

City of Sioux Falls Council Meeting Minutes
Carnegie Town Hall, 235 West Tenth Street
REGULAR MEETING OF Monday, December 6, 2010 at 7:00 p.m.

ROLL CALL #4

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. PASTOR ERICH MCCANDLESS, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

A. V.L. CRUSINBERRY AWARD

Mayor Mike T. Huether presented the V.L. Crusinberry Award to Melissa Anderson.

B. JEANNE FULLENKAMP MANAGEMENT EXCELLENCE AWARD

Mayor Mike T. Huether presented the Jeanne Fullenkamp Management Excellence Award to Dwight McElhaney.

C. SAFETY AWARD

Mayor Mike T. Huether presented the Safety Award to Brandi Rensch

APPROVAL OF CONSENT AGENDA

A motion was made by Aguilar and seconded by Anderson Jr. to approve the Consent Agenda.

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

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, NOVEMBER 15, 2010, AT 4:00 P.M.

Minutes

B. JOINT CITY COUNCIL/MINNEHAHA COUNTY MEETING OF MONDAY, NOVEMBER 15, 2010, AT 5:00 P.M.

Minutes

C. REGULAR CITY COUNCIL MEETING OF MONDAY, NOVEMBER 15, 2010, AT 7:00 P.M.

Minutes

NOTICE OF HEARINGS

DOC: ALCOHOL MEMO

Set a hearing date for Monday, December 20, 2010, at 7:00 p.m. on Items 1 through 5:

1. NEW 2010-11 PACKAGE MALT BEVERAGE LICENSE FOR SARP LLC, BP SHOP, TO BE OPERATED AT 900 NORTH SYCAMORE AVENUE, WITH THE CONDITIONAL USE PERMIT (2010-07-07) BEING APPROVED ON 08-04-10.
2. NEW 2011 RETAIL WINE LICENSE FOR OVERTIME INC., OVERTIME SPORTS GRILL AND BAR, TO BE OPERATED AT 4529 EAST 26TH STREET, EFFECTIVE JANUARY 1, 2011, INCLUDING VIDEO LOTTERY TERMINALS (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
3. TRANSFER OF A 2010-11 RETAIL MALT BEVERAGE LICENSE FROM NEIL'S INC., KEG BEER LOUNGE, 4529 EAST 26TH STREET, TO OVERTIME INC., OVERTIME SPORTS GRILL AND BAR, TO BE OPERATED AT 4529 EAST 26TH STREET, INCLUDING VIDEO LOTTERY TERMINALS (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
4. TRANSFER OF A 2010-11 RETAIL MALT BEVERAGE LICENSE FROM MAURA MINERO, TAQUERIA LOS CANTARITOS, 802 EAST TENTH STREET, TO FRANCISCO RESENDIZ, TACOS LUPE #3, TO BE OPERATED AT 802 EAST TENTH STREET (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
5. 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 C.

Exhibit C

Security Management Plan - Thrifty Smoke Shop Inc.

Security Management Plan - I-90 Fuel

APPROVAL OF REGULAR AGENDA

A motion was made by Brown and seconded by Entenman to approve the Regular
Agenda.

Vote to approve: Roll Call: Yeses, Erpenbach, Jamison, Litz, Rolfing, Aguilar,
Anderson Jr., Brown, Entenman, 8. Noes, 0. Motion Passed

PUBLIC INPUT

Citizen Tim Stanga spoke regarding the status of the railroad relocation
project, the Events Center, traffic congestion, and the information that can be
gained by attending the 4:00 p.m. City Council Informational Meetings.

UNFINISHED BUSINESS

DOC: ALCOHOL MEMO

6. 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). PENDING FINAL INSPECTION PER BUILDING
SERVICES.
7. 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).
8. 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).
9. 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.

10. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR PHILANTHROPY PROMOTIONS INC., J AND 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.

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 B.

Exhibit B

A motion was made by Litz and seconded by Anderson Jr. to approve Items 6 through 11, excluding item 10, with one vote as follows.

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

A motion was made by Erpenbach and seconded by Aguilar to approve approve item 10.

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

INTRODUCTION AND ADOPTION OF ORDINANCES

12. 2ND 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.)

Ord. 0010

PC Staff Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Entenman and seconded by Council Member Roling to defer said Ordinance to the City Council Meeting on Monday, January

3, 2011, at 7:00 p.m.

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

Set a date of hearing and 2nd Reading for Monday, December 13, 2010, for Items 13 through 15:

13. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY DEFINING THE USE AND PURPOSE OF SECTION 39-17 TO INCLUDE ZOO MAINTENANCE AND OPERATIONAL EXPENSES.

Ord. 1222

14. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTION 34 1/2-13 CAPITAL PROGRAM.

Ord. 1223

15. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CONVEYING LOT 1 (EXCEPT LOT H-2) AND LOTS 2, 3, 4, 5, 8, 9, AND 10 AND VACATED ALLEY IN BLOCK 7 OF BENNETT'S FIRST ADDITION TO SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA ALONG WITH AUTHORIZING REPAYMENT OF A CITI LOAN.

Ord. 1219a

Presentation

A motion was made by Litz and seconded by Anderson Jr. to set a hearing date and 2nd Reading for Monday, December 13, 2010, at 7:00 p.m. for Items 13 through 15.

Vote to set a hearing date: Roll Call: Yeses, Erpenbach, Jamison, Litz, Roling, Aguilar, Anderson Jr., Brown, Entenman, 8. Noes, 0. Motion Passed

HEARINGS AND RESOLUTIONS

16. A RESOLUTION TO AMEND AND RESTATE RESOLUTION 73-09 TO ADOPT AS A GOAL THAT THE CITY MAINTAIN AN 11% MONTHLY UNRESTRICTED CASH BALANCE AND A 25% GENERAL FUND RESERVE BALANCE AT YEAR END; THAT FUTURE BUDGETS OF THE CITY BALANCE WITHOUT THE USE OF UNOBLIGATED RESERVE BALANCES; ESTABLISHING A COUNCIL POLICY REGARDING THE USE OF PROJECTED REVENUE FROM FEE OR TAX INCREASES IN ANY BUDGET ADOPTED BY THE COUNCIL; AND ESTABLISHING A COUNCIL POLICY ON THE USE OF ENTERPRISE FUNDS.

Res. 1778

Proposed Amendment

A motion was made by Erpenbach and seconded by Brown to adopt said Resolution 109-10.

A motion was made by Brown and seconded by Jamison to amend said Resolution by deleting the following language: (In the 4th Paragraph): "WHEREAS, pursuant to the City's Home Rule Charter, the Council may provide for the form in which the Mayor is to submit a budget proposal; and (in the 8th Paragraph): "beginning with 2008".

Vote to amend: Roll Call: Yeses, Erpenbach, Jamison, Rolwing, Aguilar, Anderson Jr., Brown, 6. Noes Litz, Entenman, 2. Motion Passed

Vote to adopt, as amended: Yeses, Erpenbach, Jamison, Rolwing, Aguilar, Anderson Jr., Brown, 6. Noes, Entenman, Litz, 2. Motion Passed.

RESOLUTION NO. 109-10

A RESOLUTION TO AMEND AND RESTATE RESOLUTION 73-09 TO ADOPT AS A GOAL THAT THE CITY MAINTAIN AN 11% MONTHLY UNRESTRICTED CASH BALANCE AND A 25% GENERAL FUND RESERVE BALANCE AT YEAR END; THAT AT FUTURE BUDGETS OF THE CITY BALANCE WITHOUT THE USE OF UNOBLIGATED RESERVE BALANCES; ESTABLISHING A COUNCIL POLICY REGARDING THE USE OF PROJECTED REVENUE FROM FEE OR TAX INCREASES IN ANY BUDGET ADOPTED BY THE COUNCIL ; AND ESTABLISHING A COUNCIL POLICY ON THE USE OF ENTERPRISE FUNDS.

WHEREAS, the Home Rule Charter of the City of Sioux Falls authorizes the Council to appropriate City funds and set

City policy; and

WHEREAS, the City Council desires adequate reserves to cash flow City government and meet any emergencies; and

WHEREAS, the City Council desires an ongoing plan for a fiscally sound budget; and

WHEREAS, the City Council expects potential new revenue streams be approved prior to final adoption of the budget;

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

That the City establish as a goal that it maintain a minimum unrestricted cash balance at the end of each calendar

month equal to 11% of the general fund budget for that fiscal year and a general fund unreserved fund balance as of

December 31 for each fiscal year equal to 25% of the general fund budget for that fiscal year. If the unrestricted

cash reserves at any month end or the general fund unreserved fund balance as of December 31 shall fall below these

thresholds, the Mayor shall, as soon as practical thereafter, present the Council with an explanation and plan for

replenishing the unrestricted cash balance or general fund reserve balance to the targeted threshold; and

BE IT FURTHER RESOLVED:

That the City establish as a goal that a Mayor's proposed general fund budget for

r each fiscal year provide for balance between projected revenues and expected expenditures without the use of general fund unreserved fund balances, and that the elected and appointed officials of the City use their best efforts and mutual cooperation to accomplish that goal. If a Mayor believes that the financial condition or needs of the City require the use of funds from general fund unreserved fund balances in any proposed budget, such budget proposal shall include a statement of the reasons which the Mayor believes justify the use of the general fund unreserved funds; and

BE IT FURTHER RESOLVED:

That it be established as the policy of the Council that if a Mayor's proposed general fund operation budget includes projected revenues from increases in fees, charges, taxes or other similar sources that require Council approval, the ordinance or ordinance amendment authorizing such increase should be presented to and approved by the Council prior to the submission of the proposed budget.

BE IT FURTHER RESOLVED:

That it be established as a policy of the Council that enterprise accounts of the City relating to water, water reclamation, sanitary landfill and the city electric utility should cover the true cost for that enterprise, including operation, maintenance, periodic capital replacement, new capital acquisitions and improvements, debt service requirements, and other costs deemed necessary.

Date adopted: 12/06/10 .

Unsigned by Mayor Mike T. Huether at the time of publication submission.

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)

17. REPORT OF NOVEMBER 29, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Memo

NEW BUSINESS/ ITEMS ADDED AFTER AGENDA DEADLINE

ADJOURNMENT

A motion was made by Erpenbach and seconded by Entenman to adjourn at 8:20 p.m.

Vote to adjourn: Roll Call: Yeses, Erpenbach, Jamison, Litz, Rolfing, Aguilar, Anderson Jr., Brown, Entenman, 8. Noes, 0. Motion Passed

Tamara Jorgensen, CMC
Assistant City Clerk