

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, December 1, 2008 at 7:00 p.m.	

ROLL CALL #1

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. DR. RON TOTTINGHAM, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

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

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, NOVEMBER 17, 2008, AT 4:00 P.M.

B. JOINT CITY COUNCIL/MINNEHAHA COUNTY MEETING OF MONDAY, NOVEMBER 17, 2008, AT 5:00 P.M.

C. REGULAR COUNCIL MEETING OF MONDAY, NOVEMBER 17, 2008, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM RONALD MCDONALD HOUSE CHARITIES, INC., STATING ITS INTENT TO CONDUCT A 50/50 RAFFLE AT THEIR EVENT ON DECEMBER 31,

2008. FIFTY PERCENT OF THE PROCEEDS WILL GO TO ONE PERSON AND THE OTHER HALF WILL BENEFIT RONALD MCDONALD HOUSE CHARITIES OF SD.

NOTICE OF HEARINGS

Set hearing date for Monday, December 15, 2008, at 7:00 p.m. on Items 2 through 11:

DOC: ITEMS 2-11 MEMO-COUNCIL

2. NEW 2008 RETAIL WINE LICENSE FOR HY-VEE FOOD STORES INC., HY-VEE FOOD STORE #1, TO BE OPERATED AT 1601 SOUTH SYCAMORE AVENUE, WITH THE CONDITIONAL USE PERMIT (2008-09-07) BEING APPROVED ON 10-01-08.

Conditional Use Permit Documentation

3. NEW 2008 RETAIL WINE LICENSE FOR HY-VEE FOOD STORES INC., HY-VEE FOOD STORE #4, TO BE OPERATED AT 1900 SOUTH MARION ROAD, WITH THE CONDITIONAL USE PERMIT (2008-09-08) BEING APPROVED ON 10-01-08.

See item 2 for Conditional Use Permit

4. NEW 2009 RETAIL WINE LICENSE FOR SUBURBAN LANES INC., SUBURBAN LANES PLAYERS PUB, TO BE OPERATED AT 2621 SOUTH SPRING AVENUE, EFFECTIVE 1-1-09 (CUP NOT REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).

5. TRANSFER OF A 2008 RETAIL WINE LICENSE FROM KAREN MCPARLAND, A TASTE OF THE BIG APPLE, 600 NORTH MAIN AVENUE SUITE 110, TO A TASTE OF THE BIG APPLE LLC, A TASTE OF THE BIG APPLE, TO BE OPERATED AT 600 NORTH MAIN AVENUE SUITE 110, WITH THE CONDITIONAL USE PERMIT (2008-04-14) BEING APPROVED ON 05-07-08.

Conditional Use Permit Document

6. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM KAREN MCPARLAND, A TASTE OF THE BIG APPLE, 600 NORTH MAIN AVENUE SUITE 110, TO A TASTE OF THE BIG APPLE LLC, A TASTE OF THE BIG APPLE, TO BE OPERATED AT 600 NORTH MAIN AVENUE SUITE 110, WITH THE CONDITIONAL USE PERMIT (2008-04-14) BEING APPROVED ON 05-07-08.

See item 5.

7. TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM WANG ENTERPRISES INC., KING'S MART, 5512 WEST 41ST STREET, TO HKV GILBERTSON LIQUOR INC., HKV GILBERTSON LIQUOR, TO BE OPERATED AT 5512 WEST 41ST STREET, EFFECTIVE 1-1-09.

8. NEW 2008-09 PACKAGE MALT BEVERAGE LICENSE FOR HKV GILBERTSON LIQUOR INC., HKV GILBERTSON LIQUOR, TO BE OPERATED AT 5512 WEST 41ST STREET, EFFECTIVE 1-1-09.
9. TRANSFER OF A 2008-09 PACKAGE MALT BEVERAGE LICENSE FROM ELITANIA VALENCIA, MEXICAN STORE LA MICHOACANA, 2319 WEST 12TH STREET, TO MARIA LUZ LIMA, LA MICHOACANA, TO BE OPERATED AT 2319 WEST 12TH STREET.
10. 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: JANUARY 13 FOR A CORPORATE MEETING; JUNE 13, JULY 3, JULY 25, AND AUGUST 29 FOR WEDDING RECEPTIONS.
11. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2009 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS IDENTIFIED AS EXHIBIT C.

Item 11 Exhibit C 2009

APPROVAL OF REGULAR AGENDA

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

A substitute motion was made by Council Member Litz and seconded by Council Member Costello to amend the Regular Agenda by moving Item 32 before Item 12.

Vote on substitute motion: Roll Call: Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, 7. Noes, 0. Motion Passed.

PUBLIC INPUT

There was none.

PETITIONS

12. DEFERRED ACTION: REVOCATION: CONDITIONAL USE PERMIT (2006-12-23): ALLOWING MOTOR VEHICLE DISPLAY AND SALES IN THE I-1, LIGHT INDUSTRIAL DISTRICT. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON FEBRUARY 7, 2007.

PC Report

PC Exhibit

PC Minutes - Item 16

A motion was made by Council Member Knudson and seconded by Council Member Litz refer Item 12 to the Planning Commission

Vote to refer Item 12 to the Planning Commission: Roll Call: Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, 7. Noes, 0.
Motion Passed

UNFINISHED BUSINESS

DOC: ITEMS 13-29 MEMO-COUNCIL

13. DEFERRED ACTION: RESCIND 2008 RETAIL WINE LICENSE ISSUED TO PARAMOUNT STUDIO INC., PARAMOUNT STUDIO, 307 SOUTH PHILLIPS AVENUE.
14. DEFERRED ACTION: RESCIND 2008-09 RETAIL MALT BEVERAGE LICENSE ISSUED TO PARAMOUNT STUDIO INC., PARAMOUNT STUDIO, 307 SOUTH PHILLIPS AVENUE.
15. NEW 2008-09 PACKAGE MALT BEVERAGE LICENSE FOR GREVCO INC., SHOP N CART EAST, TO BE OPERATED AT 4301 EAST 12TH STREET.
16. NEW 2008-09 PACKAGE MALT BEVERAGE LICENSE FOR GREVCO INC., SHOP N CART NORTHEAST, TO BE OPERATED AT 2701 EAST 6TH STREET.
17. TRANSFER OF THE 2008 RETAIL LIQUOR LICENSE FROM JCP ENTERPRISES INC., JOEY'S SEAFOOD & GRILL, 2209 WEST 57TH STREET, TO K&P ENTERPRISES INC., THE FIRESIDE CASINO, TO BE OPERATED AT 3221 SOUTH CAROLYN AVENUE, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS, EFFECTIVE 12-22-08, WITH THE CONDITIONAL USE PERMIT (94-5-12) BEING APPROVED IN 1994.
18. RESCIND 2008-09 RETAIL MALT BEVERAGE LICENSE ISSUED TO K&P ENTERPRISES INC., THE FIRESIDE CASINO, OPERATED AT 3221 SOUTH CAROLYN AVENUE, EFFECTIVE 12-22-08.
19. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR JCP INC., JOEY'S SEAFOOD & GRILL, TO BE OPERATED AT 2209 WEST 57TH STREET, EFFECTIVE 12-22-08, WITH THE CONDITIONAL USE PERMIT (2006-11-02) BEING APPROVED ON 12-06-06.

Conditional Use Permit Document

20. NEW 2008 RETAIL WINE LICENSE FOR JCP INC., JOEY'S SEAFOOD & GRILL, TO BE OPERATED AT 2209 WEST 57TH STREET, EFFECTIVE 12-22-08, WITH THE CONDITIONAL USE PERMIT (2006-11-02) BEING APPROVED ON 12-06-06.

See item 19 for Conditional Use Permit Docs.

21. TRANSFER OF A 2008 RETAIL LIQUOR LICENSE FROM GRANITE CITY FOOD & BREWERY LTD, GRANITE CITY FOOD & BREWERY, 2620 SOUTH LOUISE AVENUE, TO GRANITE CITY RESTAURANT OPERATIONS INC., GRANITE CITY FOOD & BREWERY, TO BE OPERATED AT 2620 SOUTH LOUISE AVENUE, INCLUDING SUNDAY SALES, WITH THE FINAL DEVELOPMENT PLAN BEING APPROVED IN MARCH OF 2000.
22. TRANSFER OF A 2008-09 PACKAGE MALT BEVERAGE LICENSE FROM GRANITE CITY FOOD & BREWERY LTD, GRANITE CITY FOOD & BREWERY, 2620 SOUTH LOUISE AVENUE, TO GRANITE CITY RESTAURANT OPERATIONS INC., GRANITE CITY FOOD & BREWERY, TO BE OPERATED AT 2620 SOUTH LOUISE AVENUE, WITH THE FINAL DEVELOPMENT PLAN BEING APPROVED IN MARCH OF 2000.
23. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM THE GRAND CHINA STAR INC,. THE GRAND CHINA STAR, 1721 WEST 41ST STREET, TO THE NEW CHINA STAR INC., CHINA STAR, TO BE OPERATED AT 1721 WEST 41ST STREET, WITH THE CONDITIONAL USE PERMIT (98-11-14) BEING APPROVED IN 1998.
24. TRANSFER OF A 2008 RETAIL WINE LICENSE FROM THE GRAND CHINA STAR INC,. THE GRAND CHINA STAR, 1721 WEST 41ST STREET, TO THE NEW CHINA STAR INC., CHINA STAR, TO BE OPERATED AT 1721 WEST 41ST STREET, WITH THE CONDITIONAL USE PERMIT (98-11-14) BEING APPROVED IN 1998.
25. SPECIAL ONE-DAY LIQUOR LICENSE FOR HY-VEE INC., ALL OCCASIONS BY HY-VEE, TO BE OPERATED AT THE DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 SOUTH KIWANIS AVENUE, ON DECEMBER 6, 2008, FOR A HOLIDAY PARTY.
26. SPECIAL ONE-DAY LIQUOR LICENSE FOR CATERING AMERICA, CHEF DOMINIQUE'S CATERING, TO BE OPERATED AT THE DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 SOUTH KIWANIS AVENUE, ON DECEMBER 13, 2008, FOR A HOLIDAY PARTY.
27. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE SIOUX EMPIRE CHAPTER OF THE AMERICAN RED CROSS TO BE OPERATED AT VERN EIDE MOTORCARS & MERCEDES-BENZ, 1500 SOUTH MINNESOTA AVENUE, FOR THE RED CROSS HOLIDAY GALA TO BE HELD ON DECEMBER 6, 2008.
28. SPECIAL ONE-DAY WINE LICENSE FOR HABITAT FOR HUMANITY OF GREATER SIOUX FALLS, TO BE OPERATED AT THE TRAIL RIDGE RETIREMENT COMMUNITY, 3408 WEST RALPH ROGERS ROAD, ON DECEMBER 6, 2008, FOR A HABITAT FUNDRAISER.

A motion was made by Council Member Litz and seconded by Council Member Beninga to approve Items 13-28 with one vote.

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

29. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2009 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, IDENTIFIED AS EXHIBIT B.

Item 29 Exhibit B

Item 29 MP Sids

Item 29 MP Sunshine

Item 29 MP Wang

A motion was made by Council Member Knudson and seconded by Council Member Jamison to approve Item 29.

Vote to approve: Roll Call: Yeses, Jamison, Brown, Knudson, Staggers, Beninga, 5. Noes Litz, 1.

Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

30. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REPEALING THE REGULATION OF THE LIMOUSINE RATES.

Proposed Ord0177a

31. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (PARKS AND RECREATION - \$8,480)

Proposed Ord1072

Memo

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 140-08.

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

Motion Passed

32. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2008-10-01 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT W. 16TH ST. AND 17TH ST. FROM GRANGE AVE. TO WEST AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND REZONING PROPERTY AT W. 16TH ST. AND 17TH ST. FROM GRANGE AVE. TO WEST AVE. FROM THE O, GENERAL OFFICE, RD AND RS-2, RESIDENTIAL DISTRICTS TO THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT AS

AMENDED, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.
THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0022

PC Report

PC Exhibits

PC Minutes - Item 22

A motion was made by Council Member Knudson and seconded by Council Member Litz to defer until Monday, December 15, 2008, at 7:00 p.m.

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

Motion Passed

33. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2008-10-21 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT NORTH SIDE OF W. 85TH ST., WEST OF S. WESTERN AVE. TO REVISE SUBAREA BOUNDARIES AND ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0028

PC Report

PC Exhibits

PC Minutes - Item 25

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said Ordinance 142-08.

Vote to adopt: Roll Call: Yeses, Litz, Brown, Knudson, Staggers, Beninga, Costello, 6. Noes, 0.

Motion Passed

34. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SOUTHEAST CORNER OF E. 85TH ST. AND S. MINNESOTA AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2008-09-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0020

PC Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Beninga and seconded by Council Member Brown to adopt said Ordinance 143-08.

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

Motion Passed

35. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH SIDE OF INTERSTATE 90 AND WEST OF N. CLIFF AVE. FROM UNZONED TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2008-10-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed ord0023

PC Report

PC Exhibits

PC Minutes - Item 4

A motion was made by Council Member Knudson and seconded by Council Member Jamison to adopt said Ordinance 144-08.

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

Motion Passed

36. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 2900 N. FOURTH AVE. FROM THE RA-1, RESIDENTIAL DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2008-10-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed ord0024

PC Report

PC Exhibits

PC Minutes - Item 5

A motion was made by Council Member Beninga and seconded by Council Member Brown to adopt said Ordinance 145-08.

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

Motion Passed

37. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. 18TH ST. AND S. MARION RD. FROM THE RA-1, RESIDENTIAL DISTRICT TO THE WILLOW CREEK PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-10-11, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0025

PC Report

PC Exhibit

PC Minutes - Item 6

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Ordinance 146-08.

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

Motion Passed

38. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT QUARRY AVE. BETWEEN ROBUR DR. AND DIKE AVE. FROM THE GRANITE VALLEY PLANNED DEVELOPMENT DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2008-10-16, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0026

PC Report

PC Exhibit

PC Minutes - Item 23

A motion was made by Council Member Costello and seconded by Council Member Beninga to adopt said Ordinance 147-08.

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

Motion Passed

39. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NORTHWEST CORNER OF E. 69TH ST. AND S. SOUTHEASTERN AVE. FROM THE RA-1, RESIDENTIAL DISTRICT; RS-2, RESIDENTIAL DISTRICT; AND C-4, PLANNED COMMERCIAL DISTRICT TO THE EMERALD VALLEY PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-10-22, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0029

PC Report

PC Exhibits

PC Minutes - Item 7

A motion was made by Council Member Beninga and seconded by Council Member Jamison to adopt said Ordinance 141-08.

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

Motion Passed

Set a hearing date and 2nd Reading for the Monday, December 8, 2008, at 7:00 p.m. for Items 40 through 42:

40. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AMENDMENT NO. 1 TO THE LEASE OF CITY PROPERTY TO THE UNIVERSITY OF SOUTH DAKOTA.

Proposed Ord1035

41. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCE OF THE CITY BY REVISING THE ORDER OF BUSINESS FOR COUNCIL MEETINGS.

Proposed Ord0035

42. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING TWO WEB-CAM LEASE AGREEMENTS TO BE LOCATED AT SIOUX FALLS VISITORS' CENTER TOWER WITHIN FALLS PARK.

A motion was made by Council Member Knudson and seconded by Council Member Litz to set a hearing date and 2nd Reading for the Monday, December 8, 2008, at 7:00 p.m. for Items 40 through 42.

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

Proposed ord1074

Set a hearing date and 2nd Reading for the Monday, December 15, 2008, at 7:00 p.m. for Item 43:

43. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ESTABLISHING THE PROCEDURE FOR THE ISSUANCE AND REGULATION OF ON-SALE LICENSES FOR FULL-SERVICE RESTAURANTS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AS SET FORTH IN CHAPTER 5, ALCOHOLIC BEVERAGES.

Proposed Ord1050b

Ord0037

A motion was made by Council Member Litz and seconded by Council Member Knudson to set a hearing date and 2nd Reading for the Monday, December 15, 2008, at 7:00 p.m. for Item 43.

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

HEARINGS AND RESOLUTIONS

44. A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015 GROWTH MANAGEMENT PLAN PETITION NO. 2008-10-23 AT SOUTHEAST CORNER OF E. 69TH ST. AND S. SOUTHEASTERN AVE. TO REALLOCATE SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL, COMMERCIAL, OFFICE, AND INSTITUTIONAL FUTURE LAND USES TO AN ALLOCATION OF COMMERCIAL, OFFICE, INSTITUTIONAL, AND MULTI-FAMILY RESIDENTIAL FUTURE LAND USES. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Res0026

PC Report

PC Exhibits

PC Minutes - Item 20

A motion was made by Council Member Litz and seconded by Council Member Costello to adopt said Resolution 181-08.

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

RESOLUTION NO. 181-08

A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015 GROWTH MANAGEMENT PLAN
PETITION NO.2008-10-23 AT SOUTHEAST CORNER OF E. 69TH ST. AND S. SOUTHEASTERN AV
E. TO REALLOCATE SINGLE-FAMILY
AND MULTI-FAMILY RESIDENTIAL, COMMERCIAL, OFFICE, AND INSTITUTIONAL FUTURE LAND
USES TO AN ALLOCATION OF
COMMERCIAL, OFFICE, INSTITUTIONAL, AND MULTI-FAMILY RESIDENTIAL FUTURE LAND USES
.

WHEREAS, there has been presented to Planning Commission an application for a future land use map to the Sioux Falls 2015 Growth Management Plan.

[This paragraph is optional.]WHEREAS, the petitioner has notified landowners within 500' of the subject

property by mail and provided an affidavit to the City Planning Office.

WHEREAS, it has been determined that the following criteria have been met:

1. The proposed amendment is consistent with the goals, policies, and overall intent of the text within the comprehensive plan;
2. The proposed amendment is warranted by changed conditions within the neighborhood surrounding and including the subject property;
3. The proposed amendment achieves an arrangement of activities which promote harmonious interaction and minimizes land use conflicts surrounding the subject property;
4. The proposed amendment would not adversely affect the environment, historic resources, natural resources, urban services, public facilities, and transportation system;
5. The proposed amendment is warranted by an approved engineering analysis including, but not limited to, adopted City-initiated master plans;
6. The proposed amendment would result in a logical and orderly development pattern;
7. The proposed amendment does not adversely affect any other part of the city, or create any direct or indirect adverse effects; and
8. The proposed amendment creates an undue impact on surrounding neighborhoods

; whereas proposed developments should be consistent with the physical characteristics of the surrounding neighborhoods or improves their living environment and quality of life.
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
That the following described properties per Exhibit A are hereby amended to reallocate single-family and multi-family residential, commercial, office, and institutional future land uses to an allocation of commercial, office, institutional, and multi-family residential future land uses in regard to the Future Land Use Map of the 2015 Growth Management Plan of Sioux Falls, South Dakota.
The North 1000' of Government Lot 2 and Government Lot 1 in the NW1/4 of Section 18-100N-R49W, Lincoln County.

Date adopted: 12/01/08.

Dave

Munson

Mayor
ATTEST:
Debra A. Owen
City Clerk

45. A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015 GROWTH MANAGEMENT PLAN PETITION NO. 2008-09-12 AT NORTH SIDE OF E. 69TH ST. BETWEEN S. SYCAMORE AVE. AND SD HIGHWAY 11 TO ADD AN ALLOCATION OF COMMERCIAL, SINGLE-FAMILY RESIDENTIAL, AND PARKS AND OPEN SPACES FUTURE LAND USES. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Res0028

PC Report

PC Exhibits

PC Minutes - Item 19

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Resolution 182-08.

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

RESOLUTION NO. 182-08

A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015

GROWTH MANAGEMENT PLAN

PETITION NO. 2008-09-12 AT NORTH SIDE OF E. 69TH ST. BETWEEN S. SYCAMORE AVE. AND SD HIGHWAY 11 TO ADD AN ALLOCATION OF COMMERCIAL, SINGLE-FAMILY RESIDENTIAL, AND PARKS AND OPEN SPACES FUTURE LAND USES.

WHEREAS, there has been presented to Planning Commission an application for a future land use map to the Sioux Falls 2015 Growth Management Plan.

[This paragraph is optional.] WHEREAS, the petitioner has notified landowners within 500' of the subject

property by mail and provided an affidavit to the City Planning Office.

WHEREAS, it has been determined that the following criteria have been met:

1. The proposed amendment is consistent with the goals, policies, and overall intent of the text within the comprehensive plan;
2. The proposed amendment is warranted by changed conditions within the neighborhood surrounding and including the subject property;
3. The proposed amendment achieves an arrangement of activities which promote harmonious interaction and minimizes land use conflicts surrounding the subject property;
4. The proposed amendment would not adversely affect the environment, historic resources, natural resources, urban services, public facilities, and transportation system;
5. The proposed amendment is warranted by an approved engineering analysis including, but not limited to, adopted City-initiated master plans;
6. The proposed amendment would result in a logical and orderly development pattern;
7. The proposed amendment does not adversely affect any other part of the city, or create any direct or indirect adverse effects; and
8. The proposed amendment creates an undue impact on surrounding neighborhoods; whereas proposed developments should be consistent with the physical characteristics of the surrounding neighborhoods or improves their living environment and quality of life.

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

That the following described properties per Exhibit A are hereby amended to add an allocation of commercial, single-family residential, and parks and open spaces future land uses in regard to the Future Land Use Map of the 2015 Growth Management Plan of Sioux Falls, South Dakota. SW1/4 SE1/4, SE1/4 SW1/4 and the S1/2 NE1/4 SW1/4 of Section 8-T100N-R49W, Lincoln County, except the South 386 feet of the West 349 feet of the SE1/4 of said Section 8, and except the South 208 feet of the West 208 feet of the East 363 feet of the SE1/4 SW1/4 of said Section 8 with adjacent public right-of-way.

Date adopted: 12/01/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

46. A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015 GROWTH MANAGEMENT PLAN PETITION NO. 2008-08-21 AT E. 57TH ST. BETWEEN HIGHWAY 11 AND S. SIX MILE RD. FROM THE UNALLOCATED LAND USE TO AN ALLOCATION OF MIXED-USE FUTURE LAND USE. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Res0029

PC Report

PC Exhibits

PC Minutes - Item 18

A motion was made by Council Member Beninga and seconded by Council Member Costello to adopt said Resolution 183-08.

Vote to adopt: Roll Call: Yeses, Litz, Brown, Knudson, Staggers, Beninga, Costello, 6. Noes, 0.
Motion Passed

RESOLUTION NO. 183-08

A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015 GROWTH MANAGEMENT PLAN PETITION NO. 2008-08-21 AT E. 57TH ST. BETWEEN HIGHWAY 11 AND S. SIX MILE RD. FROM THE UNALLOCATED LAND USE TO AN ALLOCATION OF MIXED-USE FUTURE LAND USE.

WHEREAS, there has been presented to Planning Commission an application for a future land use map to the Sioux Falls 2015 Growth Management Plan.

[This paragraph is optional.] WHEREAS, the petitioner has notified landowners within 500' of the subject property by mail and provided an affidavit to the City Planning Office.

WHEREAS, it has been determined that the following criteria have been met:

1. The proposed amendment is consistent with the goals, policies, and overall intent of the text within the comprehensive plan;
2. The proposed amendment is warranted by changed conditions within the neighborhood surrounding and including the subject property;
3. The proposed amendment achieves an arrangement of activities which promote harmonious interaction and minimizes land use conflicts surrounding the subject property;
4. The proposed amendment would not adversely affect the environment, historic resources, natural resources, urban services, public facilities, and transportation system;
5. The proposed amendment is warranted by an approved engineering analysis including, but not limited to,

adopted City-initiated master plans;

6. The proposed amendment would result in a logical and orderly development pattern;

7. The proposed amendment does not adversely affect any other part of the city, or create any direct or indirect adverse effects; and

8. The proposed amendment creates an undue impact on surrounding neighborhoods; whereas proposed developments should be consistent with the physical characteristics of the surrounding neighborhoods or improves their living environment and quality of life.

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

That the following described properties per Exhibit A are hereby amended from the unallocated land use to an

allocation of mixed-use future land use in regard to the Future Land Use Map of the 2015 Growth Management

Plan of Sioux Falls, South Dakota.

Government Lots 1 and 2 in Section 9-T100N-R49W, Lincoln County, SD.

Date adopted: 12/01/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

47. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF MINNESOTA CROSSING ADDITION, PETITION NO. 2008-09-04 THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Res0027

PC Report

PC Exhibits

PC Minutes - Item 14

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 184-08.

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

Motion Passed

RESOLUTION NO. 184-08

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF MINNESOTA CROSSING ADDITION,
PETITION NO. 2008-09-04.

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

That the preliminary plan of Minnesota Crossing Addition to the City of Sioux Falls, Lincoln 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: 12/01/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

48. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY-MCKENNAN PARK. THE VISUAL ARTS COMMISSION AND PARKS & RECREATION BOARD RECOMMEND APPROVAL.

Proposed Res0025

Exhibit

A motion was made by Council Member Brown and seconded by Council Member Costello to adopt said Resolution 185-08.

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

RESOLUTION NO. 185-08

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY-MCKENNAN PARK.

WHEREAS, the Sioux Falls Visual Arts Commission and Parks and Recreation Board encourages and recommends the

outdoor exhibition of public art in Sioux Falls, SD; and

WHEREAS, a bronze sculpture bust known as Helen McKennan, designed and constructed by sculptor artist Martin

Wanserski will be purchased by the McKennan Bust Foundation and donated to the City of Sioux Falls; and

WHEREAS, the proposed site placement for the Helen McKennan bust be prominently displayed in the southern

portion of McKennan Park at the walkway node; and

WHEREAS, the sculpture will be placed on a fieldstone base within the park s wal
kway node and face south
toward the existing band shell and be associated with new park lighting, tree pl
antings, and seating that will
be provided as part of the McKennan Park improvement project; and
WHREAS, the sculpture will measure approximately 26" in height, 18" in width, an
d 12" in depth and weigh
approximately 100 pounds; and
WHEREAS, there will be an informational plaque acknowledging Helen McKennan and
providing a historical
commentary; and
WHEREAS, the Sioux Falls Visual Arts Commission and Parks and Recreation Board r
eviewed the proposed Helen
McKennan sculpture on August 19, 2008, and November 18, 2008, respectively, and
recommends the proposed
placement in McKennan Park be approved by the City Council; and
NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:
The Helen McKennan sculpture and its placement in McKennan Park be approved as
recommended.

Date adopted: 12/01/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

49. A RESOLUTION APPOINTING A MEMBER TO THE AUDIT COMMITTEE (JOE MARSH -
FEBRUARY 2009 TO FEBRUARY 2012)

Proposed Res0136

A motion was made by Council Member Costello and seconded by Council Member
Knudson to adopt said Resolution 186-08.

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

RESOLUTION NO. 186-08

A RESOLUTION APPOINTING A MEMBER TO THE AUDIT COMMITTEE.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just
"BE IT RESOLVED..."

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

That the City Council appoints the following members to serve on the Audit Commi
ttee pursuant to Ordinance

120‑05:

Name	Committee	Term
Joe Marsh	Audit Committee	Appointed for a term from February 2009 to February 2012

Date adopted: 12/01/08.

Dave

Munson

Mayor
ATTEST:
Debra A. Owen
City Clerk

50. A RESOLUTION ESTABLISHING THE SIOUX FALLS CITY COUNCIL'S PRIORITIES FOR THE 2009 STATE LEGISLATIVE SESSION.

Proposed Res0031

A motion was made by Council Member Costello and seconded by Council Member Litz to adopt said Resolution 187-08.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Beninga, Costello, 6. Noes Staggers, 1.
Motion Passed

RESOLUTION NO. 187-08

A RESOLUTION ESTABLISHING THE SIOUX FALLS CITY COUNCIL S PRIORITIES FOR THE 2009 STATE LEGISLATIVE SESSION.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."

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

1. The Sioux Falls City Council strongly encourages the legislature to enact enabling legislation which allows municipalities to levy a local option tax to raise funds for a specified purpose

2. The Sioux Falls City Council strongly encourages the legislature to ensure adequate funding to meet transportation needs.

3. The Sioux Falls City Council, in conjunction with the South Dakota Municipal League, encourages standards be developed to provide equal 911 service to all citizens and visitors, and encourages cooperative efforts to improve 911 services and efficiency.

4. The Sioux Falls City Council strongly encourages the legislature to enact a statewide ban on smoking in all enclosed work places, public buildings, restaurants, bars, and casinos.

Date adopted: 12/01/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Brown and seconded by Council Member Litz to adjourn at 8:26 p.m.

Vote to adjourn: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Staggers, Beninga, Costello, 7. Noes, 0.

Motion Passed

Jamie L. Palmer

Assistant City Clerk