

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Monday, April 18, 2011, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Dean Karsky

Council Member Sue Aguilar

Council Member Kenny Anderson Jr. Council Member Greg Jamison

Council Member Vernon Brown Council Member Rex Roling

Council Member James Entenman

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Councilor Vernon Brown

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Volunteers of America, Dakotas Day - May 5, 2011

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Monday, April 11, 2011, at 4:00 p.m.

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City Council Meeting of Monday, April 11, 2011, at 7:00 p.m.

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COMMUNICATIONS

A communication was received from Arshia Chander, requesting permission to

1. consume, but not sell, liquor, wine, and malt beverages at the Multicultural Center, 515 North Main Avenue, on Saturday, May 7, 2011, from 7:00 p.m. to 11:30 p.m. with the purpose being a graduation celebration.

A communication was received from the Sanford Health Foundation stating their intent to sell raffle tickets from May 15, 2011, to August 20, 2011, for the following prizes. All proceeds are to be used for the Sanford Children's Endowment Fund. First Category: one ticket for \$5.00 and five for \$20.00 - prizes: Hot air balloon package (valued at \$500);

2. Vikings package (valued at \$500); Flat Screen TV (valued at \$750); Massage package (valued at \$1,000.); Black Hills Package (valued at \$2,500). Second Category: One ticket for \$20.00 and six for \$100 - prizes: Golf Package (valued at \$2,600); Maui Trip (valued at \$5,000); Handbag (valued at \$5,000); Jewelry (valued at \$10,000); Vacation Home (1 week stay valued at \$35,000); Yacht Trip (valued at - \$10,000).

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

PUBLIC INPUT

Tim Stanga spoke about several items, including funding for the Events Center, homelessness, road repair, and the Second Penny Sales Tax.

Andy Traub asked for updates on snow gates and the new chemicals used for roads this winter, and made comments about the Events Center.

UNFINISHED BUSINESS

New 2010-11 Retail Malt Beverage License for Bonito Guadalajara Inc., Bonito

3. Guadalajara Mexican Restaurant, to be operated at 1010 North Minnesota Avenue (full service restaurant; CUP not required).

New 2011 Retail Wine License for Bonito Guadalajara Inc., Bonito Guadalajara

4. Mexican Restaurant, to be operated at 1010 North Minnesota Avenue (full service restaurant; CUP not required).

Transfer of a 2011 Retail Liquor License from Sioux Falls Ventures LLC, Boston's

5. 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).

6. Rescind 2010-11 Retail Malt Beverage License issued to Overtime Inc., Overtime Sports Grill & Bar, 4529 East 26th Street.
7. Rescind 2011 Retail Wine License issued to Overtime Inc., Overtime Sports Grill & Bar, 4529 East 26th Street.

Transfer of a 2011 Package Liquor License from Selamta Mini Mart LLC,

8. Selamta Mini Mart, 812 East Tenth Street, to Almaz Fisha and Amare Walle, Walia Convenience Store, to be operated at 812 East Tenth Street.

Transfer of a 2010-11 Retail Malt Beverage License from Jan Wood, Falls

9. Overlook Caf, 825 North Weber Avenue, to Utopia LLC, Falls Overlook Caf, to be operated at 825 North Weber Avenue (full service restaurant; CUP not required).

Transfer of a 2011 Retail Wine License from Jan Wood, Falls Overlook Caf, 82

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10. North Weber Avenue, to Utopia LLC, Falls Overlook Caf, to be operated at 825 North Weber Avenue (full service restaurant; CUP not required).

Transfer of a 2011 Package Liquor License from I-90 Fuel Services Inc., JJ's

11. Wine, Spirits & Cigars, 4810 South Western Avenue, to TSlat Inc., JJ's Wine, Spirits & Cigars, to be operated at 4810 South Western Avenue.

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

12. 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.

Special One-Day Liquor License requests for Great Bear Recreation Park

13. 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.

Special One-Day Liquor License for the Sanford Health Foundation to be held

14. at the Sanford Center, 2301 East 60th Street North, for the 2011 Sanford Children's Gala on August 20, 2011.

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

15. 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.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the

16. 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.

Special One-Day Malt Beverage and Special One-Day Wine Licenses for the

17. 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.

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 18. 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.

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 19. 13th Streets; 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.

Special One-Day Wine License for the American Civil Liberties Union to be 20. operated at the Old Courthouse Museum, 200 West Sixth Street, for a fundraiser on April 22, 2011.

A motion was made by Council Member Sue Aguilar and seconded by Council Member Vernon Brown to approve Items 3-11 and Items 13-20 with one vote.

Vote to approve: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

A motion was made by Council Member Vernon Brown and seconded by Council Member Michelle Erpenbach to approve Item 12.

Vote to approve: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, Michelle Erpenbach, 5. Noes, 0. Jim Entenman was excused from the meeting and vote for this item.

Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

DEFERRED (from the meetings of December 6, 2010, January 3, 2011, and February 14, 2011). 2nd Reading: AN ORDINANCE OF THE CITY OF 21. 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.

A motion was made by Council Member James Entenman and seconded by Council Member Dean Karsky to defer Item 21 to Monday, June 20, 2011, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REVISING SEWER UTILITY RATES AND CHARGES AS 22. FOUND IN CHAPTER 41 "UTILITIES." (Rate changes effective July 1, 2011)

Sponsor: Mayor/Public Works

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to adopt said Ordinance for Item 22.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Vernon Brown, James Entenman, Michelle Erpenbach, 5. Noes, Kenny Anderson Jr., 1.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REVISING SEWER UTILITY RATES AND CHARGES AS 23. FOUND IN CHAPTER 41 "UTILITIES." (Rate Changes Effective January 1, 2012)

Sponsor: Mayor/Public Works

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Vernon Brown to adopt said Ordinance for Item 23.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR A MARKET ANALYSIS PROVIDING THE VALUE OF 24. NAMING RIGHTS AND FACILITY SPONSORSHIP PACKAGES FOR AN EVENTS CENTER AND OTHER CITY FACILITIES. (\$65,000).

Sponsor: Mayor/Community Development

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to defer Item 24 to Monday, May 2, 2011, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS WASTEWATER SYSTEM REVENUE BONDS, IN ONE OR MORE SERIES, TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER 25. SYSTEM REVENUE BONDS, FIXING THE TERMS OF SUCH WASTEWATER SYSTEM REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WASTEWATER SYSTEM REVENUE BONDS TO THE SOUTH DAKOTA CONSERVANCY DISTRICT NOT TO EXCEED \$14,712,000.

Sponsor: Mayor/Public Works

At 9:06 p.m., Mayor Huether recessed the meeting for 5 minutes.

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to adopt said Ordinance for Item 25.

Vote to adopt: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, May 2, 2011, at 7:00 p.m. for Items 26 through 29:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO.2011-03-09, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT S. BEAL AVE. (WEST OF EXPLORER ELEMENTARY)

26. AMENDING THE BENTWOOD VILLAGE PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Sue Aguilar and seconded by Council Member Michelle Erpenbach to set a date of hearing and 2nd Reading for Monday, May 2, 2011, at 7:00 p.m. for Item 26.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO.2011-03-12, TO CHAPTER 15.45.070, PLANNED

27. DEVELOPMENT DISTRICTS, AT E. 23RD ST. AND S. CLIFF AVE. AMENDING THE AVERA MCKENNAN PLANNED DEVELOPMENT DISTRICT.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Monday, May 2, 2011, at 7:00 p.m. for Item 27.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 6011AND 6700 E. RICE ST. FROM THE AG, AGRICULTURAL

28. DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO.2011-03-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Monday, May 2, 2011, at 7:00 p.m. for Item 28.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING TWO LEGAL DESCRIPTIONS AND

29. DELETING FOUR LEGAL DESCRIPTIONS TO SECTION 39-82A, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Dean Karsky and seconded by Council Member

Sue Aguilar to set a date of hearing and 2nd Reading for Monday, May 2, 2011, at 7:00 p.m. for Item 29.

Vote to set a date: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION AMENDING THE 2011-2015 CAPITAL PROGRAM TO INCREASE FUNDING FOR 30. CIP NO. 000122, EVENTS CENTER, IN 2011. (\$35,000).

Sponsor: Mayor/Community Development

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Sue Aguilar to defer Item 30 to Monday, May 2, 2011, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 6. Noes, 0.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adjourn at 9:21 p.m.

Vote to adjourn: Roll Call: Yeses, Dean Karsky, Sue Aguilar, Kenny Anderson Jr., Vernon Brown, James Entenman, Michelle Erpenbach, 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 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 COUNCIL MEETINGS 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.