffle is for a raffle to be held on August 4, 2013 with the tickets selling for \$5.00 each or \$50.00 for 12. The prizes are: A side of beef (valued at \$600.00); a Weber grill (valued at \$600.00); or an electronics package (valued at \$575.00).  
Sponsor: SDCL 22-25-25
  
3. A communication was received from Family Connection requesting permission to consume, but not sell, wine and beer at The History Club, 758 S. Phillips Avenue, on June 27, 2013, 6:30 p.m. to 8:00 p.m. for hosting a "Family and Friends" event.  
Sponsor: SDCL 35-1-5.3
  
4. A communication was received from Mark and Lisa Johnson requesting permission to consume, but not sell, beer and wine at the Old Courthouse Museum, 200 W. 6th Street, on September 5, 2013, from 6:00 p.m. to 9:00 p.m. for a wedding rehearsal dinner.  
Sponsor: SDCL 35-1-5.3
  
5. Report of Requests for Quotes for Fuel dated: April 9, 2013; Diesel (#1 and #2 blend); 1,300 gallons; Howes Oil (44,467.13); Midway Service (44,499.96); Palisades Oil, No bid. Bid awarded to: Howes Oil  
Sponsor: Mayor/Fire Rescue
  
6. Report of Requests for Quotes for Fuel dated: April 9, 2013; Unleaded; 400 gallons; Howes Oil (\$1,242.00); Midway Service (\$1,256.20); Palisades Oil, no bid. Bid awarded to: Howes Oil.  
Sponsor: Mayor/Fire Rescue
  
7. Report of Request for Quotes for Fuel: April 9, 2013; 50/50 Dyed Diesel; 1,400 gallons; Midway Service (\$3.355); Howes Oil (\$3.569); and Midwest Oil (\$3.529). Bid awarded to: Midway Service.  
Sponsor: Mayor/Public Works

APPLICATIONS

The following abatements were 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:

8. Mt. Pleasant Cemetery, 2001 E. 12th Street, for 2012 property taxes in the amount of \$431.18. This property is exempt from the tax.  
Sponsor: SDCL 10-18-1

Items 9-10: The amount requested is the difference between the elderly freeze and the non-elderly freeze:

9. Joanne C. Kaskie, 2504 S. Western Avenue, for 2012 property taxes in the amount of \$499.74. Elderly Freeze.  
Sponsor: SDCL 10-18-1

10. Mardell L. Ferguson, 1811 E. 14th Street, for 2012 property taxes in the amount of \$829.27. Elderly Freeze.  
Sponsor: SDCL 10-18-1

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, May 7, 2013, at 7:00 p.m. for Items 11 through 17:

11. New 2013 Retail Wine License for Empire Casino Inc., Empire Casino, to be operated at 3908 West 41st Street (CUP not required; addition to existing license which predates the ordinance).  
Sponsor: Mayor/City Attorney
12. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #118 to be operated at 4600 West 41st Street.  
Sponsor: Mayor/City Attorney
13. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #120 to be operated at 3312 South Western Avenue.  
Sponsor: Mayor/City Attorney
14. New 2012-13 Retail Malt Beverage License for Addabella Restaurants LLC, Kaladi s Coffee Legend & Bistro to be operated at 1716 South Minnesota Avenue with the Conditional Use Permit (2013-03-18) being approved on April 3, 2013.  
Sponsor: Mayor/City Attorney
15. New 2013 Retail Wine License for Addabella Restaurants LLC, Kaladi s Coffee Legend & Bistro to be operated at 1716 South Minnesota Avenue with the Conditional Use Permit (2013-03-18) being approved on April 3, 2013.  
Sponsor: Mayor/City Attorney
16. New 2012-13 Retail Malt Beverage License for PPC Sioux Falls, Noodles & Company to be operated at 5005 South Louise Avenue (CUP not required; full service restaurant).  
Sponsor: Mayor/City Attorney

17. New 2013 Retail Wine License for PPC Sioux Falls, Noodles & Company to be operated at 5005 South Louise Avenue (CUP not required; full service restaurant).  
Sponsor: Mayor/City Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

18. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Almost Home Canine Rescue to be operated at the 8th and Railroad Parking Lot, 401 East 8th Street, for the 605 Summer Classic to be held on June 21-22, 2013.  
Sponsor: Mayor/City Attorney
19. Special One-Day Liquor License for South Dakota National Guard Enlisted Association to be operated at Farmer s Market at Falls Park, 309 East Falls Park Drive, for the 2013 Enlisted Association of the National Guard of the United States 42nd Annual Conference welcome event on August 18, 2013.  
Sponsor: Mayor/City Attorney
20. Special One-Day Liquor License for South Dakota National Guard Enlisted Association to be operated at J & L Harley Davidson, 2601 West 60th Street North, for the 2013 Enlisted Association of the National Guard of the United States 42nd Annual Conference Awards and Recognition Banquet on August 21, 2013.  
Sponsor: Mayor/City Attorney
21. Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at the following locations: 8th & Railroad Center lobby, 401 East 8th Street, Amanda s Imagery/Julie Prairie Photography, 311 South Phillips Avenue #201, Artisan House, 229 South Phillips Avenue, Bead Co., 319 South Phillips Avenue, Book Shop, 223 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue, Chelsea s Boutique, 321 South Phillips Avenue, Cookie Jar, 230 South Phillips Avenue, Exposure Sioux Falls, 333 South Phillips Avenue, Great Outdoor Store, 201 East 10th Street, Lillian s Shoppe, 311 South Phillips Avenue #101, NV Salon Studio, 106 West 11th Street, Rehfeld s Art & Framing, 210 South Phillips Avenue, Rug & Relic, 401 East 8th Street #112/114, Say Anything Jewelry, 524 North Main Avenue #104, Sticks and Steel, 401 East 8th Street #118, Young & Richards, 236 South Main Avenue, Zambroz, 209 South Phillips Avenue, for First Friday on May 3, 2013.  
Sponsor: Mayor/City Attorney
22. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated at 8th & Railroad Parking Lot,

401 East 8th Street, for Downtown Block Parties on the East Bank on June 7, July 5, and August 2, 2013.

Sponsor: Mayor/City Attorney

23. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls, Inc., to be operated on Phillips Avenue from 9th to 14th Streets; Main Avenue from 10th to 13th Streets, 13th Street from Main to 1st Avenue, 12th Street from Main to Phillips Avenues, 11th Street from Dakota to Mall Avenues, 10th Street from Main to Mall Avenues, Parking Ramp by Main & 12th, Surface lot behind Diner, and Plaza by 12th & Phillips for Hot Summer Nites on July 17, 2013.

Sponsor: Mayor/City Attorney

24. Special One-day Malt Beverage and Special One-Day Wine Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue for weddings on May 4 and September 14, 2013.

Sponsor: Mayor/City Attorney

25. Special One-Day Liquor Licenses for Hy-Vee Inc., All Occasions by Hy-Vee to be operated at The Point is to Serve Church, 506 North Kiwanis Avenue for weddings on May 25 and September 21, 2013.

Sponsor: Mayor/City Attorney

#### INTRODUCTION AND ADOPTION OF ORDINANCES

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTERS 50 AND 52 OF THE CODE OF ORDINANCES OF THE CITY REGARDING REGULATION OF NONESSENTIAL USES OF WATER.

Sponsor: Mayor/Public Works

Set a date of hearing and 2nd Reading for Tuesday, May 7, 2013, at 7:00 p.m. for Item 27:

27. 1st 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.

Sponsor: Mayor/Human Resources

Set a date of hearing and 2nd Reading for Tuesday, May 7, 2013, at 7:00 p.m. for Item 28:

28. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 41ST ST. AND S. FAITH AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE RD-2, RESIDENTIAL DISTRICT, PETITION NO. 2013-03-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

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

29. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 69TH ST. AND FUTURE S. BAHNSON AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2013-03-01, AND AMENDING

THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

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

30. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1521 E. 5TH ST. AND 511 N. HIGHLAND AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2013-03-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

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

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 600 S. MAIN AVE. FROM THE C-2, GENERAL COMMERCIAL, AND RA-1, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2013-03-14, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

#### HEARINGS AND RESOLUTIONS

32. DEFERRED (from the City Council Meeting of Tuesday, April 9, 2013): A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE OVERLOOK CAFÉ FOR THE MANAGEMENT OF THE OVERLOOK CAFÉ.

Sponsor: Mayor/Parks and Recreation

33. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF REJOICE LUTHERAN CHURCH ADDITION.

Sponsor: Mayor/Planning and Building Services

34. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2013-03-06 W. 41ST ST. BETWEEN S. KLEIN AVE. AND S. ELLIS RD.

Sponsor: Mayor/Planning and Building Services

35. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Sponsor: Mayor

#### 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](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 9:00 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.