

	City of Sioux Falls Council Meeting Minutes
	Carnegie Town Hall, 235 West 10th Street
	MEETING OF Monday, August 2, 2010 at 7:00 p.m.

ROLL CALL #8

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Roling	Council Member Anderson Jr.
Council Member Aguilar	
Council Member Brown	
Council Member Entenman	
Council Member Erpenbach	
Council Member Jamison	
Council Member Litz	
Mayor Mike T. Huether	
INVOCATION	

A. PASTOR DWAYNE WILLIAMS, FRIENDSHIP BAPTIST CHURCH

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, JULY 19, 2010, AT 4:00 P.M.

Minutes

B. JOINT CITY COUNCIL/MINNEHAHA COUNTY MEETING OF MONDAY, JULY 19, 2010, AT 5:00 P.M.

Minutes

C. CITY COUNCIL MEETING OF MONDAY, JULY 19, 2010, AT 7:00 P.M.

Minutes

D. INFORMATIONAL MEETING OF MONDAY, JULY 26, 2010, AT 4:00 P.M.

Minutes

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM ROTARY WEST OF SIOUX FALLS, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM AUGUST 13, 2010, TO NOVEMBER 12, 2010, FOR 100 BOTTLES OF WINE (VALUED AT \$12.00/EACH). TICKETS WILL BE \$20.00 EACH. THE PROCEEDS ARE TO BE USED TO BENEFIT THE ROTARY WEST'S COMMITMENT TO POLIO PLUS THROUGH ROTARY INTERNATIONAL AND THE GATES FOUNDATION AND MANY LOCAL SIOUX FALLS, SD PROJECTS.
2. A COMMUNICATION WAS RECEIVED FROM MOUNT MARTY COLLEGE, REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE AND MALT BEVERAGES AT MOUNT MARTY COLLEGE, 5001 W. 41ST ST., ON SATURDAY, SEPTEMBER 25, 2010 FROM 5:30 P.M. - 10:00 P.M. FOR THE PURPOSE OF AN OPEN HOUSE RECEPTION.

NOTICE OF HEARINGS

DOC: ALCOHOL MEMO

Set a hearing date for Monday, August 16, 2010, at 7:00 p.m. on Items 3 through 6:

3. NEW 2010-11 RETAIL MALT BEVERAGE LICENSE FOR INCA'S MEXICAN RESTAURANT SIOUX FALLS INC., INCA'S EXPRESS, TO BE OPERATED AT 5024 SOUTH MARION ROAD (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
4. TRANSFER OF A 2010-11 RETAIL MALT BEVERAGE LICENSE FROM YOUTH ENRICHMENT SERVICES, BURNSIDE BINGO, 1605 WEST BURNSIDE AVENUE, TO STANTON INC., THE LOG CABIN, TO BE OPERATED AT 1515 WEST BURNSIDE STREET (CUP NOT REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
5. TRANSFER OF A 2010-11 RETAIL MALT BEVERAGE LICENSE FROM STANTON INC., THE LOG CABIN, 1515 WEST BURNSIDE STREET, TO YOUTH ENRICHMENT SERVICES, BURNSIDE BINGO, TO BE OPERATED AT 1605 WEST BURNSIDE STREET, INCLUDING VIDEO LOTTERY TERMINALS (WITH THE CONDITIONAL USE PERMIT (2002-03-03) BEING APPROVED ON 06-12-02).
6. SPECIAL ONE-DAY LIQUOR LICENSE FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, FOR THE AUTUMN CRUSH ON SEPTEMBER 30, 2010.

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

PUBLIC INPUT

Ron Wieczorek spoke regarding our national economy and he gave suggestions on how to improve the economy.

Megan Tuve spoke regarding inappropriate activity at Whittier Park and asked that the City Council assist in making the park a safer place again. Discussion occurred regarding alcohol usage in public parks.

Melvin Vandentop spoke regarding the collapsing economy. He also addressed the budgetary delay of placing a fire station on the southeast section of the city. He recommend that the Events Center be delayed vs. delaying essential services that protect human life.

Tim Stanga spoke regarding the following items: 1) He thanked Council Member Anderson, Jr. for coming to his neighborhood and speaking with the neighbors; 2) He talked about the problems in the Whittier neighborhood regarding alcohol sales; 3) He talked about his concern regarding budget cuts in the police department when there is an increase in crime in the city; 4) He would like to see the money that is being set aside for the Events Center be used for police protection instead; 5) He thinks Falls Park and Phillips to the Falls should not include industrial businesses nearby; 6) His neighborhood does not have cookie jars and the Mayor and the Council should listen to the people regarding what they want or need; 7) He does not like that taxpayer money was used to purchase books for the City Council regarding money management.

Brad Hall spoke regarding casinos on the border between Iowa and South Dakota. Discussion followed.

UNFINISHED BUSINESS

Doc: Alcohol Memo

7. RENEWAL OF THE 2010-11 PACKAGE MALT BEVERAGE LICENSE FOR WANG ENTERPRISE INC., KING'S MART, TO BE OPERATED AT 4200 WEST 41ST STREET.

8. SPECIAL ONE-DAY LIQUOR LICENSE FOR SKK LLC, COPPER LOUNGE, TO BE OPERATED AT

THE 1ST AVENUE LOT #1, 110 SOUTH MALL AVENUE, ON AUGUST 15, 2010, FOR THE SUMMER GIVEAWAY PARTY.

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to approve Items 7 and 8 with one vote.

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

9. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 816 S. COVELL AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO SUBAREA A OF THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2010-06-16, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1207

PC Staff Report

PC Exhibits

PC Minutes - Item 8

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt said Ordinance 61-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, 7. Noes, 0.

Motion Passed

10. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 201 E. EIGHTH ST. FROM THE RC, RECREATION/CONSERVATION DISTRICT TO THE C-3, CENTRAL BUSINESS DISTRICT, PETITION NO. 2010-06-14, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1206

PC Staff Report

PC Exhibits

PC Minutes - Item 7

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to adopt said Ordinance 62-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

11. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 243, 303, 305, AND 307 E. EIGHTH ST. FROM THE RC, RECREATION/ CONSERVATION DISTRICT TO THE C-3, CENTRAL BUSINESS DISTRICT, PETITION NO. 2010-06-12, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1205

PC Staff Report

PC Exhibits

PC Minutes - Item 6

A motion was made by Council Member Entenman and seconded by Council Member Litz to adopt said Ordinance 63-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

12. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2111 N. LOUISE CIR. FROM THE I-1, LIGHT INDUSTRIAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2010-06-09, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1204

PC Staff Report

PC Exhibits

PC Minutes - Item 5

A motion was made by Council Member Entenman and seconded by Council Member Anderson Jr. to adopt said Ordinance 64-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

13. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. FAITH AVE. AND E. 49TH ST. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2010-06-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1203

PC Staff Report

PC Exhibits

PC Minutes - Item 4

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Ordinance 65-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

14. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2010-06-02 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT NE CORNER OF S. SYCAMORE AVE. AND E. 41ST ST. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1202

PC Staff Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Litz and seconded by Council Member Entenman to adopt said Ordinance 66-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

Set a date of hearing and 2nd Reading for Monday, August 23, 2010 at 7:00 p.m. at the Joint City Council/Lincoln County Meeting for Item 15:

15. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF SAID CITY BY REZONING PROPERTY AT 26864 469TH AVE. FROM THE A-1 AGRICULTURAL DISTRICT TO THE ZENOBI PLANNED DEVELOPMENT DISTRICT. (PLANNING COMMISSION RECOMMENDS DENIAL.)

Ord. 1208

Ord. 1208 - Revised 07/30/10

Minutes of Joint PC meeting

Exhibit 1 Vicinity Map

Exhibit 2 Site Plan

A motion was made by Council Member Anderson Jr. and seconded by Council Member Jamison to set a hearing date and 2nd Reading for Monday, August 23, 2010, at 7:00 p.m. at the Joint City Council/Lincoln County Meeting for Item 15.

Vote to set a hearing date: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

HEARINGS AND RESOLUTIONS

16. A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND

ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

Res. 1752

A motion was made by Council Member Brown and seconded by Council Member Erpenbach to adopt said Resolution 61-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

RESOLUTION NO. 61-10

A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

Section 1. It is necessary to levy and there shall be levied a frontage assessment upon each and every lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls for the purpose of creating a fund to be used in maintaining, planting, and otherwise improving and caring for the center parkways and boulevard on 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls.

Section 2. There shall be an assessment against each lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls, the sum of eighty-five cents (\$.85) per front foot for the year 2011.

Section 3. That the City Clerk's Office shall certify such frontage assessments to the County Auditor of Minnehaha County, South Dakota, and the same shall be collected in and as municipal taxes for general purposes.

Date adopted: 08/02/10 .

Mike T.

Huether

Mayor
ATTEST:

Debra A. Owen
 City Clerk

The Description of All Lots and Parcels of Land,
 Together with the Amount Properly Chargeable to Each
 for the 21st Street Frontage Fund,
 Said Lots and Parcels of Land
 Abutting Upon 21st Street
 from Phillips Avenue to Seventh Avenue

Description	Frontage	Amount
South 140 of the East 40 of Lot 7 and the Addition 140	\$119.00	Boulevard
South 140 of Lots 5 & 6, Block 15 South 119 of the West 9 of Lot 7 and the Addition 60	51.00	Boulevard
South 119 of Lot 8, Block 15		
Lot 6, Block 16 Addition 150	127.50	Boulevard
Lot 7, Block 16 Addition 150	127.50	Boulevard
Lot 8, Crisp s Subd. of Block 17 Addition 45	38.25	Boulevard
Lot 9, Crisp s Subd. of Block 17 Addition 45	38.25	Boulevard
Lot 10 & East 1/2 Lot 11, Crisp s Addition 68	57.80	Boulevard
Subd. of Block 17 Lot 12, & West 1/2 Lot 11, Crisp s Addition 68	57.80	Boulevard
Subd. of Block 17 Lot 13, Crisp s Subd. of Block 17 Addition 45	38.25	Boulevard
Lot 14, Crisp s Subd. of Block 17 Addition 45	38.25	Boulevard
Lot 6, Block 18 Addition 150	127.50	Boulevard
Lot 7, Block 18 Addition 150	127.50	Boulevard
East 1/3 Lot 6, Block 19 Addition 50	42.50	Boulevard
West 2/3 Lot 6, Block 19 Addition 100	85.00	Boulevard
East 1/2 of Lot 7, Block 19 Addition 75	63.75	Boulevard
West 1/2 of Lot 7, Block 19 Addition 75	63.75	Boulevard
Lot 8, Realty Co s. Subd. of Block 20 Addition 45	38.25	Boulevard
Lot 9, Realty Co s. Subd. of Block 20		Boulevard

Addition	45	38.25	
Lot 10, Realty Co s. Subd. of Block 20			Boulevard
Addition	45.5	38.68	
Lot 11 & East 1/2 Lot 12, Realty Co s.			Boulevard
Addition	68.5	58.23	
Subd. Block 20			
West 1/2 Lot 12, Realty Co s. Subd. of			Boulevard
Addition	22.5	19.13	
Block 20			
Lot 13, Realty Co s. Subd. of Block 20			Boulevard
Addition	45	38.25	
Lot 14, Realty Co s. Subd. of Block 20			Boulevard
Addition	45	38.25	
Lot 9, Realty Co s. Subd. of Block 21			Boulevard
Addition	47	39.95	
South 100 of Lot 10, Realty Co s. Subd.			
of Block 21;			Boulevard
Addition	45	38.25	
Lot 11, Realty Co s. Subd. of Block 21			Boulevard
Addition	45	38.25	
Lot 12, Realty Co s. Subd. of Block 21			Boulevard
Addition	45	38.25	
Lot 13, Realty Co s. Subd. of Block 21			Boulevard
Addition	45	38.25	
Lot 14, Realty Co s. Subd. of Block 21			Boulevard
Addition	45	38.25	
South 100 of Lot 15, Realty Co s. Subd.			Boulevard
Addition	44	37.40	
of Block 21			
South 100 of Lot 16, Realty Co s. Subd.			Boulevard
Addition	44	37.40	
of Block 21			
Lot 1, Block 1			W. L. Baker s
Addition	53	45.05	
Lot 2 & East 26 of Lot 3, Block 1			W. L. Baker s
Addition	78	66.30	
East 22 of W. 26 of Lot 3, Block 1			W. L. Baker s
Addition	22	18.70	
West 4 of Lot 3 & all Lot 4, Block 1			W. L. Baker s
Addition	56	47.60	
Lot 5, Block 1			W. L. Baker s
Addition	68	57.80	
Lot 24, Block 1			W. L. Baker s
Addition	150	127.50	
Lot 1, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 2, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 3, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 4, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 5, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 6, Block 3			W. L. Baker s
Addition	50	42.50	

Lot 7, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 8, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 9, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 10, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 11 Block 3			W. L. Baker s
Addition	50	42.50	
Lot 12, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 13, Block 3			W. L. Baker s
Addition	50	42.50	
Lot 14, Block 3			W. L. Baker s
Addition	60	51.00	
Lot 15, Block 3			W. L. Baker s
Addition	62	52.70	
Tract 5, Co. Aud. Subd. SW1/4,			
Sec. 21, Twp. 101, Range			
49W			
150	127.50		
N. 150 of Lot A, Co. Aud. Subd. Tract 4			
of SW1/4, Sec. 21, Twp. 101, Range			
49W			158
134.30			
N. 150 of Lot B, Co. Aud. Subd. Tract 4			
of SW1/4, Sec. 21, Twp. 101, Range			
49W			
\$3,304.39			

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)

17. REPORT OF JULY 26, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR
ORGANIZATIONAL UNITS. (MEMO 1)

Memo 1

NEW BUSINESS/ ITEMS ADDED AFTER AGENDA DEADLINE

ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member
Anderson Jr. to adjourn the meeting at 8:06 p.m.

Vote to adjourn: Roll Call: Yeses, Council Member Erpenbach, Council Member
Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar,
Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8.
Noes, 0.

Motion Passed

Tamara Jorgensen, CMC
Assistant City Clerk