

	City of Sioux Falls Council Meeting Minutes
	Carnegie Town Hall, 235 West Tenth Street
	MEETING OF Monday, April 20, 2009 at 7:00 p.m.

ROLL CALL #7

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. PASTOR WADE MOBLEY, LIVING WORD FREE LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. NATIONAL VOLUNTEER WEEK - APRIL 19 - APRIL 25, 2009.

B. ARBOR DAY - APRIL 24, 2009.

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Beninga and seconded by Council Member Brown to approve the Consent Agenda .

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

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, APRIL 13, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, APRIL 13, 2009, AT 7:00 P.M.

REGULAR AGENDA

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Knudson and seconded by Council Member Jamison to approve the Regular Agenda .

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

Motion Passed

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

DOCUMENT: MEMO RE: ALCOHOL ITEMS

DOCUMENT: OWNERSHIP INFORMATION FOR ITEMS 3 AND 4

1. DEFERRED ACTION: THE FOLLOWING ABATEMENT WAS RECOMMENDED FOR DENIAL BY THE DIRECTOR OF EQUALIZATION AND THE STATE'S ATTORNEY'S OFFICE FOR MINNEHAHA COUNTY; AND THE CITY ATTORNEY FOR SIOUX FALLS: CAROL YUSTEN, 5001 W. 37TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,461.98. TAXPAYER IS REQUESTING ABATEMENT FOR OWNER OCCUPIED STATUS RATHER THAN NON-OWNER OCCUPIED STATUS. ALSO, REQUESTING THAT THE 2008 ASSESSED PROPERTY VALUE IS LOWERED TO \$160,000 BASED ON THE APPRAISED VALUE OF THE HOME.

Document: Abatement Information

A motion was made by Council Member Brown and seconded by Council Member Knudson to approve the denial of this item.

Vote to approve: Roll Call: Yeses, Jamison, Brown, Knudson, Beninga, Costello, 5. Noes Litz, Anderson Jr., 2.

Motion Passed

2. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM MMLK INC., THE BRASS RAIL, 1213 NORTH CLIFF AVENUE, TO JTJ HOLDINGS LLC, TOPPER'S, TO BE OPERATED AT 1213 NORTH CLIFF AVENUE, INCLUDING VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE). ITEM WITHDRAWN AT THE REQUEST OF THE PETITIONER.

3. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM MINT CASINO INC., MINT CASINO, 3601 EAST TENTH STREET, TO JPTS INC., MINT CASINO, TO BE OPERATED AT 3601 EAST TENTH STREET, INCLUDING VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
4. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM EXECUTIVE SUBS & SALADS INC., EXECUTIVE CASINO, 2218 SOUTH MINNESOTA AVENUE, TO PINBALL INC., EXECUTIVE CASINO, TO BE OPERATED AT 2218 SOUTH MINNESOTA AVENUE, INCLUDING VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
5. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM JERRY A. HAUCK, MONK'S, 420 EAST EIGHTH STREET, TO HAUCK TOBIN LLC, MONK'S HOUSE OF ALE REPUTE, TO BE OPERATED AT 420 EAST EIGHTH STREET, WITH THE CONDITIONAL USE PERMIT (2007-08-14) BEING APPROVED ON 09-05-07.
6. TRANSFER OF A 2009 RETAIL WINE LICENSE FROM JERRY A. HAUCK, MONK'S, 420 EAST EIGHTH STREET, TO HAUCK TOBIN LLC, MONK'S HOUSE OF ALE REPUTE, TO BE OPERATED AT 420 EAST EIGHTH STREET, WITH THE CONDITIONAL USE PERMIT (2007-08-14) BEING APPROVED ON 09-05-07.
7. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR SMG TO BE OPERATED AT THE ORPHEUM THEATER, 315 NORTH PHILLIPS AVENUE, FOR WEDDING RECEPTIONS ON JUNE 20, AUGUST 1, AND AUGUST 29, 2009.
8. SPECIAL ONE-DAY LIQUOR LICENSE FOR JEAN AND AARON (TOM) SLATTERY, J&T SERVICES, TO BE OPERATED AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, FOR A WEDDING RECEPTION ON MAY 16, 2009.
9. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR HY-VEE INC., ALL OCCASIONS BY HY-VEE, TO BE OPERATED AT THE DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 SOUTH KIWANIS AVENUE, ON MAY 8, 2009, FOR THE NORTH CENTRAL HEART SEMINAR, AND ON THE FOLLOWING DATES FOR WEDDING RECEPTIONS IN 2009: MAY 2; JUNE 6, 13, 20, 27; JULY 18; AUGUST 22, 29; AND SEPTEMBER 26.
10. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR SANFORD HEALTH FOUNDATION TO BE OPERATED AT THE SANFORD CHILDREN'S HOSPITAL (FRONT LAWN), 1600 WEST 22ND STREET, ON JUNE 6, FOR THE 2009 SANFORD CHILDREN'S GALA FUNDRAISER.
11. SPECIAL ONE-DAY MALT BEVERAGE LICENSE FOR THE MINNEHAHA SERTOMA CLUB TO BE OPERATED AT THE SERTOMA BUTTERFLY HOUSE, 4320 SOUTH OXBOW AVENUE, ON MAY 2, 2009, FOR A REGIONAL CONFERENCE.

A motion was made by Council Member Knudson and seconded by Council Member Costello to approve Items 3 through 11 with Item 2 being withdrawn .

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

Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

Set hearing date and 2nd Reading for Monday, May 4, 2009, at 7:00 p.m. on Items 12 through 20:

12. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY FOR SIGN PERMIT FEES.

Document: Ord. 0064

13. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF E. 41ST ST. AND SD HWY 11 FROM THE RC, RECREATION/CONSERVATION DISTRICT, TO THE HARMODON PARK PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-03-01, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0069

PC Report

PC Exhibits

PC Minutes - Item 3

14. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1400 N. CLIFF AVE. FROM THE C-4, PLANNED COMMERCIAL DISTRICT TO THE C-2, GENERAL COMMERCIAL DISTRICT, PETITION NO. 2009-03-08. AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0070

PC Report

PC Exhibits

PC Minutes - Item 4

15. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHEAST CORNER OF 85TH ST. & S. MINNESOTA AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2009-03-11, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0071

PC Report

PC Exhibits

PC Minutes - Item 5

16. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4501 W. 61ST ST. NORTH FROM THE C-4, PLANNED COMMERCIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT DISTRICT, PETITION NO. 2009-03-19, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0074

PC Report

PC Exhibits

PC Minutes - Item 6

17. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1224 E. 57TH ST. FROM THE RIVER OAKS PLANNED DEVELOPMENT DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2009-03-16, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0072

PC Report

PC Exhibits

PC Minutes - Item 13

18. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1200 E. 57TH ST. FROM THE RIVER OAKS PLANNED DEVELOPMENT DISTRICT TO THE O, GENERAL OFFICE DISTRICT, PETITION NO. 2009-03-17, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0073

PC Report

PC Exhibits

PC Minutes - Item 14

19. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-03-05 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 4601-4605 SOUTH TECHLINK CIRCLE, AMENDING THE VALHALLA PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0068

PC Report

PC Exhibits

PC Minutes - Item 7

20. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-02-14 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT W. BENSON RD. AND N. MARION RD. AMENDING THE HAZELTINE PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0067

PC Reports

PC Exhibits

PC Minutes - Item 15

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to set a hearing date and 2nd Reading for Monday, May 4, 2009, at 7:00 p.m. on Items 12 through 20.

Vote to set a hearing date: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, Costello, 7. Noes, 0.  
Motion Passed

HEARINGS AND RESOLUTIONS

21. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF BRANDON TEN TOSHIBA SATELLITE A70 COMPUTER LAPTOPS.

Document: Res. 0066

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to adopt said Resolution 33-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, Costello, 7. Noes, 0.

Motion Passed

RESOLUTION NO. 33-09

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF BRANDON TEN TOSHIBA SATELLITE A70 COMPUTER LAPTOPS.

WHEREAS, the City of Sioux Falls has declared as surplus ten Toshiba Satellite A70 computer laptops as further depicted in Exhibit A, which is attached hereto and made a part of this resolution; and

WHEREAS, the City of Brandon finds it desirable to acquire the above-described computer laptops;

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

That the gifting by the City of Sioux Falls of ten Toshiba Satellite A70 computer laptops as described in Exhibit A, which is attached hereto and made a part of this resolution, to the City of Brandon is hereby approved.

Date adopted: 04/20/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

22. A RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO REGISTER WITH THE CHICAGO CLIMATE EXCHANGE CERTAIN CARBON FINANCIAL INSTRUMENTS TO THE AGGREGATOR, MICKELSON & COMPANY, LLC.

Document: Resolution 0068 and Cover Letter

A motion was made by Council Member Beninga and seconded by Council Member Litz to adopt said Resolution 34-09.

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

RESOLUTION NO. 34-09

A RESOLUTION AUTHORIZING THE PUBLIC WORKS DIRECTOR OR HIS DESIGNEE TO REGISTER WITH THE CHICAGO CLIMATE EXCHANGE CERTAIN CARBON FINANCIAL INSTRUMENTS TO THE AGGREGATOR, MICKELSON & COMPANY, LLC.

WHEREAS, the City of Sioux Falls, SD, (the City ) has agreed to transfer and deliver to Mickelson & Company, LLC, Carbon Financial Instruments ( CFIs ) associated with the destruction of methane at the Sioux Falls

Regional Sanitary Landfill Project (the Project );

WHEREAS, the Project became operational on April 1, 2006, and the combustion device used was a Shaw LFG

Specialities Flare; and as a result, seventy-seven (77) CFIs were generated from the Project;

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

That the Public Works Director or his designee is authorized to register with the Chicago Climate Exchange the seventy-seven (77)-Vintage 2006 CFIs (7,700 metric tonnes CO2) to the Aggregator, Mickelson & Company, LLC.

That Mickelson & Company, LLC, is hereby authorized to request the issuance of these offsets and have them transferred to their Mickelson & Company, LLC, Registry Account where they will act as an agent for the City of Sioux Falls. (See Exhibit A-Letter to the Chicago Climate Exchange, which is attached hereto and made a part of this resolution.)

Date adopted: 04/20/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

23. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF CANISTOTA STREET LIGHTING FROM PHILLIPS AVE.

Document: Res. 0067

A motion was made by Council Member Litz and seconded by Council Member Brown to adopt said Resolution 32-09.



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

RESOLUTION NO. 32-09

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF CANISTOTA A STREET LIGHTING FROM PHILLIPS AVE.

WHEREAS, the City of Sioux Falls has declared as surplus 12 streetlights located on Phillips Ave.; and

WHEREAS, the City of Canistota finds it desirable to acquire 12 streetlights which were located on Phillips Ave.;

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

That the gifting by the City of Sioux Falls of 12 streetlights, which were previously located on Phillips Ave., to the City of Canistota is hereby approved.

Date adopted: 04/20/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

24. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND TERRAPASS, INC., A DELAWARE CORPORATION, FOR A VERIFIED EMISSION REDUCTIONS PURCHASE AND SALE AGREEMENT FOR THE YEARS 2008-2010

Document: Res. 0065 and Agreement

A motion was made by Council Member Litz and seconded by Council Member Costello to adopt said Resolution 31-09.

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

RESOLUTION NO. 31-09

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND TERRAPASS, INC., A DELAWARE CORPORATION, FOR A VERIFIED EMISSION REDUCTIONS PURCHASE AND SALE AGREEMENT FOR THE YEARS 2008-2010.

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

That the document attached to and part of this Resolution entitled, Verified Emission Reductions Purchase and Sale Agreement TerraPass Inc. and the City of Sioux Falls, SD, Vintage Years 2008-2010 is hereby approved.

That the Mayor is authorized to sign such Agreement after it is ratified and executed by TerraPass Inc, a Delaware corporation.

Date adopted: 04/20/09 .

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, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, Costello, 7. Noes, 0.

Motion Passed

Tamara Jorgensen, CMC

Assistant City Clerk