

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West 10th Street	
	MEETING OF Monday, November 15, 2010 at 7:00 PM	

ROLL CALL #3

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Brown	Council Member Rolwing
Council Member Entenman	
Council Member Erpenbach	
Council Member Jamison	
Council Member Litz	
Council Member Aguilar	
Council Member Anderson Jr.	
Mayor Mike T. Huether	

INVOCATION

A. PASTOR DON JOHNSON, SEVENTH DAY ADVENTIST CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. PANCREATIC CANCER AWARENESS MONTH-LORI MURRAY

B. 20TH YEAR OF FAIR TRADE-LINDA WATTS

RECOGNITION/AWARDS

A. RECOGNITION OF THE CATHEDRAL HISTORIC DISTRICT, A 2010 GREAT PLACE IN AMERICA AS DESIGNATED BY AMERICAN PLANNING ASSOCIATION.

VISITOR'S RECOGNITION

A. SIOUX FALLS PEOPLE FOR YOUTH

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Litz and seconded by Council Member Entenman to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown,

Entenman, Erpenbach, Aguilar, 7. Noes, 0.
Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, NOVEMBER 8, 2010, AT 4:00 P.M.

Minutes

B. CITY COUNCIL MEETING OF MONDAY, NOVEMBER 8, 2010, AT 7:00 P.M.

Minutes

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM IMAGINE GUILD, INC., STATING ITS INTENT TO SELL RAFFLE TICKETS ON JANUARY 15, 2011, AT THE RACERS SWAP MEET AND FEBRUARY 11-13, 2011, AT THE WINTERFEST OF WHEELS FOR THE FOLLOWING PRIZES: 1994 CHEVY S-10 CUSTOMIZED TRUCK (VALUED AT \$10,000.00); \$500.00 IN GROCERIES AT COUNTY FAIR FOOD IN MITCHELL, SD; OR A SET OF 4 TIRES (VALUED AT \$300.00). TICKETS WILL BE \$5.00 EACH OR \$20.00 FOR FIVE. THE PROCEEDS ARE TO BE USED TO BENEFIT CYSTIC FIBROSIS RESEARCH.
2. A COMMUNICATION WAS RECEIVED FROM JAMES AND MARGARET ERICK REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE AND BEER AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, SIOUX FALLS, SD, ON SATURDAY, APRIL 30, 2011, FROM 5:00 P.M. TO 12:00 A.M. FOR THE PURPOSE OF A WEDDING RECEPTION.

NOTICE OF HEARINGS

Set a hearing date for Monday, December 6, 2010, at 7:00 p.m. on Items 3 through 8:

DOC: ITEMS 3-8 MEMO

3. NEW 2011 RETAIL WINE LICENSE FOR SHAHI PALACE INC., SHAHI PALACE, TO BE OPERATED AT 2527 SOUTH SHIRLEY AVENUE, EFFECTIVE JANUARY 1, 2011, (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
4. NEW 2010-11 RETAIL MALT BEVERAGE LICENSE FOR SHAHI PALACE INC., SHAHI PALACE, TO BE OPERATED AT 2527 SOUTH SHIRLEY AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
5. TRANSFER OF A 2010-11 RETAIL MALT BEVERAGE LICENSE FROM LBA LTD., CLASSIC CASINO, 1915 WEST 12TH STREET, TO MG OIL COMPANY, HAPPY JACKS SIOUX FALLS, TO BE OPERATED AT 1915 WEST 12TH STREET, INCLUDING VIDEO LOTTERY TERMINALS,

(CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).

6. TRANSFER OF A 2010-11 PACKAGE MALT BEVERAGE LICENSE FROM SPEEDWAY/SUPERAMERICA LLC, SUPERAMERICA #4298, 2911 WEST 41ST STREET, TO NORTHERN TIER RETAIL LLC, SUPERAMERICA #4298, TO BE OPERATED AT 2911 WEST 41ST STREET.
7. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR PHILANTHROPY PROMOTIONS INC., J&L HARLEY DAVIDSON, FOR HOT HARLEY NIGHTS, ON JULY 9, 2011, ON 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.
8. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2011 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT B.

Item 8 -- Exhibit B

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to approve the Regular Agenda.

A motion was made by Council Member Litz and seconded by Council Member Brown to amend the order of the Regular Agenda by moving Item 15 before Item 12.

Vote to amend: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Member Aguilar, 7. Noes, 0. Motion Passed

A motion was made by Council Member Litz and seconded by Council Member Erpenbach to amend the Regular Agenda by adding two resolutions for consideration as Items 19 and 20, with their titles as read by the Assistant City Clerk.

Vote to amend: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

Vote to approve, as amended: Roll Call: Yeses, Brown, Entenman, Erpenbach, Jamison, Litz, Aguilar, Anderson Jr., 7. Noes, 0. Motion Passed.

PUBLIC INPUT

Harold Christensen spoke about bicycle traffic laws.

Mary Glenski spoke about the Cathedral District neighborhood.

Cheryl Rath spoke about Sioux Falls parks and the Railroad Relocation project.

Dave Nielsen expressed thanks to the Council and the Parks Department for the enhancements to Sioux Falls parks.

UNFINISHED BUSINESS

DOC: ITEMS 9-11 MEMO

9. SPECIAL ONE-DAY LIQUOR LICENSE FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, ON DECEMBER 3, 10, 11, AND 18, 2010, AND JANUARY 1, 2011, FOR VARIOUS CELEBRATIONS.
10. SPECIAL ONE-DAY WINE LICENSE AND SPECIAL ONE-DAY OFF-SALE PACKAGE WINE LICENSE FOR RUMMEL MEMORIAL HOME INC., TO BE OPERATED AT DOW RUMMEL VILLAGE, 1321 WEST DOW RUMMEL STREET, ON DECEMBER 4, 2010, FOR A HABITAT FOR HUMANITY FUNDRAISER.
11. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2011 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT A.

A motion was made by Council Member Erpenbach and seconded by Council Member Aguilar to approve Items 9-11, with one vote.

Vote: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Erpenbach, Aguilar, 6. Noes, 0. Motion Passed

Item 11 - Exhibit A

INTRODUCTION AND ADOPTION OF ORDINANCES

Item 15, Public Hearing for Item 12, was heard at this time. See item for more information.

12. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING ARTICLE XII TO CHAPTER 39, ESTABLISHING THE SIOUX FALLS CONVENTION & VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT.

A motion was made by Council Member Entenman and seconded by Council Member

Litz to adopt said Ordinance 78-10.

A motion was made by Council Member Entenman and seconded by Council Member Litz to amend by redacting the hotel telephone numbers from the ordinance.

Vote to amend: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

Vote to adopt, as amended: Roll Call: Yeses, Brown, Entenman, Erpenbach, Jamison, Litz, Aguilar, Anderson Jr., 7. Notes, 0. Motion Passed.

Proposed ord1220

Proposed ord1220A

13. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTION 15 1/2-7 "FEES FOR TICKETS" AS FOUND IN CHAPTER 15, "FEES."

A motion was made by Council Member Erpenbach and seconded by Council Member Aguilar to withdraw Item 13.

Vote to withdraw: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

Proposed ord1216

Set a hearing date and 2nd Reading for Monday, December 6, 2010, for Item 14:

14. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 412 E. 12TH ST. FROM THE C-3, CENTRAL BUSINESS DISTRICT TO SUBAREA E OF THE BEADLE GREENWAY PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2010-09-02, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Proposed ord0010

PC Staff Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Aguilar and seconded by Council Member Litz

to set a hearing date and 2nd Reading for Monday, December 6, 2010, for Item 14.

Vote to set a hearing date: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

HEARINGS AND RESOLUTIONS

15. PUBLIC HEARING FOR ITEM 12 AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING ARTICLE XII TO CHAPTER 39, ESTABLISHING THE SIOUX FALLS CONVENTION & VISITORS BUREAU BUSINESS IMPROVEMENT DISTRICT.

Comments by Kraig Pomrenke

Comments by Tom Bosch

Comments by Terri Ellis Schmidt

16. A RESOLUTION AMENDING THE 2010-2014 CAPITAL PROGRAM TO ADD A LIGHT SCOPE FOR THE POLICE CRIME LAB.

Proposed res1776

A motion was made by Council Member Erpenbach and seconded by Council Member Anderson Jr. to adopt said Resolution 104-10.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

RESOLUTION NO. 104-10

A RESOLUTION AMENDING THE 2010-2014 CAPITAL PROGRAM TO ADD A LIGHT SCOPE FOR THE POLICE CRIME LAB.

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

That the 2010-2014 Capital Program be amended as follows:

Police. Amend the Other Capital Expenditures Program by adding a light scope for the crime lab in 2010. The estimated cost is \$25,000 and will not require an increase in appropriations as it will be funded by savings from other police equipment purchased in 2010.

Date adopted: 11/15/10.

Mike T.

Huether

Mayor
ATTEST:
Debra A. Owen
City Clerk

17. A RESOLUTION AUTHORIZING USE OF CONSTRUCTION MANAGER AT RISK SERVICES FOR THE CONSTRUCTION OF THE EVENTS CENTER.

Proposed res0010

Construction Manager at Risk

A motion was made by Council Member Entenman and seconded by Council Member Anderson Jr. to adopt said Resolution 105-10.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Council Member Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

RESOLUTION NO. 105-10

A RESOLUTION AUTHORIZING USE OF CONSTRUCTION MANAGER AT RISK SERVICES FOR THE CONSTRUCTION OF THE EVENTS CENTER.

Whereas, in order to have an integrated team approach to the planning, design, and construction of the Events Center, to help control schedule and budget, and to help ensure quality for the City, the City's Director of

Public Works recommends the project be accomplished using the Construction Manager at Risk delivery method;

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

That it is in the best interest of the public to utilize the Construction Manager at Risk project delivery method for the Events Center and that the construction manager be allowed to submit bids on portions of the work.

Date adopted: 11/15/10.

Mike T.

Huether

Mayor
ATTEST:
Debra A. Owen
City Clerk

18. A RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE.

Proposed res0026

Proposed Revision for the Audit Committee Ordinance

A motion was made by Council Member Brown and seconded by Council Member Litz to adopt said Resolution 106-10.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

RESOLUTION NO. 106-10

A RESOLUTION APPOINTING MEMBERS TO THE AUDIT COMMITTEE.

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

That the City Council appoints the following members to serve on the Audit Committee pursuant to City Ordinance Section 2-134:

Name	Committee	Term
City Council Member Sue Aguilar	Audit Committee	Appointed for a term from November 2010 to July 2011
City Council Member Rex Rolwing	Audit Committee	Appointed for a term from November 2010 to July 2011

Date adopted: 11/15/10.

Mike T.

Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

NEW BUSINESS/ ITEMS ADDED AFTER AGENDA DEADLINE

RESOLUTIONS

19. A RESOLUTION WAIVING THE CITY'S ALLOCATION OF RECOVERY ZONE FACILITY BONDS.

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to adopt said Resolution 107-10.

Vote: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

RESOLUTION NO. 107-10

A RESOLUTION WAIVING THE CITY S ALLOCATION OF RECOVERY ZONE FACILITY BONDS.
WHEREAS, the American Recovery and Reinvestment Act (ARRA), passed February 17, 2009, provided the City of Sioux Falls an allocation of \$19,933,000.00 in Build America Recovery Zone Facility Bonds, a form of tax-exempt private activity bonds; and
WHEREAS, the City does not intend to utilize its allocation prior to the expiration of the Recovery Zone Bond program on December 31, 2010;
If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
That it waives its allocation of Recovery Zone Facility Bonds in the amount of \$ 19,933,000.00 and transfers that allocation to the State of South Dakota.

Date adopted: 11/15/10.

Mike T.

Huether

Mayor
ATTEST:
Debra A. Owen
City Clerk

20. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT, ALONG WITH THE PRIVATE DEVELOPER AGREEMENT AND OPTION AGREEMENT, BETWEEN THE CITY OF SIOUX FALLS AND LUMBER EXCHANGE, LLC AND A TRUSTEE AGREEABLE TO THE PARTIES.

A motion was made by Council Member Entenman and seconded by Council Member Anderson Jr. to adopt said Resolution 108-10.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

RESOLUTION NO. 108-10

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT, ALONG WITH THE PRIVATE DEVELOPER AGREEMENT AND OPTION AGREEMENT, BETWEEN THE CITY OF SIOUX FALLS AND LUMBER EXCHANGE, LLC AND A TRUSTEE AGREEABLE TO THE PARTIES.
WHEREAS, the City of Sioux Falls (the City) and Lumber Exchange, LLC (Developer) and a trustee agreeable to the parties find it in their best interest to enter into an Agreement, a Private Developer Agreement and an Option Agreement;
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

That it hereby approves the Agreement, along with the Private Developer Agreement and an Option Agreement, which are in substantially the same form attached hereto. That the Mayor is authorized to sign such Agreements after they are ratified and executed by the Lumber Exchange, LLC and the trustee agreeable to the parties.

Date adopted: 11/15/10.

Mike T.

Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member Entenman to adjourn at 8:09 p.m.

Vote to adjourn: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Entenman, Erpenbach, Aguilar, 7. Noes, 0. Motion Passed

Jamie L. Palmer, CMC
Assistant City Clerk