

City of Sioux Falls Council Meeting  
Minutes  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Tuesday, January 18, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Rex Roling                      Council Member Vernon Brown  
Council Member Sue Aguilar                      Council Member James Entenman  
Council Member Kenny Anderson Jr.  
Council Member Michelle Erpenbach  
Council Member Greg Jamison  
Council Member Bob Litz  
Mayor Mike T. Huether

INVOCATION

- Pastor Phill Tague, The Ransom Church

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

- National Mentoring Month
- Stalking Awareness Month

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

MINUTES

- Informational Meeting of Monday, January 10, 2011, at 4:00 p.m.
- City Council Meeting of Monday, January 10, 2011, at 7:00 p.m.

## COMMUNICATIONS

1. A communication was received from the Sioux Falls Irish Club stating their intent to sell 100 raffle tickets from March 1, 2011, until all the tickets are sold, for a trip to Ireland (approximate value \$5,000.00). Tickets will be \$100.00 each. The proceeds are to be used for Dakota Irish Fair 2011.
2. A communication was received from James M. Barker and Randee Huber, requesting permission to consume, but not sell wine and malt beverages at The Old Courthouse Museum, 200 W. Sixth St., on Saturday, April 23, 2011, from 5:00 p.m. to 11:30 p.m. for a wedding reception.

## 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:

3. Kimberly Pettibone, 6900 W. Seventh St., for 2010 property taxes in the amount of \$132.58. The amount requested is the difference between the elderly freeze and non elderly freeze.
4. Nancy Hansen, 1009 W. Seventh St., for 2010 property taxes in the amount of \$107.28. The amount requested is the difference between the elderly freeze and non elderly freeze.
5. Harold Weins, 212 S. West Ave., for 2010 property taxes in the amount of \$657.95. The amount requested is the difference between the elderly freeze and non elderly freeze.
6. Mary Lund, 2505 E. Seventh St., for 2010 property taxes in the amount of \$487.37. The amount requested is the difference between the elderly freeze and non elderly freeze.
7. LaVonne Middlen, 1812 E. Eighth St., for 2010 property taxes in the amount of \$689.53. The amount requested is the difference between the elderly freeze and non elderly freeze.
8. Ivor Boehrns, 1908 S. West Ave., for 2010 property taxes in the amount of \$98.07. The amount requested is the difference between the elderly freeze and non elderly freeze.
9. Gladys Bates, 1504 W. 29th St., for 2010 property taxes in the amount of \$1,468.37. The amount requested is the difference between the elderly freeze

and non elderly freeze.

10. Tommy Coffield, 800 S. Kennedy Ave., for 2010 property taxes in the amount of \$35.70. The amount requested is the difference between the elderly freeze and non elderly freeze.
11. Calmer Henke, 5504 W. 16th St., for 2010 property taxes in the amount of \$454.36. The amount requested is the difference between the elderly freeze and non elderly freeze.
12. Mildred Best, 518 N. Sherman Ave., for 2010 property taxes in the amount of \$63.38. The amount requested is the difference between the elderly freeze and non elderly freeze.
13. Lorraine McDonald, 1229 N. Spring Ave., for 2010 property taxes in the amount of \$225.11. The amount requested is the difference between the elderly freeze and non elderly freeze.
14. Cecil McCoy, 1108 S. Willow Ave., for 2010 property taxes in the amount of \$1,243.50. The amount requested is the difference between the elderly freeze and non elderly freeze.
15. Vivian Wehling, 916 S. Sneve Ave., for 2010 property taxes in the amount of \$620.46. The amount requested is the difference between the elderly freeze and non elderly freeze.
16. Charles Huber, 3400 E. 16th St., for 2010 property taxes in the amount of \$902.97. The amount requested is the difference between the elderly freeze and non elderly freeze.
17. Lois Merritt, 3004 S. 10th Ave., for 2010 property taxes in the amount of \$1,063.94. The amount requested is the difference between the elderly freeze and non elderly freeze.
18. Maurine M. Archer, 516 S. Blauvelt Ave., for 2010 property taxes in the amount of \$588.73. The amount requested is the difference between the elderly freeze and non elderly freeze.
19. Lois Geiken, 6712 W. 47th St., for 2010 property taxes in the amount of \$835.17. The amount requested is the difference between the elderly freeze and non elderly freeze.
20. Gerald Wingert, 6704 W. 46th St., for 2010 property taxes in the amount of \$874.07. The amount requested is the difference between the elderly freeze and non elderly freeze.

21. Richard Abbott, 1713 W. 26th St., for 2010 property taxes in the amount of \$381.12. The amount requested is the difference between the elderly freeze and non elderly freeze.
22. Donald Cohoon, 1708 S. Silver Creek, for 2010 property taxes in the amount of \$499.34. The amount requested is the difference between the elderly freeze and non elderly freeze.
23. City of Sioux Falls, parcel #14608, for sub parcels #84947 and #84949, for 2009 property taxes in the amount of \$990.77 for 58 days; sub parcels #84947 and #84949 for 2010 property taxes in the amount of \$504.01 for 365 days; and sub parcel #84948 for 2010 property taxes in the amount of \$183.78 for 232 days. The City of Sioux Falls received a gift of three parcels of land from Sanford Health in 2009 and 2010. They are requesting an abatement for the time the City owned the property.
24. City of Sioux Falls, parcel #82446, 2300 W. Benson Road, for sub parcels #84947 and #84949, for 2009 property taxes in the amount of \$1,595.37 for 58 days; sub parcels #84947 and #84949 for 2010 property taxes in the amount of \$755.73 for 365 days; and sub parcel #84948 for 2010 property taxes in the amount of \$93.75 for 232 days. The City of Sioux Falls received a gift of three parcels of land from Sanford Health in 2009 and 2010. They are requesting an abatement for the time the City owned the property.
25. Jean Fuller, 701 S. Gordon Dr., for 2010 property taxes in the amount of \$573.17 for 108 days. The structure was razed and the property owner is requesting an abatement for the time the building was gone in 2010.
26. Donna Stanford, 605 S. Dakota Ave., for 2010 property taxes in the amount of \$480.46 for 99 days. The structure was razed on September 24, 2010, and the property owner is requesting an abatement for the time the building was gone in 2010.
27. Landmark Centre LLC, 508 S. Minnesota Ave., for 2010 property taxes in the amount of \$959.58 for 267 days. The property was destroyed by fire on April 9, 2010, and the property owner is requesting an abatement for the time the building was gone in 2010.
28. Metabank, ATM machine, 1600 N. Minnesota Ave., for 2009 property taxes in the amount of \$217.00 for five months; and 2010 property taxes for \$520.50. The ATM machine was closed and removed effective August 1, 2009. They are now requesting an abatement for when the ATM machine was not there.
29. Dan Parker, 810 S. 10th Ave., for 2010 property taxes in the amount of \$316.43 for 128 days. A fire destroyed the home on August 26, 2010. The property owner is requesting an abatement for the time the building was gone in 2010.
30. Sioux Falls Development Foundation Inc., 2901 E. 60th St. N., for 2010 property taxes in the amount of \$721.50. The property owner was granted an

exemption from taxation for \$50,000.00. They are requesting an abatement for the value difference.

31. Westwood Valley LLC, 9236 W. Norma Tr., for 2010 property taxes in the amount of \$950.69. The property was being assessed on two separate record numbers. Record #84548 has been voided. The property owner is requesting an abatement for this double assessment.
32. Brandon Valley School District 49-2, parcel #73013, for 2010 property taxes in the amount of \$440.32 for 199 days. The property owner purchased 20 acres out of the parcel on June 13, 2010. They are now requesting an abatement for time owned in 2010.
33. Fred Assam Estate and F & K Assam Family LLC, 5112 E. 10th St., for 2010 property taxes in the amount of \$66.08 for 200 days; and 4904 E. 10th St., for 2010 property taxes in the amount of \$209.41 for 197 days. The two structures were removed in June 2010; the property owner is now requesting an abatement for the time the structures were gone in 2010.
34. First Christian Reformed Church, 2811 E. 26th St., for 2010 property taxes in the amount of \$1,627.85 for six months; and 2813 E. 26th St., for 2010 property taxes in the amount of \$299.21 for six months. The property owner was granted exempt status on both parcels. They are now requesting an abatement for the time the parcels were used 100% exempt in 2010.
35. The City of Sioux Falls, parcel #81507, for 2010 property taxes in the amount of \$207.25. The transfer took place in 2007, but was not put into the City's name at that time. The property owner is requesting an abatement for time owned.
36. The City of Sioux Falls, 1401 N. Riverside Ave., for 2010 property taxes in the amount of \$48.16 for 170 days; 1400 N. 1st Ave., for 2010 property taxes in the amount of \$163.31 for 170 days; 1818 N. 1st Ave., for 2010 property taxes in the amount of \$563.71 for 212 days; parcel #78898, for 2010 property taxes in the amount of \$695.15 for 247 days; 4900 E. Madison St., for 2010 property taxes in the amount of \$126.90 for 169 days; 1801 W. 47th St., for 2010 property taxes in the amount of \$1,675.31 for 269 days; 3601 S. Minnesota Ave., for 2010 property taxes in the amount of \$233.44 for 246 days; 7101 E. 41st St., for 2010 property taxes in the amount of \$188.49 for 254 days; parcel #75976, for 2010 property taxes in the amount of \$84.68 for 199 days; 801 N. Powderhouse Rd., for 2010 property taxes in the amount of \$598.92; and parcel #53434, for 2010 property taxes in the amount of \$919.68 for 225 days. The property owner acquired several parcels in 2010 and now is requesting an abatement for time owned.

#### NOTICE OF HEARINGS

Set a hearing date for a Special City Council Meeting on Monday, January 31, 2011, at 4:00 p.m. for Item 37:

37. Special One-Day Liquor License for Avera McKennan Foundation to be held at the Avera Behavioral Health Center, 4400 West 69th Street, on February 5,

2011, for the Hearts of Healing Event.

#### REGULAR AGENDA ITEMS

##### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

##### PUBLIC INPUT

Charles Santee spoke about having snow removed from bus stops.

David Zokaites encourages more respect between the police and citizens.

##### UNFINISHED BUSINESS

38. New 2011 Retail Wine License for Chef Jeni & Company Inc., Chef Jeni & Company, to be operated at 3638 South Southeastern Avenue, with the Conditional Use Permit (2010-11-05) being approved on 12-01-10.
39. New 2010-11 Retail Malt Beverage License for Chef Jeni & Company Inc., Chef Jeni & Company, to be operated at 3638 South Southeastern Avenue, with the Conditional Use Permit (2010-11-05) being approved on 12-01-10.
40. Special One-Day Liquor License for St. Therese Parish to be operated at St. Therese Parish, 901 North Tahoe Trail, for the Mexican Fiesta Parish Social Activity on February 12, 2011.
41. Special One-Day Liquor License for Avera McKennan, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for a Chamber Mixer on February 10, 2011.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to approve Items 38 through 41, with one vote.

Vote to approve: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

##### INTRODUCTION AND ADOPTION OF ORDINANCES

42. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE BOARD OF ETHICS.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance as amended and recommended by the Public Services Committee.

Vote to adopt: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

Set a hearing date and 2nd Reading for Monday, February 7, 2011, at 7:00 p.m. for Items 43 through 45:

43. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2010-11-02, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT THE SOUTHEAST CORNER OF E. 57TH ST. AND S. MACARTHUR LN., AMENDING THE SOUTHERN HILLS PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (Planning Commission approved.)

44. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2010-12-03, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 2425 S. SHIRLEY AVE., AMENDING THE MEADOWS ON THE RIVER PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (Planning Commission approved.)

45. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. DISCOVERY AVE. AND W. BROWNING ST. FROM THE RD, RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2010-12-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (Planning Commission approved.)

A motion was made by Council Member Sue Aguilar and seconded by Council Member Bob Litz to set a hearing date and 2nd Reading for Monday, February 7, 2011, at 7:00 p.m. for Items 43 through 45.

Vote to set a date: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

#### HEARINGS AND RESOLUTIONS

46. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF TRACY TURBAK EFFECTIVE FEBRUARY 14, 2011.

A motion was made by Council Member Bob Litz and seconded by Council Member Michelle Erpenbach to adopt said Resolution.

Vote to adopt: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF TRACY TURBAK EFFECTIVE FEBRUARY 14, 2011.

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

That it gives its advice and consent to the following mayoral appointment:

Tracy Turbak, Director of Finance

Date adopted: 01/18/11.

47. A RESOLUTION EXCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

A motion was made by Council Member Bob Litz and seconded by Council Member Greg Jamison to adopt said Resolution.

A motion was made by Council Member Greg Jamison and seconded by Council Member Michelle Erpenbach to amend said Resolution to state "a petition by the City Planning Office".

Vote to amend: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

Vote to adopt main motion, as amended: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

A RESOLUTION EXCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk a petition by the City Planning Office and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be excluded from the municipality; WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is currently within city limits.
2. The property was annexed on June 30, 2006, as Tracts 1, 2, 3, 4, 5, and 6 of Willow Run Addition in Section 20, Township 101 North, Range 48 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof, except Lots 1 through 14, inclusive, in Block 1 of Willow Run Addition contained therein, and except Mineral Rights Reserved in Book 392 of Deeds on pages 1,015 1,019, in Book 393 of Deeds on pages 98 102, in Book 403 of Deeds on pages 135 137, 139 140, 142, 144 145.
3. The property to be excluded was a part of a court settlement in Robert Van Beek vs. Willow Corporation (2008) and became a part of Van Beek s Tract, which is not within city limits and is not a part of the annexation petitioner s land approved by the City Council on June 30, 2006.

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

That the following described properties be and the same hereby are excluded from the corporate limits of the city of Sioux Falls, Minnehaha County, and the



boundary of the city is hereby reduced by such territory.

A two-acre piece of land lying within Van Beek s Tract NW1/4 that is formerly a portion of Lot A in Tract 1 of Willow Run Addition, all within Section 20, Township 101 North, Range 48 West of the 5th P.M., Minnehaha County, South Dakota, according to the recorded plat thereof.

Date adopted: 01/18/11 .

#### ADJOURNMENT

A motion was made by Council Member Rex Roling and seconded by Council Member Bob Litz to adjourn the meeting at 7:45 p.m.

Vote to adjourn: Roll Call: Yeses, Rex Roling, Sue Aguilar, Kenny Anderson Jr., Michelle Erpenbach, Greg Jamison, Bob Litz, 6. Noes, 0.  
Motion Passed.

Denise D. Tucker, CMC  
Assistant City Clerk

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 ATWWW.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.