

|| City of Sioux Falls Council Meeting Agenda  
|| Carnegie Town Hall, 235 West 10th Street  
|| MEETING OF Monday, November 16, 2009, at 7:00 p.m. |

ROLL CALL #4

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Council Member Costello  
Council Member Jamison  
Council Member Knudson  
Council Member Litz  
Council Member Staggers  
Council Member Anderson Jr.  
Council Member Beninga  
Council Member Brown  
Mayor Dave Munson

INVOCATION

A. REVEREND RANDY RASMUSSEN, EMMANUEL BAPTIST CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. HUNGER AND HOMELESSNESS AWARENESS WEEK - NOVEMBER 16-21, 2009

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, NOVEMBER 9, 2009, AT 4:00 P.M.

B. CITY COUNCIL MEETING OF MONDAY, NOVEMBER 9, 2009, AT 4:00 P.M.

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:

1. JOANN HURNEY, 4037 S. DREXEL DR., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF

\$160.91. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.

2. EVELYN WITKOP, 6608 W. 54TH ST., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$455.32. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
3. CLARENCE ZOMER, 232 N. TRAPP AVE., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$44.18. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
4. DOROTHY SHEETZ, 2212 S. WILLOW AVE., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,429.83. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.

#### NOTICE OF HEARINGS

DOC: DOCUMENT: ALCOHOL MEMO

Set a hearing date for Monday, December 7, 2009, at 7:00 p.m. on Items 5 through 9:

5. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR TED HAMZE, UNOZONI, TO BE OPERATED AT 196 EAST SIXTH STREET #101, WITH THE SPECIAL USE PERMIT (2009-08-16) BEING APPROVED ON 10-07-09.
6. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR KDN CORPORATION, LOS TOROS, TO BE OPERATED AT 1010 NORTH MINNESOTA AVENUE, WITH THE MAJOR AMENDMENT (2005-03-06) BEING APPROVED ON 04-18-05.
7. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM GAME DAY INC., ROOKIE'S BAR & GRILL, 2616 SOUTH LOUISE AVENUE, TO SPORTS ZONE INC., ROOKIE'S BAR & GRILL, TO BE OPERATED AT 2616 SOUTH LOUISE AVENUE, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2001-02-20) BEING APPROVED ON 03-19-01.
8. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE RONALD MCDONALD HOUSE CHARITIES OF SOUTH DAKOTA TO BE OPERATED AT 825 SOUTH LAKE AVENUE ON DECEMBER 10, 2009, FOR THE GIRLS' NIGHT OUT FUNDRAISER.
9. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2010 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, IDENTIFIED AS EXHIBIT B.

Document: Exhibit B

REGULAR AGENDA

| CONSENT AGENDA ITEMS |

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

DOC: DOCUMENT: ALCOHOL MEMO

10. TRANSFER OF A 2009-10 RETAIL MALT BEVERAGE LICENSE FROM LARRY LANG, MICHAEL'S STEAKHOUSE, 2501 WEST RUSSELL STREET, TO EPIPHANY DESSERTS LLC, MICHAEL'S, TO BE OPERATED AT 2501 WEST RUSSELL STREET, WITH THE CONDITIONAL USE PERMIT (94-12-02) BEING APPROVED IN 1994.
11. TRANSFER OF A 2009 RETAIL WINE LICENSE FROM LARRY LANG, MICHAEL'S STEAKHOUSE, 2501 WEST RUSSELL STREET, TO EPIPHANY DESSERTS LLC, MICHAEL'S, TO BE OPERATED AT 2501 WEST RUSSELL STREET, WITH THE CONDITIONAL USE PERMIT (94-12-02) BEING APPROVED IN 1994.
12. SPECIAL ONE-DAY LIQUOR LICENSE FOR CATERING AMERICA, CHEF DOMINIQUE'S CATERING, TO BE OPERATED AT THE DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 SOUTH KIWANIS AVENUE, ON DECEMBER 12, 2009, FOR A HOLIDAY PARTY.
13. SPECIAL ONE-DAY LIQUOR LICENSE FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, TO BE HELD ON DECEMBER 18, 2009, FOR A RECEPTION.
14. SPECIAL ONE-DAY WINE LICENSE FOR GREATER SIOUX FALLS COALITION ON AGING, TO BE OPERATED AT THE TRAIL RIDGE RETIREMENT COMMUNITY, 3408 WEST RALPH ROGERS ROAD, ON DECEMBER 5, 2009, FOR A HABITAT FUNDRAISER "NO ROOM AT THE INN."
15. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2010 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, IDENTIFIED AS EXHIBIT A.

Document: Exhibit A

INTRODUCTION AND ADOPTION OF ORDINANCES

16. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING APPENDIX B, REGARDING CAMPGROUNDS

Document: Ord. 1126

17. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF SIOUX FALLS, SD, BY ADDING A CHAPTER 44 TO BE ENTITLED "CABLE SERVICE REGULATORY ORDINANCE."

Document: Ord. 0017

Document: Proposed Amendment A (from Council Member Litz)

Document: Proposed Amendment B (from Council Member Staggers)

18. 2ND READING: AN ORDINANCE APPROVING THE CABLE SYSTEM FRANCHISE RENEWAL AGREEMENT BETWEEN MIDCONTINENT COMMUNICATIONS AND THE CITY OF SIOUX FALLS, SOUTH DAKOTA, ALONG WITH AUTHORIZING THE MAYOR TO SIGN THE SAME.

Document: Ord. 1122 and Agreement

Item 27 was heard at this time. See Item for action taken.

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 18 GARBAGE AND RECYCLING.

Document: Ord. 1123

Document: Ord. 1123a - Proposed Amendment (in red print)

Document: Powerpoint Presentation

Document: Memo recd 11/16/09 at 5:00 pm

Set the hearing date and 2nd Reading for Monday, December 7, 2009, at 7:00 p.m. for Items 20 through 25:

20. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTION 35-113 OF DIVISION I, ARTICLE III OF CHAPTER 35 PERTAINING TO INVESTMENT OF ASSETS OF THE FIREFIGHTERS' PENSION FUND.

Document: Ord. 1112

21. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTION 35-50 OF DIVISION I,

ARTICLE II OF CHAPTER 35 PERTAINING TO INVESTMENT OF ASSETS OF THE  
EMPLOYEE'S RETIREMENT SYSTEM.

Document: Ord. 1111

22. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
PROPERTY AT BRENNAN DR. AND SYCAMORE AVE. FROM THE C-4, PLANNED COMMERCIAL  
DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2009-10-07 AND  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING  
COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1101

PC Staff Report

PC Exhibits

PC Minutes - Item 4

23. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING  
PROPERTY AT S. KLEIN AVE. AND WEST 56TH ST. FROM THE RA-1, RESIDENTIAL  
DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2009-10-01 AND  
AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING  
COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1102

PC Staff Report

PC Exhibits

PC Minutes - Item 3

24. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER  
15 OF APPENDIX B OF THE REVISED ORDINANCES OF SIOUX FALLS, SD, BY REVISING  
FINAL DEVELOPMENT PLAN EXCEPTIONS. THE PLANNING COMMISSION RECOMMENDS  
APPROVAL.

Document: Ord. 1100

PC Staff Report

PC Minutes - Item 15

25. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS (HEALTH - \$372,483).

Document: Ord. 1128

Document: Memo

#### HEARINGS AND RESOLUTIONS

26. DEFERRED ACTION (FROM MEETING OF NOVEMBER 9, 2009): A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF HARRISBURG FOR UTILIZATION OF THE WASTEWATER COLLECTION AND TREATMENT FACILITY OF SIOUX FALLS.

Document: Res. 1676 and Agreement

27. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, SETTING THE FRANCHISE FEE AND COMMUNITY GRANT COLLECTED FROM MIDCONTINENT COMMUNICATIONS, THE CABLE OPERATOR.

Document: Res. 1682

Document: Res. 1682a - Proposed Amendment (added 11/16/09)

28. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE LOCATED ON CITY PROPERTY ("I'VE BEEN KISSED" AT SERTOMA PARK OUTDOOR CAMPUS BUTTERFLY GARDEN).

Document: 1677

Location Exhibit

Sculpture

VAC Minutes

29. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE LOCATED ON CITY PROPERTY ("CIRCLE OF FRIENDS" ON PHILLIPS AVE. NEAR ORPHEUM THEATRE).

Document: Res. 1672

Presentation

VAC Minutes

ADJOURNMENT