

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Monday, April 4, 2011 at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member Jim Entenman  
Council Member Michelle Erpenbach  
Council Member Greg Jamison  
Council Member Rex Rolfing  
Mayor Mike T. Huether

INVOCATION

&#9679; Pastor Al Peratt Sr., Volunteers of America, Dakotas

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

&#9679; National Public Health Week, April 4-10, 2011

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Monday, March 21, 2011, at 4:00 p.m.

&#9679; City Council Meeting of Monday, March 21, 2011, at 7:00 p.m.

&#9679; Informational Meeting of Monday, March 28, 2011, at 4:00 p.m.

## COMMUNICATIONS

1. A communication was received from Tom DeVaney requesting permission to consume, but not sell wine, liquor and beer at the Old Courthouse Museum, 200 West Sixth Street, on Saturday, May 21, 2011, from 5:30 p.m. to 12:00 a.m. for a wedding reception.
2. A communication was received from South Dakota Association for the Education of Young Children/South Dakota Head Start Association stating their intent to sell raffle tickets from April 14, 2011 to April 16, 2011, for an outdoor classroom learning kit (valued at \$500.00). Tickets will be \$1.00 for one or \$3.00 for five. Proceeds are to be used to support each association.
3. A communication was received from Augustana College Deaf Awareness stating their intent to sell raffle tickets April 8-9, 2011, for gift cards from local businesses (highest value of a card is \$10.00). Tickets will be \$1.00 each or free with a donation of 3 canned goods. All proceeds will be donated to Children's Inn.
4. A communication was received from Presentation Sisters stating their intent to conduct a 50/50 Cinco De Mayo raffle on April 30, 2011. Tickets will be \$5.00 for one or \$10.00 for three. Half of proceeds will be awarded to one winner and the other half is to be used for Caminando Juntos (Presentation Sisters ministry with Latino populations in Sioux Falls, SD).

## 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:

5. Megan and Betty Melloon, 6301 W. Misty Glen Pl., for 2010 property taxes in the amount of \$257.48. A fire occurred on May 25, 2010 and the property owners are requesting an abatement for the days structure was gone.

## NOTICE OF HEARINGS

Set a hearing date for Monday, April 11, 2011, at 7:00 p.m. on Item 6:

6. Special One-Day Liquor License for Washington Pavilion Management Inc., Washington Pavilion of Arts & Science, 301 South Main Avenue, for the Turnabout Performance on April 17, 2011, and authorize publication of notice on 04-01-11 to set the hearing date.

Set a hearing date for Monday, April 18, 2011, at 7:00 p.m. on Items 7 through 24:

7. New 2010-11 Retail Malt Beverage License for Bonito Guadalajara Inc., Bonito Guadalajara Mexican Restaurant, to be operated at 1010 North Minnesota Avenue (full service restaurant; CUP not required).

8. New 2011 Retail Wine License for Bonito Guadalajara Inc., Bonito Guadalajara Mexican Restaurant, to be operated at 1010 North Minnesota Avenue (full service restaurant; CUP not required).
9. Transfer of a 2011 Retail Liquor License from Sioux Falls Ventures LLC, Boston s the Gourmet Pizza, 3202 East Tenth Street, to Overtime Inc., Overtime Sports Grill & Bar, to be operated at 4529 East 26th Street, including video lottery terminals (full service restaurant; CUP not required).
10. Rescind 2010-11 Retail Malt Beverage License issued to Overtime Inc., Overtime Sports Grill & Bar, 4529 East 26th Street.
11. Rescind 2011 Retail Wine License issued to Overtime Inc., Overtime Sports Grill & Bar, 4529 East 26th Street.
12. Transfer of a 2011 Package Liquor License from Selamta Mini Mart LLC, Selamta Mini Mart, 812 East Tenth Street, to Almaz Fisha and Amare Walle, Walia Convenience Store, to be operated at 812 East Tenth Street.
13. Transfer of a 2010-11 Retail Malt Beverage License from Jan Wood, Falls Overlook Cafø, 825 North Weber Avenue, to Utopia LLC, Falls Overlook Cafø, to be operated at 825 North Weber Avenue (full service restaurant; CUP not required).
14. Transfer of a 2011 Retail Wine License from Jan Wood, Falls Overlook Cafø, 825 North Weber Avenue, to Utopia LLC, Falls Overlook Cafø, to be operated at 825 North Weber Avenue (full service restaurant; CUP not required).
15. Transfer of a 2011 Package Liquor License from I-90 Fuel Services Inc., JJ s Wine, Spirits & Cigars, 4810 South Western Avenue, to TSlat Inc., JJ s Wine, Spirits & Cigars, to be operated at 4810 South Western Avenue.
16. Special One-Day Liquor License for Philanthropy Promotions Inc., J&L Harley Davidson, for Hot Harley Nights, on July 9, 2011, in the tent area at Falls Park West (park area north of the Sioux Falls Park and Recreation Office leading to Falls Park along Phillips Avenue) with a north boundary of Falls Park Drive, south boundary to 8th Street, east boundary is to the chain link fence on the east side of the park (the street will be closed on 6th Street from Dakota to Weber Avenues), and the west boundary of Dakota Avenue.
17. 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 wedding receptions on April 29, July 16, and August 27, 2011.
18. Special One-Day Liquor License for the Sanford Health Foundation to be held at the Sanford Center, 2301 East 60th Street North, for the 2011 Sanford Children s Gala on August 20, 2011.

19. Special One-Day Liquor Licenses requests for Hy-Vee Inc., All Occasions by Hy-Vee, to be operated at the Delbridge Museum of Natural History, 805 South Kiwanis Avenue, for wedding receptions on the following dates: June 18 and 25, July 2, August 6, 20, and 27, September 3, 10, 17, and 24, and October 8, 2011.
20. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Area Community Foundation to be held at the Avera Cancer Institute, 1000 East 23rd Street, for a SFACF Fundraising Event on May 5, 2011.
21. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Make-A-Wish Foundation of South Dakota to be operated at the 8th and Railroad Center, 401 East 8th Street, on the east side of the center including the parking area, for a fundraising event on September 17, 2011.
22. Special One-Day Malt Beverage and Special One-Day Wine License requests for Downtown Sioux Falls for the Downtown Block Party at the East Bank at the 8th and Railroad parking lot, 401 East 8th Street, on June 3, July 1, and August 5, 2011; and Hot Summer Nites on Phillips Avenue from 9th to 14th Streets; Main Avenue from 10th to 13th Streets, 12th Street from Main to Phillips Avenues, 11th Street from Dakota to Mall Avenues, and 10th Street from Main to Mall Avenues, on July 13, 2011.
23. Special One-Day Malt Beverage and Special One Day Wine Licenses for the El Riad Shriners, El Riad Mosque, to be operated on Main Avenue from 10th to 13thStreets; Phillips Avenue from 9th to 14th Streets; 1st Ave from 11th to 13th Streets; 10th Street from Main to Mall Avenues; 11th Street from Dakota to Mall Avenues; 12th Street from Main to First Avenues; and 13th Street from Dakota to 1st Avenues, for Automania on June 24, 2011.
24. Special One-Day Wine License for the American Civil Liberties Union to be operated at the Old Courthouse Museum, 200 West Sixth Street, for a fundraiser on April 22, 2011.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### INTRODUCTION AND ADOPTION OF ORDINANCES

25. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 700 N. MAIN AVE. FROM THE C-2, GENERAL COMMERCIAL DISTRICT TO THE C-3, CENTRAL BUSINESS DISTRICT, PETITION NO. 2011-01-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)  
Sponsor: Mayor/Planning and Building Services

26. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2011-01-11 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 3400 W. 69TH ST. AMENDING THE 69TH & LOUISE PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

27. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CORRECTING CLERICAL ERRORS IN CERTAIN REZONING ORDINANCES. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

28. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING PUBLIC HEARING STANDARDS AND FEES. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Monday, April 11, 2011, at 7:00 p.m. for Item 29 and 30:

29. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTION 2-35, POWERS OF THE MAYOR, AND SECTION 2-37, ADMINISTRATIVE ORGANIZATION OF CITY DEPARTMENTS.

Sponsor: City Council/Anderson Jr. and Erpenbach

30. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD SUPPLEMENTING THE 2011 BUDGET BY PROVIDING APPROPRIATIONS AND THE MEANS OF FINANCING FOR THE CONVENTION AND VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT.

Sponsor: City Council/Entenman and Aguilar

Set a date of hearing and 2nd Reading for Monday, April 18, 2011, at 7:00 p.m. for Item 31 and 32:

31. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REVISING SEWER UTILITY RATES AND CHARGES AS FOUND IN CHAPTER 41 UTILITIES. (Rate changes effective July 1, 2011)

Sponsor: Mayor/Public Works

32. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REVISING SEWER UTILITY RATES AND CHARGES AS FOUND IN CHAPTER 41 UTILITIES. (Rate Changes Effective January 1, 2012)

Sponsor: Mayor/Public Works

#### HEARINGS AND RESOLUTIONS

33. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA - ANNEXATION 2011-02-01 57TH STREET AND SD HIGHWAY 11, HARMODON PARK.

Sponsor: Mayor/Planning and Building Services

34. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MASTER ENERGY PROCESSING

SERVICES PURCHASE AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND POET BIOMASS, LLC, A SOUTH DAKOTA LIMITED LIABILITY COMPANY.

Sponsor: Mayor/Public Works

35. A RESOLUTION CHANGING TWO STREET ASSESSMENTS.

Sponsor: Mayor/Attorney for Engineering

36. A RESOLUTION CANCELING INTEREST AND PENALTY ON AN INSTALLMENT OF STREET ASSESSMENT.

Sponsor: Mayor/Attorney for Engineering

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)

37. REPORT OF MARCH 26, 2011, INSURANCE REIMBURSEMENT FOR TOTALED PICKUP (PARKS & RECREATION).

38. REPORT OF MARCH 28, 2011, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

#### NEW BUSINESS

39. A RESOLUTION APPOINTING THE NEW COUNCIL MEMBER FROM THE NORTHWEST DISTRICT.

Sponsor: City Council/Jamison and Aguilar

40. Swearing in Ceremony performed by Honorable Larry E. Long, Second Judicial Circuit Court Judge

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) 367-8081 (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 16: CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD MONDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE THIRD MONDAY 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 MEETINGS S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK 16. CITYLINK 16 REBROADCAST: CITY COUNCILMEETINGS AT 10:00 A.M. ON WEDNESDAYS, 1:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 10:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.