

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

ROLL CALL #1

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present: Members Absent:

Council Member Anderson Jr. None.

Council Member Beninga

Council Member Brown

Council Member Costello

Council Member Jamison

Council Member Knudson

Council Member Litz

Council Member Staggers

Mayor Dave Munson

INVOCATION

A. PASTOR VAL PUTNAM, WESTMINSTER PRESBYTERIAN CHURCH

PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

Boy Scout Troop 48 lead by Tom Nelson. This troop is a mixture of boys from a variety of schools including Patrick Henry, Harrisburg, Hartford, Edison and O Gorman Jr. High School.

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., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.

Motion Passed

MINUTES

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

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

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE VIETNAM/LEGACY VETS MOTORCYCLE CLUB, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM MARCH 14, 2009 TO JULY 25, 2009 FOR A 41" MASTERFORCE MECHANIC'S TOOL BOX (VALUED AT \$800.00). TICKETS WILL BE \$10.00 EACH. THE PROCEEDS ARE TO BE USED FOR CONTINUED SUPPORT FOR SCHOLARSHIPS FOR VETERANS AND THEIR KIDS AT SOUTHEAST TECHNICAL INSTITUTE AND FOR A GAS FUND AT THE VETS CENTER (HELPS INDIGENT VETS GET TO DR. APPOINTMENTS).

2. A COMMUNICATION WAS RECEIVED FROM NANCY DAVIS REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE AND BEER AT THE OLD COURTHOUSE MUSEUM, 200 WEST 6TH STREET, ON SATURDAY, MAY 23, 2009 FROM 5:00 P.M. TO 9:00 P.M. FOR THE PURPOSE OF A REHEARSAL DINNER FOR A WEDDING.

REGULAR AGENDA

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Litz and seconded by Council Member Beninga 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: ALCOHOL MEMO

3. NEW 2009 RETAIL WINE LICENSE FOR SANDTRAP INC., BOGEY'S BAR AND GRILL, TO BE OPERATED AT 815 SOUTH MARION ROAD, INCLUDING VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2005-10-09) BEING APPROVED IN 2005.

4. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR DAKOTA COFFEE ROASTERS LLC, BLACK SHEEP BISTRO, TO BE OPERATED AT 453 WEST 69TH STREET, WITH THE SPECIAL USE PERMIT (2008-10-10) BEING APPROVED ON 01-07-09.

5. NEW 2009 RETAIL WINE LICENSE FOR DAKOTA COFFEE ROASTERS LLC, BLACK SHEEP BISTRO, TO BE OPERATED AT 453 WEST 69TH STREET, WITH THE SPECIAL USE PERMIT

(2008-10-10) BEING APPROVED ON 01-07-09.

6. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM PARTNERS TWO LIMITED PARTNERSHIP, T.G.I. FRIDAY'S RESTAURANT, 4200 WEST EMPIRE PLACE, TO MAIN AND MAIN LLC, HILTON GARDEN INN, TO BE OPERATED AT 5300 SOUTH GRAND CIRCLE, INCLUDING SUNDAY SALES (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTIONS PER FIRE AND BUILDING SERVICES.
7. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM DAWIT DABA AND SADIYA ABDU, SHALOM ETHIOPIAN COFFEE HOUSE, 1701 EAST TENTH STREET, TO FIREW-HAILU HORDOFA AND AMANUAL-MOLU LIBEN, SHALOM ETHIOPIAN COFFEE HOUSE, TO BE OPERATED AT 1701 EAST TENTH STREET, WITH THE CONDITIONAL USE PERMIT (2001-06-04) BEING APPROVED IN 2001.
8. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSE REQUESTS FOR DOWNTOWN SIOUX FALLS FOR EVENTS IN 2009 AS FOLLOWS: 1) MAY 2 FOR CINCO DE MAYO AT FALLS PARK; 2) JUNE 5, JULY 3, AND AUGUST 7 FOR THE DOWNTOWN BLOCK PARTY ON THE EAST BANK AT THE 8TH AND RAILROAD PARKING LOT; 3) JUNE 16 AND 17 FOR AUTOMANIA ON PHILLIPS AND MAIN AVENUES FROM 9TH TO 14TH STREETS; 4) JUNE 20 FOR GAMEON! YOUTH NIGHT ON PHILLIPS AND MAIN AVENUES FROM 9TH TO 14TH STREETS; 5) JULY 15 FOR HOT SUMMER NITES ON PHILLIPS AND MAIN AVENUES FROM 9TH TO 14TH STREETS; AND 6) JULY 25 FOR STOGEEZ STEAKOUT ON PHILLIPS AVENUE FROM 10TH TO 11TH STREETS.
9. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE AVERA MCKENNAN FOUNDATION TO BE HELD AT THE AVERA MCKENNAN FITNESS CENTER, 3400 SOUTH SOUTHEASTERN AVENUE, ON APRIL 17, 2009, FOR THE BIG GRAPE.
10. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSE REQUESTS FOR THE SIOUX FALLS JAZZ & BLUES SOCIETY TO BE OPERATED ON JULY 17-18, 2009, AT YANKTON TRAIL PARK, 3901 SOUTH MINNESOTA AVENUE, FOR THE JAZZFEST, AND ON SEPTEMBER 26, 2009, AT VERN EIDE BMW, 1500 SOUTH MINNESOTA AVENUE, FOR THE JAZZ & BREWS FUNDRAISER.

INTRODUCTION AND ADOPTION OF ORDINANCES

11. 1ST 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

12. 1ST 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 Beninga and seconded by Council Member Litz to set a hearing date and 2nd Reading for Monday, March 2, 2009, at 7:00 p.m. on Items 11 and 12.

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

13. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WESTWOOD VALLEY PD - SUBAREA D WESTWOOD VALLEY ADDITION, PETITION NO. 2009-01-07. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 1645

PC Report

PC Exhibits

PC Minutes - Item 11

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to adopt Resolution 10-09.

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

RESOLUTION NO. 10-09

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF WESTWOOD VALLEY PD

- SUBAREA D WESTWOOD VALLEY ADDITION, PETITION NO. 2009-01-07.

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

That the preliminary plan of WESTWOOD VALLEY PD - SUBAREA D WESTWOOD VALLEY ADDITION 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: 02/17/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

14. A RESOLUTION ADOPTING THE 2009 DOWNTOWN SPECIAL EVENTS CALENDAR.

A motion was made by Council Member Litz and seconded by Council Member Brown to adopt Resolution 11-09.

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

Motion Passed

RESOLUTION NO. 11-09

A RESOLUTION ADOPTING THE 2009 DOWNTOWN SPECIAL EVENTS CALENDAR.

WHEREAS, the Board of Directors of Downtown Sioux Falls, Inc. has submitted a list of special

events to occur during 2009 in the Central Business District and recommends its adoption;

WHEREAS, all downtown events requiring use of public property, street closure, or liquor licensing

will require submission of a Downtown Sioux Falls, Inc. event application form;

WHEREAS, all event permits shall be coordinated through the Downtown Sioux Falls, Inc. regulatory

committee comprised of City-permitting agents;

WHEREAS, all events subject to review and permitting by the Parks Department event committee shall

be exempt from review by the Downtown Sioux Falls, Inc. regulatory committee.

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

That the City of Sioux Falls adopts the following Downtown Special Events Calendar for 2009:

DATE	EVENT
Year-round	SculptureWalk
First Friday of every month	First Fridays Downtown
January 16 and 17	Winter Crazy Days
March 6	Fine Arts Trolley Tour
March 14	St. Patrick's Day Parade
May 2	Cinco De Mayo
May 16	3rd Annual Downtown Loft Tour
May-October	Downtown Farmers Market
Memorial Day-Labor Day	Wells Fargo Falls Park Sound and Light Show
June-August (Saturday nights)	Downtown Moonlight Movies at Fairview Park
June-August (Friday and Saturday nights)	Downtown Street Musicians
June-August (Friday nights)	Horse and Carriage Rides
June 5	Downtown Block Party on the Eastbank
June 17	Automania
June 20	Festival of Cultures
June 20	Gameon! Family Fun Night in Downtown Sioux Falls
July 3	Downtown Block Party on the Eastbank
July 11	Hot Harley Nights
July 15	Hot Summer Nites
July 17 and 18	Downtown Crazy Days
July 25	Stogeez Steakout
August 7	Downtown Block Party on the Eastbank
August 8	Sanford Sports Streetball Challenge
August 23	Sioux Falls Criterium
September 12	Sidewalk Arts Festival
September 12	Sioux Falls German Festival
September 19	Taste of South Dakota
September 26	Downtown Harvest Festival
October 3	Festival of the Bands Parade
November 21-January 3	Winter Wonderland
November 27	Avera Parade of Lights
November 28-December 19	Downtown Holidays

Date adopted: 02/17/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

Res. 0041

At this time, Mayor Munson welcomed E.L.L. students from Diane Rahn's class at the Multicultural Center. Ms. Rahn is an instructor at Southeast Technical Institute.

15. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2009-01-01 - 85TH STREET AND BEAL AVENUE COSTELLO.

Res. 0042

Staff Report

Annexation Map

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adopt Resolution 12-09.

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

RESOLUTION NO. 12-09

ANNEXATION 2009-01-01 85TH STREET AND BEAL AVENUE COSTELLO
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 c

ity limits.

2. A future land use map amendment to the 2015 Growth Management Plan is required to change land

use to multifamily residential densities in 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. 85th Street is priority two arterial with access restricted to 1/4 mile locations.

b. Before city water service is available, either a 12-inch city water main will need to be

extended with arterial streets improvements when constructed or the developer will need to extend

water services from other nearby developments.

c. Sanitary sewer is available to the areas. It will be the developer's responsibility to obtain

sanitary sewer through adjacent properties.

d. If the site drains onto undeveloped property, the runoff rates may not exceed predeveloped

rates. This site is located in a site-specific BMP area. A post-construction BMP will be required

for the site.

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

That the following described properties be and the same hereby are included with in the corporate

limits of the city of Sioux Falls, Lincoln County, and the boundary of the city is hereby extended

to include such territory.

Lot 1 of Subdivision of Ludens Tract No. 1 a portion of NW1/4 NE1/4 Section 20, T100N, R50W,

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: 02/17/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

16. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2009-01-02 - 77TH STREET AND MINNESOTA AVENUE TRECOMM.

Res. 0043

Staff Report

Annexation Map

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt Resolution 13-09.

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

RESOLUTION NO. 13-09

ANNEXATION 2009-01-02 77TH STREET AND MINNESOTA AVENUE TRECOMM

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. No access to Minnesota Avenue will be allowed. All access will need to come from the internal street system.

b. If this site drains onto undeveloped property, detention may be required.

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.

A part of Tract 3A of Fischenich Addition, except Lot H-1 thereof, in the SE1/4 of Section 15, T100N, R50W of the 5th P.M. Lincoln County, South Dakota, to be known as

Lot A of Fischenich Addition in the SE1/4 of Section 15, T100N, R50W, Lincoln County, South Dakota, as shown on Exhibit A.

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: 02/17/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

17. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2008-12-01 - EAST 57TH STREET AND SD 11 CITY DRAINAGE.

Res. 0044

Staff Report

Annexation Map

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt Resolution 14-09.

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

RESOLUTION NO. 14-09

ANNEXATION 2008-12-01 EAST 57TH STREET AND SD 11 CITY DRAINAGE

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 not currently within the 2015 Growth Management Plan.

A future land use map amendment to the 2015 Growth Management Plan is required to add this

area and any proposed land uses to 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. The site is to be used for construction of a regional BMP based on the Stormwater Drainage

Master Plan.

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

That the following described properties be and the same hereby are included with in 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 A of Johnson s Addition in the NW1/4 of the SE1/4 of Section 9, T100N, R49 W of the 5th PM,

Lincoln County, South Dakota, including adjacent Faith Avenue right-of-way.

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: 02/17/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adjourn the meeting at 7:19 p.m.

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

Motion Passed

Tamara Jorgensen

Assistant City Clerk