

|| City of Sioux Falls Council Meeting Agenda
|| Carnegie Town Hall, 235 West Tenth Street
|| REGULAR MEETING OF Monday, January 5, 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
Council Member Brown
Mayor Dave Munson

INVOCATION

A. A. DR. RON TOTTINGHAM, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. A. NATIONAL MENTORING MONTH - JANUARY 2009

APPROVAL OF CONSENT AGENDA

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, DECEMBER 15, 2008, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, DECEMBER 15, 2008, AT 7:00 P.M.

COMMUNICATIONS

1. 1. A COMMUNICATION WAS RECEIVED FROM CARROLL INSTITUTE, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM JANUARY 18, 2009, THROUGH MARCH 31, 2009, FOR A TRIP TO THE MASTERS (VALUED AT \$5,000.00). TICKETS COST \$100.00 PER CHANCE. PROCEEDS WILL GO TOWARDS THE INSTITUTE'S SCHOOL-BASED EDUCATION/PREVENTION PROGRAM CALLED PROJECT AWARENESS.

2. 2. A COMMUNICATION WAS RECEIVED FROM THE TECHNOLOGY COMMITTEE AT ST. LAMBERT SCHOOL, STATING ITS INTENT TO HAVE STUDENTS AND THEIR FAMILIES SELL RAFFLE

TICKETS FROM APRIL 3, 2009, THROUGH APRIL 21, 2009, FOR A SHOPPING BONANZA (THREE PRIZES TOTALING UP TO \$2,000.00). TICKETS COST \$2.00 EACH. PROCEEDS WILL GO TOWARDS PURCHASING NEW COMPUTER HARDWARE FOR THE SCHOOL.

APPLICATIONS

3. 3. MINNEHAHA COUNTY, FOR MULTIPLE VOIDED PROPERTIES, IN THE AMOUNT OF \$44,579.49. PURSUANT TO SOUTH DAKOTA CODIFIED LAW 10-21-15 THE BACK TAXES REMAINING ON THESE VOIDED PARCEL RECORDS HAVE BEEN DEEMED AS UNCOLLECTIBLE. NO STATUTORY AUTHORITY EXISTS TO COLLECT THESE TAXES. THE PARCELS ARE: #11968, FOR 2005 PROPERTY TAXES, CANDLE DEVELOPMENT LLC, \$595.34; #11969, FOR 2005 PROPERTY TAXES, CANDLE DEVELOPMENT LLC, \$595.54; #27092, FOR 2006 PROPERTY TAXES, APEX PROPERTY MANAGEMENT, \$213.72; #28604, FOR 2005 PROPERTY TAXES, MURRAY CONSTRUCTION LLC, \$2,179.82; #28605, FOR 2005 PROPERTY TAXES, MURRAY CONSTRUCTION LLC, \$2,795.06; #29837, FOR 2006 PROPERTY TAXES, CLIFFORD O'HARA, \$189.39; #32587, FOR 2004 PROPERTY TAXES, JEREMY D. ERICKSON, \$83.66; #33185, FOR 2005 PROPERTY TAXES, THOMAS R. TENNESSEN, \$226.94; #41164, FOR 2004 PROPERTY TAXES, NEW MASONRY HOMES INC., \$183.41; #41880, FOR 2005 PROPERTY TAXES, GOLDEN TRIANGLE LLC, \$1,930.41; #42983, FOR 2006 PROPERTY TAXES, PETTINGILL MAIN PROP., \$3,831.38; #43856, FOR 2004 PROPERTY TAXES, KARLA J. SORENSON, \$1,052.61; #44508, FOR 2005 PROPERTY TAXES, CLARA GAMACHE, \$70.76; #45917, FOR 2003 PROPERTY TAXES, KEITH AND REBECCA COACHER, \$200.71; #46585, FOR 2004 PROPERTY TAXES, BETTY A. STANSBURY, \$129.57; #47171, FOR 2006 PROPERTY TAXES, LLOYD PROPERTY MANAGEMENT, \$3,380.74; #56916, FOR 2005 PROPERTY TAXES, CLARKE PARTNERSHIP, \$16,133.87; #59061, FOR 2004 PROPERTY TAXES, M. MIGNONNE SCHWEBACH, \$80.20; #59061, FOR 2005 PROPERTY TAXES, M. MIGNONNE SCHWEBACH, \$82.47; #63132, FOR 2005 PROPERTY TAXES, HOMELAND DEVELOPMENT CO., \$10.61; #66785, FOR 2005 PROPERTY TAXES, DONALD F. HANDER, \$3,763.89; #69320, FOR 2006 PROPERTY TAXES, BIG SIOUX DEVELOPMENT CO., \$345.53; #74615, FOR 2004 PROPERTY TAXES, MELLEGARD INC., \$427.40; #75598, FOR 2005 PROPERTY TAXES, DANIELS CONSTRUCTION, \$754.04; #77165, FOR 2006 PROPERTY TAXES, TYSDAL-INGLE INVESTMENTS, \$3,286.36; AND #79503, FOR 2006 PROPERTY TAXES, I'VE BEEN WORKING ON THE RAILROAD LLC, \$2,036.06.

NOTICE OF HEARINGS

Set hearing date for Tuesday, January 20, 2009, at 7:00 p.m. on Items 4 through 16:

DOC: MEMO

4. 4. NEW 2009 RETAIL LIQUOR LICENSE FOR OUR VENTURES INC., NAME TO BE DETERMINED, TO BE OPERATED AT 900 SOUTH MARION ROAD, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2008-04-39) BEING APPROVED ON 07-02-08.
5. 5. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE OPERATED AT 1716 SOUTH WESTERN AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
6. 6. NEW 2009 RETAIL WINE LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE

OPERATED AT 1716 SOUTH WESTERN AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).

7. 7. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR KAREN A. JOHNSON, BUFFALOBERRIES, TO BE OPERATED AT 309 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2007-09-09) BEING APPROVED ON 10-03-07.
8. 8. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM GREAT PLAINS LODGING V LLC, HOMEWOOD SUITES, 3620 WEST AVERA DRIVE, TO SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE, WITH THE CONDITIONAL USE PERMIT (2001-04-03) BEING APPROVED ON 05-21-01.
9. 9. TRANSFER OF A 2008 RETAIL WINE LICENSE FROM GREAT PLAINS LODGING V LLC, HOMEWOOD SUITES, 3620 WEST AVERA DRIVE, TO SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE, WITH THE CONDITIONAL USE PERMIT (2001-04-03) BEING APPROVED ON 05-21-01.
10. 10. RENEWAL OF A 2009 RETAIL WINE LICENSE FOR SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE.
11. 11. RENEWAL OF A 2009 RETAIL LIQUOR LICENSE FOR 4900 BUILDING LLC, THE OAKS HOTEL, TO BE OPERATED AT 3300 WEST RUSSELL STREET, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS.
12. 12. ADDRESS CORRECTION FOR THE NEW 2009 RETAIL WINE LICENSE FOR THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, TO BE OPERATED AT 2320 SOUTH LOUISE AVENUE, APPROVED ON 11-17-08, WITH THE CORRECT ADDRESS BEING 2316-2318 SOUTH LOUISE AVENUE.
13. 13. ADDRESS CORRECTION FOR THE TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, 2425 SOUTH SHIRLEY AVENUE #116, TO THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, TO BE OPERATED AT 2320 SOUTH LOUISE AVENUE, APPROXIMATELY FEBRUARY 19, 2009, OR UPON COMPLETION OF CONSTRUCTION, APPROVED ON 11-17-08, WITH THE CORRECT ADDRESS BEING 2316-2318 SOUTH LOUISE AVENUE.
14. 14. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE SOUTHEASTERN CHAPTER OF THE SOUTH DAKOTA ENGINEERING SOCIETY TO BE HELD AT DOW RUMMEL VILLAGE, 1321 WEST DOW RUMMEL STREET, ON FEBRUARY 21, 2009, FOR THEIR AWARDS BANQUET.
15. 15. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE CHILDREN'S CARE FOUNDATION TO BE HELD AT FIRST NATIONAL BANK IN SIOUX FALLS, 500 SOUTH PHILLIPS AVENUE, ON FEBRUARY 13, 2009, FOR A FUNDRAISER.
16. 16. SPECIAL ONE-DAY WINE LICENSE FOR ST. JOSEPH CATHEDRAL CLUB #54, TO BE OPERATED AT ST. JOSEPH CATHEDRAL, 523 NORTH DULUTH AVENUE, ON FEBRUARY 13, 2009, FOR A VALENTINE'S DINNER.

| CONSENT AGENDA ITEMS |

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

INTRODUCTION AND ADOPTION OF ORDINANCES

17. 17. DEFERRED ACTION: 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCE OF THE CITY BY REVISING THE ORDER OF BUSINESS FOR COUNCIL MEETINGS.

Doc: Ord. 0035

Doc: Proposed Amend. Ord. 0035 A

Doc: Proposed Amend. Ord. 0035 B

Doc: Proposed Amend. Ord. 0035 C

Doc: Proposed Amend. Ord. 0035 D

Doc: 120808 CM Item 3

Doc: 121508 CM Item 18

18. 18. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SW CORNER OF E. MADISON ST. AND POWDER HOUSE RD. FROM THE RS-2, RESIDENTIAL DISTRICT; RD, RESIDENTIAL DISTRICT; RA-1, RESIDENTIAL DISTRICT; C-4, PLANNED COMMERCIAL DISTRICT; AND O, GENERAL OFFICE DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT; RD, RESIDENTIAL DISTRICT; RA-1, RESIDENTIAL DISTRICT; C-4, PLANNED COMMERCIAL DISTRICT; AND O, GENERAL OFFICE DISTRICT, PETITION NO. 2008-11-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0041

Doc: PC Staff Report

Doc: PC Exhibits

Doc: PC Minutes - Item 4

19. 19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. FIFTH ST. AND N. CORNFLOWER AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2008-11-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0042

Doc: PC Staff Report

Doc: PC Exhibits

Doc: PC Minutes - Item 5

20. 20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NE CORNER OF E. MADISON ST. AND POWDER HOUSE RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT AND THE CANTERBURY HEIGHTS EAST PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-11-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0043

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 6

21. 21. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. AND S. DUBUQUE AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2008-10-18, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0040

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 14

22. 22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING

PROPERTY AT E. 57TH ST. BETWEEN HIGHWAY 11 AND SIX MILE RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE FALCON HEIGHTS PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-11-09, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0045

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 16

23. 23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SE CORNER OF E. 69TH ST. AND S. SOUTHEASTERN AVE. FROM THE RA-1, RESIDENTIAL DISTRICT; O, OFFICE DISTRICT; AND C-4, PLANNED COMMERCIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, AND THE EMERALD VALLEY II PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-11-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0044

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 15

24. 24. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2008-11-11 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT BROOKS CROSSING PLANNED DEVELOPMENT DISTRICT SUBAREAS A AND B TO REVISE SUBAREA BOUNDARIES AND 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.

Doc: Ord. 0038

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 7

25. 25. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD (THE "CITY"), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS IN ONE OR MORE SERIES, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO PAY THE COSTS OF IMPROVEMENTS TO THE EXISTING DIVERSION DAM, CONSTRUCTION OF A NEW DAM AT THE CONFLUENCE OF SKUNK CREEK AND THE BIG SIOUX RIVER, REBUILDING THE 41ST STREET BRIDGE AND RAISING THE LEVEES TO PROVIDE ADEQUATE FLOOD RISK REDUCTION ALONG THE BIG SIOUX RIVER, SKUNK CREEK, AND THE DIVERSION CHANNEL IN THE CITY, PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE SUPPLEMENTAL INDENTURES BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE BONDS. (\$38 MILLION)

Doc: Ord. 0046

HEARINGS AND RESOLUTIONS

26. 26. DEFERRED ACTION: A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER, SIDEWALK ASPHALT SURFACING WITH DRIVEWAY APPROACHES, SANITARY SEWER MAIN, SANITARY SEWER SERVICES, AND WATER SERVICES ON W. 69TH ST. FROM S. LOUISE AVE. TO 2,300' EAST.

Doc: Res. 0024

Doc: Exhibit

Doc: 120808 CM Item 11

27. 27. A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITION OF CITY CLERK COMMENCING ON JANUARY 12, 2009.

Doc: Res. 1641

28. 28. A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITIONS OF LEAD INTERNAL AUDITOR AND INTERNAL AUDITOR COMMENCING ON JANUARY 12, 2009.

Doc: Res. 1642

29. 29. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 157-08. (2008-08-01?SE CORNER OF 85TH ST. AND MINNESOTA AVE. AKERSON)

Doc: Res. 0038

Doc: Annexation Report

Doc: Concept Plan

Doc: Annexation Map

Doc: Res. 157-08

ADJOURNMENT