

City of Sioux Falls Council Meeting  
Agenda  
Carnegie Town Hall, 235 West 10th Street  
MEETING OF Monday, September 19, 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 Erich McCandless, Empire Baptist Temple

PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

&#9679; Informational Meeting of Monday, September 12, 2011, at 4:00 p.m.

&#9679; City Council Meeting of Monday, September 12, 2011, at 7:00 p.m.

COMMUNICATIONS

1. A communication was received from the local chapter of the South Dakota American Institute of Architects requesting permission to consume, but not sell, wine and malt beverages at The Women s History Club, 758 S. Phillips Ave., on Thursday, October 13, 2011, from 6:00 p.m.-9:00 p.m., for a social hour during their annual fall convention.

Sponsor: SDCL 35-1-5.3

2. A communication was received from Michael Haskett and Virginia Wick requesting permission to consume, but not sell, liquor, wine and malt beverages at The Old Courthouse Museum, 200 W. Sixth St., on Friday, November 11, 2011, from 5:00 p.m.-10:00 p.m., for a wedding reception.  
Sponsor: SDCL 35-1-5.3
3. A communication was received from Jessica Brende and Ryan Bickett requesting permission to consume, but not sell, beer, wine and mixed drinks at The Old Courthouse Museum, 200 W. Sixth St., on Saturday, August 18, 2012, from 9:00 a.m.-6:00 p.m., for a wedding ceremony and reception.  
Sponsor: SDCL 35-1-5.3
4. A communication was received from Southeastern Behavioral HealthCare stating their intent to sell raffle tickets on Friday, November 18, 2011, during the 21st Annual Festival of Trees, for a piece of diamond jewelry valued at approximately \$3,000.00. Tickets will be sold for \$10.00 each or three tickets for \$20.00. The proceeds will go to provide services to Southeastern consumers who have limited resources.  
Sponsor: SDCL 22-25-25
5. A memorandum was received on September 12, 2011, declaring a surplus on a capital item that will be that will be traded in for another asset.  
Sponsor: Mayor/Finance

#### APPLICATIONS

6. Special One-Day Liquor License for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street, for a wedding reception on November 11, 2011.  
Sponsor: Mayor/Attorney

#### NOTICE OF HEARINGS

Set a date of hearing for Monday, October 3, 2011, at 7:00 p.m. on Items 7 through 10:

7. New 2011-12 Package Malt Beverage/Farm Winery License for Casey s Retail Company, Casey s General Store #3019, to be operated at 1901 East Tenth Street.  
Sponsor: Mayor/Attorney
8. New 2011-12 Package Malt Beverage/Farm Winery License for Casey s Retail Company, Casey s General Store #3049, to be operated at 3236 South Sycamore Avenue.  
Sponsor: Mayor/Attorney
9. Special One-Day Liquor License for the South Dakota Symphony Orchestra to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the South Dakota Symphony Orchestra Gala on November 5, 2011.

Sponsor: Mayor/Attorney

10. Amend Special One-Day Malt Beverage and Special One-Day Wine Licenses approved on 9/19/11 for Avera McKennan Foundation, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the Paint the Night Pink Fundraiser on October 21, 2011, amending this request to be for the Pink Fashionista Event on October 1, 2011.  
Sponsor: Mayor/Attorney

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

#### PUBLIC INPUT

#### UNFINISHED BUSINESS

11. Transfer of a 2011-12 Retail Malt Beverage License from Bosselman Inc. of SD, Grandma Max's Restaurant, 5301 North Cliff Avenue, to Bosselman Food Services Inc., Grandma Max's Restaurant, to be operated at 5301 North Cliff Avenue, including video lottery terminals (full service restaurant; CUP not required).  
Sponsor: Mayor/Attorney
12. Transfer of a 2011-12 Retail Malt Beverage License from Interactive Holdings Inc., VIP Gaming II, 3600 West 41st Street, to Wallmark Foods Inc., The Parliament Casino, to be operated at 3600 West 41st Street, including video lottery terminals (CUP not required; this is an existing license which predates the ordinance).  
Sponsor: Mayor/Attorney
13. Transfer of a 2011 Retail Wine License from Interactive Holdings Inc., VIP Gaming II, 3600 West 41st Street, to Wallmark Foods Inc., The Parliament Casino, to be operated at 3600 West 41st Street, including video lottery terminals (CUP not required; this is an existing license which predates the ordinance).  
Sponsor: Mayor/Attorney
14. Special One-Day Wine License for the Affordable Housing Solutions, to be operated at the Old Courthouse Museum, 200 West Sixth Street, for the 2011 Trivia Challenge Fundraiser on September 29, 2011. Withdrawn by Applicant.  
Sponsor: Mayor/Attorney
15. Special One-Day Malt Beverage and Special One-Day Wine Licenses for the Children s Home Society, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for their annual dinner meeting on October 6, 2011.  
Sponsor: Mayor/Attorney
16. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Avera

McKenna Foundation, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the Paint the Night Pink Fundraiser on October 21, 2011.  
Sponsor: Mayor/Attorney

17. Special One-Day Malt Beverage and Special One-Day Wine Licenses for The Compass Center, to be operated at the Avera Prairie Center, 1000 East 23rd Street, for the It s in the Bag Fundraiser on February 9, 2012.  
Sponsor: Mayor/Attorney

#### INTRODUCTION AND ADOPTION OF ORDINANCES

18. Deferred Action (from meeting of 09/06/11) 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. GRANGE AVE. AND W. VILLAGE DR. FROM THE RA-2, RESIDENTIAL DISTRICT, THE C-4, PLANNED COMMERCIAL DISTRICT, AND THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE RA-2, RESIDENTIAL DISTRICT, THE C-4, PLANNED COMMERCIAL DISTRICT, AND THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2011-07-06 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)  
Sponsor: Mayor/Planning and Building Services

19. 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING ARTICLE III OF CHAPTER 8 OF THE REVISED ORDINANCES OF THE CITY REGARDING THE ORPHEUM THEATER ADVISORY BOARD OF DIRECTORS.  
Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Monday, October 3, 2011, at 7:00 p.m. for Item 20:

20. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 73RD ST. AND S. EL DORADO AVE. FROM THE DIAMOND VALLEY PLANNED DEVELOPMENT DISTRICT AND THE RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2011-07-12 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)  
Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Monday, October 3, 2011, at 7:00 p.m. for Item 21:

21. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1208 W. ELKHORN ST. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2011-08-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)  
Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Monday, October 3, 2011, at 7:00 p.m. for Item 22:

22. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 124 S. ELMWOOD AVE. FROM THE RD, RESIDENTIAL DISTRICT TO THE ELMWOOD PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2011-08-10 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (The Planning Commission recommends approval.)  
Sponsor: Mayor/Planning and Building Services

Set a date of hearing and 2nd Reading for Monday, October 3, 2011, at 7:00 p.m. for Item 23:

23. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 18 GARBAGE AND RECYCLING OF THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS.

Sponsor: Mayor/Public Works

Set a date of hearing and 2nd Reading for Monday, October 11, 2011, at 7:00 p.m. for Item 24:

24. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT EASEMENTS IN A PORTION OF LOT 3A (EXCEPT TRACT 1 CONTAINED THEREIN), BLOCK 1 OF WILLIAMS ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA, AND A PORTION OF THE NW1/4 OF THE NE1/4 OF SECTION 32-T101N-R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

#### HEARINGS AND RESOLUTIONS

25. Deferred Action (from meeting of 9/6/11): A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WILLIAMS ADDITION. (The Planning Commission recommends approval.)

Sponsor: Mayor/Planning and Building Services

26. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE REVISED PRELIMINARY PLAN OF TIMBER OAK ESTATES ADDITION. (The Planning Commission recommends denial.)

Sponsor: Mayor/Planning and Building Services

27. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. (85TH ST. AND WESTERN AVE. HARRISBURG SCHOOL.)

Sponsor: Mayor/Planning and Building Services

28. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL ARCHITECTURAL AND ENGINEERING DESIGN SERVICES AGREEMENT BETWEEN THE CITY AND SINK COMBS DETHLEFS, P.C. FOR THE PROPOSED SIOUX FALLS EVENTS CENTER, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

Sponsor: Mayor/Public Works

29. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONSTRUCTION MANAGER AT-RISK AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND M. A. MORTENSON COMPANY FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE PROPOSED SIOUX FALLS EVENTS CENTER, ALONG WITH OTHER DOCUMENTS, AMENDMENTS, CHANGE ORDERS, OR OTHER INSTRUMENTS AS MAY BE DEEMED NECESSARY AND APPROPRIATE CONSISTENT WITH THE TERMS OF THE AGREEMENT.

Sponsor: Mayor/Public Works

#### NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Monday, October 11, 2011, at 7:00 p.m. for Item 30:

30. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON W. UNITY LANE FROM S. GRANGE AVE. TO W. VILLAGE DR. AND W. VILLAGE DR. FROM S. GRANGE AVE. TO W. UNITY LANE AND W. VILLAGE CIR. FROM W. VILLAGE DR. TO THE END OF THE CUL-DE-SAC.

Sponsor: Mayor/Public Works

Set a hearing date for Monday, October 11, 2011, at 7:00 p.m. for Item 31:

31. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON NORTH NORTH DRIVE ADJACENT TO LOT 6 BLOCK 2 SIOUX EMPIRE DEVELOPMENT PARK THREE EAST ADDITION AS SHOWN ON EXHIBIT A.

Sponsor: Mayor/Public Works

#### NEW BUSINESS/ITEMS ADDED AFTER DEADLINE

##### HEARINGS AND RESOLUTIONS

32. A RESOLUTION APPROVING THE APPOINTMENT OF DAVID BIXLER AS ACTING CITY CLERK EFFECTIVE UPON PASSAGE AND PUBLICATION.

Sponsor: City Council/Aguilar and Erpenbach

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. 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.