

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West 10th Street
|| MEETING OF Monday, March 1, 2010 at 7:00 p.m. |

ROLL CALL #7

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Litz	None.
Council Member Staggers	
Council Member Anderson Jr.	
Council Member Beninga	
Council Member Brown	
Council Member Costello	
Council Member Jamison	
Council Member Knudson	
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, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Beninga, Council Member Costello, 8.

Noes, 0.

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, FEBRUARY 16, 2010, AT 4:00 P.M.

B. JOINT CITY COUNCIL/LINCOLN COUNTY/MINNEHAHA COUNTY MEETING OF MONDAY, FEBRUARY 16, 2010, AT 5:00 P.M.

C. CITY COUNCIL MEETING OF MONDAY, FEBRUARY 16, 2010, AT 7:00 P.M.

D. INFORMATIONAL MEETING OF MONDAY, FEBRUARY 22, 2010, AT 4:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE YWCA SIOUX FALLS, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM MARCH 25, 2010, TO MARCH, 31, 2010, FOR JEWELRY OR A WINE REFRIGERATOR (VALUED AT \$300.00). TICKETS WILL BE \$10.00 EACH. THE PROCEEDS ARE TO BE USED TO BENEFIT PROGRAMS OFFERED BY THE YWCA FOR WOMEN, CHILDREN AND FAMILIES.
2. A COMMUNICATION WAS RECEIVED FROM KALEN REINKE REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE AND MALT BEVERAGES WITH A TWO DRINK LIMIT AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON SUNDAY, JUNE 13, 2010, FROM 7:00 P.M. - 9:00 P.M. FOR THE PURPOSE OF A WEDDING RECEPTION.
3. A COMMUNICATION WAS RECEIVED FROM THE SIOUXLAND HERITAGE MUSEUMS REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE AND/OR MALT BEVERAGES AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON THURSDAY, APRIL 15, 2010, FROM 5:00 P.M. - 7:00 P.M. FOR THE PURPOSE OF AN OPENING RECEPTION FOR THE NEW BALLOONING EXHIBIT.

APPLICATIONS

The following abatement was recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

4. MARGUERITE SYLVIS, 904 S. KIWANIS AVENUE, FOR 2009 PROPERTY TAXES IN THE AMOUNT OF \$794.61. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND THE NON ELDERLY FREEZE.

NOTICE OF HEARINGS

Set the hearing date for Monday, March 15, 2010, at 7:00 p.m. on Items 5 through 10:

DOC: DOCUMENT: ALCOHOL MEMO

5. NEW 2010 PACKAGE LIQUOR LICENSE FOR WK SUPPLIERS INC, WOLFIE'S LIQUOR SPOT, TO BE OPERATED AT 6811 SOUTH LOUISE AVENUE.
6. 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, FOR WEDDING RECEPTIONS ON THE FOLLOWING DATES IN 2010: JUNE 5, 12, 18, 19; JULY 3, 17; AUGUST 28; SEPTEMBER 3, 25; OCTOBER 2, 9; AND NOVEMBER 27.
7. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, FOR ARTS

NIGHT ON MAY 3, 2010, AND FOR WEDDING RECEPTIONS ON JUNE 11 AND 19, 2010.

8. 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 28, 2010, FOR THE TASTE OF SOUTH DAKOTA.
9. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSE REQUESTS FOR THE SIOUX FALLS AREA CASA PROGRAM TO BE OPERATED AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON MARCH 26, 2010, FOR A FUNDRAISER.
10. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSE REQUESTS FOR DOWNTOWN SIOUX FALLS FOR EVENTS IN 2010 AS FOLLOWS: 1) DOWNTOWN BLOCK PARTY ON THE EAST BANK AT THE 8TH AND RAILROAD PARKING LOT JUNE 4, JULY 2, AND AUGUST 6; 2) AUTOMANIA ON PHILLIPS AND MAIN AVENUES FROM 10TH TO 13TH STREETS ON JUNE 11; AND 3) HOT SUMMER NITES ON PHILLIPS AND MAIN AVENUES FROM 9TH TO 14TH STREETS ON JULY 14.

APPROVAL OF REGULAR AGENDA

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

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

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

DOC: DOCUMENT: ALCOHOL MEMO

11. SPECIAL ONE-DAY LIQUOR LICENSE FOR SMG TO BE OPERATED AT THE ORPHEUM THEATER, 315 NORTH PHILLIPS AVENUE, FOR A BUSINESS MEETING/RECEPTION ON MARCH 6, 2010.
A motion was made by Council Member Jamison and seconded by Council Member Anderson Jr. to approve with one vote as follows
Vote to approve: Roll Call: Yeses, Litz, Staggers, Anderson Jr., Beninga, Brown, Costello, Jamison, Knudson, 8. Noes, 0. Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

12. DEFERRED ACTION (FROM MEETING OF FEBRUARY 8, 2010) 2ND READING: AN

ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING CHAPTER 15 1/2, FEES.

Document: Ord. 1124

Document: Ord. 1124b - Proposed Amendment B - Beninga

Document: Ord. 1124c - Proposed Amendment C - Staggers

A motion was made by Council Member Beninga and seconded by Council Member Knudson to defer this item to the City Council Meeting of Monday, April 5, 2010, at 7:00 p.m .

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

Motion Passed

13. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2009 INTERNATIONAL BUILDING CODE AND AMENDMENTS THERETO.

Document: Ord. 1154

Document: Ord. 1154a - Proposed Amendment A

Document: IBC Ordinance Submittal and Synopsis

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 16-10.

A motion was made by Council Member Litz and seconded by Council Member Costello to amend this item by adding the following information to page 25:

1107.6.2.1.1 Type A units. In Group R-2 occupancies containing more than 24 dwelling units or sleeping units, at least two percent but not less than one of the units shall be a Type A unit. All R-2 units on a site shall be considered to determine the total number of units and the required number of Type A units. Type A units shall be dispersed among the various classes of units.

Exceptions:

1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.
3. The following provisions in Section 1003 Type A Dwelling Units referenced in the ICC/ANSI A17.1-2003 are applicable:
 1. A 5-foot clear floor space within a walk-in closet is not required.
 2. A work surface in the kitchen referenced in 1003.12.3 Work Surface is not

required.

3. The reduced work height of the kitchen sink at 34 inches referenced in 1003.12.4.2 Height is not required.

4. Laundry equipment and appliances require only the clear floor space referenced in 611 Washing Machines and Clothes Dryers and 1003.12.6 Appliances.

5. The height of the storage areas referenced in 1003.14.2 height, are applicable to the base cabinets only.

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

Motion Passed

Vote to adopt, as amended: Roll Call: Yeses, Anderson Jr., Jamison, Knudson, Litz, Beninga, Brown, Costello, 7. Noes, Staggers, 1. Motion Passed.

14. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2009 INTERNATIONAL EXISTING BUILDING CODE AND AMENDMENTS THERETO.

Document: Ord. 1155

Document: IExBC Ordinance Submittal and Synopsis

A motion was made by Council Member Litz and seconded by Council Member Knudson to adopt said Ordinance 17-10.

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

Motion Passed

15. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2009 INTERNATIONAL RESIDENTIAL CODE AND AMENDMENTS THERETO.

Document: Ord. 1156

Document: IRC Ordinance Submittal and Synopsis

A motion was made by Council Member Brown and seconded by Council Member Litz to adopt said Ordinance 18-10 .

Vote to adopt: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Beninga, Council Member Costello, 7. Noes Council Member

Staggers, 1.
Motion Passed

16. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2009 INTERNATIONAL MECHANICAL CODE AND THE 2009 INTERNATIONAL FUEL GAS CODE AND AMENDMENTS THERETO.

Document: Ord. 1153

Document: IMC IFGC Ordinance Submittal and Synopsis

A motion was made by Council Member Litz and seconded by Council Member Knudson to adopt said Ordinance 19-10.

Vote to adopt: Roll Call: Yeses, Council Member Jamison, Council Member Litz, Council Member Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Beninga, Council Member Costello, 7. Noes Council Member Staggers, 1.
Motion Passed

17. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE AND AMENDMENTS THERETO.

Document: Ord. 1157

Document: IPMC Ordinance Submittal and Synopsis

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 20-10.

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

18. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADOPTING THE 2009 INTERNATIONAL FIRE CODE AND AMENDMENTS THERETO.

Document: Ord. 1152

Document: 2009 IFC Ordinance Synopsis

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Ordinance 21-10.

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

Motion Passed

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 3020 N. VAN EPS AVE.. FROM THE RA-2, RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2009-12-17 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS.

Document: Ord. 1160

PC Staff Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Ordinance 22-10.

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

Motion Passed

20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2010-01-05 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT W. 32ND ST. AND MARY BETH AVE. AMENDING THE WESTWOOD VALLEY PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS.

Document: Ord. 1159

PC Staff Report

PC Exhibits

PC Minutes - Item 7

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to adopt said Ordinance 23-10.

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

Motion Passed

Set the hearing date and 2nd Reading for Monday, March 8, 2010, at 7:00 p.m. for Item 21:

21. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING SECTIONS 27-40 AND 27-41 OF ARTICLE III OF CHAPTER 27, "PARKS AND RECREATION," OF THE REVISED ORDINANCES OF THE CITY BY REVISING RECREATION AND FACILITY FEES.

Document: Ord. 1150

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to set a hearing date and 2nd Reading for Monday, March 8, 2010, at 7:00 p.m. for Item 21:.

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

Motion Passed

Set the hearing date and 2nd Reading for Monday, March 15, 2010, at 5:00 p.m. for Items 22 and 23:

22. 1ST READING: AN ORDINANCE AMENDING THE 2002 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY REVISING THE STANDARDS FOR DRIVEWAYS, PARKING LOTS, AND LOADING/UNLOADING AREAS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1162

PC Report

23. 1ST READING: AN ORDINANCE AMENDING THE 2002 REVISED ZONING ORDINANCE FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY ADDING VEHICLE AND EQUIPMENT RESTRICTIONS TO THE ADDITIONAL USE SECTION AND SUPPORTIVE DESCRIPTIONS IN THE DEFINITION SECTION OF THE ORDINANCE. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1163

PC Report

A motion was made by Council Member Knudson and seconded by Council Member Beninga to set a hearing date and 2nd Reading for Monday, March 15, 2010, at 5:00 p.m. for Items 22 and 23: .

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

HEARINGS AND RESOLUTIONS

24. A RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS.

Document: Res. 1699

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adopt said Resolution 13-10.

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

RESOLUTION 13-10

A RESOLUTION APPROVING A REVISED JOINT COOPERATIVE AGREEMENT ESTABLISHING THE SOUTH EASTERN COUNCIL OF GOVERNMENTS.

WHEREAS, in 1970, South Dakota Governor Frank Farrar signed an Executive Order creating six Planning and Development Districts in South Dakota; and
WHEREAS, the South Eastern Council of Governments (SECOG) was created when local officials in the area exercised their authority under the Joint Exercise of Governmental Powers (S DCL 1-24); and
WHEREAS, SECOG serves Clay, Lincoln, McCook, Minnehaha, Turner, and Union Counties as well as the municipalities located within those counties in southeastern South Dakota; and
WHEREAS, SECOG was created as a means whereby counties and cities and other public and private organizations within them may cooperate with one another to improve the health, safety, and general welfare of the citizens of the region; and
WHEREAS, SECOG promotes regional cooperation and the economical delivery of serv

ices and has been providing technical assistance to local governmental entities for more than 35 years; and WHEREAS, SECOG s Executive Board has determined that the existing Joint Cooperative Agreement entered into in 2006 should be revised.

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:

1. The City of Sioux Falls hereby approves the document titled South Eastern Council of Governments Joint Cooperative Agreement among Clay, Lincoln, McCook, Minnehaha, Turner, and Union counties and the cities of Sioux Falls, Vermillion, and Brandon

2. The agreement, containing revisions to the existing 2006 Joint Cooperative Agreement, is attached to and hereby made a part of this resolution.

Date adopted: 03/01/10 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

Copies of the agreement are available for viewing at the City Clerk s Office, 23 5 W. 10th Street, Sioux Falls, SD or online at www.siouxfalls.org

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)

25. REPORT OF THE FEBRUARY 24, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS. (MEMO 1)

Document: Memo 1

26. REPORT OF THE FEBRUARY 24, 2010, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN MAJOR ORGANIZATIONAL UNITS. (MEMO 2)

Document: Memo 2

ADJOURNMENT

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to adjourn the meeting at 8:12 p.m.

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

Tamara Jorgensen, CMC
Assistant City Clerk