

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West 10th Street	
	MEETING OF Tuesday, September 7, 2010 at 7:00 p.m.	

ROLL CALL #3

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Brown	None.
Council Member Entenman	
Council Member Erpenbach	
Council Member Jamison	
Council Member Litz	
Council Member Roling	
Council Member Aguilar	
Council Member Anderson Jr.	
Mayor Mike T. Huether	

INVOCATION

A. PASTOR BILL MITCHELL, ABIDING SAVIOR FREE LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. SUICIDE PREVENTION WEEK - SEPTEMBER 5-11, 2010

B. AUGUSTANA COLLEGE DAY, SEPTEMBER 7, 2010

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, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, AUGUST 16, 2010, AT 4:00 P.M.

Minutes

B. JOINT CITY COUNCIL/MINNEHAHA COUNTY MEETING OF MONDAY, AUGUST 16, 2010, AT 5:00 P.M.

Minutes

C. REGULAR CITY COUNCIL MEETING OF MONDAY, AUGUST 16, 2010, AT 7:00 P.M.

Minutes

D. JOINT CITY COUNCIL/LINCOLN COUNTY MEETING OF MONDAY, JUNE 23, 2010, AT 7:00 P.M.

Minutes

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE SOUTH DAKOTA HUMANITIES COUNCIL, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM SEPTEMBER 24, 2010, TO SEPTEMBER 26, 2010, FOR A SELECTION OF BOOKS (RANGING IN VALUE FROM \$10.00 - \$150.00) AND A RHONDA MORSE HANDMADE SUDANESE-THEMED BLANKET (VALUED AT \$1,000.00) TICKETS WILL BE \$5.00 EACH OR \$20.00 FOR FIVE TICKETS. THE PROCEEDS ARE TO BE USED TO BENEFIT THE FESTIVAL OF BOOKS OPERATIONS. THE PROCEEDS FROM THE RHONDA MORSE RAFFLE WILL GO TOWARDS SUPPORTING THE SUDANESE COMMUNITY.

NOTICE OF HEARINGS

Set a hearing date for Monday, September 20, 2010, at 7:00 p.m. on Items 2 through 14:

DOC: DOCUMENT: ALCOHOL MEMO

2. NEW 2010 RETAIL WINE LICENSE FOR LIBATION STATION LLC, LIBATION STATION, TO BE OPERATED AT 5009 SOUTH WESTERN AVENUE SUITE 200, WITH THE CONDITIONAL USE PERMIT (2010-07-03) BEING APPROVED ON 08-04-10.
3. NEW 2010-11 PACKAGE MALT BEVERAGE/SOUTH DAKOTA FARM WINERY LICENSE FOR SWR INC., SENOR WIENER RESTAURANT, TO BE OPERATED AT 3504 WEST 41ST STREET.
4. NEW 2010 PACKAGE LIQUOR LICENSE FOR LEWIS DRUG INC., LEWIS ON LOUISE, TO BE OPERATED AT 6109 SOUTH LOUISE AVENUE.
5. NEW 2010 PACKAGE LIQUOR LICENSE FOR SELAMTA MINI MART LLC, SELAMTA MINI

MART, TO BE OPERATED AT 812 EAST TENTH STREET.

6. RESCIND 2010-11 PACKAGE MALT BEVERAGE LICENSE ISSUED TO SELAMTA MINI MART LLC, SELAMTA MINI MART, 812 EAST TENTH STREET.
7. NEW 2010 RETAIL WINE LICENSE FOR HY-VEE INC., HY-VEE FOOD STORE #7, TO BE OPERATED AT 2700 WEST TENTH STREET (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
8. TRANSFER OF A 2010 PACKAGE LIQUOR LICENSE FROM LUVERNE SUPERMARKET INC., SUNSHINE FOODS #3, 2700 WEST TENTH STREET, TO HY-VEE INC., HY-VEE FOOD STORE #7, TO BE OPERATED AT 2700 WEST TENTH STREET.
9. TRANSFER OF A 2010 PACKAGE LIQUOR LICENSE FROM LUVERNE SUPERMARKET INC., SUNSHINE FOODS, 1231 EAST 57TH STREET, TO HY-VEE INC., HY-VEE FOOD STORE #6, TO BE OPERATED AT 1231 EAST 57TH STREET.
10. TRANSFER OF A 2010-11 PACKAGE MALT BEVERAGE LICENSE FROM LUVERNE SUPERMARKET INC., SUNSHINE GAS #9, 1229 EAST 57TH STREET, TO HY-VEE INC., HY-VEE FOOD STORE #6 GAS, TO BE OPERATED AT 1229 EAST 57TH STREET.
11. TRANSFER 2010-11 RETAIL MALT BEVERAGE LICENSE FROM INCA'S MEXICAN RESTAURANT SIOUX FALLS INC., INCA'S MEXICAN RESTAURANT, 3312 SOUTH HOLLY AVENUE, TO D&D RESTAURANTS INC., INCA'S MEXICAN RESTAURANT, TO BE OPERATED AT 3312 SOUTH HOLLY AVENUE (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
12. TRANSFER 2010 RETAIL WINE LICENSE FROM INCA'S MEXICAN RESTAURANT SIOUX FALLS INC., INCA'S MEXICAN RESTAURANT, 3312 SOUTH HOLLY AVENUE, TO D&D RESTAURANTS INC., INCA'S MEXICAN RESTAURANT, TO BE OPERATED AT 3312 SOUTH HOLLY AVENUE (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
13. SPECIAL ONE-DAY LIQUOR LICENSE FOR REALTOR ASSOCIATION OF THE SIOUX EMPIRE TO BE OPERATED AT CHERAPA PLACE, 300 NORTH CHERAPA PLACE, ON SEPTEMBER 23, 2010, FOR THE "REALTOR FOR KIDS" FUNDRAISER.
14. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSES FOR THE AVERA MCKENNAN FOUNDATION TO BE OPERATED AT PERSPECTIVE, 196 EAST SIXTH STREET, ON OCTOBER 22, 2010, FOR THE "PAINT THE NIGHT PINK" FUNDRAISER.

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar,

Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8.  
Noes, 0.  
Motion Passed

#### PUBLIC INPUT

Theresa Stehly thanked the Mayor and Council Members for their participation in the recent Neighborhood Watch picnics.

Tim Stanga spoke regarding the assistance and cooperation in working on the parks on the East side of the city. Thanks to increased police presence, things are better. He stated he has a concern about some of the neighborhood school children smoking and throwing garbage outside. He also wanted to remind the Council that the economy in Sioux Falls is not good and suggested that the Events Center be carefully considered.

#### UNFINISHED BUSINESS

DOC: DOCUMENT: ALCOHOL MEMO 1

DOC: DOCUMENT: ALCOHOL MEMO 2

15. POSTPONED DEFINITELY (FROM AUGUST 16, 2010 MEETING): TRANSFER OF A 2010-11 RETAIL MALT BEVERAGE LICENSE FROM YOUTH ENRICHMENT SERVICES, BURNSIDE BINGO, 1605 WEST BURNSIDE AVENUE, TO STANTON INC., THE LOG CABIN, TO BE OPERATED AT 1515 WEST BURNSIDE STREET (CUP NOT REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).

A motion was made by Council Member Entenman and seconded by Council Member Anderson Jr. to approve Item 15.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Entenman, 4. Noes Council Member Erpenbach, Council Member Rolwing, Council Member Brown, 3.  
Motion Passed

16. POSTPONED DEFINITELY (FROM AUGUST 16, 2010 MEETING): TRANSFER OF A 2010-11 RETAIL MALT BEVERAGE LICENSE FROM STANTON INC., THE LOG CABIN, 1515 WEST BURNSIDE STREET, TO YOUTH ENRICHMENT SERVICES, BURNSIDE BINGO, TO BE OPERATED AT 1605 WEST BURNSIDE STREET, INCLUDING VIDEO LOTTERY TERMINALS (WITH THE CONDITIONAL USE PERMIT (2002-03-03) BEING APPROVED ON 06-12-02).

Document: Map - Burnside Bingo and Log Cabin

Document: Map received 09/07/10

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

Anderson Jr. to approve Item 16.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Entenman, 4. Noes Council Member Erpenbach, Council Member Rolwing, Council Member Brown, 3.

Motion Passed

17. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE SIOUX FALLS AREA HUMANE SOCIETY TO BE OPERATED AT LANDSCAPE GARDEN CENTER, 7201 SOUTH MINNESOTA AVENUE, FOR THE PAWS TO CELEBRATE FUNDRAISER ON OCTOBER 2, 2010.

This item was withdrawn at the request of the petitioner.

18. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR DOWNTOWN SIOUX FALLS TO BE OPERATED AT SHRIVER SQUARE, SUITE 102, DOWNTOWN SIOUX FALLS OFFICE AND LOBBY, 230 SOUTH PHILLIPS AVENUE, FOR THE WINE PASSPORT WRAP-UP PARTY ON SEPTEMBER 15, 2010.

A motion was made by Council Member Erpenbach and seconded by Council Member Anderson Jr. to approve Item 18.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

#### INTRODUCTION AND ADOPTION OF ORDINANCES

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY BETWEEN 8TH AND 10TH STREETS AND BLAUVELT AND MABLE AVENUES FROM THE C-2, GENERAL COMMERCIAL DISTRICT AND THE RD, RESIDENTIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2010-07-05 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Document: Ord. 1214

PC Staff Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Anderson Jr. and seconded by Council Member Entenman to adopt said Ordinance 70-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

#### HEARINGS AND RESOLUTIONS

20. PUBLIC HEARING FOR PUBLIC INPUT FOR RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2011, AND THE 2011-2015 CAPITAL PROGRAM.

Document: Res. 1758

Document: Budget

There was no public input.

21. A RESOLUTION AUTHORIZING THE DIRECTOR OR ASSISTANT DIRECTOR OF THE PUBLIC WORKS DEPARTMENT TO SIGN GRANT AGREEMENTS AND CONTRACTS.

Document: Res. 1759

A motion was made by Council Member Aguilar and seconded by Council Member Erpenbach to adopt said Resolution 72-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

#### RESOLUTION NO. 72-10

A RESOLUTION AUTHORIZING THE DIRECTOR OR ASSISTANT DIRECTOR OF THE PUBLIC WORKS DEPARTMENT TO SIGN GRANT AGREEMENTS AND CONTRACTS.

WHEREAS, the City of Sioux Falls, South Dakota, is the recipient of a Solid Waste Management Program grant from the State of South Dakota, Board of Water and Natural Resources, and the Department of Environment and Natural Resources; and

WHEREAS, the City of Sioux Falls is required to designate an officer or agent of the grantee for the purpose

of signing required documents pertaining to this grant;

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

That the Director or Assistant Director of Public Works for the City of Sioux Falls

lls be hereby designated as  
the grantee s official for the purpose of signing grant agreements and contracts

.  
AND BE IT FURTHER RESOLVED, that the Director or Assistant Director of Public Works for the City of Sioux Falls be hereby designated as the grantee s official for the purpose of signing correspondence, pay requests, and other required documents.

Date adopted: 09/07/10 .

Mike T.

Huether

Mayor  
ATTEST:  
Debra A. Owen  
City Clerk

22. A RESOLUTION AMENDING THE 2010-2014 CAPITAL PROGRAM TO ADD A PROJECT,  
FAMILY PARK IMPROVEMENTS.

Document: Res. 1762

A motion was made by Council Member Erpenbach and seconded by Council Member Brown to adopt said Resolution 73-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.  
Motion Passed

#### RESOLUTION NO. 73-10

A RESOLUTION AMENDING THE 2010-2014 CAPITAL PROGRAM TO ADD A PROJECT, FAMILY PARK IMPROVEMENTS.

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

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

Parks and Recreation

Amend the Capital Improvements Program by adding a new project, Family Park Improvements, in 2010. The estimated cost is \$10,000 for engineering and \$111,590 for construction, totaling \$121,590. This will not require an increase in appropriations as the funding will be provided by a transfer from CIP No. 164064, Greenway Fishing Access (\$75,000 donations from Game, Fish & Parks and \$46,590 from sales/use tax).

Date adopted: 09/07/10 .

Mike T.

Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

23. A RESOLUTION AMENDING THE 2010-2014 CAPITAL PROGRAM TO MOVE THE COLLECTION SYSTEM FLOW METERING IMPROVEMENTS PROJECT FROM 2011 TO 2010.

Document: Res. 1764

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to adopt said Resolution 74-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.  
Motion Passed

RESOLUTION NO. 74-10

A RESOLUTION AMENDING THE 2010-2014 CAPITAL PROGRAM TO MOVE THE COLLECTION SYSTEM FLOW METERING IMPROVEMENTS PROJECT FROM 2011 TO 2010.

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

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

Public Works--Water Reclamation

Amend Capital Improvements Program Project No. 145077, Collection System Flow Metering Improvements, by moving

the project from 2011 to 2010. The estimated cost is \$290,000 for construction.

The additional funding will

not require an increase in appropriations as it will be funded by user fees.

This resolution shall become effective upon passage and publication.

Date adopted: 09/07/10 .

Mike T.

Huether

Mayor

ATTEST:

Debra A. Owen

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)

24. REPORT OF AUGUST 30, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS. (MEMO 1)

Document: Memo 1

25. REPORT OF AUGUST 30, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS. (MEMO 2)

Document: Memo 2

26. REPORT OF AUGUST 30, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS. (MEMO 3)

Document: Memo 3

ADJOURNMENT

A motion was made by Council Member Brown and seconded by Council Member Erpenbach to adjourn the meeting at 8:15 p.m.

Vote to adjourn: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

Tamara Jorgensen, CMC  
Assistant City Clerk