

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Tuesday, September 2, 2014 at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Mayor Mike T. Huether

INVOCATION

&#9679; Pastor Wade Mobley, Living Word Free Lutheran Church

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; City Council Meeting of Tuesday, August 19, 2014, at 7:00 p.m.

&#9679; Informational Meeting of Tuesday, August 26, 2014, at 4:00 p.m.

&#9679; Joint City Council/Minnehaha County Commission Meeting of Tuesday,  
August 26, 2014, at 5:00 p.m.

COMMUNICATIONS

1. Approval of contracts/agreements on the August 28, 2014 memo.

2. Approval of notice of change orders on the August 28, 2014 memo.
3. Report of Requests for Quotes for Fuel dated: August 18, 2014; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$2.9895); Harms Oil (\$3.0025); CHS, Inc. (\$3.0431); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Howes Oil.
4. Report of Requests for Quotes for Fuel dated: August 21, 2014; Diesel (#1 and #2 blend); 1,146 gallons; Howes Oil (\$4,011.28); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.
5. Report of Requests for Quotes for Fuel dated: August 21, 2014; Unleaded; 770 gallons; Howes Oil (\$2,537.15); Palisades Oil and Midway Service, both no bid. Bid awarded to: Howes Oil.
6. Report of Requests for Quotes for Fuel dated: August 21, 2014; E-10 Unleaded Ethanol/87 Octane; 8,500 gallons; CHS, Inc. (\$2.9023); Harms Oil, Howes Oil and Olson Oil, all no bid. Bid awarded to: CHS, Inc.
7. Report of Requests for Quotes for Fuel dated: August 25, 2014; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$2.9965); CHS, Inc., Howes Oil, Midwest Oil, and Olson Oil, all no bid. Bid awarded to: Harms Oil.

#### APPLICATIONS

8. Special One-day Malt Beverage and Special One-day Wine Licenses for Thurston Inc., Botski s to be operated at the Coliseum, 515 North Main Avenue, for a wedding on November 8, 2014.

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:

9. Diann M. Burwell, 1623 S. Campbell Trl., for 2013 property taxes in the amount of \$585.20. The system listed \$100 as owner-occupied, when it should have been 100% owner-occupied.

#### NOTICE OF HEARINGS

Set a date of hearing for Tuesday, September 16, 2014, at 7:00 p.m. on Items 10 through 20:

10. Transfer of 2014 Retail Liquor License, including Sunday sales certificate and video lottery terminals, from SRS Inc., Wild Willies, 4200 North Cliff Avenue, to SRS Inc., Sandbar, to be operated at Lot 2A, Block 1 Lake Lorraine addition (general location 2200-2400 South Marion Road) with Conditional Use Permit (2014-03-11) being approved on April 2, 2014.
11. New 2014-15 Retail Malt Beverage License, including video lottery terminals, for The BarCode Bar & Grill LLC, The BarCode Bar & Grill to be operated at 4200 North Cliff Avenue (CUP not required).

12. New 2014 Retail Wine License, including video lottery terminals, for The BarCode Bar & Grill LLC, The BarCode Bar & Grill to be operated at 4200 North Cliff Avenue (CUP not required).
13. New 2014-15 Retail Malt Beverage License for Pappy s The Original Inc., Pappy s The Original to be operated at 101 South Phillips Avenue, Suite 101 (CUP not required).
14. New 2014 Retail Wine License for Pappy s The Original Inc., Pappy s The Original to be operated at 101 South Phillips Avenue, Suite 101 (CUP not required).
15. Special One-Day Liquor License for Sertoma Butterfly House and Marine Cove, 4320 South Oxbow Avenue for a fundraiser on September 23, 2014.
16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Banquet to be operated at Cliff Avenue Greenhouse & Garden Center, 2101 East 26th Street for a Supply Our Students fundraiser on September 25, 2014.
17. 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, Bead Co., 319 South Phillips Avenue, CH Patisserie, 309 South Phillips Avenue, Chelsea s Boutique, 321 South Phillips Avenue, Cliff Hangers Gallery, 126 South Phillips Avenue, Great Outdoor Store, 201 East Tenth Street, Lillian s, 311 South Phillips Avenue, Rehfeld s Art & Framing, 210 South Phillips Avenue, Simply Perfect, 401 East 8th Street #108, Sticks and Steel, 401 East 8th Street Suite 118, Young & Richard s, 222 South Phillips Avenue, Zandbroz Variety, 209 South Phillips Avenue, Exposure Gallery & Studios, 401 North Phillips Avenue, Sun Flower Photography, 400 North Main Avenue, and Lot 2029, 333 South Phillips Avenue, for the First Friday Art & Wine Walk on October 3, 2014.
18. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Oglala Pet Project to be operated at the 8th & Railroad Center parking lot and back deck, 401 East 8th Street, for a fundraiser on October 4, 2014.
19. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering to be operated at Avera At Home, 5116 South Solberg Avenue, for a Board Member Tour on October 7, 2014.
20. 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 a fundraiser on November 18, 2014.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

21. New 2014-15 Retail Malt Beverage License, including video lottery terminals, for Kevin Severson, Jackpot Casino, 2401 West 12th Street (CUP not required).
22. New 2014-15 Malt Beverage License for Fierro LLC, Fiero Pizza, 212 South Phillips Avenue (CUP not required). Pending final inspections per Fire, Health and Building Services.
23. New 2014 Package Liquor License for Cubby s Inc., Cubby s West 12th Truck Stop, 4700 West 12th Street (CUP not required).
24. Transfer of 2014-15 Retail Malt Beverage License, including video lottery terminals, from OFS Benson Road, LLC, Pump N Pak, 3700 North Potsdam Avenue, Suite 300, to Harms Oil Company, Friendly Fuel Stop, 3700 North Potsdam Avenue, Suite 300.
25. Transfer of 2014-15 Package Malt Beverage License from OFS Benson Road, LLC, Pump N Pak, 3700 North Potsdam Avenue, Suite 100, to Harms Oil Company, Friendly Fuel Stop, 3700 North Potsdam Avenue, Suite 100.
26. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Canfield Business Interiors, 402 West 9th Street, for an open house on September 9, 2014.
27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique s Catering, to be operated at Avera Medical Group of Internal Medicine Women s Clinic, 116 West 69th Street, for a ribbon cutting on September 25, 2014.
28. Special One-Day Malt Beverage and Special One-Day Wine Licenses for KAK, Inc., K to be operated at First National Bank, 100 South Phillips Avenue, for a Tallgrass Recovery fundraiser on September 26, 2014.
29. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera McKennan Foundation to be operated at Perspective, 196 East 6th Street, for the Paint the Night Pink fundraiser on October 17, 2014.
30. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Senior Citizen Services, Inc., Active Generations, 2300 West 46th Street, for a barbeque and dance on October 24, 2014.

INTRODUCTION AND ADOPTION OF ORDINANCES

31. Deferred from the City Council Meetings of Tuesday, August 5, 2014 and Tuesday, August 19, 2014. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY EAST AND WEST OF N. MARLOW AVE. AND NORTH OF E. FAIRWAY DR. FROM THE AG AGRICULTURE DISTRICT TO THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT, PETITION NO. 2014-06-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
32. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY REVISING CHAPTER 32: CITY ORGANIZATIONS, AUDIT COMMITTEE, OPERATION TO CLARIFY THE APPOINTMENT OF THE AUDIT COMMITTEE CHAIR.
33. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS.
34. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4324 S. MINNESOTA AVE. FROM THE RS SINGLE-FAMILY RESIDENTIAL SUBURBAN DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 2014-07-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
35. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1709 AND 1715 S. CLEVELAND AVE. FROM THE RA-1 APARTMENT RESIDENTIAL LOW DENSITY DISTRICT TO THE O OFFICE DISTRICT, PETITION NO. 2014-07-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
36. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 111 W. 17TH ST. FROM THE RA-3 APARTMENT RESIDENTIAL HIGH DENSITY DISTRICT TO THE S-1 GENERAL INSTITUTIONAL DISTRICT, PETITION NO. 2014-07-08, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.
37. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT VARIOUS LOCATIONS AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning staff recommends approval.

Set a date of hearing and 2nd Reading for Tuesday, September 9, 2014, at 7:00 p.m. on Item 38:

38. 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, SUBSECTION (a) OF SECTION 95.029 ALCOHOLIC BEVERAGES TO INCLUDE TOWER PARK AND VAN EPS PARK AS ALCOHOL-FREE PARKS.

Set a date of hearing and 2nd Reading for Tuesday, September 9, 2014, at 7:00 p.m. on Item 39:

39. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (Washington Pavilion - \$25,000.00)

#### HEARINGS AND RESOLUTIONS

40. A RESOLUTION AMENDING THE 2014 2018 CAPITAL PROGRAM. (Public Works-Engineering, \$315,000.00; Entertainment Venues-Events Center, \$236,000.00; Police, \$80,000.00)

41. A RESOLUTION APPROVING THE SIOUX FALLS CONVENTION & VISITORS BUREAU

BUSINESS IMPROVEMENT DISTRICT S BUDGET.

42. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 82-14. (ANNEXATION 2014-05-21 10TH ST. AND SIX MILE RD.)
43. A RESOLUTION APPROVING ANGLE PARKING ON 2ND ST. (Between Phillips Ave. and Main Ave.)
44. A RESOLUTION APPROVING ANGLE PARKING ON 2ND ST. (Between Western Ave. and West Ave.)
45. A RESOLUTION APPROVING ANGLE PARKING ON INDIANA AVE. (Between 8th St. and 10 St.)
46. A RESOLUTION APPROVING THE CHANGE OF CONTROL OF THE OPEN VIDEO LICENSE, NO. 05-0013, HELD BY KNOLOGY OF THE PLAINS INC. D/B/A WIDE OPEN WEST FINANCE, LLC (WOW!) TO CLARITY TELECOM, LLC.

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)

47. REPORT OF THE AUGUST 28, 2014, 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.

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.