

	City of Sioux Falls Council Meeting Minutes
	Carnegie Town Hall, 235 West 10th Street
	MEETING OF Monday, May 3, 2010 at 7:00 p.m.

ROLL CALL #5

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Jamison	Council Member Beninga
Council Member Knudson	
Council Member Litz	
Council Member Staggers	
Council Member Anderson Jr.	
Council Member Brown	
Council Member Costello	
Mayor Dave Munson	

INVOCATION

A. PASTOR AARON ASMUS, MEMORIAL LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. MUNICIPAL CLERK'S WEEK - MAY 2-8, 2010

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

MINUTES

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

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

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

## COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM CHRISTOPHER JASSO AND JESSICA PETERSEN REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, LIQUOR, WINE, AND MALT BEVERAGES AT THE SIOUXLAND HERITAGE MUSEUM, OLD COURTHOUSE MUSEUM, AT 200 WEST 6TH STREET, SIOUX FALLS, SD 57104, ON OCTOBER 16, 2010, FROM 12:00 NOON TO 11:45 P.M. FOR THE PURPOSE OF THEIR WEDDING RECEPTION.

## APPLICATIONS

2. TERRY DOSSETT, 4305 S. HOLBROOK AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$1,424.37. THE MINNEHAHA COUNTY COMMISSIONERS GRANTED THE APPLICANT A PARTIAL EXEMPTION OF DWELLING VALUE UNDER SDCL 10-4-40 FOR 2010, TAXES PAYABLE 2011.
3. JOE HOOKER, 2309 S. CHAPELWOOD, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$1,424.37. THE MINNEHAHA COUNTY COMMISSIONERS GRANTED THE APPLICANT A PARTIAL EXEMPTION OF DWELLING VALUE UNDER SDCL 10-4-40 FOR 2010, TAXES PAYABLE 2011.
4. SET FREE MINISTRIES, 3812 N. CLIFF AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$2,056.15. THE MINNEHAHA COUNTY COMMISSIONERS GRANTED THE APPLICANT AN EXEMPTION FOR 2010. THE APPLICANT IS REQUESTING AN ABATEMENT FOR TIME USED IN 2009.
5. SIOUX FALLS VOA LIVING CENTER II INC, 501 N. SHEPHERD AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$8,255.64. THE MINNEHAHA COUNTY COMMISSIONERS GRANTED THE APPLICANT AN EXEMPTION FOR 2010. THE APPLICANT IS REQUESTING AN ABATEMENT FOR TIME USED IN 2009.
6. COMMUNITY REFORMED CHURCH, 6800 E. 41ST STREET, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$933.54. THE MINNEHAHA COUNTY COMMISSIONERS GRANTED THE APPLICANT AN EXEMPTION FOR 2010. THE APPLICANT IS REQUESTING AN ABATEMENT FOR TIME USED IN 2009.
7. NORTH AMERICAN BAPTIST SEMINARY, 2100 S. SUMMIT, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$15,081.68. THE MINNEHAHA COUNTY COMMISSIONERS GRANTED THE APPLICANT AN EXEMPTION FOR 2010. THE APPLICANT IS REQUESTING AN ABATEMENT FOR TIME IN 2009 WHEN IT WAS UNDER CONSTRUCTION.
8. CITY OF SIOUX FALLS, 201 S. POWDER HOUSE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$23,479.83. THE SOUTH DAKOTA D.O.T. PURCHASED LOTS H-1 AND H-2 FOR THE CITY OF SIOUX FALLS ON FEBRUARY 25, 2009. THE CITY IS NOW REQUESTING AN ABATEMENT FOR THE TIME OWNED IN 2009.

## NOTICE OF HEARINGS

DOC: ALCOHOL MEMO

Set the hearing date for Monday, May 17, 2010, at 7:00 p.m. on Items 9 through 14:

9. NEW 2010 PACKAGE LIQUOR LICENSE FOR MAKETH GAK, SUDANESE GENERAL STORE, TO BE OPERATED AT 623 WEST 11TH STREET, EFFECTIVE JULY 1, 2010.
10. NEW 2010 RETAIL WINE LICENSE FOR INTERSTATE HOUSE OF PANCAKES INC., ROLL N PIN RESTAURANT, TO BE OPERATED AT 3015 WEST RUSSELL STREET, INCLUDING VIDEO LOTTERY TERMINALS PLACED WITH EXISTING RETAIL MALT BEVERAGE LICENSE (CUP NOT REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
11. SPECIAL ONE-DAY LIQUOR LICENSE FOR TRAVIS SCHOCHENMAIER, TJ'S BARTENDING, TO BE OPERATED AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON JULY 9, 2010, FOR A WEDDING RECEPTION.
12. SPECIAL ONE-DAY WINE LICENSE AND SPECIAL ONE-DAY OFF-SALE PACKAGE WINE LICENSE FOR SENIOR CITIZENS SERVICES INC., TO BE OPERATED AT THE CENTER FOR ACTIVE GENERATIONS, 2300 WEST 46TH STREET, ON JUNE 24, 2010, FOR A WINE TASTING EVENT.
13. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR THE SIOUX FALLS SISTER CITIES ASSOCIATION, TO BE OPERATED ON PHILLIPS AVENUE FROM 5TH STREET NORTH TO 2ND STREET, FOR THE GERMAN FEST TO BE HELD ON SEPTEMBER 11, 2010.
14. VARIOUS RETAIL MALT BEVERAGE AND PACKAGE MALT BEVERAGE LICENSE RENEWALS FOR 2010-11 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT A.

Exhibit A

#### APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.

Motion Passed

#### PUBLIC INPUT

Citizen Tim Stanga thanked Knudson and Jamison for their assistance with the Whittier Neighborhood Clean Up. Stanga inquired if there were laws that required people coming into the city with large jobs to hire a certain number

of people from the city or state; and if they have to buy a certain amount of products from the state too. Knudson said there is not a current ordinance for that. Stanga said we have to seriously look at the proposed casino in Iowa. He also thanked Staggers for running a great race (for Mayor) and for his service to the Council.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

15. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CORRECTING CLERICAL ERRORS IN ORDINANCE 109-09. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1165

PC Minutes - Item 19

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to approve said Ordinance 37-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

16. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1208 W. 28TH ST. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE S, INSTITUTIONAL DISTRICT, PETITION NO. 2010-02-05 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1175

PC Report

PC Exhibit

PC Minutes - Item 3

A motion was made by Council Member Litz and seconded by Council Member Brown to approve said Ordinance 38-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

17. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 5700 E. RED OAK DR. FROM THE RS-2, RESIDENTIAL DISTRICT AND THE DAWLEY FARM VILLAGE PLANNED DEVELOPMENT DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2010-02-07 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1176

PC Report

PC Exhibit

PC Minutes - Item 4

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to approve said Ordinance 39-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.

Motion Passed

18. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NW CORNER OF S. MONTICELLO AND W. 26TH ST. FROM THE BERRY PLANNED DEVELOPMENT DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2010-03-01 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1177

PC Report

PC Exhibit

PC Minutes - Item 5

A motion was made by Council Member Litz and seconded by Council Member Brown to approve said Ordinance 40-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.

Motion Passed

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NE CORNER OF S. DUBUQUE AVE. AND E. 41ST ST. FROM THE RD,

RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2010-03-02 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1178

PC Report

PC Exhibit

PC Minutes - Item 6

A motion was made by Council Member Knudson and seconded by Council Member Jamison to approve said Ordinance 41-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2010-03-03 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT SOUTH BAHNSON AVENUE AND EAST 57TH STREET 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. 1179

PC Report

PC Exhibit

PC Minutes - Item 9

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to approve said Ordinance 42-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

21. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 6101 E. 49TH ST. FROM THE S, INSTITUTIONAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT AND THE RC, RECREATION/CONSERVATION DISTRICT, PETITION

NO. 2010-03-05 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1180

PC Report

PC Exhibit

PC Minutes - Item 7

A motion was made by Council Member Knudson and seconded by Council Member Litz to approve said Ordinance 43-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT PETITION NO. 2010-03-07 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 1030 N. MINNESOTA AVE. 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. 1181

PC Report

PC Exhibit

PC Minutes - Item 15

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to approve said Ordinance 44-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1816 S. SUMMIT AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE O, OFFICE DISTRICT, PETITION NO. 2010-03-09 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1182

PC Report

PC Exhibits

PC Minutes - Item 14

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to approve said Ordinance 45-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

24. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. MINNESOTA AVE. AND W. 85TH ST. FROM THE RA-1, RESIDENTIAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2010-03-10 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1183

PC Report

PC Exhibit

PC Minutes - Item 8

A motion was made by Council Member Knudson and seconded by Council Member Jamison to approve said Ordinance 46-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

25. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING SECTION 43-10, TRANSIT, PARATRANSIT, AND DEMAND RESPONSE FARES AS FOUND IN CHAPTER 43, VEHICLES FOR HIRE.

Ord. 1171



A motion was made by Council Member Anderson Jr. and seconded by Council Member Knudson to approve said Ordinance 47-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

#### HEARINGS AND RESOLUTIONS

26. A RESOLUTION DECLARING THE RESULTS OF THE CITY OF SIOUX FALLS MUNICIPAL RUN-OFF ELECTION HELD IN THE CITY OF SIOUX FALLS, SD ON TUESDAY, THE 27TH DAY OF APRIL, 2010.

Resp. 001

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to approve said Resolution 31-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

#### RESOLUTION NO. 31-10

A RESOLUTION DECLARING THE RESULTS OF THE CITY OF SIOUX FALLS MUNICIPAL RUN-OFF ELECTION HELD IN

THE CITY OF SIOUX FALLS, SD, ON TUESDAY, THE 27TH DAY OF APRIL, 2010.

On Tuesday, the 27th day of April 2010, a City of Sioux Falls Municipal Run-Off Election was held.

The purpose of this election was to elect one Mayor for the City of Sioux Falls, South Dakota.

The City Council of the City of Sioux Falls met as the Canvassing Board pursuant to law on Monday,

May 3, 2010, at the Carnegie Town Hall, 235 West 10th Street, Sioux Falls, South Dakota, at 7:00

p.m., to canvass the votes cast for City offices at said Municipal Election.

Pursuant to the Canvassing Board's report, run-off candidates for the position of Mayor:

For the Mayor of Sioux Falls, four-year term: Kermit L. Staggers - 13,969 and Mike Huether - 18,264.

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

That pursuant to the Canvassing Board's report, Mike Huether received 56.66 percent of the votes

cast at said election and is hereby declared elected to the position of Mayor.

This resolution will become effective upon first publication.

Date adopted: 05/03/10.

Dave Munson

Mayor

ATTEST:

Debra A. Owen  
City Clerk

27. A RESOLUTION AUTHORIZING SIOUXLAND LIBRARIES TO GIFT TO THE BISON PUBLIC LIBRARY IN BISON, SD, LIBRARY FURNITURE AND SHELVING.

Res. 1719

A motion was made by Council Member Knudson and seconded by Council Member Brown to approve said Resolution 32-10.

Vote to approve: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

RESOLUTION NO. 32-10

A RESOLUTION AUTHORIZING SIOUXLAND LIBRARIES TO GIFT TO THE BISON PUBLIC LIBRARY IN BISON, SD, LIBRARY FURNITURE AND SHELVING.

WHEREAS, Siouxland Libraries has declared as surplus library furniture and shelving; and

WHEREAS, the Bison Public Library located in Bison, SD, finds it desirable to acquire the above-described surplus property;

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

That the gifting by Siouxland Libraries to the Bison Public Library of the following surplus property:

- 7 upholstered chairs
  - 20 adult chairs
  - 4 adult study tables
  - 20 children chairs
  - 2 children study tables
  - 2 padded benches
  - 1 floor rug; and
  - 49 shelving units of varying heights
- is hereby approved.

Date adopted: 05/03/10 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen  
City Clerk

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)

28. REPORT OF THE APRIL 30, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN  
MAJOR ORGANIZATIONAL UNITS. (MEMO 1)

Document: Memo received and attached

NEW BUSINESS/ ITEMS ADDED AFTER AGENDA DEADLINE

ADJOURNMENT

A motion was made by Council Member Jamison and seconded by Council Member  
Knudson to adjourn at 7:38 p.m.

Vote to adjourn: Roll Call: Yeses, Council Member Jamison, Council Member Litz,  
Council Member Anderson Jr., Council Member Brown, Council Member Knudson,  
Council Member Staggers, Council Member Costello, 7. Noes, 0.  
Motion Passed

Denise D. Tucker, CMC  
Assistant City Clerk