

|| City of Sioux Falls Council Meeting Agenda
|| Carnegie Town Hall, 235 West Tenth Street
|| MEETING OF Monday, December 15, 2008 at 7:00 p.m. |

ROLL CALL #3

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. DR. RON TOTTINGHAM, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, DECEMBER 8, 2008, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, DECEMBER 8, 2008, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM ST. LAMBERT SCHOOL, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM JANUARY 24, 2009, TO FEBRUARY 1, 2009, FOR SEVERAL THEMED GIFT BASKETS (8 BASKETS EACH VALUED AT \$125.00). TICKETS WILL BE \$1.00 EACH. THE PROCEEDS ARE TO BE USED TO PURCHASE EQUIPMENT FOR THE SCHOOL.

APPLICATIONS

2. EILEEN WULLSTEIN, 1313 E. 4TH ST., FOR 2007 PROPERTY TAXES IN THE AMOUNT OF \$304.34. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.

3. IRENE OLSTAD, 506 S. EUCLID AVENUE, FOR 2007 PROPERTY TAXES IN THE AMOUNT OF \$817.07. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
4. LUCILLE WIRT, 1104 W. 57TH #102, FOR 2007 PROPERTY TAXES IN THE AMOUNT OF \$345.01. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
5. TODD OLSON, FOR 2007 PROPERTY TAXES AS INDICATED. THE TAXPAYER NOTIFIED THE DEPARTMENT OF EQUALIZATION THAT THESE STRUCTURES WERE RAZED BY SOUKUP CONSTRUCTION, INC. IN 2007 - REQUESTING AN ABATEMENT FOR THE AMOUNT OF TIME THE STRUCTURES WERE GONE IN 2007. ADDRESSES: 600 S. MINNESOTA AVENUE FOR \$561.89 (84 DAYS); E80' LOTS 1&2, BLK 28 (PARCEL NOW VOIDED) FOR \$28.53 (84 DAYS); 608 S. MINNESOTA AVENUE FOR \$753.50 (259 DAYS); 616 S. MINNESOTA AVENUE FOR \$864.57 (259 DAYS); AND 620 S. MINNESOTA AVENUE FOR \$1,147.29 (259 DAYS).
6. RANDALL J. WESTMAN, WESTMAN INVESTMENTS OF SOUTH DAKOTA, LLC, FOR PROPERTY TAXES AT 3900 N. NATIONAL AVENUE FROM 2000 TO 2007 AS LISTED. THE TOTAL AMOUNT OF \$58,620.93 IS THE TOTAL AS OF NOVEMBER 1, 2008. AMOUNTS BY YEAR: 2000 - \$7,854.49; 2001 - \$13,965.46; 2002 - \$11,768.14; 2003 - \$9,069.22; 2004 - \$6,902.35; 2005 - \$5,034.39; 2006 - \$3,225.35; 2007 - \$801.53.

REGULAR AGENDA

| CONSENT AGENDA ITEMS |

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

UNFINISHED BUSINESS

DOC: MEMO

7. NEW 2008 RETAIL WINE LICENSE FOR HY-VEE FOOD STORES INC., HY-VEE FOOD STORE #1, TO BE OPERATED AT 1601 SOUTH SYCAMORE AVENUE, WITH THE CONDITIONAL USE PERMIT (2008-09-07) BEING APPROVED ON 10-01-08.
8. NEW 2008 RETAIL WINE LICENSE FOR HY-VEE FOOD STORES INC., HY-VEE FOOD STORE #4, TO BE OPERATED AT 1900 SOUTH MARION ROAD, WITH THE CONDITIONAL USE PERMIT (2008-09-08) BEING APPROVED ON 10-01-08.
9. NEW 2009 RETAIL WINE LICENSE FOR SUBURBAN LANES INC., SUBURBAN LANES PLAYERS PUB, TO BE OPERATED AT 2621 SOUTH SPRING AVENUE, EFFECTIVE 1-1-09 (CUP NOT

REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).

10. TRANSFER OF A 2008 RETAIL WINE LICENSE FROM KAREN MCPARLAND, A TASTE OF THE BIG APPLE, 600 NORTH MAIN AVENUE SUITE 110, TO A TASTE OF THE BIG APPLE LLC, A TASTE OF THE BIG APPLE, TO BE OPERATED AT 600 NORTH MAIN AVENUE SUITE 110, WITH THE CONDITIONAL USE PERMIT (2008-04-14) BEING APPROVED ON 05-07-08.
11. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM KAREN MCPARLAND, A TASTE OF THE BIG APPLE, 600 NORTH MAIN AVENUE SUITE 110, TO A TASTE OF THE BIG APPLE LLC, A TASTE OF THE BIG APPLE, TO BE OPERATED AT 600 NORTH MAIN AVENUE SUITE 110, WITH THE CONDITIONAL USE PERMIT (2008-04-14) BEING APPROVED ON 05-07-08.
12. TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM WANG ENTERPRISES INC., KING'S MART, 5512 WEST 41ST STREET, TO HKV GILBERTSON LIQUOR INC., HKV GILBERTSON LIQUOR, TO BE OPERATED AT 5512 WEST 41ST STREET, EFFECTIVE 1-1-09.
13. NEW 2008-09 PACKAGE MALT BEVERAGE LICENSE FOR HKV GILBERTSON LIQUOR INC., HKV GILBERTSON LIQUOR, TO BE OPERATED AT 5512 WEST 41ST STREET, EFFECTIVE 1-1-09.
14. TRANSFER OF A 2008-09 PACKAGE MALT BEVERAGE LICENSE FROM ELITANIA VALENCIA, MEXICAN STORE LA MICHOACANA, 2319 WEST 12TH STREET, TO MARIA LUZ LIMA, LA MICHOACANA, TO BE OPERATED AT 2319 WEST 12TH STREET.
15. 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: JANUARY 13 FOR A CORPORATE MEETING; JUNE 13, JULY 3, JULY 25, AND AUGUST 29 FOR WEDDING RECEPTIONS.
16. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2009 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, IDENTIFIED AS EXHIBIT C.

Exhibit C

INTRODUCTION AND ADOPTION OF ORDINANCES

17. DEFERRED ACTION: 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2008-10-01 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT W. 16TH ST. AND 17TH ST. FROM GRANGE AVE. TO WEST AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND REZONING PROPERTY AT W. 16TH ST. AND 17TH ST. FROM GRANGE AVE. TO WEST AVE. FROM THE O, GENERAL OFFICE, RD AND RS-2, RESIDENTIAL DISTRICTS TO THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT AS AMENDED, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0022

PC Report

PC Exhibits

PC Minutes - Item 22

Item 6 was heard at this time. See item for action taken.

18. 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.

First Version and Amended Version

Agenda Order of Business 1 (2)

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ESTABLISHING THE PROCEDURE FOR THE ISSUANCE AND REGULATION OF ON-SALE LICENSES FOR FULL-SERVICE RESTAURANTS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AS SET FORTH IN CHAPTER 5, ALCOHOLIC BEVERAGES.

Ord. 1050b

20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE EXCHANGE OF REAL PROPERTY. (TRACT A OF SWARTZ'S ADDITION IN THE NE ... OF SECTION 28-T103N-R49W OF THE 5TH P.M. FOR TRACT 1D IN THE NE ... OF SECTION 28-T103N-R49W OF THE 5TH P.M.)

Ord. 1070

Exhibits

Agreement

Appraisal

21. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE EXCHANGE OF REAL PROPERTY. (300 S. MARION ROAD FOR LOTS H1 AND H4 LOCATED NEAR THE INTERSECTION OF NORTH MARION ROAD AND W. 60TH ST. N.).

Ord. 1073

Agreement

Exhibits

SD DOT Appraisal pt. 1

SD DOT Appraisal pt. 2

Wayne Township Appraisal pt. 1

Wayne Township Appraisal pt. 2

Set a hearing date and 2nd Reading for Monday, January 5, 2009, at 7:00 p.m.
for Items 22 through 30:

22. 1ST 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.

Ord. 0041

PC Report

PC Exhibits

PC Minutes - Item 4

23. 1ST 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.

Ord. 0042

PC Report

PC Exhibits

PC Minutes - Item 5

24. 1ST 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.

Ord. 0043

PC Report

PC Exhibits

PC Minutes - Item 6

25. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5109 S. CLIFF AVE. FROM THE O, OFFICE DISTRICT TO THE QUAIL CREST PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-09-09, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS DENIAL. ITEM WITHDRAWN AT THE REQUEST OF THE PETITIONER.

Ord. 0039

PC Report

PC Exhibits

PC Minutes - Item 13

26. 1ST 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.

Ord. 0040

PC Report

PC Exhibits

PC Minutes - Item 14

27. 1ST 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.

Ord 0045

PC Report

PC Exhibits

PC Minutes - Item 16

28. 1ST 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.

Ord 0044

PC Report

PC Exhibits

PC Minutes - Item 15

29. 1ST 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.

Ord 0038

PC Report

PC Exhibits

PC Minutes - Item 7

30. 1ST 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.

Ord. 0046

HEARINGS AND RESOLUTIONS

31. A RESOLUTION TO APPROVE ONE HISTORICAL MARKER ON CITY PROPERTY. (PHILANDER PRESCOTT - FALLS PARK).

Res. 0034

Memo with additional information

32. A RESOLUTION CREATING SIOUX FALLS TAX INCREMENT DISTRICT #9.

Res. 0033

PC Report

PC Exhibit

PC Minutes - Item 3

33. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONDITIONAL GIFTING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND SIOUX EMPIRE BASEBALL ASSOCIATION FOR A GRANDSTAND WITH OTHER IMPROVEMENTS TO BE LOCATED AT HARMODON PARK.

Res. 0036

34. A RESOLUTION APPROVING THE 2009 AUDIT PROGRAM.

Audit Resolution and Program

35. A RESOLUTION APPROVING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND LOCAL 814 OF THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS.

Res. 0228

Agreement. Updated 12/15/08

ADJOURNMENT