

|| City of Sioux Falls Council Meeting Agenda
|| Carnegie Town Hall, 235 West 10th Street
|| REGULAR MEETING OF Monday, July 6, 2009, at 7:00 p.m. |

ROLL CALL #6

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. PASTOR RON TOTTINGHAM, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

MINUTES

A. CORRECTION TO ITEM 25 ON THE CITY COUNCIL MEETING OF MONDAY, MAY 11, 2009.

B. INFORMATIONAL MEETING OF MONDAY, JUNE 15, 2009, AT 4:00 P.M.

C. REGULAR COUNCIL MEETING OF MONDAY, JUNE 15, 2009, AT 7:00 P.M.

D. INFORMATIONAL MEETING OF MONDAY, JUNE 29, 2009, AT 4:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM ASHLEY SWANSON REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, LIQUOR, WINE, AND MALT BEVERAGES AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON SATURDAY, JULY 25, 2009 FROM 7:00 P.M. TO 12:00 A.M. FOR THE PURPOSE OF A WEDDING RECEPTION.
2. A COMMUNICATION WAS RECEIVED FROM THE SERTOMA BUTTERFLY HOUSE REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE AND MALT BEVERAGES AT SERTOMA BUTTERFLY HOUSE, 4320 S. OXBOW AVENUE, ON SATURDAY, AUGUST 15, 2009 FROM 8:

00 P.M. TO 1:00 A.M. FOR THE PURPOSE OF A WEDDING RECEPTION.

3. A COMMUNICATION WAS RECEIVED FROM BARBARA MOREAN REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE, LIQUOR AND/OR MALT BEVERAGES AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON SATURDAY, SEPTEMBER 12, 2009 FROM 12:00 P.M. TO 6:00 P.M. FOR THE PURPOSE OF A WEDDING RECEPTION.
4. A COMMUNICATION WAS RECEIVED FROM KRISTI OSKAR-GROEN REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, MALT BEVERAGES AND WINE AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON SATURDAY, DECEMBER 12, 2009, FROM 5:00 P.M. TO 9:00 P.M. FOR THE PURPOSE OF A WEDDING RECEPTION.

APPLICATIONS

5. RANDY VANDEVENDEL, 3800 E. 36TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$761.81. PROPERTY OWNER APPLIED CORRECTLY FOR THE OWNER OCCUPIED STATUS ON HIS PROPERTY BUT THE INFORMATION WAS NOT ADDED TO HIS RECORDS. HE IS REQUESTING ABATEMENT FOR THE VALUE DIFFERENCE.
6. AVERA MCKENNAN, FOR 2008 PROPERTY TAXES FOR THE FOLLOWING PARCELS: #25589 IN THE AMOUNT OF \$6,453.30; #25625 IN THE AMOUNT OF \$3721.27; #25646 IN THE AMOUNT OF \$5411.11; #25682 IN THE AMOUNT OF \$3,725.57; AND #25618 IN THE AMOUNT OF \$725.53. PROPERTY OWNER PURCHASED THE PARCELS AND RAZED THE STRUCTURES TO BUILD NEW PARKING LOTS AND THEY ARE NOW REQUESTING ABATEMENT FOR THE TIME THE STRUCTURES WERE GONE.
7. SIOUX FALLS 57 GOOD SAMARITAN HOUSING, INC., 4500 W. 57TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$4,214.13. PROPERTY OWNER WAS GRANTED TAX EXEMPT STATUS IN 2009 AND IS NOW REQUESTING ABATEMENT FOR TIME OWNED IN 2008.

NOTICE OF HEARINGS

Set hearing date for Monday, July 20, 2009, at 7:00 p.m. on Items 8 through 15:

DOC: ITEMS 8-15 MEMO-COUNCIL

8. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR GREENBERG JEWELERS INC., GREENBERG JEWELERS, TO BE OPERATED AT 4829 SOUTH LOUISE AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-01) BEING APPROVED ON 06-03-09.
9. NEW 2009 RETAIL WINE LICENSE FOR GREENBERG JEWELERS INC., GREENBERG JEWELERS, TO BE OPERATED AT 4829 SOUTH LOUISE AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-01) BEING APPROVED ON 06-03-09.
10. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR LCDD INC., NAME TO BE DETERMINED, TO BE OPERATED AT 221 SOUTH PHILLIPS AVENUE, SUITE 100, WITH THE CONDITIONAL USE PERMIT (2009-04-13) BEING APPROVED ON 05-06-09.

11. NEW 2009 RETAIL WINE LICENSE FOR LCDD INC., NAME TO BE DETERMINED, TO BE OPERATED AT 221 SOUTH PHILLIPS AVENUE, SUITE 100, WITH THE CONDITIONAL USE PERMIT (2009-04-13) BEING APPROVED ON 05-06-09.
12. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR HY-VEE INC., ALL OCCASIONS BY HY-VEE, TO BE OPERATED AT THE DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 SOUTH KIWANIS AVENUE, ON AUGUST 8, OCTOBER 3, AND OCTOBER 10, 2009, AND CANCELLING THE JUNE 6, 2009, REQUEST, AND AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON AUGUST 19, 2009, FOR WEDDING RECEPTIONS.
13. SPECIAL ONE-DAY LIQUOR LICENSE REQUEST FOR GREAT BEAR RECREATION PARK INC., GREAT BEAR RECREATION PARK, TO BE OPERATED AT 5901 EAST RICE STREET, ON AUGUST 15, 2009, FOR A WEDDING RECEPTION.
14. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE CENTERS FOR EQUALITY, TO BE OPERATED AT THE TERRACE PARK BANDSHELL AREA, AT 600 NORTH GRANGE AVENUE, ON JULY 25, 2009, FOR THE SIOUX FALLS GAY PRIDE EVENT.
15. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE SIOUX EMPIRE ARTS COUNCIL, TO BE OPERATED AT THE EMPIRE MALL IN THE GRASSY AREA ON THE SOUTH SIDE OF THE MALL, 4001 WEST 41ST STREET, ON AUGUST 7-8, 2009, FOR THE EMA (EMPIRE MUSIC & ARTS) FEST.

| CONSENT AGENDA ITEMS |

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

PETITIONS

16. CONDITIONAL USE PERMIT APPEAL (2009-05-07): 5837 S. FRONTIER TRAIL. THE APPLICANT IS REQUESTING THE CONDITIONAL USE PERMIT TO ALLOW FOR A FAMILY DAY CARE OF UP TO 12 CHILDREN. APPROVED AT THE JUNE 3, 2009, PLANNING COMMISSION MEETING WITH A SPLIT VOTE (5-YES, 3-NO).

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 9

Doc: Neighborhood Appeal

Doc: Deferral Request Letter 070109

UNFINISHED BUSINESS

DOC: ITEMS 17-22 MEMO

17. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR AZTECA MEXICAN RESTAURANT INC., AZTECA MEXICAN RESTAURANT, TO BE OPERATED AT 811 SOUTH MINNESOTA AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-02) BEING APPROVED ON 06-03-09. PENDING FINAL INSPECTIONS PER HEALTH AND BUILDING SERVICES.
18. NEW 2009 RETAIL WINE LICENSE FOR AZTECA MEXICAN RESTAURANT INC., AZTECA MEXICAN RESTAURANT, TO BE OPERATED AT 811 SOUTH MINNESOTA AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-02) BEING APPROVED ON 06-03-09. PENDING FINAL INSPECTIONS PER HEALTH AND BUILDING SERVICES.
19. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR THE MARKET ON PHILLIPS LLC, THE MARKET ON PHILLIPS, TO BE OPERATED AT 204 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-10) BEING APPROVED ON 06-03-09. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.
20. NEW 2009 RETAIL WINE LICENSE FOR THE MARKET ON PHILLIPS LLC, THE MARKET ON PHILLIPS, TO BE OPERATED AT 204 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-10) BEING APPROVED ON 06-03-09. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.
21. NEW 2009 PACKAGE LIQUOR LICENSE FOR THE MARKET ON PHILLIPS LLC, THE MARKET ON PHILLIPS, TO BE OPERATED AT 204 SOUTH PHILLIPS AVENUE. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.
22. NEW 2009 PACKAGE LIQUOR LICENSE FOR AMANUAL LIBEN AND LEANN BEANER, ABYSSINIA, TO BE OPERATED AT 209 SOUTH BLAUVELT AVENUE. PENDING FINAL INSPECTION PER FIRE AND HEALTH.

INTRODUCTION AND ADOPTION OF ORDINANCES

23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-05-03, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT N. GRANITE LN. AND W. 60TH ST. N. AMENDING THE PRAIRIE HILLS NORTH PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Proposed Ord0007

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 5

24. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4101 W. MAPLE ST. FROM THE RS-2, RESIDENTIAL DISTRICT TO SUBAREA A OF THE SOUTHEAST TECHNICAL INSTITUTE PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-05-08, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Proposed Ord0009

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 4

25. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1202 W. 22ND ST. FROM THE RS-2, RESIDENTIAL DISTRICT TO SUBAREA A OF THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-05-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Proposed Ord0008

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 3

26. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 39-82 AND ADDING SECTION 39-82A, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.

Doc: Proposed ord0086

Doc: Rural Service Map

Set a hearing date and 2nd Reading for the meeting on Monday, July 13, 2009, for Items 27 and 28:

27. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE

REVISED ORDINANCES OF THE CITY BY INCREASING TAXICAB FARES.

Doc: Proposed ord0013

28. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS, SD, BY AMENDING CHAPTER 5, ALCOHOLIC BEVERAGES.

Doc: Proposed ord1086

HEARINGS AND RESOLUTIONS

29. A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015 GROWTH MANAGEMENT PLAN, PETITION NO. 2009-05-13, AT W. 69TH ST. AND S. TALLGRASS AVE. TO REALLOCATE SINGLE-FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, OFFICE, AND COMMERCIAL FUTURE LAND USES.

Doc: Proposed res0001

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 12

30. A RESOLUTION DESIGNATING THE OFFICIAL NEWSPAPER FOR THE CITY OF SIOUX FALLS, SD.

Doc: Proposed resp005

31. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Doc: Proposed res0006

Doc: memo of appointment

32. A RESOLUTION TO APPROVE TWO HISTORICAL MARKERS ON CITY PROPERTY.

Doc: Proposed res1655

Doc: Marker Descriptions

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)

33. REPORTS OF THE JUNE 22, 2009 AND JUNE 29, 2009, NOTICE OF TRANSFER OF
APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Doc: June 22 Memo-Transfer of Appropriations

Doc: June 29 Memo-Transfer of Appropriations

NEW BUSINESS/ ITEMS ADDED AFTER AGENDA DEADLINE

34. ELECTION OF CITY COUNCIL CHAIR.

Doc: Resolution 89-04

Doc: CC Policies - Election of Council Officers

35. ELECTION OF CITY COUNCIL VICE-CHAIR.

Doc: Resolution 89-04

Doc: CC Policies - Election of Council Officers

ADJOURNMENT