

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, August 17, 2009 at 7:00 p.m.	

ROLL CALL #4

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

Council Member Litz arrived at this time.

INVOCATION

A. RET. PASTOR GRANT VOLSCH, SEVENTH DAY ADVENTIST CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. CITY PLANNING COMMISSION MONTH - SEPTEMBER 2009

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.

Motion Passed

MINUTES

A. REGULAR COUNCIL MEETING OF MONDAY, AUGUST 10, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE GREAT PLAINS MINISTRY, STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM SEPTEMBER 17, 2009, TO OCTOBER 23, 2009, FOR THE FOLLOWING PRIZES: ROUND TRIP TICKET ANYWHERE IN THE CONTINENTAL US OR 32" FLAT SCREEN TV (VALUED AT \$500.00); PORTABLE DVD PLAYER (VALUED AT \$100.00); GIFT BASKET (VALUED AT \$50.00); AND OTHER SMALLER DONATED PRIZES (VALUED UNDER \$200.00). TICKETS WILL BE \$5.00 EACH AND THE PROCEEDS ARE TO BE USED TO BENEFIT FAMILIES NEEDING FINANCIAL ASSISTANCE DUE TO UNEXPECTED CIRCUMSTANCES.

NOTICE OF HEARINGS

DOC: DOCUMENT: ALCOHOL MEMO

Set the hearing date for Tuesday, September 8, 2009, at 7:00 p.m. on Items 2 and 3:

2. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR HY-VEE INC., ALL OCCASIONS BY HY-VEE, TO BE OPERATED AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON SEPTEMBER 19, 2009, FOR A WEDDING RECEPTION, CANCELLING THE REQUEST FOR AUGUST 19, 2009, AT THE OLD COURTHOUSE MUSEUM, APPROVED ON 07-20-09, AND A REQUEST TO BE OPERATED AT THE DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 SOUTH KIWANIS AVENUE, ON OCTOBER 17, 2009, FOR A WEDDING RECEPTION.
3. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE BIG SIOUX CAT FANCIERS, TO BE OPERATED AT THE BAYMONT INN, 3200 SOUTH MEADOW AVENUE, ON OCTOBER 31, 2009, FOR A BANQUET.

Set the public hearing date for Tuesday, September 8, 2009, at 7:00 p.m., and set adoption date of resolution for Monday, September 14, 2009, at 7:00 p.m., on Item 4:

4. A PROPOSED RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2010, AND THE 2010-2014 CAPITAL PROGRAM.

Document: RES 0016 and 2010 Mayor's Recommended Budget Sheet

Set the hearing date for Monday, September 21, 2009, at 7:00 p.m. on Items 5 through 7:

5. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR NUISANCE REMOVAL IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Document: NOHP 002

Document: RESP. 002

Document: Assessments - Tree Trimming & Removal / Minnehaha County

Document: Assessments - Snow Removal / Minnehaha County

Document: Assessments - Snow Removal / Lincoln County

Document: Assessments - Litter Removal / Minnehaha County

Document: Assessments - Litter Removal / Lincoln County

6. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MOWING OF WEEDS AND GRASSES IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Document: NOHP 003

Document: RESP 003

Document: Assessment - Weed Mowing / Minnehaha County

Document: Assessment - Weed Mowing / Lincoln County

7. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REPAIR OR DEMOLITION OF REAL PROPERTY IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Document: NOHP 013

Document: RESP 013

Document: Assessments - Demolition / Minnehaha County

REGULAR AGENDA

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.
Motion Passed

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

DOC: DOCUMENT: ALCOHOL MEMO

8. NEW 2009 PACKAGE LIQUOR LICENSE FOR LEWIS DRUG INC., LEWIS EASTGATE, TO BE OPERATED AT 1301 EAST TENTH STREET.
9. RESCIND 2009-10 PACKAGE MALT BEVERAGE/FARM WINERY LICENSE ISSUED TO LEWIS DRUG INC., LEWIS EASTGATE, 1301 EAST TENTH STREET.
10. NEW 2009 PACKAGE LIQUOR LICENSE FOR LEWIS DRUG INC., LEWIS SOUTHWEST, TO BE OPERATED AT 5500 WEST 41ST STREET.
11. RESCIND 2009-10 PACKAGE MALT BEVERAGE/FARM WINERY LICENSE ISSUED TO LEWIS DRUG INC., LEWIS SOUTHWEST, 5500 WEST 41ST STREET.
12. NEW 2009-10 PACKAGE MALT BEVERAGE LICENSE FOR TARGET CORPORATION, TARGET STORE T-0076, TO BE OPERATED AT 3600 SOUTH LOUISE AVENUE.
13. NEW 2009-10 PACKAGE MALT BEVERAGE LICENSE FOR TARGET CORPORATION, TARGET STORE T-2540, TO BE OPERATED AT 1021 SOUTH HIGHLINE PLACE. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.
14. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR BOSS' PIZZA AND CHICKEN LLC, BOSS' PIZZA AND CHICKEN, TO BE OPERATED AT 2111 SOUTH MINNESOTA AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
15. NEW 2009 RETAIL WINE LICENSE FOR BOSS' PIZZA AND CHICKEN LLC, BOSS' PIZZA AND CHICKEN, TO BE OPERATED AT 2111 SOUTH MINNESOTA AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
16. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR NIKKI'S LAMEXICANA INC., NIKKI'S BURRITO EXPRESS, TO BE OPERATED AT 905 EAST 8TH STREET (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
17. TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM NIKKI'S LAMEXICANA INC., NIKKI'S LAMEXICANA, 1112 EAST TENTH STREET, TO NIKKI'S LAMEXICANA INC., NIKKI'S LAMEXICANA, TO BE OPERATED AT 905 EAST 8TH STREET.
18. TRANSFER OF A 2009-10 PACKAGE MALT BEVERAGE LICENSE FROM MELINDA D. AND STEVEN L. KOPPIEN, PARK RIDGE PHILLIP'S 66, 1801 SOUTH WESTERN AVENUE, TO

LESLIE VAN ROEKEL, PARK RIDGE CONVENIENCE STORE, TO BE OPERATED AT 1801 SOUTH WESTERN AVENUE, EFFECTIVE 9-1-09.

19. TRANSFER OF A 2009 RETAIL WINE LICENSE FROM CYNTHIA EVANS, LATITUDE 44, 201 NORTH WEBER AVENUE, TO LATITUDE 44 LLC, LATITUDE 44, TO BE OPERATED AT 201 NORTH WEBER AVENUE WITH THE CONDITIONAL USE PERMIT (2007-01-23) BEING APPROVED IN 2007.
20. TRANSFER OF A 2009-10 RETAIL MALT BEVERAGE LICENSE FROM CYNTHIA EVANS, LATITUDE 44, 201 NORTH WEBER AVENUE, TO LATITUDE 44 LLC, LATITUDE 44, TO BE OPERATED AT 201 NORTH WEBER AVENUE WITH THE CONDITIONAL USE PERMIT (2007-01-23) BEING APPROVED IN 2007.
21. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, ON AUGUST 28, 2009, FOR A CLASS REUNION, AND OCTOBER 10, 2009, FOR A WEDDING RECEPTION.
22. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR ST. THERESE PARISH, TO BE OPERATED AT ST. THERESE PARISH, 901 NORTH TAHOE TRAIL, ON SEPTEMBER 18, 2009, FOR A SPECIAL EVENT.
23. SPECIAL ONE-DAY WINE LICENSE FOR SENIOR CITIZENS SERVICES INC., TO BE OPERATED AT THE CENTER FOR ACTIVE GENERATIONS, 2300 WEST 46TH STREET, ON OCTOBER 22, 2009, FOR A WINE TASTING EVENT.

A motion was made by Council Member Brown and seconded by Council Member Litz to approve items 8 through 16 and items 18 through 22, with one vote .

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.
Motion Passed

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to defer item 17 to the City Council Meeting on Tuesday, September 8, 2009, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga, Costello, 6. Noes Knudson, Staggers, 2.
Motion Passed

A motion was made by Council Member Knudson and seconded by Council Member Brown to approve item 23.

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

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a date of hearing and second reading for Tuesday, September 8, 2009, for Items 24 through 31:

24. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY INCREASING CHARGES FOR WAITING TIME BY TAXICABS.

Document: ORD. 1098

25. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (HEALTH DEPARTMENT - \$629,980.; ENGINEERING DEPARTMENT - \$3,300,000.; TAX INCREMENT FINANCING - \$25,000.).

Document: ORD. 0022

Document: Memo

26. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTER 39 OF THE REVISED ORDINANCES OF THE CITY SETTING FORTH THE PROCEDURE FOR REDUCED TAXATION SUBMITTAL. ITEM WITHDRAWN.

Document: ORD 0052

27. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3500 W. 59TH ST. FROM THE O, OFFICE DISTRICT TO THE 57TH ST. EAST PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-03-26, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: ORD 0009

PC Staff Report

PC Exhibits

PC Minutes - Item 3

28. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 6701 W. 12TH ST. FROM THE MH, MANUFACTURED HOME DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2009-07-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: ORD 0020

PC Report

PC Exhibits

PC Minutes - Item 7

29. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 6600 W. 12TH ST., 616 W. 12TH ST., AND 322 S. DULUTH AVE. FROM THE RA-2, RESIDENTIAL DISTRICT AND THE O, OFFICE DISTRICT TO THE PETTIGREW HEIGHTS PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-07-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: ORD 0021

PC Report

PC Exhibits

PC Minutes - Item 8

30. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-03-14 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT E. 18TH ST. AND SD HWY. 11, AMENDING THE DAWLEY FARM VILLAGE PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: ORD 0008

PC Staff Report

PC Exhibits

PC Minutes - Item 9

31. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-06-17 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT SE CORNER OF W. 69TH ST. AND S. TALLGRASS AVE. AMENDING THE BENTWOOD PLACE PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: ORD 0003

PC Report

PC Exhibits

PC Minutes - Item 10

HEARINGS AND RESOLUTIONS

32. A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

Document: RES 1659

A motion was made by Council Member Litz and seconded by Council Member Brown to adopt said Resolution 78-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.

Motion Passed

RESOLUTION NO. 78-09

A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

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

Section 1. It is necessary to levy and there shall be levied a frontage assessment upon each and every lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls for the purpose of creating a fund to be used in maintaining, planting, and otherwise improving and caring for the center parkways and boulevard on 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls.

Section 2. There shall be an assessment against each lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls, the sum of eighty-five cents (\$.85) per front foot for the year 2010.

Section 3. That the City Clerk's Office shall certify such frontage assessments to the County Auditor of

Minnehaha County, South Dakota, and the same shall be collected in and as municipal taxes for general purposes.

Date adopted: 08/17/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

33. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND BRANDON VALLEY SCHOOL DISTRICT NO. 49-2 FOR JOINT USE OF PUBLIC FACILITIES.

Document: RES 0014 and Agreement

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to adopt said Resolution 79-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.

Motion Passed

RESOLUTION NO. 79-09

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND BRANDON VALLEY SCHOOL DISTRICT NO. 49-2 FOR JOINT USE OF PUBLIC FACILITIES.

WHEREAS, the Brandon Valley School District No. 49-2 and the City find that it is in both parties best

interest to enter into a Joint Use of Public Facilities Agreement;

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

That the document attached to and a part of this Resolution entitled Agreement Between the City of Sioux

Falls and Brandon Valley School District No. 49-2 for Joint Use of Public Facilities is hereby approved.

That the Mayor is authorized to sign such Agreement after it is ratified and executed by the Brandon Valley School District No. 49-2.

Date adopted: 08/17/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

34. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF THE FAMILY PARK FISHING IMPROVEMENTS LOCATED WITHIN THE CITY OF SIOUX FALLS.

Document: RES 0015 and Agreement

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said Resolution 80-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.
Motion Passed

RESOLUTION NO. 80-09

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE SOUTH DAKOTA DEPARTMENT OF GAME, FISH AND PARKS FOR CONSTRUCTION, MAINTENANCE, AND OPERATION OF THE FAMILY PARK FISHING IMPROVEMENTS LOCATED WITHIN THE CITY OF SIOUX FALLS.

WHEREAS, the City of Sioux Falls (the City) and the South Dakota Department of Game, Fish and Parks (GFP) find that it is in the best interests of the people of the city of Sioux Falls and the GFP to enter into an Agreement regarding the construction, maintenance, and operation of the Family Park fishing improvements located with the city of Sioux Falls;

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

That the document attached to and a part of this Resolution entitled Agreement between the City of Sioux Falls and the South Dakota Department of Game Fish and Parks for Construction, Maintenance, and Operation of the Family Park Fishing Improvements Located within the City of Sioux Falls is hereby approved.

That the Mayor is authorized to sign such Agreement after it is ratified and executed by the South Dakota Department of Game, Fish and Parks.

Date adopted: 08/17/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

ADJOURNMENT

A motion was made by Council Member Beninga and seconded by Council Member Jamison to adjourn the meeting at 7:50 p.m.

Vote to adjourn: Roll Call: Yeses, Brown, Costello, Jamison, Knudson, Litz, Staggars, Anderson Jr., Beninga, 8. Noes, 0. Motion Passed.

Tamara Jorgensen, CMC
Assistant City Clerk