

|| City of Sioux Falls Council Meeting Agenda  
|| Carnegie Town Hall, 235 West Tenth Street  
|| MEETING OF Monday, March 16, 2009 at 7:00 p.m. |

ROLL CALL #4

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. REVEREND TIMOTHY FOUNTAIN, CHURCH OF THE GOOD SHEPHERD

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, MARCH 9, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, MARCH 9, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE ACADEMY OF STUDENT PHARMACISTS - SDSU CHAPTER, STATING ITS INTENT TO SELL RAFFLE TICKETS ON APRIL 2, 2009, FOR A NINTENDO WII (VALUED AT \$250.00). TICKETS WILL BE \$5.00 EACH OR 3 FOR \$10.00. THE PROCEEDS ARE TO BE USED TO BENEFIT PATIENT CARE PROJECTS AND TRAVEL.

APPLICATIONS

2. UNIVERSITY OF SIOUX FALLS, 1700 S. PRAIRIE AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$2,042.90. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THIS PARCEL BECAME FULLY EXEMPT FOR 2008.

3. VALERIE REA, 2100 E. 5TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$228.32. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THIS PARCEL WAS RAZED ON AUGUST 1, 2008.
4. CITY OF SIOUX FALLS, 5801 E. RED OAK DRIVE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$197.68. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THE CITY TOOK OWNERSHIP OF THIS PARCEL ON DECEMBER 15, 2008.
5. DALE LIEN, 216 W. ROSE STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$243.10. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THIS STRUCTURE WAS REMOVED IN MARCH, 2008.
6. JAYME CIRCLE DEVELOPMENT, LLC, 904 S. JAYME CIRCLE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$110.97 AND 2007 PROPERTY TAXES IN THE AMOUNT OF \$110.92. TAXPAYER IS REQUESTING ABATEMENTS BECAUSE THERE WAS A CLERICAL ERROR IN THE LAND VALUATION FOR 2007 AND 2008.
7. ARLENE BROADBENT, 803 W. 37TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$544.31 AND 2007 PROPERTY TAXES IN THE AMOUNT OF \$549.43. TAXPAYER IS REQUESTING ABATEMENTS BECAUSE HER STATUS OF OWNER OCCUPIED TAX REDUCTION WAS REMOVED IN ERROR IN 2007.
8. LEONARD HARTMAN, 3417 N. 10TH AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$559.58.
9. WARREN WALSH, 1500 S. BRUCE ROAD, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,265.63.
10. ANNA JOUL, 2120 E. AUSTIN STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$830.26.
11. LORETTE DEYONG, 419 S. LINCOLN AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$347.40.
12. VERONICA MADETZKE, 209 N. EUCLID, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$367.57.
13. BETTY WILLIAMS, 1805 E. 6TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$51.87.
14. GORDON KNEIP, 1100 N. ELMWOOD AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,227.10.
15. KENNETH KAUFMAN, 1122 S. NORTON AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$622.00.

16. ALYCE ZAHN, 2305 E. 18TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$964.57.
17. JULIE IDEKER, 3212 S. JEFFERSON, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,032.01.
18. LORNA GARDNER, 4090 REPUBLIC PLACE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$15.38.

REGULAR AGENDA

| CONSENT AGENDA ITEMS |

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

DOC: DOCUMENT: MEMO

19. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR JERRY VANLOH, JACKY'S RESTAURANT AND BAKERY, TO BE OPERATED AT 702 EAST EIGHTH STREET, WITH THE CONDITIONAL USE PERMIT (2006-02-02) BEING APPROVED ON 04-05-06.

Conditional Use Permit

20. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR IMPERIAL GARDEN LLC, IMPERIAL GARDEN, TO BE OPERATED AT 5318 EAST ARROWHEAD PARKWAY, (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.
21. NEW 2009 RETAIL WINE LICENSE FOR IMPERIAL GARDEN LLC, IMPERIAL GARDEN, TO BE OPERATED AT 5318 EAST ARROWHEAD PARKWAY, (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.
22. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR ANNE GASPAR, BUSTAGUT PRODUCTIONS, TO BE OPERATED AT 3224 EAST TENTH STREET, WITH THE CONDITIONAL USE PERMIT (2009-01-06) BEING APPROVED ON 02-04-09. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.

Conditional Use Permit

23. NEW 2009 RETAIL WINE LICENSE FOR ANNE GASPAR, BUSTAGUT PRODUCTIONS, TO BE OPERATED AT 3224 EAST TENTH STREET, WITH THE CONDITIONAL USE PERMIT (2009-01-06) BEING APPROVED ON 02-04-09. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.

Conditional Use Permit

24. NEW 2009 RETAIL WINE LICENSE FOR PHILANTHROPY PROMOTIONS INC., J&L HARLEY DAVIDSON, TO BE OPERATED AT 2601 WEST 60TH STREET NORTH, WITH THE CONDITIONAL USE PERMIT (2007-04-22) BEING APPROVED ON 05-02-07 AND AN ADDITION TO AN EXISTING LICENSE.

Conditional Use Permit

25. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR PHILANTHROPY PROMOTIONS INC., J&L HARLEY DAVIDSON, FOR HOT HARLEY NIGHTS, ON SATURDAY, JULY 11, 2009, ON FALLS PARK WEST (PARK AREA NORTH OF THE SIOUX FALLS PARK AND RECREATION OFFICE LEADING TO FALLS PARK ALONG PHILLIPS AVENUE) WITH A NORTH BOUNDARY OF FALLS PARK DRIVE, SOUTH BOUNDARY TO 8TH STREET, EAST BOUNDARY IS TO THE CHAIN LINK FENCE ON THE EAST SIDE OF THE PARK (THE STREET WILL BE CLOSED ON 6TH STREET FROM DAKOTA TO WEBER AVENUES), AND THE WEST BOUNDARY OF DAKOTA AVENUE.

26. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, FOR THE FOLLOWING DATES/EVENTS IN 2009: MAY 1, FOR THE ARTS NIGHT FUNDRAISER; SEPTEMBER 18, FOR A FASHION SHOW; AND WEDDING RECEPTIONS ON MAY 9, 22, 30; JUNE 13, 26, 27; JULY 3, 11, 24, 25; AUGUST 8, 15, 22, AND 29.

27. SPECIAL ONE-DAY OFF-SALE PACKAGE WINE DEALER LICENSE FOR THE SOUTH DAKOTA PORK PRODUCERS COUNCIL TO BE OPERATED AT THE SIOUX FALLS CONVENTION CENTER, 1211 NORTH WEST AVENUE, ON MARCH 29, 2009, FOR THE TASTE OF ELEGANCE.

28. SPECIAL ONE-DAY LIQUOR LICENSE FOR SMG TO BE OPERATED AT THE SIOUX FALLS ARENA, 1201 NORTH WEST AVENUE, FOR THE STORM FOOTBALL 2009 HOME SEASON GAMES ON MARCH 29, APRIL 18, MAY 9 AND 16, JUNE 13 AND 20, AND JULY 11, INCLUDING POSSIBLE PLAYOFF GAMES FROM JULY 12-AUGUST 27, AND AUTHORIZE PUBLICATION OF NOTICE ON 03-06-09 TO SET THE HEARING DATE.

Document: Memo

INTRODUCTION AND ADOPTION OF ORDINANCES

29. DEFERRED ACTION: 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE BOARD OF ETHICS ORDINANCES AS FOUND IN CHAPTER 12 1/2 OF THE REVISED ORDINANCES OF SIOUX FALLS, SD.

Proposed Amendment 1

Set a hearing date and 2nd Reading for Monday, April 6, 2009, at 7:00 p.m. for Items 30 through 36:

30. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CORRECTING CLERICAL ERRORS IN CERTAIN REZONING ORDINANCES. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0055

PC Report

PC Minutes - Item 3

31. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. NORTH POWDER HOUSE RD. (NORTH OF E. MADISON ST.) FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2009-02-09 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0060

PC Report

PC Exhibits

PC Minutes - Item 7

32. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. & S. DUBUQUE AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT; RD, RESIDENTIAL DISTRICT; AND RC, RECREATION/ CONSERVATION DISTRICT, PETITION NO. 2009-02-07 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0059

PC Report

PC Exhibits

PC Minutes - Item 6

33. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE CORNER OF W. 85TH ST. AND S. WESTERN AVE. FROM THE C-4, PLANNED COMMERCIAL DISTRICT, THE RD & RS-2, RESIDENTIAL DISTRICTS AND THE RC, RECREATION/CONSERVATION DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, RD, RESIDENTIAL DISTRICT AND RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2009-01-13 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0058

PC Report

PC Exhibit

PC Minutes - Item 5

34. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 26971 MINNESOTA AVE. (SOUTH OF 77TH ST. & S. MINNESOTA AVE.) FROM THE AG, AGRICULTURE DISTRICT TO THE GARDEN VILLAGE PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-01-12 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0057

PC Report

PC Exhibit

PC Minutes - Item 4

35. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. AND S. DUBUQUE AVE. FROM THE BROOKS CROSSING PLANNED DEVELOPMENT DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2009-02-10 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0061

PC Report

PC Exhibit

PC Minutes - Item 17

36. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-02-01 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 801 N. CLIFF AVE. AMENDING THE SCOOTER PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0056

PC Report

PC Exhibits

PC Minutes - Item 16

#### HEARINGS AND RESOLUTIONS

37. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON PUBLIC PROPERTY FOR AN INTERNATIONALLY RECOGNIZED VISUAL ARTS PROGRAM KNOWN AS "SCULPTURE WALK SIOUX FALLS 2009."

Res. 1647

VAC Minutes

Exhibits

38. A RESOLUTION AUTHORIZING THE DIRECTOR OR ASSISTANT DIRECTOR OF THE PUBLIC WORKS DEPARTMENT TO SIGN GRANT AGREEMENTS AND CONTRACTS.

Res. 1644

39. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WILLOW RUN?TRACT 4 ADDN., FOR FUTURE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL LOTS AT E. TORCHWOOD LANE, PETITION 2009-02-03 . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0052

PC Report

PC Exhibits

PC Minutes - Item 9

40. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF BRIARWOOD ESTATES ADDN. TO DEVELOP COMMERCIAL, OFFICE, APARTMENT AND LOW-DENSITY RESIDENTIAL USES EAST OF S. SYCAMORE AVE. BETWEEN E. 57TH AND E. 69TH STREETS, PETITION 2009-01-14 . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0051

PC Report

PC Exhibits

PC Minutes - Item 22

41. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF MAJESTIC MEADOWS ADDN. PHASE 1, FOR FUTURE RESIDENTIAL DEVELOPMENT IN THE RS-2 AND RD, RESIDENTIAL DISTRICTS AT E. 41ST ST. AND S. SIX MILE RD., PETITION 2009-02-04 . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0053

PC Report

PC Exhibits

PC Minutes - Item 10

42. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2009-01-03?85TH STREET AND PINWOOD PLACE. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0048

Annexation Report

Annexation Map

Concept Plan

ADJOURNMENT