

	City of Sioux Falls Council Meeting Agenda	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, April 6, 2009 at 7:00 p.m.	

ROLL CALL #5

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Council Member Jamison  
Council Member Litz  
Council Member Staggers  
Council Member Anderson Jr.  
Council Member Beninga  
Council Member Brown  
Council Member Costello  
Mayor Dave Munson

INVOCATION

A. PASTOR PHILL TAGUE, THE RANSOM CHURCH

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, MARCH 16, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, MARCH 16, 2009, AT 7:00 P.M.

C. INFORMATIONAL MEETING OF MONDAY, MARCH 30, 2009, AT 4:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE KNIGHTS OF COLUMBUS, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM APRIL 15, 2009, THROUGH JANUARY 10, 2010, FOR A 2010 TOYOTA CAMRY (APPROXIMATE VALUE \$24,000.00) OR 50% OF TICKET SALES. TICKETS COST \$100.00 A PIECE. PROCEEDS WILL GO TOWARDS ESTABLISHING THE KNIGHTS OF COLUMBUS FOUNDATION.
2. A COMMUNICATION WAS RECEIVED FROM THE SOUTH DAKOTA DENTAL FOUNDATION, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM APRIL 15, 2009, THROUGH MAY 15, 2009, FOR A \$10,000.00 PRIZE. TICKETS COST \$125.00 A PIECE. PROCEEDS WILL GO TOWARDS SCHOLARSHIPS AND CHARITABLE DENTAL PROGRAMS.

3. A COMMUNICATION WAS RECEIVED FROM THE AVERA MCKENNAN FOUNDATION, STATING ITS INTENT TO SELL RAFFLE TICKETS AT THE BIG GRAPE, FROM APRIL 16, 2009, THROUGH APRIL 17, 2009, FOR A FLAT SCREEN TV (APPROXIMATE VALUE IS \$400.00), LAPTOP COMPUTER (APPROXIMATE VALUE IS \$1,000.00), AND TWO TOY FILLED WAGONS (APPROXIMATE VALUE IS \$250.00). TICKETS COST \$10.00 FOR ONE CHANCE OR \$20.00 FOR THREE CHANCES. PROCEEDS WILL GO TOWARDS VARIOUS PROGRAMS TO BENEFIT PATIENTS AND FAMILIES SERVED BY THE AVERA CHILDREN'S HOSPITAL AND CLINICS.
4. A COMMUNICATION WAS RECEIVED FROM WAL-MART STORES #1535 AND #3237, STATING ITS INTENT TO SELL RAFFLE TICKETS ON APRIL 18, 2009, DURING A CAKE DECORATING CHALLENGE, FOR ONE OF THE DECORATED CAKES (APPROXIMATE VALUE IS \$100.00). TICKETS COST \$1.00 APIECE. PROCEEDS WILL GO TO THE CHILDREN'S MIRACLE NETWORK.
5. A COMMUNICATION WAS RECEIVED FROM DEBRA K. MCCOY REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, LIQUOR, WINE, AND/OR MALT BEVERAGES AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON FRIDAY, AUGUST 7, 2009, FROM 6:00 P.M. TO 12:00 A.M. FOR HER SON'S WEDDING REHEARSAL DINNER.
6. A COMMUNICATION WAS RECEIVED FROM MR. AND MRS. DAVID R. SALMEN REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE AND MALT BEVERAGES AT THE OLD COURTHOUSE MUSEUM AT 200 WEST SIXTH STREET, ON SATURDAY, SEPTEMBER 5, 2009, FROM 5:00 P.M. TO 12:00 A.M. FOR THE PURPOSE OF A WEDDING RECEPTION.

#### APPLICATIONS

7. BARRY WILLIAMS, PARCEL 70294, A 1993 FRIENDSHIP MOBILE HOME IN PINEVIEW MOBILE HOME COURT, FOR 2005 PROPERTY TAXES, IN THE AMOUNT OF \$247.16. THE MOBILE HOME WAS MOVED TO BROOKINGS IN APRIL 2004 AND ADDED TO THE BROOKINGS COUNTY TAX ROLL FOR 2005. TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR DOUBLE ASSESSMENT.
8. ANDY CURRY, PARCEL 68191, A 1995 SKYLINE MOBILE HOME IN MARION MANOR MOBILE HOME COURT, FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$165.95. THE MOBILE HOME WAS MOVED TO ELK POINT IN JULY 2007 AND ADDED TO THE UNION COUNTY TAX ROLL FOR 2008. TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR DOUBLE ASSESSMENT.
9. JOYCE JONES, 900 S. WESTERN AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$785.06. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
10. ELLEN STRAUSS, 2805 S. DULUTH AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$847.17. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.

#### NOTICE OF HEARINGS

Set hearing date for Monday, April 20, 2009, at 7:00 p.m. on Items 11 through 20:

DOC: MEMO

11. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM MMLK INC., THE BRASS RAIL, 1213 NORTH CLIFF AVENUE, TO JTJ HOLDINGS LLC, TOPPER'S, TO BE OPERATED AT 1213 NORTH CLIFF AVENUE, INCLUDING VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
12. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM MINT CASINO INC., MINT CASINO, 3601 EAST TENTH STREET, TO JPTS INC., MINT CASINO, TO BE OPERATED AT 3601 EAST TENTH STREET, INCLUDING VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).

Memo

13. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM EXECUTIVE SUBS & SALADS INC., EXECUTIVE CASINO, 2218 SOUTH MINNESOTA AVENUE, TO PINBALL INC., EXECUTIVE CASINO, TO BE OPERATED AT 2218 SOUTH MINNESOTA AVENUE, INCLUDING VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).

Memo

14. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM JERRY A. HAUCK, MONK'S, 420 EAST EIGHTH STREET, TO HAUCK TOBIN LLC, MONK'S HOUSE OF ALE REPUTE, TO BE OPERATED AT 420 EAST EIGHTH STREET, WITH THE CONDITIONAL USE PERMIT (2007-08-14) BEING APPROVED ON 09-05-07.

CUP 2007-08-14

15. TRANSFER OF A 2009 RETAIL WINE LICENSE FROM JERRY A. HAUCK, MONK'S, 420 EAST EIGHTH STREET, TO HAUCK TOBIN LLC, MONK'S HOUSE OF ALE REPUTE, TO BE OPERATED AT 420 EAST EIGHTH STREET, WITH THE CONDITIONAL USE PERMIT (2007-08-14) BEING APPROVED ON 09-05-07.
16. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR SMG TO BE OPERATED AT THE ORPHEUM THEATER, 315 NORTH PHILLIPS AVENUE, FOR WEDDING RECEPTIONS ON JUNE 20, AUGUST 1, AND AUGUST 29, 2009.
17. SPECIAL ONE-DAY LIQUOR LICENSE FOR JEAN AND AARON (TOM) SLATTERY, J&T SERVICES, TO BE OPERATED AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, FOR A WEDDING RECEPTION ON MAY 16, 2009.
18. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR HY-VEE INC., ALL OCCASIONS BY HY-VEE, TO BE OPERATED AT THE DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 SOUTH KIWANIS AVENUE, ON MAY 8, 2009, FOR THE NORTH CENTRAL HEART SEMINAR, AND ON THE FOLLOWING DATES FOR WEDDING RECEPTIONS IN 2009: MAY 2; JUNE 6, 13, 20, 27; JULY 18; AUGUST 22, 29; AND SEPTEMBER 26.

19. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR SANFORD HEALTH FOUNDATION TO BE OPERATED AT THE SANFORD CHILDREN'S HOSPITAL (FRONT LAWN), 1600 WEST 22ND STREET, ON JUNE 6, FOR THE 2009 SANFORD CHILDREN'S GALA FUNDRAISER.

20. SPECIAL ONE-DAY MALT BEVERAGE LICENSE FOR THE MINNEHAHA SERTOMA CLUB TO BE OPERATED AT THE SERTOMA BUTTERFLY HOUSE, 4320 SOUTH OXBOW AVENUE, ON MAY 2, 2009, FOR A REGIONAL CONFERENCE.

| CONSENT AGENDA ITEMS |

APPROVAL OF REGULAR AGENDA

PUBLIC INPUT

INTRODUCTION AND ADOPTION OF ORDINANCES

21. 2ND 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

22. 2ND 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

23. 2ND 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

24. 2ND 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 Exhibits

PC Minutes - Item 5

25. 2ND 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 Exhibits

PC Minutes - Item 4

26. 2ND 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 Exhibits

PC Minutes - Item 17

27. 2ND 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

Set hearing date and 2nd Reading for Monday, April 13, 2009, at 7:00 p.m. on  
Item 28:

28. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA,  
AUTHORIZING THE REFUNDING OF A PORTION OF THE CITY'S MULTIFAMILY HOUSING  
REVENUE REFUNDING BONDS (INN ON WESTPORT PROJECT), SERIES 2006; AUTHORIZING  
THE REISSUANCE OF A PORTION OF THE CITY'S MULTIFAMILY HOUSING REVENUE  
REFUNDING BONDS (INN ON WESTPORT PROJECT), SERIES 2006; APPROVING THE FORM  
OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER AMENDMENT  
AGREEMENT; AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND  
DELIVERY OF THE REISSUED BOND IN AN AMOUNT NOT TO EXCEED \$5,500,000 AND  
CERTAIN RELATED DOCUMENTS.

Ord. 1086

HEARINGS AND RESOLUTIONS

29. DEFERRED ACTION: 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

30. A RESOLUTION REAPPOINTING AN AUDIT COMMITTEE MEMBER TO THE AUDIT COMMITTEE.  
(BRAD WHITSELL, CPA)

Res. 0058

31. A RESOLUTION TO ADOPT SHAPE SIOUX FALLS LAND USE AND DEVELOPMENT POLICIES.  
THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0047

PC Report

PC Minutes - Item 11

Link - Shape Sioux Falls

32. A RESOLUTION AMENDING THE FUTURE LAND USE MAP AS A PART OF THE SIOUX FALLS 2015 GROWTH MANAGEMENT PLAN PETITION NO. 2009-02-11 AT THE NE CORNER OF SD HWY 11 AND E. 41ST ST. FROM AN ALLOCATION OF FUTURE SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL LAND USE TO AN ALLOCATION OF SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL, OFFICE, COMMERCIAL, AND MIXED-USE FUTURE LAND USES. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0049

PC Report

PC Exhibits

PC Minutes - Item 15

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

2015 GROWTH MANAGEMENT PLAN PETITION NO. 2008-10-20 AT W. 54TH ST. N. AND NORTH MARION RD. FROM AN ALLOCATION OF FUTURE SINGLE-FAMILY LAND USE TO AN ALLOCATION OF SINGLE-FAMILY RESIDENTIAL, MULTI-FAMILY RESIDENTIAL, OFFICE, AND MIXED-USE FUTURE LAND USES. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 0050

PC Report

PC Exhibits

PC Minutes - Item 14

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)

34. REPORT OF THE MARCH 31, 2009, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS.

Memo

ADJOURNMENT