

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
REGULAR MEETING OF Monday, June 6, 2011 at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT

Council Member Sue Aguilar

Council Member Kenny Anderson Jr.

Council Member Vernon Brown

Council Member Jim Entenman  
Council Member Michelle Erpenbach  
Council Member Greg Jamison  
Council Member Dean Karsky  
Council Member Rex Rolfing  
Mayor Mike T. Huether

INVOCATION

&#9679; Pastor Aaron Asmus, Memorial Lutheran Church

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

&#9679; 2011 Sioux Falls Mayoral Beautification Award for Homes and Yards

&#9679; 2011 Sioux Falls Mayoral Beautification Award for Business/Public Space

&#9679; 2011 Sioux Falls Mayoral Beautification Award for Community Leadership

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Monday, May 16, 2011, at 4:00 p.m.

&#9679; Joint City Council/Minnehaha County Meeting of Monday, May 16, 2011, at 5:30 p.m.

&#9679; City Council Meeting of Monday, May 16, 2011, at 7:00 p.m.

&#9679; Joint City Council/Lincoln County Meeting of Monday, May 23, 2011, at 7:00 p.m.

&#9679; Informational Meeting of Tuesday, May 31, 2011, at 4:00 p.m.

#### COMMUNICATIONS

1. A communication was received from Volunteers of America, Inc., requesting permission to consume, but not sell, beer and wine at Avera Prairie Center, 1000 E. 23rd Street, for a networking event that will take place Sunday, June 12, 2011, from 6:00 p.m to 10:00 p.m.  
Sponsor: SDCL 35-1-5.3
2. A communication was received from Sioux Falls Jazz and Blues stating their intent to conduct a raffle on June 23, 2011, for various prizes (total approximate value of all prizes is \$15,000.00). Tickets will be sold for \$50.00 each. The proceeds will be used for Sioux Falls Jazz and Blues Education Fund.  
Sponsor: SDCL 22-25-22
3. A communication was received from Sioux Empire Spectacular Committee stating their intent to conduct a 50/50 raffle on July 13, 2011. Tickets will be sold at 3 for \$1.00 or 20 for \$5.00. Half of the proceeds will be given as a prize to the winning ticket holder and the remaining half of the proceeds will be put into a fund to provide scholarship assistance to high school students who march in a Drum Corps International group or are majoring in music in college.  
Sponsor: SDCL 22-25-25

#### 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:

4. Vivian Bosch, 829 N. Van Eps Ave., for 2010 property taxes in the amount of \$335.56. The amount requested is the difference between the elderly freeze and the non elderly freeze.  
Sponsor: Attorney/SDCL 10-18-1
5. George Lair, 1832 S. Western Ave., for 2010 property taxes in the amount of \$253.42. The amount requested is the difference between the elderly freeze and the non elderly freeze.

Sponsor: Attorney/SDCL 10-18-1

6. Grace Vanden Heuvel, 5113 E. 15th St., for 2010 property taxes in the amount of \$309.14. The amount requested is the difference between the elderly freeze and the non elderly freeze.  
Sponsor: Attorney/SDCL 10-18-1
7. Dorothy Sheetz, 2212 S. Willow Ave., for 2010 property taxes in the amount of \$1,461.64. The amount requested is the difference between the elderly freeze and the non elderly freeze.  
Sponsor: Attorney/SDCL 10-18-1
8. Augustana College Association, 2009 S. Norton Ave., for 2010 property taxes in the amount of \$1,612.24. The Minnehaha County Commissioners approved this parcel for tax exemption during the 2011 County Board process. Property owner is now requesting an abatement for the time used in 2010.  
Sponsor: Attorney/SDCL 10-18-1
9. Mount Marty College, 5001 W. 41st St., for 2010 property taxes in the amount of \$32,542.09. The Minnehaha County Commissioners approved parcel #55387 tax exempt for 2011. Property owner is now requesting an abatement for the time owned and used in 2010.  
Sponsor: Attorney/SDCL 10-18-1
10. University of Sioux Falls, 1620 S. Prairie Ave., for 2010 property taxes in the amount of \$1,749.83. The Minnehaha County Commissioners approved this parcel for tax exempt status during the 2011 County Board process. Property owner is now requesting an abatement for the time owned in 2010.  
Sponsor: Attorney/SDCL 10-18-1
11. Sioux Falls Housing Corporation, 505 S. Duluth Ave., for 2010 property taxes in the amount of \$253.83. The Minnehaha County Commissioners approved this parcel for tax exempt status during the 2011 County Board process. Property owner is now requesting an abatement for the time owned in 2010.  
Sponsor: Attorney/SDCL 10-18-1
12. South Dakota Lions Eye Bank, 4501 W. 61st St. N., for 2010 property taxes in the amount of \$2,541.62. The Minnehaha County Commissioners approved this parcel for tax exempt status during the 2011 County Board process. Property owner is now requesting an abatement for the time used in 2010.  
Sponsor: Attorney/SDCL 10-18-1
13. Southeastern Behavioral Healthcare, 1810 S. Duluth Ave., for property taxes in the amount of \$786.77. The Minnehaha County Commissioners approved this parcel for tax exempt status during the 2011 County Board process. Property owner is now requesting an abatement for the time owned in 2010.  
Sponsor: Attorney/SDCL 10-18-1
14. Center of Life Church, 1115 S. Holly Dr., for 2010 property taxes in the amount of \$9,305.30. The Minnehaha County Commissioners approved this parcel for tax exempt status during the 2011 County Board process. Property

owner is now requesting an abatement for the time owned in 2010.  
Sponsor: Attorney/SDCL 10-18-1

15. Dakotas Annual Conference of the United Methodist Church, 921 S. Charlotte Ave., for property taxes in the amount of \$1,395.31. Dakotas Annual Conference of the United Methodist Church purchased parcel #60950 on July 15, 2010. They were granted exempt status for 2011 and are now requesting an abatement for the time owned in 2010.

Sponsor: Attorney/SDCL 10-18-1

16. Eastside Baptist Church of Sioux Falls, 6101 E. 49th St., for 2010 property taxes in the amount of \$20,837.66. The Minnehaha County Commissioners approved this parcel for tax exempt status during the 2011 County Board process. Property owner is now requesting an abatement for the time owned in 2010.

Sponsor: Attorney/SDCL 10-18-1

17. Sunnycrest United Methodist Church, 7712 W. Leah St., for 2010 property taxes in the amount of \$1,295.39. The Minnehaha County Commissioners approved this parcel for tax exempt status during the 2011 County Board process. Property owner is now requesting an abatement for the time owned in 2010.

Sponsor: Attorney/SDCL 10-18-1

18. Museum of Visual Materials, 500 N. Main Ave., for property taxes in the amount of \$14,176.56. The Minnehaha County Commissioners approved this parcel 91% tax exempt, 9% taxable during the 2011 County Board process. Property owner is now requesting an abatement for the time owned in 2010.

Sponsor: Attorney/SDCL 10-18-1

19. Ross Ortman, 4510 W. 61st N., for 2010 property taxes in the amount of \$11,523.31. Property qualified for discretionary program for 2010 but the structure value was not reduced under this program. Taxpayer is now requesting an abatement for this value difference.

Sponsor: Attorney/SDCL 10-18-1

#### NOTICE OF HEARINGS

Set a date of hearing for Monday, June 13, 2011, at 7:00 p.m. for Item 20:

20. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Multi-Cultural Center of Sioux Falls to be operated on the upper west side of Falls Park for the Festival of Cultures on June 18, 2011, and authorize publication of notice on 06-03-11 to set the hearing date.

Sponsor: Mayor/Attorney

Set a date of hearing for Monday, June 20, 2011, at 7:00 p.m. for Items 21 through 36:

21. New 2011-12 Retail Malt Beverage License for The Little Cellar Wine Company LLC, The Little Cellar Wine Company, to be operated at 2316-2318 South Louise Avenue, effective 7-1-11, with the Special Use Permit (2008-09-19)

being approved on 10-01-08.

Sponsor: Mayor/Attorney

22. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey s Retail Company, Casey s General Store #2174, to be operated at 1705 West Burnside Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).  
Sponsor: Mayor/Attorney
23. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey s Retail Company, Casey s General Store #2334, to be operated at 701 South Sycamore Avenue, effective July 1, 2011 (previously licensed as Package Malt Beverage).  
Sponsor: Mayor/Attorney
24. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey s Retail Company, Casey s General Store #2343, to be operated at 1809 East Rice Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).  
Sponsor: Mayor/Attorney
25. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey s Retail Company, Casey s General Store #2351, to be operated at 901 East Benson Road, effective July 1, 2011 (previously licensed as Package Malt Beverage). Security Management Plan submitted for underage sales violation.  
Sponsor: Mayor/Attorney
26. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Casey s Retail Company, Casey s General Store #2464, to be operated at 500 North Kiwanis Avenue, effective July 1, 2011 (previously licensed as Package Malt Beverage).  
Sponsor: Mayor/Attorney
27. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Cubby s Inc., Cubby s West 49th, to be operated at 2101 West 49th Street, effective July 1, 2011 (previously licensed as Package Malt Beverage). Security Management Plan submitted for underage sales violation.  
Sponsor: Mayor/Attorney
28. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Cubby s Inc., Cubby s West 12th Truck Stop #403, to be operated at 4700 West 12th Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).  
Sponsor: Mayor/Attorney
29. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Jon Faulds, Jon Faulds Amoco, to be operated at 3308 West Russell Street, effective July 1, 2011 (previously licensed as Package Malt Beverage).  
Sponsor: Mayor/Attorney

30. Special One-Day Liquor License requests for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street, for wedding receptions on June 25, July 16, August 13 and 27, September 10 and 24, and October 1, 2011.  
Sponsor: Mayor/Attorney
31. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Home Builders Association of the Sioux Empire to be operated at Home Federal Bank, including parking area, 225 South Main Avenue, for the Association Appreciation Night on July 13, 2011.  
Sponsor: Mayor/Attorney
32. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Home Builders Association of the Sioux Empire to be operated at Home Builders Association of the Sioux Empire, 6904 South Lyncrest Place, for the General Membership Meeting on November 17, 2011.  
Sponsor: Mayor/Attorney
33. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Feisty Fighters to be operated at Landscape Garden Center, 7201 South Minnesota Avenue, for a wine tasting event on November 22, 2011.  
Sponsor: Mayor/Attorney
34. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Sioux Falls Sister Cities Association, to be operated on Phillips Avenue from 5th Street north to 2nd Street, for the German Fest to be held on September 10, 2011.  
Sponsor: Mayor/Attorney
35. Special One-Day Malt Beverage and Wine License requests for the Sioux Falls Irish Club, to be operated on Phillips Avenue from 5th Street north to 2nd Street, for the Irish Fest to be held on July 23, 2011.  
Sponsor: Mayor/Attorney
36. Various Retail Malt Beverage, Package Malt Beverage, and Package Malt Beverage South Dakota Farm Winery License renewals for 2011-12 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit C.  
Sponsor: Mayor/Attorney

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

37. New 2011-12 Retail Malt Beverage South Dakota Farm Winery License for

Crystal Investment Corp, Black Diamond Casino, 5113 West 41st Street, including video lottery terminals, effective July 1, 2011 (previously licensed as Retail Malt Beverage).  
Sponsor: Mayor/Attorney

38. New 2011-12 Retail Malt Beverage South Dakota Farm Winery License for Italian Eatery of SD Inc., Unozoni, to be operated at 196 East 6th Street, #101, effective July 1, 2011 (previously licensed as Retail Malt Beverage).  
Sponsor: Mayor/Attorney

39. New 2011-12 Retail Malt Beverage South Dakota Farm Winery License for Philanthropy Promotions Inc., J&L Harley Davidson, to be operated at 2601 West 60th Street North, effective July 1, 2011 (previously licensed as Retail Malt Beverage).  
Sponsor: Mayor/Attorney

40. New 2011-12 Retail Malt Beverage South Dakota Farm Winery License for The Ramkota Companies Inc., Best Western Ramkota Hotel, 3200 West Maple Street, including video lottery terminals, effective July 1, 2011 (previously licensed as Retail Malt Beverage).  
Sponsor: Mayor/Attorney

41. New 2011-12 Retail Malt Beverage South Dakota Farm Winery License for Vegas Mirage Inc., Chop Shoppe, to be operated at 3509 West 57th Street, effective July 1, 2011 (previously licensed as Retail Malt Beverage).  
Sponsor: Mayor/Attorney

42. New 2011-12 Package Malt Beverage South Dakota Farm Winery License for Grevco Inc., Shop N Cart North, to be operated at 1029 North Minnesota Avenue, effective July 1, 2011 (previously licensed as Package Malt Beverage).  
Sponsor: Mayor/Attorney

43. Special One-Day Liquor License for Washington Pavilion Management Inc., Washington Pavilion, 301 South Main Avenue, for an event for Volunteers of America on June 14, 2011.  
Sponsor: Mayor/Attorney

44. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Ovations Food Services LP, Sioux Falls Convention Center, to be operated at Falls Park on the west side near the picnic shelter, for the Volunteers of America National Conference Welcome Reception on June 11, 2011.  
Sponsor: Mayor/Attorney

45. Various Retail Malt Beverage and Package Malt Beverage License renewals for 2011-12 to be operated at various locations in the City of Sioux Falls, SD, identified as Exhibit B.  
Sponsor: Mayor/Attorney

46. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT PETITION NO. 2011-04-11 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT E. 69TH ST. AND S. SOUTHEASTERN AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning & Building Services

47. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 708 S. SPRING AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2011-04-14 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning & Building Services

48. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 69TH ST. AND S. BAHNSON AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT AND THE S, INSTITUTIONAL DISTRICT, PETITION NO. 2011-04-01 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning & Building Services

49. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5800 E. ARROWHEAD PARKWAY FROM THE C, COMMERCIAL DISTRICT AND UNZONED PROPERTY TO SUBAREA B OF THE RED ROCK PARK PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2011-03-14 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning & Building Services

50. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. GRANGE AVE. AND W. VILLAGE DRIVE FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE RA-2, RESIDENTIAL DISTRICT AND THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2011-04-09 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning & Building Services

51. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 53RD ST. AND TRIBBEY TRAIL FROM THE RA-1, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2011-04-13 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning & Building Services

Set a date of hearing and 2nd Reading for Monday, June 13, 2011, at 7:00 p.m. for Item 52:

52. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING CHAPTER 22 OF THE REVISED ORDINANCES OF THE CITY AND AMENDING CHAPTERS 23 AND 28 OF THE REVISED ORDINANCES OF THE CITY BY INCLUDING SECONDHAND GOODS DEALERS AND GUN DEALERS AND DEALERS IN PRECIOUS METALS OR PRECIOUS GEMS.

Sponsor: Mayor/Police

Set a date of hearing and 2nd Reading for Monday, June 13, 2011, at 7:00 p.m. for Item 53:

53. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (\$3,687,500.)  
Sponsor: Mayor/Finance Department

Set a date of hearing and 2nd Reading for Monday, June 13, 2011, at 7:00 p.m. for Item 54:

54. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 21 OF THE REVISED ORDINANCES OF THE CITY BY CREATING A CHAPTER ENTITLED COMMUNITY DEVELOPMENT.  
Sponsor: Mayor/Community Development

Set a date of hearing and 2nd Reading for Monday, June 13, 2011, at 7:00 p.m. for Item 55:

55. 1st Reading: AN ORDINANCE TO MODIFY THE REVENUE OBLIGATION LOAN AGREEMENT, AS AMENDED, AND THE \$10,323,000 CITY OF SIOUX FALLS, SOUTH DAKOTA, SALES TAX REVENUE BOND, SERIES 2006B, ISSUED THEREUNDER ON APRIL 10, 2006, PURSUANT TO ORDINANCE NO. 25-06.  
Sponsor: Mayor/Public Works

Set a date of hearing and 2nd Reading for Monday, June 13, 2011, at 7:00 p.m. for Item 56:

56. 1st Reading: AN ORDINANCE TO MODIFY THE SALES TAX REVENUE OBLIGATION LOAN AGREEMENT, AS AMENDED, AND THE \$3,316,310 NOTE ISSUED THEREUNDER ON MAY 24, 1990, PURSUANT TO ORDINANCE NO. 63-90.  
Sponsor: Mayor/Public Works

#### HEARINGS AND RESOLUTIONS

57. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.  
Sponsor: Mayor

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)

58. REPORT OF MAY 27, 2011, NOTICE OF TRANSFERS OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.  
Sponsor: Mayor/Finance

#### NEW BUSINESS/ITEMS ADDED AFTER DEADLINE

The City Council may include other such business as may come before this body.

#### ADJOURNMENT

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](http://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 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.