

City of Sioux Falls Council Meeting Agenda

CarnegieTown Hall, 235 West Tenth Street
MEETING OF Monday, May 21, 2007, at 7:00 p.m.

ROLL CALL #2

MEMBERS PRESENT/ABSENT

OFFICIAL AGENDA

Council Member Gerald Beninga

Council Member Vernon Brown

Council Member J. Pat Costello

Council Member Bob Jamison

Council Member Kevin Kavanaugh

Council Member De Knudson

Council Member Bob Litz

Council Member Kermit L. Staggers

Mayor Dave Munson

INVOCATION

Father Joe Vogel St. Katharine Drexel Catholic Church

PLEDGE OF ALLEGIANCE

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) 367-7052 (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 AND ADDRESS. 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 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE THIRD MONDAY OF EACH MONTH AT 5:00 P.M.

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 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. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. LINKS TO EACH MEETING S VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

MINUTES

- Informational Meeting of Monday, May 14, 2007, at 4:00 p.m.
- Closed Executive Session of Monday, May 14, 2007, at 4:22 p.m.
- Regular Council Meeting of Monday, May 14, 2007, at 7:00 p.m.

COMMUNICATIONS

1.Mr. Eyob T. Teklu is requesting permission to consume, but not sell, liquor, wine and malt beverages at the Multi-Cultural Center, 515 N. Main Ave., on Saturday, September 8, 2007, from 4:00 p.m. to 1:00 a.m. for his wedding reception.

2.A communication was received from the Siouxland Heritage Museums Alliance, stating its intent to sell raffle tickets from June 14, 2007 to July 26, 2007,

for 10-20 lbs. pork loins (approximate value \$400.00). The tickets will sell for \$1.00 each and the proceeds are to be used as funds to the museums and Alliance.

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. Helen Friedbauer, for Marvin McKneely et al, 504 S. McKnelly Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$342.97. Amount requested as structure was removed May 20, 2006. Property owner is now requesting abatement for the amount of time structure was gone in 2006.
4. Oanh Thi and Xuong Thi Thach, 212 S. Willow Ave., Sioux Falls, SD, for 2005 Property Taxes in the amount of \$804.67; and 2006 Property Taxes in the amount of \$822.94. Amounts requested as structure was destroyed on December 11, 2004. Property owner is now requesting abatement for the amount of time the structure was gone in 2005 and 2006.
5. The Salvation Army, 1226 E. 2nd St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$1,159.52; for 1234 E. 1st St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$966.94; and a combined property (empty lot) for 2006 Property Taxes for 137 days in the amount of \$367.85. Property owner is now requesting an abatement as they were granted exempt status for 2007 on three parcels. They are now requesting an abatement for the time used in 2006.
6. The Augustana College Association, 2304 S. Duluth Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$2,106.01; adjoining lots for 2006 Property Taxes in the amount of \$2,036.93; and 2122 S. Summit Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$542.71. Property owner is now requesting abatements as they were granted exempt status for 2007. They are now requesting abatements for the time used in 2006.
7. The Banquet, 900 E. 8th St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$4,564.71. Property owner was granted exempt status for 2007 and is now requesting abatement for the year 2006.
8. First Baptist Church, 1621 W. 22nd St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$746.80. Property owner began operation of Elizabeth House on September 1, 2006 and is now requesting abatement for the time used in 2006.
9. Calvary Chapel Sioux Falls, 1605 W. 51st St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$15,215.88; and adjoining lot for 2006 Property Taxes in the amount of \$2,135.35. Property owner was granted exempt status for 2007 and is now requesting abatement for 2006.
10. Nelda Johnson, 715 W. 19th St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$1,029.96. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.
11. Lawrence E. Huse, 823 W. 8th St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$114.29. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.
12. Eugene Schroeder, 5400 Utica Pl., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$28.22. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.
13. Grace Vanden Heuvel, 5113 E. 15th St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$203.25. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.
14. Arlene Suurmeier, 3405 S. 1st Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$420.53. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.
15. Deborah Pugh, 1418 E. 4th St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$144.09. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.
16. Dennis Erickson, 804 S. Hawthorne Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$150.26. Amount requested is difference between the

Elderly Freeze and the Non-Elderly Freeze.

17.Sylvia Miles, 1409 E. 24th St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$432.26. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.

18.Anna Henryson, 2904 W. 33rd St., Apt. 123, Sioux Falls, SD, for 2006 Property Taxes in the amount of \$442.56. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.

19.Victor Fink, 2028 S. Grange Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$828.64. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.

20.Marjorie Buller, 601 E.18th St., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$392.69. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.

21.Victor Mydland, 805 S. Annway Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$812.72. Amount requested is difference between the Elderly Freeze and the Non-Elderly Freeze.

The following abatement was recommended for denial by the Director of Equalization and the State s Attorney s Office for Minnehaha County; and the City Attorney for Sioux Falls:

22.Robert Litz, 615 S. Grange Ave., Sioux Falls, SD, for 2006 Property Taxes in the amount of \$935.79. Amount was requested as it was determined that the percent complete on the addition to the residence was incorrect. Taxpayer is requesting abatement for this value difference.

NOTICE OF HEARINGS

Set hearing date for Monday, June 4, 2007, at 7:00 p.m. on Items 23 through 28:

23.New 2007-08 Retail Malt Beverage License for J&L Harley Davidson Inc., J&L Harley Davidson, to be operated at 2601 West 60th Street North, effective 7-01-07, with the Conditional Use Permit being approved on 05-02-07.

24.New 2007-08 Retail Malt Beverage License for River Plaza Events Center Inc., Ivy Room, to be operated at 2425 South Shirley Avenue #118, effective 7-01-07, with the Conditional Use Permit being approved on 05-02-07.

25.New 2007 Retail Wine License for River Plaza Events Center Inc., Ivy Room, to be operated at 2425 South Shirley Avenue #118, with the Conditional Use Permit being approved on 05-02-07.

26.New 2007-08 Package Malt Beverage License for Olson Oil Company, Get N Go #20, to be operated at 2421 South Minnesota Avenue, effective 7-01-07.

27.Special One-Day Liquor License requests for Great Bear Recreation Park Inc., Great Bear Recreation Park, 5901 East Rice Street, for the following dates/ events: Class reunions on July 14, 21, and 28, 2007.

28.Various Retail Malt Beverage and Package Malt Beverage License renewals for 2007-08 to be operated at various locations in the City of Sioux Falls. See attached Exhibit B.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

29.New 2007 Package Liquor License for Francis P. Miller and Diana R. Miller, Dun Roamin Liquors, to be operated at 5312 East Arrowhead Parkway. Pending final inspection per Fire and permits and final inspection per Building Services.

30.Transfer of a 2007 Retail Liquor License from Tomco Liquor & Games Inc., Eastway Lounge, 3201 East Tenth Street, to JJBrosco Inc., Eastway Sports Lounge & Grill, to be operated at 3201 East Tenth Street, including Sunday Sales and video lottery terminals.

31.Transfer of a 2006-07 Retail Malt Beverage License from SMG, Falls Overlook Cafø, 825 North Weber Avenue, to Jan Wood, Falls Overlook Cafø, to be operated at 825 North Weber Avenue.

32.Transfer of a 2007 Retail Wine License from SMG, Falls Overlook Cafø, 825 North Weber Avenue, to Jan Wood, Falls Overlook Cafø, to be operated at 825 North Weber Avenue.

33. Transfer of a 2006-07 Retail Malt Beverage License from Janice Rosas, Los Toros, 1010 North Minnesota Avenue, to Rosas Investments Inc., Los Toros Authentic Mexican Restaurant, to be operated at 1010 North Minnesota Avenue.
34. Transfer of a 2007 Retail Wine License from Janice Rosas, Los Toros, 1010 North Minnesota Avenue, to Rosas Investments Inc., Los Toros Authentic Mexican Restaurant, to be operated at 1010 North Minnesota Avenue.
35. Transfer of a 2006-07 Retail Malt Beverage License from Salvador Garcia, Taqueria America, 802 East Tenth Street, to Edwin J. Besestre and Sandra L. Ralda, Taqueria America, to be operated at 802 East Tenth Street.
36. Special One-Day Liquor License requests for Catering America Inc., Catering America, to be operated at the Old Courthouse Museum, 200 West Sixth Street, on June 6, 2007, for a business meeting and on June 23, 2007, for a wedding reception. The request for June 6, 2007, has been withdrawn.
37. Special One-Day Liquor License requests for Washington Pavilion Management Inc., Washington Pavilion of Arts & Science, to be operated at 301 South Main Avenue, as follows in 2007: June 12 for a private event; June 16, 29, July 7, 14, 21, 28, and August 11 for wedding receptions.
38. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Dr. Rose Faithe to be operated at the Museum of Visual Materials, 500 North Main Avenue, on June 1, 2007, for their grand opening.
39. Special One-Day Malt Beverage and Special One-Day Wine License requests for the Sioux Falls Jazz & Blues Society to be operated on July 20-21, 2007, at Yankton Trail Park, 3901 South Minnesota Avenue, for the JazzFest, and on September 29, 2007, at Vern Eide BMW, 1500 South Minnesota Avenue, for the Jazz & Brews Fundraiser.
40. Special One-Day Malt Beverage License for Philanthropy Promotions Inc., to be operated at J&L Harley-Davidson, 2601 West 60th Street North, as follows:
May 23 and June 13, 2007, for Bike Night; June 9, 2007, for Vietnam Vets Motorcycle Giveaway; and June 16, 2007, for J&L/Muscular Dystrophy Association Poker Run.
41. Special One-Day Malt Beverage License for Youth Activities Inc. to be operated at Legend Victory (USA Cycle Inc.), 2101 West Burnside Street, on June 23, 2007, for a fundraiser.
42. Special One-Day Malt Beverage License for Sioux Falls Catholic Schools to be operated at Great Bear Recreation Park, 5901 East Rice Street, on June 23, 2007, for the Summer Jam.
43. Various Retail Malt Beverage and Package Malt Beverage License renewals for 2007-08 to be operated at various locations in the City of Sioux Falls. See attached Exhibit A.

INTRODUCTION AND ADOPTION OF ORDINANCES

44. Deferred Action: 2nd Reading: An Ordinance of the City of Sioux Falls, SD, amending Section 43-61 by removing license requirement and instead granting an exclusive franchise for providing ground ambulance transport services within the City; and increasing ambulance service rates set forth in Section 43-68; along with repealing Sections 43-62 through 43-67, and 43-69 through 43-73 of Chapter 43, Vehicles for Hire, Article IV, Surface Ambulance Services of the Code of Ordinances of said City.
45. 2nd Reading: An Ordinance of the City of Sioux Falls, SD, providing supplemental appropriations for the hiring of Baller Herbst Law Group as a consultant concerning Federal Telecommunications and Cable Television issues. Set a hearing date and 2nd Reading for Monday, June 4, 2007, at 7:00 p.m. on Items 46 through 58:
46. 1st Reading: An Ordinance of the City of Sioux Falls, SD, amending minor amendments in Planned Development Districts. The Planning Commission recommends approval.
47. 1st Reading: An Ordinance of the City of Sioux Falls, SD, amending the revised ordinances of the City by amending Airport Approach Zones to an Airport

District.

48.1st Reading Rezone 2007-03-23: An Ordinance of the City of Sioux Falls, SD, rezoning property at south side of 85th St., west of Western Ave., from the AG, Agricultural District to the O, General Office District, to buffer the 1.5 million gallon water tank and the single family residential with office development, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

49.1st Reading Rezone 2007-03-33: An Ordinance of the City of Sioux Falls, SD, rezoning property at W. 54th St. N. and Westport Ave., from the AG, Agricultural District to the C-4, Planned Commercial District, to allow commercial development of property, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

50.1st Reading Rezone 2007-04-05: An Ordinance of the City of Sioux Falls, SD, rezoning property at SE corner of 41st St. and Ellis Rd., from the RR, Rural Residential District to the C-4, Planned Commercial District, to develop the property, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

51.1st Reading Rezone 2007-04-06: An Ordinance of the City of Sioux Falls, SD, rezoning property at W. Fifth St. and LaMesa Dr., from the Meadow Ridge Planned Development District to the RS-2, Residential and the MH, Manufactured Housing District, to create more single family lots, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

52.1st Reading Rezone 2007-04-10: An Ordinance of the City of Sioux Falls, SD, rezoning property at E. Grant St. and vacated N. LaSalle Ave., from the RA-1, Residential District to the C-2, General Commercial District, to expand East 10th Street Storage, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

53.1st Reading Rezone 2007-04-13: An Ordinance of the City of Sioux Falls, SD, rezoning property at east side of Career Ave., south of W. Tickman St., from the Flynn Heights Business and Technology Park Planned Development District to the I-1, Light Industrial District, to conform with surrounding zones and develop a business industrial park, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

54.1st Reading Rezone 2007-04-15: An Ordinance of the City of Sioux Falls, SD, rezoning property at W. Stoney Creek and Ellis Rd., to rezone and subdivide the subject property for Phase One of a single-family residential subdivision with 153 lots, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

55.1st Reading Rezone 2007-04-24: An Ordinance of the City of Sioux Falls, SD, rezoning property at 6201-6501 S. Connie Ave., from the Platinum Valley Planned Development District to the RA-2, Residential District, to reflect current land uses, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

56.1st Reading Rezone 2007-03-17: An Ordinance of the City of Sioux Falls, SD, rezoning property at 1701 S. Cleveland Ave., from the RA-1, Residential District to the Cherry Creek Office Park Planned Development District, to rezone the subject property for the purpose of constructing a 13,600-square foot two-story multi-tenant medical office building and accessory parking, and amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

57.1st Reading Major Amendment 2007-04-04: An Ordinance of the City of Sioux Falls, SD, amending Chapter 15.45.070, Planned Development Districts, at S. Bahnson Ave. and E. 57th St., amending the official zoning map of the City of Sioux Falls. The Planning Commission recommends approval.

58.1st Reading Major Amendment 2007-04-14: An Ordinance of the City of Sioux Falls, SD, amending Chapter 15.45.070, Planned Development Districts, at one-fourth mile south of 57th St., west of Southeastern Dr., 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.

HEARINGS AND RESOLUTIONS

59. Deferred Action: A Resolution vacating E. Walnut St. from N. Wayland Ave. to N. Blauvelt Ave.

60. A Resolution declaring the result of the Sioux Falls City Initiative/School District Election held in the City of Sioux Falls, SD, on Tuesday, the 15th Day of May, 2007.

61. A Resolution amending the 2007-2011 Capital Program to add a wireless communication device.

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

ADJOURNMENT

MOTION TO GO INTO EXECUTIVE SESSION