

|| City of Sioux Falls Council Meeting Agenda
|| Carnegie Town Hall, 235 West 10th Street
|| MEETING OF Monday, June 7, 2010, at 7:00 p.m. |

ROLL CALL #2

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:

Council Member Anderson Jr.
Council Member Brown
Council Member Entenman
Council Member Erpenbach
Council Member Jamison
Council Member Litz
Council Member Roling
Council Member Aguilar
Mayor Mike T. Huether

INVOCATION

A. DR. RON TOTTINGHAM, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, MAY 17, 2010, AT 4:00 P.M.

B. CITY COUNCIL MEETING OF MONDAY, MAY 17, 2010, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE YWCA, STATING ITS INTENT TO SELL RAFFLE TICKETS ON JUNE 10, 2010, FOR PRIZES AS FOLLOWS: HAIR CARE PRODUCTS, DANCE LESSONS, AND VARIOUS GIFT CERTIFICATES FROM AROUND THE CITY. THE VALUE OF THE PRIZES RANGE FROM \$40.00 TO \$200.00. TICKETS WILL BE \$10.00 EACH. THE PROCEEDS ARE TO BE USED TO BENEFIT THE YWCA PROGRAMS FOR REFUGEE AND IMMIGRANT WOMEN, CHILDHOOD EDUCATION FOR CHILDCARE WORKERS AND HEALTH AND PARENTING EDUCATION.
2. A COMMUNICATION WAS RECEIVED FROM THE SOUTH DAKOTA CORN GROWERS ASSOCIATION STATING ITS INTENT TO SELL RAFFLE TICKETS FROM JUNE 24, 2010, TO JANUARY 22, 2011, FOR A PRIZE OF A JOHN DEERE 4-WHEEL DRIVE TRACTOR VALUED AT \$14,000.00. TICKETS WILL BE SOLD AS ONE FOR \$5.00 AND THREE FOR \$10.00. THE PROCEEDS ARE TO BE USED TO BENEFIT EDUCATIONAL PROGRAMS ADMINISTERED THROUGH

THE SOUTH DAKOTA CORN GROWERS ASSOCIATION.

APPLICATIONS

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

3. SONLER PROPERTIES, S & SE ... 280.50.08.006 (LAND AT THE CORNER OF AVERA DRIVE AND LOUISE/SHARON DRIVE AND AVERA DRIVE), FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,573.96. CORRECTION OF ACRES - 3.47 PLATTED ACRES WERE NOT TAKEN OUT OF THIS PARCEL AND SHOULD HAVE BEEN.

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:

4. LUCILLE LAURENCE, 1104 W. 57TH STREET, #102, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$356.71. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.
5. ELAINE WHITE, 1424 S. BAHNSON AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$296.56. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.
6. LOUISE LUND, 2909 S. SUMMIT AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$855.88. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.
7. JAMES CUMMINGS, 6105 W. 52ND STREET, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$233.84. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.
8. LORRAINE MCDONALD, 1229 S. SPRING AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$224.48. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.
9. PHILIP VARNEY, 2121 S. SPRING AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$791.40. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.
10. BETTY HANSEN, 1304 S. SEVERN LANE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$739.74. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.
11. ACCESSIBLE HOUSING LIMITED PARTNERSHIP, 3700 E. 41ST STREET, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$981.16 AND AT 4413 E. MISSION STREET FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$535.99. ACCESSIBLE HOUSING LIMITED

PARTNERSHIP WAS GRANTED EXEMPT STATUS FOR 2010 FOR EACH PARCEL.

12. RONALD MCDONALD HOUSE, 825 S. LAKE AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$3,227.84 AND AT 827 S. LAKE AVENUE FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$1,621.07. RONALD MCDONALD HOUSE WAS GRANTED EXEMPT STATUS FOR 2010 FOR EACH PARCEL.

NOTICE OF HEARINGS

DOC: ALCOHOL MEMO

Set the hearing date for Monday, June 21, 2010, at 7:00 p.m. on Items 13 through 25:

13. NEW 2010 PACKAGE LIQUOR LICENSE FOR CENTURY MOTELS EAST INC., RAMADA INN & SUITES, TO BE OPERATED AT 1301 WEST RUSSELL STREET.
14. NEW 2010 PACKAGE LIQUOR LICENSE FOR PINNACLE HOSPITALITY INC., CJ CALLAWAY'S, TO BE OPERATED AT 500 EAST 69TH STREET.
15. TRANSFER OF A 2010 RETAIL LIQUOR LICENSE FROM HOWELL & HOWELL INC., HOLIDAY INN EXPRESS, 2501 SOUTH SHIRLEY AVENUE, TO W&P OF SIOUX FALLS LLC, BUFFALO WILD WINGS GRILL & BAR, TO BE OPERATED AT 2601 SOUTH LOUISE AVENUE, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
16. TRANSFER OF A 2010 RETAIL WINE LICENSE FROM JSKR VENTURES INC., SHOOTER'S PUB, 2309 WEST MADISON STREET, TO DKPM VENTURES LLC, SHOOTER'S PUB, TO BE OPERATED AT 2309 WEST MADISON STREET, INCLUDING VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2010-04-11) BEING APPROVED ON 05-05-10.
17. TRANSFER OF A 2009-10 RETAIL MALT BEVERAGE LICENSE FROM JSKR VENTURES INC., SHOOTER'S PUB, 2309 WEST MADISON STREET, TO DKPM VENTURES LLC, SHOOTER'S PUB, TO BE OPERATED AT 2309 WEST MADISON STREET, INCLUDING VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2010-04-11) BEING APPROVED ON 05-05-10.
18. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, FOR A CLASS REUNION ON SEPTEMBER 11, 2010, AND FOR WEDDING RECEPTIONS ON JULY 17, 24, 31; AUGUST 7, 14; AND SEPTEMBER 4, 18, 2010.
19. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR GREAT BEAR RECREATION PARK INC., GREAT BEAR RECREATION PARK, TO BE OPERATED AT 5901 EAST RICE STREET, FOR CLASS REUNIONS ON JULY 9 AND 16, 2010, AND WEDDING RECEPTIONS ON JULY 31; AUGUST 14, 28; AND SEPTEMBER 11, 25, 2010.
20. SPECIAL ONE-DAY LIQUOR LICENSE FOR THE SPORTS ZONE TO BE OPERATED AT THE

OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, FOR A WEDDING RECEPTION ON AUGUST 14, 2010.

21. SPECIAL ONE-DAY LIQUOR LICENSE FOR SMG, TO BE OPERATED AT THE ORPHEUM THEATER, 315 NORTH PHILLIPS AVENUE, FOR A WEDDING RECEPTION ON OCTOBER 2, 2010.
22. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR DOWNTOWN SIOUX FALLS TO BE HELD AT FALLS PARK WEST (6TH & PHILLIPS) FOR DOWNTOWN LIVE ON AUGUST 21, 2010.
23. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR THE SIOUX FALLS IRISH CLUB, TO BE OPERATED ON PHILLIPS AVENUE FROM 5TH STREET NORTH TO 2ND STREET, FOR THE IRISH FEST TO BE HELD ON JULY 24, 2010.
24. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR RUMMEL MEMORIAL HOME INC., TO BE OPERATED AT DOW RUMMEL VILLAGE, 1321 WEST DOW RUMMEL STREET, FOR A CHAMBER MIXER TO BE HELD ON JULY 13, 2010.
25. VARIOUS RETAIL MALT BEVERAGE, PACKAGE MALT BEVERAGE, AND PACKAGE MALT BEVERAGE SOUTH DAKOTA FARM WINERY LICENSE RENEWALS FOR 2010-11 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT C.

Document: Exhibit C.

| CONSENT AGENDA ITEMS |

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

26. CONDITIONAL USE PERMIT APPEAL (2010-04-06): NORTHWEST CORNER OF W. 85TH STREET AND S. MINNESOTA AVENUE. THE CONDITIONAL USE PERMIT WAS TO CONSTRUCT AN ASSISTED LIVING FACILITY. APPROVED AT THE MAY 5, 2010, PLANNING COMMISSION MEETING WITH A VOTE OF 4-YES, 1-NO.

PC Staff Report

PC Exhibits

PC Minutes - Item 10

Appeal - Jelken

Appeal - Sylvester 1 of 2

Appeal - Sylvester 2 of 2

Appeal - Neighborhood Letters

UNFINISHED BUSINESS

DOC: ALCOHOL MEMO

27. NEW 2010 PACKAGE LIQUOR LICENSE FOR MISTIE WEHRKAMP, MUNCHIES NORTH, TO BE OPERATED AT 1030 NORTH MINNESOTA AVENUE, WITH THE MAJOR AMENDMENT PERMIT (2010-03-07) BEING APPROVED ON 05-05-10.
28. NEW 2010 PACKAGE LIQUOR LICENSE FOR I-90 FUEL SERVICES INC., BOOMERS #126, TO BE OPERATED AT 4201 WEST 41ST STREET, EFFECTIVE 7-1-10.
29. NEW 2010 PACKAGE LIQUOR LICENSE FOR I-90 FUEL SERVICES INC., THE GAS STOP #116, TO BE OPERATED AT 3000 EAST 26TH STREET, EFFECTIVE 7-1-10.
30. NEW 2010 PACKAGE LIQUOR LICENSE FOR I-90 FUEL SERVICES INC., THE GAS STOP #117, TO BE OPERATED AT 1731 SOUTH CLIFF AVENUE, EFFECTIVE 7-1-10.
31. NEW 2010 PACKAGE LIQUOR LICENSE FOR I-90 FUEL SERVICES INC., THE GAS STOP #123, TO BE OPERATED AT 4800 SOUTH WESTERN AVENUE, EFFECTIVE 7-1-10.
32. NEW 2010 PACKAGE LIQUOR LICENSE FOR I-90 FUEL SERVICES INC., THE GAS STOP #124, TO BE OPERATED AT 7125 WEST 26TH STREET, EFFECTIVE 7-1-10.
33. NEW 2010 PACKAGE LIQUOR LICENSE FOR I-90 FUEL SERVICES INC., THE GAS STOP #131, TO BE OPERATED AT 3245 SOUTH SYCAMORE AVENUE, EFFECTIVE 7-1-10.
34. TRANSFER OF A 2009-10 RETAIL MALT BEVERAGE LICENSE FROM CRYSTAL INVESTMENT INC., ACE'S CASINO, TO INTERSTATE GAMING INC., ACE'S CASINO, TO BE OPERATED AT 1316 SOUTH CLIFF AVENUE, INCLUDING VIDEO LOTTERY TERMINALS (EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
35. TRANSFER OF A 2009-10 RETAIL MALT BEVERAGE LICENSE FROM TRIFECTA HOLDINGS LLC, NAME T/B/D, 41ST & TEA ELLIS ROAD, TO REGAL HOLDINGS LLC, NAME T/B/D, TO BE OPERATED AT 41ST & TEA ELLIS ROAD, INCLUDING VIDEO LOTTERY TERMINALS, WITH THE REINSTATED CONDITIONAL USE PERMIT (2010-03-13) BEING APPROVED ON 04-07-10. PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.

36. TRANSFER OF A 2009-10 PACKAGE MALT BEVERAGE LICENSE FROM ART'S AUTO CARE INC., ART'S AUTO CARE, 812 EAST TENTH STREET, TO SELAMTA MINI-MART LLC, SELAMTA MINI-MART, TO BE OPERATED AT 812 EAST TENTH STREET.
37. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR SMG, TO BE OPERATED AT THE ORPHEUM THEATER, 315 NORTH PHILLIPS AVENUE, ON AUGUST 14 AND 28, 2010, FOR WEDDING RECEPTIONS.
38. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR ALMOST HOME CANINE RESCUE TO BE OPERATED AT THE 8TH & RAILROAD CENTER BOARDWALK PARKING LOT ON AUGUST 14, 2010, FOR THE 605 SUMMER CLASSIC.
39. VARIOUS RETAIL MALT BEVERAGE, PACKAGE MALT BEVERAGE, AND PACKAGE MALT BEVERAGE SOUTH DAKOTA FARM WINERY LICENSE RENEWALS FOR 2010-11 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT B.

Document: Exhibit B

INTRODUCTION AND ADOPTION OF ORDINANCES

40. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2010-04-08, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS AT 6805 S. LOUISE AVE. AMENDING THE PLATINUM VALLEY PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (PLANNING COMMISSION RECOMMENDS DENIAL.)

Document: Ord. 1189

PC Staff Report

PC Exhibits

PC Minutes - Item 9

41. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 500 S. MAIN AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT TO THE C-3, CENTRAL BUSINESS DISTRICT, PETITION NO. 2010-03-14, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Document: Ord. 1186

PC Staff Report

PC Exhibits

PC Minutes - Item 3

42. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4801 W. 41ST ST. FROM THE C-4, PLANNED COMMERCIAL DISTRICT AND O, OFFICE DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2010-04-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Document: Ord. 1187

PC Staff Report

PC Exhibits

PC Minutes - Item 4

43. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHEAST CORNER OF E. TENTH ST. AND S. SIX MILE RD. FROM THE O, OFFICE DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2010-04-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Document: Ord. 1188

PC Staff Report

PC Exhibits

PC Minutes - Item 5

44. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE CITY'S COMPETITIVE BID ORDINANCES AS FOUND IN CHAPTER 34 1/2, "PURCHASING."

Document: Ord. 1190

Memo

Set the hearing date and 2nd Reading for Monday, June 14, 2010 at 7:00 p.m. for Item 45:

45. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE

REVISED ORDINANCES OF THE CITY BY REVISING ARTICLE III, SECTION 12 1/2-35,
FOR THE COMPLAINT PROCEDURE FOR THE BOARD OF ETHICS.

Document: Ord. 1194

HEARINGS AND RESOLUTIONS

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

Res. 1728

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 MAY 24, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR
ORGANIZATIONAL UNITS. (MEMO 1)

Document: Memo 1

ADJOURNMENT