

	City of Sioux Falls Council Meeting Minutes
	Carnegie Town Hall, 235 West Tenth Street
	MEETING OF Monday, March 16, 2009 at 7:00 p.m.

ROLL CALL #4

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. REVEREND TIMOTHY FOUNTAIN, CHURCH OF THE GOOD SHEPHERD

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

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

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, MARCH 9, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, MARCH 9, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE ACADEMY OF STUDENT PHARMACISTS - SDSU CHAPTER, STATING ITS INTENT TO SELL RAFFLE TICKETS ON APRIL 2, 2009, FOR A NINTENDO WII (VALUED AT \$250.00). TICKETS WILL BE \$5.00 EACH OR 3 FOR

\$10.00. THE PROCEEDS ARE TO BE USED TO BENEFIT PATIENT CARE PROJECTS AND TRAVEL.

APPLICATIONS

2. UNIVERSITY OF SIOUX FALLS, 1700 S. PRAIRIE AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$2,042.90. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THIS PARCEL BECAME FULLY EXEMPT FOR 2008.
3. VALERIE REA, 2100 E. 5TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$228.32. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THIS PARCEL WAS RAZED ON AUGUST 1, 2008.
4. CITY OF SIOUX FALLS, 5801 E. RED OAK DRIVE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$197.68. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THE CITY TOOK OWNERSHIP OF THIS PARCEL ON DECEMBER 15, 2008.
5. DALE LIEN, 216 W. ROSE STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$243.10. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE THIS STRUCTURE WAS REMOVED IN MARCH, 2008.
6. JAYME CIRCLE DEVELOPMENT, LLC, 904 S. JAYME CIRCLE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$110.97 AND 2007 PROPERTY TAXES IN THE AMOUNT OF \$110.92. TAXPAYER IS REQUESTING ABATEMENTS BECAUSE THERE WAS A CLERICAL ERROR IN THE LAND VALUATION FOR 2007 AND 2008.
7. ARLENE BROADBENT, 803 W. 37TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$544.31 AND 2007 PROPERTY TAXES IN THE AMOUNT OF \$549.43. TAXPAYER IS REQUESTING ABATEMENTS BECAUSE HER STATUS OF OWNER OCCUPIED TAX REDUCTION WAS REMOVED IN ERROR IN 2007.
8. LEONARD HARTMAN, 3417 N. 10TH AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$559.58.
9. WARREN WALSH, 1500 S. BRUCE ROAD, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,265.63.
10. ANNA JOUL, 2120 E. AUSTIN STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$830.26.
11. LORETTE DEYONG, 419 S. LINCOLN AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$347.40.
12. VERONICA MADETZKE, 209 N. EUCLID, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$367.57.
13. BETTY WILLIAMS, 1805 E. 6TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT

OF \$51.87.

14. GORDON KNEIP, 1100 N. ELMWOOD AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,227.10.
15. KENNETH KAUFMAN, 1122 S. NORTON AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$622.00.
16. ALYCE ZAHN, 2305 E. 18TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$964.57.
17. JULIE IDEKER, 3212 S. JEFFERSON, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,032.01.
18. LORNA GARDNER, 4090 REPUBLIC PLACE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$15.38.

REGULAR AGENDA

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

DOC: DOCUMENT: MEMO

19. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR JERRY VANLOH, JACKY'S RESTAURANT AND BAKERY, TO BE OPERATED AT 702 EAST EIGHTH STREET, WITH THE CONDITIONAL USE PERMIT (2006-02-02) BEING APPROVED ON 04-05-06.

Conditional Use Permit

20. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR IMPERIAL GARDEN LLC, IMPERIAL GARDEN, TO BE OPERATED AT 5318 EAST ARROWHEAD PARKWAY, (FULL SERVICE

RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.

21. NEW 2009 RETAIL WINE LICENSE FOR IMPERIAL GARDEN LLC, IMPERIAL GARDEN, TO BE OPERATED AT 5318 EAST ARROWHEAD PARKWAY, (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.
22. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR ANNE GASPAR, BUSTAGUT PRODUCTIONS, TO BE OPERATED AT 3224 EAST TENTH STREET, WITH THE CONDITIONAL USE PERMIT (2009-01-06) BEING APPROVED ON 02-04-09. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.

Conditional Use Permit

23. NEW 2009 RETAIL WINE LICENSE FOR ANNE GASPAR, BUSTAGUT PRODUCTIONS, TO BE OPERATED AT 3224 EAST TENTH STREET, WITH THE CONDITIONAL USE PERMIT (2009-01-06) BEING APPROVED ON 02-04-09. PENDING FINAL INSPECTION PER FIRE, HEALTH, AND BUILDING SERVICES.

Conditional Use Permit

24. NEW 2009 RETAIL WINE LICENSE FOR PHILANTHROPY PROMOTIONS INC., J&L HARLEY DAVIDSON, TO BE OPERATED AT 2601 WEST 60TH STREET NORTH, WITH THE CONDITIONAL USE PERMIT (2007-04-22) BEING APPROVED ON 05-02-07 AND AN ADDITION TO AN EXISTING LICENSE.

Conditional Use Permit

25. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR PHILANTHROPY PROMOTIONS INC., J&L HARLEY DAVIDSON, FOR HOT HARLEY NIGHTS, ON SATURDAY, JULY 11, 2009, ON FALLS PARK WEST (PARK AREA NORTH OF THE SIOUX FALLS PARK AND RECREATION OFFICE LEADING TO FALLS PARK ALONG PHILLIPS AVENUE) WITH A NORTH BOUNDARY OF FALLS PARK DRIVE, SOUTH BOUNDARY TO 8TH STREET, EAST BOUNDARY IS TO THE CHAIN LINK FENCE ON THE EAST SIDE OF THE PARK (THE STREET WILL BE CLOSED ON 6TH STREET FROM DAKOTA TO WEBER AVENUES), AND THE WEST BOUNDARY OF DAKOTA AVENUE.
26. 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: MAY 1, FOR THE ARTS NIGHT FUNDRAISER; SEPTEMBER 18, FOR A FASHION SHOW; AND WEDDING RECEPTIONS ON MAY 9, 22, 30; JUNE 13, 26, 27; JULY 3, 11, 24, 25; AUGUST 8, 15, 22, AND 29.
27. SPECIAL ONE-DAY OFF-SALE PACKAGE WINE DEALER LICENSE FOR THE SOUTH DAKOTA PORK PRODUCERS COUNCIL TO BE OPERATED AT THE SIOUX FALLS CONVENTION CENTER, 1211 NORTH WEST AVENUE, ON MARCH 29, 2009, FOR THE TASTE OF ELEGANCE.
28. SPECIAL ONE-DAY LIQUOR LICENSE FOR SMG TO BE OPERATED AT THE SIOUX FALLS

ARENA, 1201 NORTH WEST AVENUE, FOR THE STORM FOOTBALL 2009 HOME SEASON GAMES ON MARCH 29, APRIL 18, MAY 9 AND 16, JUNE 13 AND 20, AND JULY 11, INCLUDING POSSIBLE PLAYOFF GAMES FROM JULY 12-AUGUST 27, AND AUTHORIZE PUBLICATION OF NOTICE ON 03-06-09 TO SET THE HEARING DATE.

Document: Memo

A motion was made by Council Member Knudson and seconded by Council Member Costello to approve Items 19 through 28, excluding Item 25 with one vote .

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

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to approve Item 25 .

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Knudson, Staggers, Beninga, 6. Noes, 0.
Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

29. DEFERRED ACTION: 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE BOARD OF ETHICS ORDINANCES AS FOUND IN CHAPTER 12 1/2 OF THE REVISED ORDINANCES OF SIOUX FALLS, SD.

Ord. 1028

Proposed Amendment 1

A motion was made by Council Member Staggers and seconded by Council Member Beninga to adopt said Ordinance 24-09.

A substitute motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to accept the revisions proposed by the Public Services Committee as indicated below:

Article I Sec. 12 1/2-11. Records.

(a) The board shall keep minutes of its proceedings, showing the vote of each member upon every question, and shall also keep records of its investigations and other official actions.

(b) Designees, within the city attorney s staff, shall serve as administrative and secretarial staff to the board shall take and preserve minutes of all meetings, including those deemed confidential, and shall produce all reports and written documents. An annual report will be produced on the past costs of such activities and from which estimated cost should be included in the next annual budget as a separate item.

Article II (Applies to City Officers and Employees)

Advisory opinion means a written opinion offering the board's advice to the requestor in conjunction with its interpretation of the city charter or ordinances and state law on a matter submitted for that purpose. Advisory opinions may be requested by person(s), subject to Article II, seeking advice about his or her current conduct or an anticipated future behavior or activity. Sec. 12 1/2-22. Advisory Opinions.

An advisory opinion may be requested from the board of ethics by city officers and employees whether appointed, paid or unpaid, including members of all boards, commissions, and committees of the city who seeks the board of ethics opinion to interpret the law as it applies to himself or herself.

Article III - (Applies to City Officials)

Official(s) when referenced in this article means the mayor or any other member of the city council.

Sec. 12 1/2-34. Advisory opinions - elected officials and candidates

Advisory opinions may be requested by any city official who seeks the board of ethics to guide the official's own conduct. Only a city official may request an advisory opinion from the board of ethics about his or her conduct or activities, provided that such request is made prior to the filing of a complaint as outlined in section 12 1/2-35. Declared candidates for a municipal election may seek advisory opinions from the board of ethics about his or her conduct or activities.

A motion, to amend the substitute motion, was made by Council Member Knudson and seconded by Council Member Litz to remove the following sentence from Section 12 1/2 - 34: Declared candidates for a municipal election may seek advisory opinions from the board of ethics about his or her conduct or activities.

Vote to amend the substitute motion: Roll Call: Yeses, Knudson, Litz, 2. Noes, Costello, Jamison, Staggers, Anderson Jr., Beninga, 5. Motion failed.

Vote to adopt the substitute motion: Yeses, Costello, Jamison, Knudson, Litz, Staggers, Anderson Jr., Beninga, 7. Noes, 0. Motion Passed.

Set a hearing date and 2nd Reading for Monday, April 6, 2009, at 7:00 p.m. for Items 30 through 36:

30. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CORRECTING CLERICAL ERRORS IN CERTAIN REZONING ORDINANCES. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0055

PC Report

PC Minutes - Item 3

31. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. NORTH POWDER HOUSE RD. (NORTH OF E. MADISON ST.) FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT,

PETITION NO. 2009-02-09 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0060

PC Report

PC Exhibits

PC Minutes - Item 7

32. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. & S. DUBUQUE AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT; RD, RESIDENTIAL DISTRICT; AND RC, RECREATION/ CONSERVATION DISTRICT, PETITION NO. 2009-02-07 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0059

PC Report

PC Exhibits

PC Minutes - Item 6

33. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE CORNER OF W. 85TH ST. AND S. WESTERN AVE. FROM THE C-4, PLANNED COMMERCIAL DISTRICT, THE RD & RS-2, RESIDENTIAL DISTRICTS AND THE RC, RECREATION/CONSERVATION DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, RD, RESIDENTIAL DISTRICT AND RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2009-01-13 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0058

PC Report

PC Exhibit

PC Minutes - Item 5

34. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 26971 MINNESOTA AVE. (SOUTH OF 77TH ST. & S. MINNESOTA AVE.) FROM THE AG, AGRICULTURE DISTRICT TO THE GARDEN VILLAGE PLANNED DEVELOPMENT

DISTRICT, PETITION NO. 2009-01-12 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0057

PC Report

PC Exhibit

PC Minutes - Item 4

35. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. AND S. DUBUQUE AVE. FROM THE BROOKS CROSSING PLANNED DEVELOPMENT DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2009-02-10 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0061

PC Report

PC Exhibit

PC Minutes - Item 17

36. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-02-01 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 801 N. CLIFF AVE. AMENDING THE SCOOTER PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0056

PC Report

PC Exhibits

PC Minutes - Item 16

A motion was made by Council Member Knudson and seconded by Council Member Litz to set a hearing date and 2nd Reading for Monday, April 6, 2009, at 7:00 p.m. on Items 30 through 36.

Vote to set a hearing date: Roll Call: Yeses, Jamison, Litz, Anderson Jr.,

Knudson, Staggers, Beninga, Costello, 7. Noes, 0.
Motion Passed

HEARINGS AND RESOLUTIONS

37. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON PUBLIC PROPERTY FOR AN INTERNATIONALLY RECOGNIZED VISUAL ARTS PROGRAM KNOWN AS "SCULPTURE WALK SIOUX FALLS 2009."

Res. 1647

VAC Minutes

Exhibits

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Resolution 19-09.

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

RESOLUTION NO. 19-09

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF SCULPTURES ON PUBLIC PROPERTY FOR AN INTERNATIONALLY RECOGNIZED VISUAL ARTS PROGRAM KNOWN AS SCULPTURE WALK SIOUX FALLS 2009.

WHEREAS, the 2009 SculptureWalk program will bring a large number of sculptures to the central business district for outdoor display;

WHEREAS, the SculptureWalk program enhances the beauty and culture of the downtown area for all citizens and visitors to enjoy;

WHEREAS, 50 of the proposed sculptures will be placed on public right-of-way or other publicly owned property;

WHEREAS, the exhibition of public art in the central business district is recommended and encouraged by the

Final Report of the Downtown Art Committee (DART), the City of Sioux Falls 2015 Downtown Plan, and the Sioux

Empire Arts Council's Sioux Empire Cultural Plan;

WHEREAS, the SculptureWalk program represents a broad collaboration of individuals and entities, both public and private, including Main Street Sioux Falls, the Sioux Empire Arts Council, the Chamber of Commerce, and the City of Sioux Falls;

WHEREAS, the Sioux Falls Visual Arts Commission and various City department staff have reviewed the proposed

2009 sculptures and their placements, and have recommended the proposed placements be approved by the City

Council; and

WHEREAS, the Sioux Falls Visual Arts Commission and various City department staff have reviewed the proposed

2009 sculptures and their placements, and have recommended the proposed placements be approved by the City

Council; and

WHEREAS, due to the Phillips Avenue reconstruction project, some sculptures will have temporary placement locations and will be moved to their final placement location once construction is complete. If noted, a 1) indicates the temporary placement location; a 2) indicates the final placement location.

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

That it approves the placement in public right-of-way and on public property of 50 sculptures, as described by the following:

Natural Wonders -Dale-WI, 1) On southwest corner of 12th Street and Main Avenue, 2) Move to Book Store on Phillips Avenue.

Birth of the Sacred Stag -Nimmo-SD, 1) On southwest corner of 12th Street and Phillips Avenue, 2) Move to

Dominique s on northeast corner of 11th Street and Phillips Avenue.

High Hopes II -McGonagle-CO, 1) Near Sushi Massa, 2) Move to near Minerva s on southwest corner of 11th Street and Phillips Avenue.

The Buffalo Horse -Benedict-TX, On northwest corner of 13th Street and Phillips Avenue.

Bear Hunter -Rick Hill-CA, 1) On northwest corner of 13th Street and Phillips Avenue, 2) Move to in front of Meierhenry s Law Office on Phillips Avenue.

Two Kings -Powell-CO, 1) On southwest corner of 13th Street and Phillips Avenue, 2) Move to Prairie Star Gallery on Phillips Avenue.

Samuel s Altar -Morin-OH, 1) In front of Kelo TV-may not be relocated), 2) Move to southwest corner of 10th Street and Phillips Avenue.

Gathering of the Magnificent -Johnson-GA, 1) On southeast corner of 13th Street and Phillips Avenue.

Hares to You -Palumbo, On northeast corner of 13th Street and Phillips Avenue.

Observing Grace -Newman-ID, 1) In front of Federal Building on Phillips Avenue, 2) Move to Michelle s Coffee on Phillips Avenue.

High Five -Peterson-CO, In front of Federal Building on Phillips Avenue.

Vitruvian Man -Parlier-NY, South plaza at Washington Pavilion on Main Avenue.

For My Mom -Jones-CO, Near south door at the Washington Pavilion on Main Avenue

Linear Thinking -Benedict-TX, 1) On southwest corner of 11th Street and Main Avenue, 2) To move to Muenster building on Phillips Avenue.

Brandy -Zimmerman-CO, On southwest corner of 11th Street and Main Avenue.

Nichole and Chipper -Legeros-MN, On northwest corner of 11th Street and Main Avenue.

Comforter -Crain-CO, 1) On northeast corner of 11th Street and Main Avenue, 2) Moving to Great Outdoor Store on northwest corner of 11th Street and Phillips Avenue.

everything --Pierce-MO, 1) Near Home Federal driveway on Main Avenue, 2) Move to southeast corner of 11th Street and Phillips Avenue.

How Many Kisses -Haire-CO, 1) On northwest corner of 10th Street and Main Avenue, 2) Move to State Theater on Phillips Avenue.

Peace Sign -Kleine-Canada, On northwest corner of 10th Street and Phillips Avenue-west.

Guitarist -Obazee-CA, On northwest corner of 10th Street and Phillips Avenue-east.

Jack -Tucker-SD, In planter by clock on northwest corner of 10th Street and Phi

llips Avenue.

Seedling II -Glenn Williams-IA, South of Diner on Phillips Avenue.

Panda Bear & Cub -Shelledy-UT, 1) Near fountain in Fountain Square on Phillips Avenue, 2) Move with pedestal

to Shriver s corner at 11th Street and Phillips Avenue.

The Thought -Near fountain in Fountain Square on Phillips Avenue.

Gossip -Ghosh-CO, Near fountain in Fountain Square on Phillips Avenue.

King Tut -Stedman-OR, Mid-block, west side between 9th Street and 10th Street o n Phillips Avenue.

Early Snow -Love-MT, Mid-block on west side between 9th Street and 10th Street, on Phillips Avenue.

Cassandra -Ten Cate-SD, Mid-block, west side between 9th Street and 10th Street on Phillips Avenue.

Sojourner Truth -Ryszard-CO, On southwest corner of 9th Street and Phillips Ave nue.

Spiral 2 -Gordon-CA, Mid-block between 10th Street and 11th Street on Main Aven ue.

In High Places -Geolfos-CO, On northwest corner of 9th Street and Main Avenue i n front of First Dakota

National Bank.

Double Dancer -Sohocki-CO, In front of Wells Fargo Bank at northwest corner of Ninth Street and Phillips Avenue.

Talvez Manana (Maybe Tomorrow)-Park-AZ, In front of Wells Fargo Bank-east at n orthwest corner of Ninth Street and Phillips Avenue.

Nighthawk -Spiczka-MN, On southwest corner of 8th Street and Phillips Avenue.

Setting Free -Crain-CO, On southwest corner of 8th Street and Main Avenue, in f ront of US Bank.

Seedling III -Glenn Williams-IA, On northeast corner of 8th Street and Phillips Avenue in front of Commerce

Building.

Poco a Poco (Little by Little we go a long way)-Park-AZ, In front of Crane Bui lding on 8th Street.

Sky-Wrighting -Fokken-MN, On southwest corner of 8th Street and Reid-8th Street and RR Center.

Contemplation -Sohocki-CO, On southeast corner of 8th Street and Phillips Avenu e.

Summer s Distractions 2 -Leuning and Treeby-SD, On southeast corner of 9th Stre et and Phillips Avenue.

Catamount -Geolfos-CO, In front of First National Bank on Phillips Avenue.

Saint Benedict -Jonson-NE, 1) Near First National Bank, 2) Move to southeast co rner of 10th Street and Phillips Avenue.

Alignment -Ryszard-CO, In front of First Financial Center on Phillips Avenue.

Iron Fish -Bruce-SD, In large planter in front of First Financial Center on Phi llips Avenue.

Rock Ant Roll -Belleveau-MN, In planter by First Financial Center on Phillips A venue.

Dividing Mantle -Herzog-SC, Mid-block, east side between 9th Street and 10th St reet on Phillips Avenue.

After the Bath -Hammond-UT, Mid-block, east side between 9th Street and 10th St reet on Phillips Avenue.

Sunday Afternoon -Clements-CO, 1) Mid-block, east side between 9th Street and 1 0th Street in front of Skellys

2) Move to Rehfelds on Phillips Avenue.

Interloctangles -Badger-WV, On northeast corner of 10th Street and Phillips Aven ue.

Alternates-

Sioux Empire Arts Council Youth Sculpture -artist to be determined
Above Current -Pierce-MO
 Rival Readers -Johnson-GA
The Plowman -Clements-CO
Monolith Mantra -Walker-WI
 Gigantic Pink Flamingo -Powell-CO
 Mello Cello -Jack Hill-IA
 A Sudden Gale -Birch-MN
 Contemplating Bull -Palumbo
 Relationship Series V -Castle-ID
 Rock Hound -Belleveau-MN
 Spiral 1 -Gordon-CA
 A Little More to the Left -Geissler-NY
 Girl with Necklace -Birch-MN
 Lookin for Lunch -Stedman-OR

Date adopted: 03/16/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

38. A RESOLUTION AUTHORIZING THE DIRECTOR OR ASSISTANT DIRECTOR OF THE PUBLIC WORKS DEPARTMENT TO SIGN GRANT AGREEMENTS AND CONTRACTS.

Res. 1644

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 20-09.

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

RESOLUTION NO. 20-09

A RESOLUTION AUTHORIZING THE DIRECTOR OR ASSISTANT DIRECTOR OF THE PUBLIC WORKS DEPARTMENT TO SIGN GRANT AGREEMENTS AND CONTRACTS.

WHEREAS, the City of Sioux Falls, South Dakota, is the recipient of a Solid Waste Management Program grant from the State of South Dakota, Board of Water and Natural Resources, and the Department of Environment and

Natural Resources; and

WHEREAS, the City of Sioux Falls is required to designate an officer or agent of the grantee for the purpose

of signing required documents pertaining to this grant;
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
That the Director or Assistant Director of Public Works for the City of Sioux Falls be hereby designated as the grantee s official for the purpose of signing grant agreements and contracts .

AND BE IT FURTHER RESOLVED, that the Director or Assistant Director of Public Works for the City of Sioux Falls be hereby designated as the grantee s official for the purpose of signing correspondence, pay requests, and other required documents.

Date adopted: 03/16/09 .

Dave

Munson

Mayor
ATTEST:
Debra A. Owen
City Clerk

39. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WILLOW RUN-TRACT 4 ADDN., FOR FUTURE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL LOTS AT E. TORCHWOOD LANE, PETITION 2009-02-03 . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0052

PC Report

PC Exhibits

PC Minutes - Item 9

A motion was made by Council Member Jamison and seconded by Council Member Litz to adopt said Resolution 21-09.

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

RESOLUTION NO. 21-09

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WILLOW RUN-TRACT 4 ADDN., FOR FUTURE DEVELOPMENT OF SINGLE-FAMILY RESIDENTIAL LOTS AT E. TORCHWOOD LANE, PETITION 2009‑02‑03 .
BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
That the preliminary plan of Willow Run-Tract 4 Addn., to the City of Sioux

Falls, Minnehaha County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 03/16/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

40. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF BRIARWOOD ESTATES ADDN. TO DEVELOP COMMERCIAL, OFFICE, APARTMENT AND LOW-DENSITY RESIDENTIAL USES EAST OF S. SYCAMORE AVE. BETWEEN E. 57TH AND E. 69TH STREETS, PETITION 2009-01-14 . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0051

PC Report

PC Exhibits

PC Minutes - Item 22

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to defer said Resolution to the City Council Meeting on Monday, April 6, 2009, at 7:00 p.m.

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

Motion Passed

41. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF MAJESTIC MEADOWS ADDN. PHASE 1, FOR FUTURE RESIDENTIAL DEVELOPMENT IN THE RS-2 AND RD, RESIDENTIAL DISTRICTS AT E. 41ST ST. AND S. SIX MILE RD., PETITION 2009-02-04 . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0053

PC Report

PC Exhibits

PC Minutes - Item 10

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Resolution 23-09.

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

RESOLUTION NO. 23-09

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF MAJESTIC MEADOWS ADDN. PHASE 1, FOR FUTURE RESIDENTIAL DEVELOPMENT IN THE RS-2 AND RD, RESIDENTIAL DISTRICTS AT E. 41ST ST. AND S. SIX MILE RD., PETITION 2009-02-04 .

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

That the preliminary plan of Majestic Meadows Addn. to the City of Sioux Falls, Minnehaha County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 03/16/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

42. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2009-01-03-85TH STREET AND PINWOOD PLACE. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0048

Annexation Report

Annexation Map

Concept Plan

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 22-09.

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

RESOLUTION NO. 22-09

ANNEXATION 2009-01-03-85TH STREET AND PINWOOD PLACE
A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS
OF THE CITY OF SIOUX FALLS,
SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls
and filed with the City

Clerk, a petition in writing signed by the owners and otherwise in compliance with
the provisions of SDCL

Chapter 9-4, requesting that the territory hereinafter described be included within
the municipality;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter
described and it has been
found that:

1. The property has been properly described and is contiguous to the current city
limits.

2. The proposed land uses and densities are consistent with the 2015 Growth Management
Plan.

3. There will be adequate provision for municipal utilities and access to the
major street network when the
following occur:

a. Access to 85th Street will need to comply with City of Sioux Falls Engineering
Design Standard

requirements, including an access permit from City Engineering.

b. Development plans should allow for future city infrastructure for the one existing
home within the
annexation area.

c. Drainage patterns must be designed to prevent any change in drainage to existing
homes.

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

That the following described properties be and the same hereby are included within
the corporate limits of the

city of Sioux Falls, Lincoln County, and the boundary of the city is hereby extended
to include such

territory.

Tract 9 of Pinewood Addition (excluding Lot A) in the NW1/4 of Section 22, T100N
, R50W, including adjacent

Pinewood Place right-of-way, Lincoln County, South Dakota.

And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln
County, South Dakota, a

duly certified transcript of this resolution.

Date adopted: 03/16/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member Costello to adjourn the meeting at 7:37 p.m.

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

Tamara Jorgensen, CMC
Assistant City Clerk