

	City of Sioux Falls Council Meeting Minutes
	Carnegie Town Hall, 235 West 10th Street
	MEETING OF Monday, December 21, 2009 at 7:00 p.m.

ROLL CALL #8

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Staggers	None.
Council Member Anderson Jr.	
Council Member Beninga	
Council Member Brown	
Council Member Costello	
Council Member Jamison	
Council Member Litz	
Council Member Knudson	
Mayor Dave Munson	

INVOCATION

A. REVEREND TIMOTHY FOUNTAIN, GOOD SHEPHERD EPISCOPAL CHURCH

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, DECEMBER 14, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, DECEMBER 14, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE SCHOOL FAMILY ORGANIZATION OF ST. LAMBERT SCHOOL STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM JANUARY 30, 2010 TO FEBRUARY 7, 2010 FOR SEVERAL THEMED GIFT BASKETS VALUED AT

APPROXIMATELY \$250.00 OR LESS. TICKETS WILL BE \$1.00. THE PROCEEDS ARE TO BE USED TO PURCHASE EQUIPMENT FOR THE SCHOOL.

2. A COMMUNICATION WAS RECEIVED FROM THE TECHNOLOGY COMMITTEE AT ST. LAMBERT SCHOOL STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM MARCH 30, 2010 TO APRIL 16, 2010 FOR A SHOPPING BONANZA (3 PRIZES WITH TOTAL VALUE OF \$2,000.00.) TICKETS WILL BE \$2.00. THE PROCEEDS ARE TO BE USED TO PURCHASE NEW COMPUTER HARDWARE FOR THE SCHOOL.
3. A COMMUNICATION WAS RECEIVED FROM THE SIOUXLAND RENAISSANCE ASSOCIATION STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM JANUARY 16, 2010 TO JUNE 6, 2010 FOR A BANNER QUILT MADE OF SRA T-SHIRTS. TICKETS WILL BE \$1.00 EACH OR 6 FOR \$5.00. THE PROCEEDS WILL BE USED TO SUPPORT THE FUNDRAISING EFFORTS FOR THE SRA.

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Litz and seconded by Council Member Brown 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

Citizen Tim Stanga spoke regarding sales tax and financing the Events Center.

UNFINISHED BUSINESS

DOC: ITEMS 4-8 MEMO-COUNCIL

4. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM DAKOTA CUISINE INC., RUBY TUESDAY, 3308 EAST TENTH STREET, TO HOWELL & HOWELL INC., HOLIDAY INN EXPRESS, TO BE OPERATED AT 2501 SOUTH SHIRLEY AVENUE, INCLUDING SUNDAY SALES, WITH THE SPECIAL USE PERMIT (2009-10-15) BEING CONSIDERED ON 12-02-09.
5. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM PORTER APPLE COMPANY "B" INC., APPLEBEE'S NEIGHBORHOOD GRILL AND BAR, 108 SOUTH MINNESOTA AVENUE, TO SOFT EGG INC., WHISK & CHOP, TO BE OPERATED AT 108 SOUTH MINNESOTA AVENUE, INCLUDING SUNDAY SALES, WITH THE CONDITIONAL USE PERMIT (2005-09-13) BEING APPROVED ON 10-05-05.
6. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR SMG TO BE OPERATED AT THE ORPHEUM THEATER, 315 NORTH PHILLIPS AVENUE, FOR WEDDING RECEPTIONS ON

JANUARY 9, JUNE 4, AND JUNE 26, 2010.

7. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, TO BE HELD ON JANUARY 5, 2010, FOR AN AVERA MCKENNAN RECEPTION, AND ON AUGUST 6, 2010, FOR A WEDDING RECEPTION.

A motion was made by Council Member Beninga and seconded by Council Member Jamison to approve Items 4 through 7 with one vote.

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

8. VARIOUS RETAIL LIQUOR, PACKAGE LIQUOR, AND RETAIL WINE LICENSE RENEWALS FOR 2010 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, IDENTIFIED AS EXHIBIT C.

Item 8 Exh C Portrait

Item 8 Sixth Street Market SMP

Item 8 Bake's Liquors SMP

Item 8 Lambo's SMP

Item 8 Taylor's Pantry SMP

TC's Mini Mart SMP

A motion was made by Council Member Jamison and seconded by Council Member Litz to approve Item 8.

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

INTRODUCTION AND ADOPTION OF ORDINANCES

9. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY ADDING ONE PROPERTY TO SECTION 39-82A, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.

Proposed ord1129

A motion was made by Council Member Litz and seconded by Council Member Knudson to adopt said Ordinance 111-09.

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

10. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING APPENDIX B, ZONING ORDINANCE, REGARDING CAMPGROUNDS AND CAMPING UNITS.

Proposed ord0051

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 112-09.

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

HEARINGS AND RESOLUTIONS

11. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA - ANNEXATION 2009-11-03 SD HIGHWAY 11 AND 26TH STREET RIGHT-OF-WAY.

proposed res1690

Exhibit

Report

Council Member Litz left the meeting at this time.

A motion was made by Council Member Knudson and seconded by Council Member Brown to adopt said Resolution 122-09.

Vote to adopt: Roll Call: Yeses, Council Member Jamison, Council Member

Anderson Jr., Council Member Brown, Council Member Knudson, Council Member Staggers, Council Member Beninga, Council Member Costello, 7. Noes, 0.
Motion Passed

RESOLUTION NO. 122-09

ANNEXATION 2009-11-03 SD HIGHWAY 11 AND 26TH STREET RIGHT

-OF-WAY

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

3. There is adequate provision for municipal utilities and access to the major street network.

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, Minnehaha County, and the boundary of the city is hereby extended to include such territory.

The unincorporated portion of SD Hwy. 11 right-of-way in Section 25, T101N, R49W from East 26th Street south

to the existing city limits at the north property line of Tract 1 Evangelical Covenant Church Addition, all in

Minnehaha County, South Dakota, and adjacent to but not including the following properties:

NE1/4 of Section 25, T101N, R49W, (Ex. Lots H1, 2, 3, 4, 5, 6, 7, and 8 and Kappenman s Tract 1) and

Kappenman s Tract 2 (Ex. Lot H1) NE1/4 NE1/4 Section 25, T101N, R49W, Minnehaha County, South Dakota.

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 12/21/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

12. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA - ANNEXATION 2009-11-02 POWDERHOUSE ROAD AND SIXTH STREET RIGHT-OF-WAY.

proposed res1689

Exhibit

Report

Council Member Litz Returned to the meeting at this time.

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt said Resolution 123-09.

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 NO. 123-09

ANNEXATION 2009-11-02 POWDERHOUSE ROAD AND SIXTH STRE

ET

RIGHT-OF-WAY

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

3. There is adequate provision for municipal utilities and access to the major street network.

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, Minnehaha County, and the boundary of the city is hereby extended to include such territory.

The unincorporated portion of Powder House Road right-of-way from 6th Street south to the existing city limits at the quarter-quarter-section line of Section 13 and also the unincorporated portion of Powder House Road right-of-way between East Staudenmeier Place and East Hein Place, all in Minnehaha County, South Dakota, and adjacent to but not including the following properties:

- * Lot 2 Menard s 3rd Addition to the City of Sioux Falls, Section 13, T101N, R49 W
- * Tract 4 Heins Addition SW1/4 SW1/4 Section 18 ,T101N, R48W
- * Tract 3 Heins Addition SW1/4 SW1/4 Section 18, T101N, R48W
- * N150 W300 Oliver Tr. 3 SW1/4 SW1/4 Section 18, T101, R48W
- * W1/2 NW1/4 (Ex. H-1) Section 18, T101, R48W
- * NW1/4 SW1/4 (Ex. N16.5 & ex. H1 & H2) Section 18, T101, R48W, all within Minnehaha County, South Dakota.

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 12/21/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

13. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA - ANNEXATION 2009-11-01 SERTOMA AVENUE RIGHT-OF-WAY.

Proposed res1688

Exhibit

Report

A motion was made by Council Member Jamison and seconded by Council Member Litz to adopt said Resolution 124-09.

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 NO. 124-09

ANNEXATION 2009-11-01 SERTOMA AVENUE RIGHT-OF-WAY
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. A future land use map amendment to the 2015 Growth Management Plan is required.
3. There is adequate provision for municipal utilities and access to the major street network.

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, Minnehaha County, and the boundary of the city is hereby extended
to include such
territory.

The unincorporated portion of Sertoma Avenue right-of-way 80 feet in width from
41st Street south to the
existing city limits at the half-section line of Section 34, T101N, R50W, Minnehaha
County, South Dakota, and
adjacent to but not including the following properties:

Lot 1 in Block 17 of the replat of West Mesa Highlands Addition to the City of Sioux Falls within the NE1/4

Section 35, T101N, R50W, Minnehaha County, South Dakota.

Lots 11 and 25 of Block 17, Lots 1-13 of Block 20, Lots 16-18 of Block 18 all within West Mesa Highland

Addition to the City of Sioux Falls, Section 35, T101N, R50W, Minnehaha County, South Dakota.

Tract 1 (Except S2 W200) of Block 13 all within West Mesa Highlands Addition to the City of Sioux Falls,

Section 35, T101N, R50W, Minnehaha County, South Dakota.

Lots 1A and 2 of Tract A of Morrow s Addition to the City of Sioux Falls, Section 35, T101N, R50W, Minnehaha

County, South Dakota.

NE1/4 (Except R-1) Section 34, T101N, R50W, Minnehaha County, South Dakota.

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a
duly certified transcript of this resolution.

Date adopted: 12/21/09.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

14. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PETTIGREW HEIGHTS NEIGHBORHOOD REDEVELOPMENT PLAN.

Proposed res1687

Pettigrew Heights Neighborhood Redevelopment Plan

PHN Plan Presentation CC revised 122109

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt said Resolution 125-09.

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 NO. 125-09

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PETTIGREW HEIGHTS NEIGHBORHOOD REDEVELOPMENT PLAN.

WHEREAS, the Pettigrew Heights Neighborhood Redevelopment Plan was written to guide redevelopment within

Pettigrew Heights and designate Pettigrew Heights as a redevelopment neighborhood based on conditions provided

in SDCL Chapter 11-7; and

WHEREAS, those conditions being met in SDCL Chapter 11-7-78 include:

1. That the redevelopment project area is a blighted area.
 - a. That the redevelopment project area is a blighted area as provided in SDCL 11-7-3;
 - b. That a shortage of housing of sound standards and design adequate for family life exists in the municipality or the county;
 - c. That the need for housing accommodations has been or will be increased as a result of the demolition of residential units in blighted areas under redevelopment plans; and
 - d. That development of the blighted area for predominantly residential uses is an integral part of and essential to the program of the municipality or the county for the elimination of blighted areas;

1. That the redevelopment plan will afford maximum opportunity consistent with the sound needs of the municipality as a whole for the redevelopment of the redevelopment project area by private enterprise;
2. That the redevelopment plan conforms to the general plan for the development of the municipality as a whole; and
3. That federal assistance is necessary to enable the redevelopment project area to be redeveloped in accordance with the redevelopment plan, and funds will be available for the municipality's cost as required by the Housing Act of 1949 or the other federal acts providing federal financial assistance, or that federal financial assistance is not necessary and all funds will be available from other sources.

WHEREAS, the City Council finds that the requirements the plan must address as defined by SDCL 11-7-6 have been met and include:

- * It indicates its relationship to definite local objectives as to appropriate land uses and as to improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.
- * It indicates the proposed land uses and building requirements.
- * It shows that these land uses and building requirements will do the following:

- v Promote the development of well planned, integrated neighborhoods.
- v Secure safety from fire, panic, and other dangers.
- v Promote health and general welfare.
- v Provide adequate light and air.
- v Prevent the overcrowding of land.
- v Avoid undue concentration of the population.
- v Avoid congestion in the streets.
- v Facilitate the provisions of adequate transportation, water, sewerage, and other public requirements.
- v Prevent the recurrence of slums or conditions of blight and the spread of disease, crime, and juvenile delinquency.
- v Permit the development of the resources and the improvement of the economic facilities of the county, municipality, and the state.

WHEREAS, the Pettigrew Heights Neighborhood Redevelopment Plan was written by the Pettigrew Heights Neighborhood Committee, in coordination with the City of Sioux Falls and numerous nonprofit organizations. The Plan identifies goals and implementation strategies to address blight and slum conditions and will be readdressed in the next three to five years; and
WHEREAS, anticipated outcomes of the plan include:

- * Overall neighborhood growth;
- * Decrease in crime statistics through awareness and neighborhood cleanup;
- * Decrease in code enforcement related complaints through education, cleanup, and various rehabilitation programs;

- * Increase in affordable housing through encouragement of mixed-use redevelopment along Tenth St. and 12th St.;
- * Increase in owner-occupied housing through support of existing programs and establishment of new programs such as Single-Family Tax Reduction;
- * Increase in redevelopment between Tenth St. and 12th St. and along Minnesota Avenue.;
- * Increase in rehabilitation of historic properties through nomination (when appropriate) to the National Register of Historic Places;
- * Increase neighborhood quality of life through continued development of city, nonprofit organizations, and neighborhood partnership services and programs relating to safety, affordable housing, beautification, and sustainability; and

WHEREAS, the Sioux Falls Planning Commission and Sioux Falls Housing and Redevelopment Commission held public hearings on the proposed Pettigrew Heights Neighborhood Redevelopment Plan on August 5, 2009, and September 21, 2009, respectively, and recommends the proposed Pettigrew Heights Neighborhood Redevelopment Plan be approved by the Sioux Falls City Council; and

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

The Pettigrew Heights Neighborhood Redevelopment Plan is hereby approved, as recommended, and the City further finds:

1. The following conditions exist:
 - a. That the redevelopment project area is a blighted area as provided in SDCL 11-7-3;
 - b. That a shortage of housing of sound standards and design adequate for family life exists in the municipality or the county;
 - c. That the need for housing accommodations has been or will be increased as a result of the demolition of residential units in blighted areas under redevelopment plans; and
 - d. That development of the blighted area for predominantly residential uses is an integral part of and essential to the program of the municipality for the elimination of blighted areas;
2. The redevelopment plan will afford maximum opportunity consistent with the sound needs of the municipality as a whole for the redevelopment of the redevelopment project area by private enterprise;
3. The redevelopment plan conforms to the general plan for the development of the municipality as a whole; and
4. The federal assistance is necessary to enable the redevelopment project area to be redeveloped in accordance with the redevelopment plan, and funds will be available for the municipality's cost as required by the Housing Act of 1949 or the other federal acts providing federal financial assistance, or that federal financial assistance is not necessary and all funds will be available from other sources.

Date adopted: 12/21/09.

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member Jamison to adjourn at 7:45 p.m.

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

Jamie L. Palmer

Assistant City Clerk