

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, November 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 Rolwing

Council Member Kermit L. Staggers

Mayor Mike T. Huether

INVOCATION

&#9679; Pastor David Olson, Abiding Savior Free Lutheran Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; National Radiologic Technology Week, November 3-9, 2013

&#9679; Smoke-Free South Dakota Day, November 10, 2013

VISITOR RECOGNITION

&#9679; Cub Scout Pack 171, from Harrisburg, with Den Leader Angi Ceretto and  
Cubmaster Bobbie Gregoire

&#9679; Cub Scout Pack 225, from Sioux Falls, with Den Leader Josh Winter and  
Cubmaster Mike Bitz

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Tuesday, October 15, 2013, at 4:00 p.m.

&#9679; City Council Meeting of Tuesday, October 15, 2013, at 7:00 p.m.

COMMUNICATIONS

1. Approval of Contracts/Agreements on October 31, 2013 memo.  
Sponsor: Mayor/Finance
2. Notice of change orders on October 31, 2013 memo.  
Sponsor: Mayor/Finance
3. A memorandum dated October 25, 2013, declaring surplus a capital item that will be sold via an online auction.  
Sponsor: Mayor/Finance
4. Report of Requests for Quotes for Fuel dated: October 15, 2013; Unleaded Ethanol 89 Octane & E85; 13,500 gallons unleaded/3,000 gallons E85; Harms Oil (\$3.2600 unleaded/\$2.6400 E85); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Public Works
5. Report of Requests for Quotes for Fuel dated: October 21, 2013; #1 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$3.3637); Howes Oil, CHS, Inc., Olson Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Public Works
6. Report of Requests for Quotes for Fuel dated: October 23, 2013; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; Harms Oil (\$2.6611); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.  
Sponsor: Mayor/Public Works
7. Report of Requests for Quotes for Fuel dated: October 23, 2013; Unleaded; 760 gallons; Howes Oil (\$2,254.92); Midway Service (\$2,302.8); Palisades Oil, no bid. Bid Awarded to: Howes Oil.  
Sponsor: Mayor/Fire Rescue
8. Report of Requests for Quotes for Fuel dated: October 23, 2013; Diesel (#1 and #2 blend); 450 gallons; Howes Oil (\$1,506.94); Midway Service (\$1,530.00); Palisades Oil, no bid. Bid awarded to: Howes Oil.  
Sponsor: Mayor/Fire Rescue
9. Report of Requests for Quotes for Fuel dated: October 25, 2013; #1 Dyed

Diesel Fuel, 7,500 gallons; Harms Oil (\$3.1700); Howes Oil, CHS, Inc., Olson Oil, and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

10. Report of Requests for Quotes for Fuel dated: October 29, 2013; #1 and #2 Dyed Diesel Fuel (2,500 #1/5,000 #2); 7,500 gallons; Harms Oil (\$3.2567 for both #1 and #2); Howes Oil, CHS, Inc., Olson Oil and Midwest Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

11. Report of Requests for Quotes for Fuel dated: October 29, 2013; 50/50 Dyed Diesel; 1,000 Gallons; Midway Service (\$3.170); Howes Oil (\$3.439); Midwest Oil (\$3.439). Bid awarded to: Midway Service.

Sponsor: Mayor/Public Works

12. A communication was received from the Sioux Falls Design Center (SFDC) requesting permission to consume, but not sell, wine and malt beverages at the Sioux Falls Design Center, 108 W. 11th Street, on Thursday, November 21, 2013 from 5:00 p.m. to 12:00 a.m. for an annual membership party for South Dakota Interior Decorators.

Sponsor: SDCL 35-1-5.5

13. A communication was received from Kory Veenis and Jessica Van Dyk requesting permission to consume, but not sell, malt beverages and wine at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, November 23, 2013, from 5:00 p.m. to 11:00 p.m. for the purpose of celebrating their wedding.

Sponsor: SDCL 35-1-5.3

14. A communication was received from Brian Nelson and Kara Miller requesting permission to consume, but not sell, liquor, champagne and beer at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, December 7, 2013, from 5:00 p.m. to 12:00 a.m. for the purpose of celebrating their wedding.

Sponsor: SDCL 35-1-5.3

15. A communication was received from Kyle Mack and Carrie Hanger requesting permission to consume, but not sell, champagne and liquor at the Old Courthouse Museum, 200 W. 6th Street, on Saturday, January 4, 2014, from 3:00 p.m. to 7:00 p.m. for the purpose of a wedding reception.

Sponsor: SDCL 35-1-5.3

#### APPLICATIONS

16. Special One-Day Liquor License request for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for the Eide Bailly/Cutler & Donahoe Holiday Party on December 13, 2013.

Sponsor: Mayor/City Attorney

17. Various Retail Liquor, Package Liquor, and Retail Wine License renewals for 2014 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit A.

Sponsor: Mayor/City Attorney

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, November 12, 2013 at 7:00 p.m for Item 18:

18. A PROPOSED RESOLUTION AMENDING THE 2013-2017 CAPITAL PROGRAM.

Sponsor: Mayor/Public Works

Set a date of hearing for Tuesday, November 19, 2013 at 7:00 p.m for Items 19 through 30:

19. New 2014 Retail Liquor License, including Sunday Sales and video lottery terminals, for Paul Saxton, Bogtrotters Pub, Grub & Tap to be operated at 201 East 11th Street with the Conditional Use Permit (2012-11-15) being approved on January 9, 2013.

Sponsor: Mayor/City Attorney

20. Rescind 2013-14 Retail Malt Beverage License for Paul Saxton, Bogtrotters Pub, Grub & Tap to be operated 201 East 11th Street, effective January 1, 2014.

Sponsor: Mayor/City Attorney

21. New 2014 Package Liquor License for Dominique Fontenille, Liquid Warehouse to be operated at 230 South Phillips Avenue, Suite 100.

Sponsor: Mayor/City Attorney

22. Transfer of 2013 Retail Wine License from Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to Sarum Ouch, Phnom Penh Restaurant Asian Cuisine be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

23. Transfer of 2013-2014 Retail Malt Beverage License from Samnang Chheng & Sarum Ouch, Phnom Penh Restaurant to Sarum Ouch, Phnom Penh Restaurant Asian Cuisine to be operated at 1010 North Minnesota Avenue with the Special Use Permit (2005-03-06) being approved on May 13, 2005.

Sponsor: Mayor/City Attorney

24. Transfer of 2013 Retail Wine License from Jerry Vanloh, Jacky s Restaurant & Bakery to Everilda Vanloh, Jacky s Restaurant & Bakery to be operated at 702 East 8th Street with the Conditional Use Permit (2006-02-02) being approved on April 5, 2006.

Sponsor: Mayor/City Attorney

25. Transfer of 2013-2014 Retail Malt Beverage License from Jerry Vanloh, Jacky s Restaurant & Bakery to Everilda Vanloh, Jacky s Restaurant & Bakery to be operated at 702 East 8th Street with the Conditional Use Permit (2006-02-02) being approved on April 5, 2006.

Sponsor: Mayor/City Attorney

26. Renewal of 2014 Retail Wine License for Everilda Vanloh, Jacky s Restaurant & Bakery to be operated at 702 East 8th Street.  
Sponsor: Mayor/City Attorney
27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s, to be operated at Nordic Venture Partners, 221 South Phillips Avenue, Suite 202 for a Holiday Party Open House on December 5, 2013.  
Sponsor: Mayor/City Attorney
28. 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 a Holiday Party on December 7, 2013.  
Sponsor: Mayor/City Attorney
29. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Avera Behavioral Health, 4400 West 69th Street for the Hearts in Healing fundraiser on February 1, 2014.  
Sponsor: Mayor/City Attorney
30. Special One-Day Liquor License for Avera McKennan Foundation to be operated at Avera Prairie Center, 1000 East 23rd Street for The Big Grape fundraiser on April 11, 2014.  
Sponsor: Mayor/City Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

31. New 2013-14 Retail Malt Beverage License for Hy-Vee, Inc., Hy-Vee Food Store #2, 4101 South Louise Avenue with Conditional Use Permit (2008-05-03) being approved on June 4, 2008.  
Sponsor: Mayor/Attorney
32. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Feisty Fighters to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for Sparkle & Shine on November 19, 2013.  
Sponsor: Mayor/Attorney

#### INTRODUCTION AND ADOPTION OF ORDINANCES

33. (Deferred action from the City Council Meeting of October 1, 2013) 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-07-07 TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS,

AT NORTHWEST CORNER OF W. 85TH STREET AND S. WESTERN AVE. AMENDING THE THREE FOUNTAINS PLAZA PLANNED DEVELOPMENT DISTRICT REGULATIONS AND SUBAREA MAP. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services

34. (Deferred action from the City Council Meeting of October 1, 2013) 2nd Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. DIKE DR. AND N. QUARRY AVE. FROM THE GRANITE VALLEY PLANNED DEVELOPMENT DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2013-08-15 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
35. 2nd Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NORTHEAST CORNER OF W. 60TH ST. N. AND N. MARION RD. FROM THE C-4, PLANNED COMMERCIAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2013-09-01, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF E. TENTH ST. AND EAST OF N. SIX MILE RD. FROM THE O, OFFICE DISTRICT AND THE RS-2, RESIDENTIAL DISTRICT TO THE RC, RECREATION/ CONSERVATION DISTRICT, PETITION NO. 2013-09-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
37. 2nd Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF W. 41ST ST. AND WEST OF S. ELLIS RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2013-09-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
38. 2nd Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY ONE-HALF MILE WEST OF N. MARION RD. ON W. MAPLE ST. FROM THE RS-1, RESIDENTIAL DISTRICT TO THE S, INSTITUTIONAL DISTRICT; RS-2, RESIDENTIAL DISTRICT; AND RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2013-09-15, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
39. 2nd Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-09-04, TO CHAPTER 160.446, PLANNED DEVELOPMENT DISTRICTS, AT NORTHWEST CORNER OF W. 69TH ST. AND S. WESTERN AVE. AMENDING THE ROLLING HEIGHTS PLANNED DEVELOPMENT DISTRICT REGULATIONS. Planning Commission recommends approval.  
Sponsor: Mayor/Planning and Building Services
40. 2nd Reading:AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2013-09-07, TO SECTION 160.446, PLANNED DEVELOPMENT DISTRICTS, AT THE SOUTHWEST CORNER OF E. 57TH ST. AND S. SYCAMORE AVE. ALLOWING

CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA A BOUNDARIES, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

41. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING CHAPTER 77, SUBCHAPTER PARKING TICKET APPEALS.

Sponsor: Mayor/Public Parking

Set a date of hearing and 2nd Reading for Tuesday, November 12, 2013, at 7:00 p.m. for Item 42:

42. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE EXCHANGE OF REAL PROPERTY.

Sponsor: Mayor/Public Works

Set a date of hearing and 2nd Reading for Tuesday, December 17, 2013, at 7:00 p.m. for Item 43:

43. (Deferred Action from the City Council Meeting of 09/17/13) - 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 223 N. FRANKLIN AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2013-08-02 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

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

Sponsor: Mayor

45. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 519 OF THE AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES.

Sponsor: Mayor/Human Resources

46. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL #814 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.

Sponsor: Mayor/Human Resources

47. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND POLICE OFFICERS AND SERGEANTS SIOUX FALLS FRATERNAL ORDER OF POLICE LODGE NO. 1 L.C.

Sponsor: Mayor/Human Resources

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)

48. REPORT OF THE OCTOBER 29, 2013, NOTICE OF TRANSFER OF APPROPRIATIONS WITH 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](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.