

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, March 2, 2009 at 7:00 p.m.	

ROLL CALL #2

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

PLEDGE OF ALLEGIANCE

VISITOR'S RECOGNITION

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

MINUTES

A. INFORMATIONAL MEETING OF TUESDAY, FEBRUARY 17, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF TUESDAY, FEBRUARY 17, 2009, AT 7:00 P.M.

C. INFORMATIONAL MEETING OF MONDAY, FEBRUARY 23, 2009, AT 4:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE SIOUX FALLS AREA CASA PROGRAM, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM MARCH 5, 2009, THROUGH APRIL 14, 2009, FOR AN AVERA FITNESS PACKAGE (VALUE IS \$700.00); FAMILY ACTIVITY

PACKAGE (VALUE IS \$900.00); SANFORD HEALTH WELLNESS/SPA PACKAGE (VALUE IS \$760.00); WII PACKAGE (VALUE IS \$300.00); AND A DINNER PACKAGE (VALUE IS \$200.00). TICKETS COST \$5.00 EACH OR FIVE FOR \$20.00. PROCEEDS WILL GO TOWARDS SUPPORTING THE SIOUX FALLS AREA CASA PROGRAM GENERAL OPERATING BUDGET.

COUNCIL'S INTERNAL DEPARTMENTAL DIRECTIVES

2. CELLULAR TELEPHONE STIPEND POLICY.

Policy

APPLICATIONS

3. MURRAY CONSTRUCTION LLC, 401 N. MINNESOTA, FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$132.33 FOR 69 DAYS; AND 405 N. MINNESOTA, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$36.82 FOR 69 DAYS. THE STRUCTURES WERE REMOVED ON OCTOBER 24, 2008. TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR THE AMOUNT OF TIME THE STRUCTURES WERE GONE IN 2008.
4. DESIGN TANKS INC., 612 W. BLACKHAWK, FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$4,782.28. THE STRUCTURE VALUE FOR 2008, TAXES PAYABLE 2009, IS INCORRECT DUE TO A CLERICAL ERROR. TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR THIS VALUE DIFFERENCE.
5. CITY OF SIOUX FALLS, 1201 E. 31ST ST. N., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$303.94. A VALUE AS PLACED ON PARCEL #40810 IN ERROR. THIS IS AN EXEMPT PROPERTY AND THE CITY OF SIOUX FALLS IS NOW REQUESTING AN ABATEMENT FOR THE 2008 TAXES, PAYABLE IN 2009.
6. CITY OF SIOUX FALLS, FOR MULTIPLE PROPERTIES THAT THE CITY TOOK POSSESSION OF IN 2008. THE TAXPAYER IS NOW REQUESTING AN ABATEMENT OF 2008 PROPERTY TAXES, FOR THE TIME OWNED DURING THE YEAR. THE PARCELS ARE: #73237, 1100 N. BAHNSON AVE., IN THE AMOUNT OF \$2,029.51; #11477, IN THE AMOUNT OF \$270.60; #54437, 4700 S. BAHNSON AVE., IN THE AMOUNT OF \$178.62; #35075, 4709 S. LOUISE AVE., IN THE AMOUNT OF \$429.17; #80386, 5801 E. RED OAK DR., IN THE AMOUNT OF \$4,244.38; #14522, 6000 N. CLIFF AVE., IN THE AMOUNT OF \$327.70; AND #14528, 1700 E. 72ND ST. N., IN THE AMOUNT OF \$510.84.
7. CITY OF SIOUX FALLS, FOR 11 PARCELS PURCHASED FOR THE ELEVENTH AND DULUTH PROJECT IN 2008. THE TAXPAYER IS NOW REQUESTING AN ABATEMENT OF THE 2008 PROPERTY TAXES, FOR THE TIME OWNED IN 2008. THE PROPERTIES ARE: 303 S. SPRING AVE., IN THE AMOUNT OF \$359.87; 515 W. 11TH ST., IN THE AMOUNT OF \$343.55; 517 W. 11TH ST., IN THE AMOUNT OF \$352.70; 305 S. SPRING AVE., IN THE AMOUNT OF \$309.30; 309 S. SPRING AVE., IN THE AMOUNT OF \$340.16; 315 S. SPRING AVE., IN THE AMOUNT OF \$620.47; 306 S. DULUTH AVE., IN THE AMOUNT OF \$369.18; 304 S. DULUTH AVE., IN THE AMOUNT OF \$392.88; 521 W. 11TH ST., IN THE AMOUNT OF \$375.36; 519 W. 11TH ST., IN THE AMOUNT OF \$185.68; AND 300 S. DULUTH AVE., IN THE AMOUNT OF \$397.00.

8. DARLENE LUTHER, 2009 W. BROOKINGS, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$366.47. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
9. JANICE MENHOLT, 821 S. WILLOW AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$1,123.35. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
10. ERMA RICHERT, 704 N. SAVANNAH DR., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$1,454.50. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.

NOTICE OF HEARINGS

DOC: MEMO

Set hearing date for Monday, March 16, 2009, at 7:00 p.m. on Items 11 through 19:

11. 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

12. 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).
13. 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).
14. 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.

Conditional Use Permit

15. 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.

Conditional Use Permit

16. 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

17. 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.

18. 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.

19. 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.

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed

PUBLIC INPUT

There was none.

PETITIONS

20. CONDITIONAL USE PERMIT APPEAL (2009-01-01): 4329 NORTH ALASKA AVENUE AND 4320 NORTH COLORADO AVENUE. THE CONDITIONAL USE PERMIT WAS TO CONSTRUCT TOWNHOMES. APPROVED AT THE FEBRUARY 4, 2009, PLANNING COMMISSION MEETING WITH A SPLIT VOTE (4-YES, 3-NO).

PC Staff Report

PC Exhibits

PC Minutes - Item 5

Appeal Petition

Council Member De Knudson arrived at 7:05 p.m.

A motion was made by Council Member Knudson and seconded by Council Member Costello to approve the Conditional Use Permit Appeal.

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

Motion Failed

INTRODUCTION AND ADOPTION OF ORDINANCES

21. 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. 0050

A motion was made by Council Member Knudson and seconded by Council Member Costello to defer the 2nd Reading to Monday, March 16, 2009, at 7:00 p.m.

A substitute motion was made by Council Member Staggers to defer the 2nd Reading to Monday, March 9, 2009, at 7:00 p.m. Motion dies for lack of a second.

Vote to defer: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, Costello, 7. Noes Staggers, 1.

Motion Passed

22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1227 EAST 8TH STREET AND 131 NORTH SHERMAN AVENUE FROM THE RD, RESIDENTIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2009-01-03 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1081

PC Report

PC Exhibits

PC Minutes - Item 3

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

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

Motion Passed

23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SOUTHWEST CORNER OF EAST 41ST STREET AND SOUTH SIX MILE ROAD FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT AND THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2009-01-05 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1082

PC Report

PC Exhibits

PC Minutes - Item 4

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

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

Motion Passed

Set hearing date and 2nd Reading for Monday, March 9, 2009, at 7:00 p.m. on Items 24:

24. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ESTABLISHING THE CITY'S FEE FOR THE ISSUANCE OF ON-SALE LICENSES FOR FULL-SERVICE RESTAURANTS IN THE CITY OF SIOUX FALLS, SD, AS SET FORTH IN CHAPTER 5, ALCOHOLIC BEVERAGES.

Ord. 1083

A motion was made by Council Member Brown and seconded by Council Member Litz to set a hearing date and 2nd Reading for Monday, March 9, 2009, at 7:00 p.m.

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

HEARINGS AND RESOLUTIONS

25. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE RENNER FIRE
DEPARTMENT A 1992 RED FIRE TANKER C-70.

Res. 0045

A motion was made by Council Member Brown and seconded by Council Member
Beninga to adopt said Resolution 15-09.

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

RESOLUTION NO. 15-09

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE RENNER FIRE DEPA
RTMENT A 1992 RED
FIRE TANKER C-70.

WHEREAS, the City of Sioux Falls has declared as surplus a 1992 red Fire Tanker
C-70, Serial No.

1GDL7H1M1NJ500142; and

WHEREAS, the Renner Fire Department finds it desirable to acquire the above-desc
ribed fire tanker;

If there aren?t any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just
"BE IT

RESOLVED..."

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

That the gifting by the City of Sioux Falls of a 1992 red Fire Tanker C-70, Seri
al No.

1GDL7H1M1NJ500142, is hereby approved.

Date adopted: 03/02/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

26. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL
DESCRIPTION OF ANNEXATION RESOLUTION NO. 157-08 AND RESOLUTION NO. 4-09.
(2008-08-01-SE CORNER OF 85TH ST. AND MINNESOTA AVE. AKERSON)

Res. 1646

Res. 157-08

Res. 4-09

Annexation Map

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said Resolution 16-09.

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

RESOLUTION NO. 16-09

ANNEXATION LEGAL DESCRIPTION CORRECTION ANNEXATION

2008-08-01-SE CORNER OF 85TH ST. AND MINNESOTA AVE. AKERSON

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION

RESOLUTION NO. 157-08 AND RESOLUTION NO. 4-09.

WHEREAS, on September 15, 2008, the City Council of the City of Sioux Falls adopted Resolution No.

157-08 to include certain contiguous territory within the corporate limits of the city of Sioux

Falls, SD. Also, on January 5, 2009, the City Council of the City of Sioux Falls adopted Resolution

4-09 to correct a legal description.

WHEREAS, the annexation map boundaries have been approved by the City Council.

WHEREAS, the legal descriptions as set forth in Resolutions 157-08 and 4-09 were not accurate.

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

That the legal descriptions as set forth in Resolution 157-08 and 4-09 hereby we re amended to read

as follows:

That portion of the North 1,000.98 of the West 1,229.51 of the NW1/4 of the NW1/4 Section Twenty-Three (23), T100N, R50W of the 5th P.M., Lincoln County, South Dakota. To be

platted and to be known as Lot 1 of Block 1 and Lots 1, 2, 3, and 4 of Block 2 all within Minnesota Crossings Addition to the City of Sioux Falls and including the N.

151.95 of the W. 225 and all adjacent Minnesota Ave. and Anchor Lane right-of-way all within the NW1/4 of Section Twenty-Three (23), T100N, R50W of the 5th P.M.,

Lincoln County, South Dakota, according to the government survey thereof including Lot H‑1

contained therein all as shown on Exhibit A.

And that the City Clerk shall cause to be filed with the Register of Deeds, Linc

oln County, SD, a
duly certified transcript of this resolution.

Date adopted: 03/02/09 .

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)

27. REPORT OF THE FEBRUARY 18, 2009, NOTICE OF TRANSFER OF APPROPRIATIONS
WITHIN MAJOR ORGANIZATIONAL UNITS.

Memo

NEW BUSINESS/ ITEMS ADDED AFTER AGENDA DEADLINE

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 FEBRUARY 28, 2009, NOTICE OF TRANSFER OF APPROPRIATIONS
WITHIN MAJOR ORGANIZATIONAL UNITS.

Memo

ADJOURNMENT

A motion was made by Council Member Costello and seconded by Council Member
Brown to adjourn at 7:55 p.m.

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

Denise D. Tucker, CMC
Assistant City Clerk