

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

REGULAR MEETING OF Tuesday, August 6, 2013, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Mayor Mike T. Huether

INVOCATION

Pastor Blaze Johnson, Celebrate Community Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Purple Heart Day, August 7, 2013

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RECOGNITION/AWARDS

Military Order of Purple Heart - Proud Supporter Award Presentation to

* Mayor Mike T. Huether

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Stagers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, July 16, 2013, at 4:00 p.m.

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City Council Meeting of Tuesday, July 16, 2013, at 7:00 p.m.

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Informational Meeting Minutes of Tuesday, July 23, 2013, at 4:00 p.m.

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Joint City Council/Minnehaha County Commission Meeting of Tuesday,
* July 23, 2013, at 5:00 p.m.

Special City Council Meeting of Thursday, July 25, 2013, at 1:30 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on August 1, 2013 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on August 1, 2013 memo.

Sponsor: Mayor/Finance

3. A memorandum dated July 18, 2013, declaring surplus capital items that will be disposed of as junk.

Sponsor: Mayor/Finance

4. A communication was received from Amanda Wilson and James Denevan requesting permission to consume, but not sell, beer and wine and/or malt beverages at the Old Courthouse Museum, 200 West Sixth Street on August 16, 2013, from 5:00 p.m. until 9:00 p.m. for a wedding rehearsal dinner.

Sponsor: SDCL 35-1-5.3

5. Report of Requests for Quotes for Fuel dated: July 16, 2013; Unleaded Ethanol & E85; 7,000 gallons unleaded/1,000 gallons E85 (8,000 total); Harms Oil (\$3.2002 unleaded/\$2.8457 E85); CHS, Inc. (\$3.2116 unleaded/\$2.9810 E85); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

6. Report of Requests for Quotes for Fuel dated: July 16, 2013; Diesel (#1 and #2 blend); 680 gallons; Howes Oil (\$2,324.92); Midway Service (\$2,353.89); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fire Rescue

7. Report of Requests for Quotes for Fuel dated: July 17, 2013; #2 dyed diesel fuel; 7,500 gallons; Harms Oil (\$3.1674); CHS, Inc. (\$3.1950); Howes Oil (\$3.2300); Midwest Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Planning and Building Services

8. Report of Requests for Quotes for Fuel dated: July 23, 2013; Unleaded Ethanol; 8,500 gallons; Harms Oil (\$3.1499); CHS, Inc. (\$3.1600); Howes Oil and Olson Oil, both no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Planning and Building Services

9. Report of Requests for Quotes for Fuel dated: July 23, 2013; #2 Dyed Diesel; 1,000 Gallons; Midway Service (\$3.2775); Howes Oil (\$3.319); Midwest Oil (\$3.389). Bid awarded to: Midway Service.

Sponsor: Mayor/Public Works

10. Report of Requests for Quotes for Fuel dated: July 24, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$3.1875); CHS, Inc. (\$3.1970); Howes Oil, Midwest Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

11. Report of Requests for Quotes for Fuel dated: July 24, 2013; Unleaded Ethanol; 8,500 gallons; CHS, Inc. (\$3.1770); Harms Oil (\$3.1862); Howes Oil and Olson Oil, both no bid. Bid awarded to: CHS, Inc.

Sponsor: Mayor/Public Works

12. Report of Requests for Quotes for Fuel dated: July 30, 2013; #2 Dyed Diesel Fuel; 7,500 gallons; Harms Oil (\$3.1387); CHS, Inc., Howes Oil, Midwest Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil.

Sponsor: Mayor/Public Works

13. Report of Requests for Quotes for Fuel dated: July 30, 2013; Unleaded Ethanol and E85; 6,000 gallons unleaded/2,000 gallons E85 (8,000 total); Harms Oil (\$3.1301 unleaded/\$2.4767 E85); CHS, Inc., Howes Oil and Olson Oil, all no bid. Bid awarded to: Harms Oil

Sponsor: Mayor/Public Works

NOTICE OF HEARINGS

Set a date of hearing for Tuesday, August 20, 2103 at 7:00 p.m. for Items 14 through 23:

14. New 2013 Retail Liquor License, including Sunday Sales and video lottery terminals, for Sports Zone Inc., The District, 4521 West Empire Place, with the Conditional Use Permit (2012-10-12) being approved on November 7, 2012.

Sponsor: Mayor/City Attorney

New 2013 Retail Wine License for Plum's Cooking Co., Plum's Cooking Company, 401

15. East 8th Street, Suite 107, with the Special Use Permit (2013-06-08) being approved on July 3, 2013.

Sponsor: Mayor/City Attorney

16. New 2013 Package Liquor License for I-90 Fuel Services Inc., The Gas Stop #115 to be operated at 6509 South Louise Avenue.

Sponsor: Mayor/City Attorney

- Transfer of 2013 Retail Liquor License, including Sunday Sales, from Empire Restaurants Inc., The Encore at Empire Place, 4200-4300 West Empire Place to River Greenway Hospitality LLC, Hilton Garden Inn Downtown, 201 East 8th Street, effective October 15, 2013 (full service restaurant; CUP not required).
- 17.

Sponsor: Mayor/City Attorney

- Transfer of 2013 Retail Wine License from Main and Main LLC, Springhill Suites, 4304 West Empire Place to Main and Main, LLC, Courtyard by Marriott, 4300 West Empire Place, effective October 15, 2013 (full service restaurant; CUP not required).
- 18.

Sponsor: Mayor/City Attorney

- Transfer of 2013-14 Retail Malt Beverage License from Main and Main LLC, Springhill Suites, 4304 West Empire Place to Main and Main, LLC, Courtyard by Marriott, 4300 West Empire Place, effective October 15, 2013 (full service restaurant; CUP not required).
- 19.

Sponsor: Mayor/City Attorney

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's, to be operated at Poet, 4615 North Lewis Avenue for an employee mixer on August 21, 2013.
- 20.

Sponsor: Mayor/City Attorney

- Special One-Day Malt Beverage and Special One-Day Wine Licenses for Kilian Community College to be operated at 300 East 6th Street for a Chamber Mixer on September 10, 2013.
- 21.

Sponsor: Mayor/City Attorney

- Special One-Day Malt Beverage License for the Home Builders Association of the Sioux Empire to be operated at 6904 South Lyncrest Place, for a Membership Meeting on September 19, 2013.
- 22.

Sponsor: Mayor/City Attorney

- 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 event on October 18, 2013.
- 23.

Sponsor: Mayor/City Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to approve the Regular Agenda.

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to amend the Regular Agenda by moving Item 29 after Item 32.

Vote to amend: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

Vote to approve, as amended: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Tim Stanga spoke regarding the budget process.

Robert Kolbe spoke regarding the economic impact (from a historical standpoint) of divorce in the State of South Dakota and in Sioux Falls.

UNFINISHED BUSINESS

24. New 2013 Package Liquor License for Costco Wholesale Corporation, Costco Wholesale #1159, to be operated at 3700 South Grange Avenue (CUP not required).

Sponsor: Mayor/City Attorney

25. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Commemorative Air Force Joe Foss Squadron to be operated at Maverick Air Center, 4201 North Maverick Place, for a Hangar Dance on August 12, 2013.

Sponsor: Mayor/City Attorney

26. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Downtown Sioux Falls Inc., to be operated within Phases 1 and 2 of Downtown Riverfront (from 6th Street to south of 8th Street) including Cherapa Place south parking lot for Downtown Riverfest on August 17, 2013.

Sponsor: Mayor/Attorney

27. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Catering America Inc., Chef Dominique's, to be operated at Poet, 4615 North Lewis Avenue for an employee mixer on August 19, 2013.

Sponsor: Mayor/City Attorney

Special One-Day Liquor License for Southeastern Behavioral Healthcare to

28. be operated at the Avera Prairie Center, 1000 East 23rd Street, for the Festival of Trees on November 22, 2013.

Sponsor: Mayor/City Attorney

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to approve Items 24 through 28.

Vote to approve: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

29. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SW CORNER OF E. 85TH ST. AND S. MINNESOTA AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL, O, OFFICE, AND RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2013-05-36 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adopt said Ordinance 49-13.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Rolwing to amend by changing "Lot 3 .97 AC C-4" to "Lot 3 .97 AC O".

Vote to amend: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, 7. Noes, Greg Jamison, 1.

Motion Passed.

30. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NW CORNER OF E. 69TH ST. AND S. BAHNSON AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE WINGS PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2013-05-10 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member Rex Rolwing to adopt said Ordinance No. 46-13.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NE CORNER OF W. 11TH ST. AND S. MINNESOTA AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT TO THE C-3, DOWNTOWN COMMERCIAL DISTRICT, PETITION NO. 2013-05-25 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Greg Jamison and seconded by Council Member Dean Karsky to adopt said Ordinance No. 47-13.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3408 W. RALPH ROGERS RD. FROM THE S, INSTITUTIONAL DISTRICT TO THE LUNDSTROM'S PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2013-06-07 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. Planning Commission recommends approval.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance No. 48-13.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

33. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF SPRINGDALE DEVELOPMENT ADDITION 1.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adopt said Resolution No. 54-13.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, 7. Noes, Greg Jamison, 1.

Motion Passed.

RESOLUTION NO. 54-13

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF [SPRINGDALE DEVELOPMENT ADDITION 1].

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the preliminary plan of [Springdale Development Addition 1] to the City of Sioux Falls, [Lincoln] County, SD, is hereby approved, and the

City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 08/06/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE
34. LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2013-
05-24-WESTWOOD VALLEY.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Resolution No. 53-13.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 53-13

ANNEXATION 2013-05-24-WESTWOOD VALLEY

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCLChapter 9-4, requesting that the territory hereinafter described be included within the municipality;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are generally consistent with the Shape Sioux Falls 2035 Comprehensive Plan.
3. There is adequate provision for municipal utilities and access to the major street network.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That the following described properties are and the same hereby are included within the corporate limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby extended to include such territory.

The East1/2 of the North1/2 of the SW1/4 of Section 28, T-101-N, R50W of the

5th P.M., Minnehaha County, South Dakota

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 08/06/13 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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 JULY 30, 2013, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Sponsor: Mayor/Finance

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to adjourn the meeting at 9:58 p.m.

Mayor Huether called for a voice vote. All members voted yes.
Motion Passed.

Tamara Jorgensen, CMC

Assistant City Clerk

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.