

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, October 19, 2009 at 7:00 p.m.	

ROLL CALL #1

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

Members Absent: Council Member Knudson

INVOCATION

A. PASTOR JIM HOOGEVEEN, HEARTLAND COMMUNITY CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATION

A. Sioux Empire Character Counts Coalition Week - October 18-24, 2009

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Knudson and seconded by Council Member Jamison to approve the Consent Agenda.
Vote to approve: Roll Call: Yeses, Anderson Jr., Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, 8. Noes, 0. Motion Passed.

MINUTES

A. INFORMATIONAL MEETING OF TUESDAY, OCTOBER 13, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF TUESDAY, OCTOBER 13, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM SOUTHEAST TECHNICAL INSTITUTE, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM NOVEMBER 1, 2009, TO DECEMBER 24, 2009, FOR A CASH PRIZES AND VARIOUS GIFT CARDS TO LOCAL ESTABLISHMENTS (VALUED FROM \$100 TO \$300). TICKETS WILL BE \$2.00 EACH OR THREE FOR \$5.00. THE PROCEEDS ARE TO BE USED FOR AN END OF THE YEAR FIELD TRIP FOR THE STUDENTS AND FOR LEADERSHIP AWARDS FOR ASSOCIATION MEMBERS.

REGULAR AGENDA

APPROVAL OF REGULAR AGENDA

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

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

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

DOC: DOCUMENT: ALCOHOL MEMO

2. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM ROD WOELFEL, NAME T/B/D, 3100-3108-3110 WEST 12TH STREET, TO DAKOTA BILLIARDS INC., BIGS SPORTS BAR AND CASINO, TO BE OPERATED AT 3108-3110 WEST 12TH STREET, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2009-08-02) BEING APPROVED ON 09-02-09. PENDING FINAL INSPECTIONS PER FIRE AND BUILDING SERVICES.
3. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM WOOS LANDING INC., FALLS LANDING, 200 EAST 8TH STREET, TO FALLS LANDING INC., FALLS LANDING, TO BE OPERATED AT 200 EAST 8TH STREET, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS LICENSE PREDATES THE ORDINANCE). PENDING CORRECTIONS PER FIRE.
4. TRANSFER OF A 2009-10 RETAIL MALT BEVERAGE LICENSE FROM THE NEW CHINA STAR INC., CHINA STAR, 1721 WEST 41ST STREET, TO SIOUX FALLS CHINA STAR INC., SIOUX FALLS CHINA STAR, TO BE OPERATED AT 1721 WEST 41ST STREET, WITH THE CONDITIONAL USE PERMIT (98-11-14) BEING APPROVED ON 01-19-99.
5. TRANSFER OF A 2009 RETAIL WINE LICENSE FROM THE NEW CHINA STAR INC., CHINA STAR, 1721 WEST 41ST STREET, TO SIOUX FALLS CHINA STAR INC., SIOUX FALLS CHINA STAR, TO BE OPERATED AT 1721 WEST 41ST STREET, WITH THE CONDITIONAL USE PERMIT (98-11-14) BEING APPROVED ON 01-19-99.

6. TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM AMANUAL LIBEN AND LEANN BEANER, ABYSSINIA, 209 SOUTH BLAUVELT AVENUE, TO AMANUAL LIBEN AND LEANN BEANER, ABYSSINIA, TO BE OPERATED AT 1403 WEST 12TH STREET. PENDING FINAL INSPECTION PER FIRE.
7. SPECIAL ONE-DAY LIQUOR LICENSE FOR SMG TO BE OPERATED AT THE SIOUX FALLS ARENA, 1201 NORTH WEST AVENUE, ON DECEMBER 31, 2009, FOR THE NEW YEAR'S EVE GALA.
8. 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 NOVEMBER 13 AND 14, 2009, FOR A HOLIDAY PARTY AND A FUNDRAISER, AND TO RESCIND THE LICENSES PREVIOUSLY ISSUED FOR SEPTEMBER 26 AND OCTOBER 3, 2009.
9. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, FOR NOVEMBER 7, 2009, AND AUGUST 21 AND 28, 2010, FOR WEDDING RECEPTIONS.
10. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR DOWNTOWN SIOUX FALLS TO BE OPERATED AT 431 NORTH PHILLIPS AVENUE ON OCTOBER 31, 2009, FOR A HALLOWEEN EVENT. WITHDRAWN BY THE APPLICANT.
11. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR AVERA MCKENNAN FOUNDATION TO BE HELD AT 196 EAST 6TH STREET, SUITE 100, ON OCTOBER 23, 2009, FOR THE PAINT THE NIGHT PINK' FUNDRAISER.
12. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR SENIOR CITIZENS SERVICES INC., TO BE OPERATED AT THE CENTER FOR ACTIVE GENERATIONS, 2300 WEST 46TH STREET, ON APRIL 18, 2010, FOR THE GOURMET GUYS FUNDRAISER.
13. AMEND THE SPECIAL ONE-DAY WINE LICENSE FOR XI ALPHA LLAMBDA TO BE OPERATED AT THE CENTER FOR ACTIVE GENERATIONS, 2300 WEST 46TH STREET, ON APRIL 10, 2010, FOR A SORORITY EVENT APPROVED ON 09-21-09, CHANGING THE DATE OF THE EVENT TO APRIL 22, 2010.

A motion was made by Council Member Costello and seconded by Council Member Anderson Jr. to approve Items 2 through 11, (Item 10 being withdrawn) with one vote as follows.

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

Motion Passed

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to approve Items 12 and 13 with one vote as follows.

Vote to approve: Roll Call: Yeses, Anderson Jr., Brown, Costello, Jamison, Knudson, Litz, Staggers, 7. Noes, 0. Council Member Beninga was excused from the meeting and the vote on these items. Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set the hearing date and 2nd Reading for Monday, November 2, 2009, at 7:00 p.m. for Items 14 through 21:

14. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT N. CLIFF AVE. (ADJACENT TO 1009 W. AMIDON ST.) FROM THE UNZONED DISTRICT TO THE I-1, LIGHT INDUSTRIAL DISTRICT, PETITION NO. 2009-07-13, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1118

PC Report

PC Exhibits

PC Minutes - Item 3

15. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY NORTH OF 200 E. EIGHTH ST. FROM THE UNZONED DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2009-09-15, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALL. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1119

PC Report

PC Exhibits

PC Minutes - Item 6

16. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY BETWEEN 201 AND 203 E. SIXTH ST. FROM THE UNZONED DISTRICT TO SUBAREA A OF THE RAVEN INDUSTRIES PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-09-16, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALL. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1120

PC Report

PC Exhibits

PC Minutes - Item 7

17. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY SOUTH OF 230 E. EIGHTH ST. FROM THE UNZONED DISTRICT TO THE C-3, CENTRAL BUSINESS DISTRICT, PETITION NO. 2009-09-17, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALL. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1121

PC Report

PC Exhibits

PC Minutes - Item 8

18. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-09-02 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT E. 34TH ST. N. AND N. POTSDAM AVE. AMENDING MYRL & ROY'S PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATION . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1113

PC Report

PC Exhibits

PC Minutes - Item 4

19. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-09-14 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT S. WESTERN AVE. AND W. 85TH ST. AMENDING HEATHER RIDGE II PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATION . THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1115

PC Report

PC Exhibits

PC Minutes - Item 5

20. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-09-12 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT S. THEODORE AVE. AND W. 41ST ST. AMENDING 41ST ST. AND SERTOMA AVE. PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATION. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1114

PC Report

PC Exhibits

PC Minutes - Item 16

PC Report Addendum

21. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-09-18 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 4100 W. VALHALLA BLVD. AMENDING THE VALHALLA PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATION. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 1116

PC Report

PC Exhibits

PC Minutes - Item 17

A motion was made by Council Member Knudson and seconded by Council Member Brown to set a hearing date and 2nd Reading for Monday, November 2, 2009, at 7:00 p.m. for Items 14 through 21.

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

HEARINGS AND RESOLUTIONS

22. A RESOLUTION AMENDING RESOLUTION 132-08 WHICH AUTHORIZED THE COMMENCEMENT OF CONDEMNATION PROCEEDINGS FOR ACQUISITION OF A CERTAIN PARCEL OF LAND, FOR PUBLIC USE.

Document: Res. 1667

Document: Resolution 132-08

A motion was made by Council Member Costello and seconded by Council Member Brown to adopt said Resolution 100-09.

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

Motion Passed

RESOLUTION NO. 100-09

A RESOLUTION AMENDING RESOLUTION 132-08 WHICH AUTHORIZED THE COMMENCEMENT OF CONDEMNATION PROCEEDINGS FOR

ACQUISITION OF A CERTAIN PARCEL OF LAND, FOR PUBLIC USE.

WHEREAS, the City of Sioux Falls was previously authorized by Resolution 132-08 to acquire a certain parcel of

land (easement) for the construction of the eastside sanitary sewer:

WHEREAS, Resolution 132-08 included an exhibit showing the proposed location of the easement:

WHEREAS, Resolution 132-08 included an exhibit establishing the fair market value of the property interest

being acquired for the easement as \$11,300.

WHEREAS, the City of Sioux Falls, after the adoption of Resolution 132-08, deemed it necessary and in the best

interests of the City and the property owner that the location of the easement be changed and that a

horizontal boring method, instead of an open trench method, be used to install the sewer line;

WHEREAS, in connection with the change in the location of the easement, the City obtained a second real estate

appraisal to determine the fair market value of the interest being acquired by the City for said sanitary

sewer;

WHEREAS, the second appraisal established the fair market value of the interest to be acquired at \$2,200.00;

WHEREAS, the change in location and method of installing the sewer would reduce the potential damages to the

landowner.

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

1. That Resolution 132-08 be amended to describe the parcel of land to be acquired and the Fair Market Value

of the parcel be described as follows:

Tract 1 of Jostens Addition, in the SW 1/4 of the SW 1/4, Section 28, Township 101,

Range 48 West of the 5th P.M., Minnehaha County, South Dakota, as shown on Attached

Exhibit 1.

Fair Market Value \$2,200.00

Date adopted: 10/19/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

Exhibit A is on file and available for viewing at the City Clerk's Office at 235 W. 10th Street, Sioux Falls, SD.

23. A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO MINNEHAHA COUNTY VARIOUS SURPLUS ITEMS.

Document: Res. 1668

A motion was made by Council Member Beninga and seconded by Council Member Costello to adopt said Resolution 98-09.

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

Motion Passed

RESOLUTION NO. 98-09

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO MINNEHAHA COUNTY VARIOUS SURPLUS ITEMS.

WHEREAS, the City of Sioux Falls has declared various items as surplus as depicted in Exhibit A, which is

attached hereto and made a part of this resolution; and

WHEREAS, Minnehaha County finds it desirable to acquire the above-described surplus items;

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:

That the gifting by the City of Sioux Falls of the items as depicted in Exhibit A to Minnehaha County is hereby approved.

Date adopted: 10/19/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

Exhibit A is on file and available for viewing at the City Clerks Office, 235

W. 10th Street, Sioux Falls, SD.

24. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Document: Res. 1670

Document: Memo of Appt.

A motion was made by Council Member Brown and seconded by Council Member Beninga to adopt said Resolution 99-09.

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

RESOLUTION NO. 99-09

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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

That it gives its advice and consent to the following Mayoral appointments:

Name	Board	Term
Chad Olson	Sioux Falls Regional Emergency Medical Services Authority	Appointed for a term from October 2009 to January 2014 (to replace Margaret Sumption).

Date adopted: 10/19/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

25. A RESOLUTION ESTABLISHING THE PRIORITY ORDER OF PROJECTS TO BE CONSTRUCTED IN 2010 UTILIZING THE CAPITAL IMPROVEMENT PROGRAM'S ARTERIAL STREET EXPANSION (DEVELOPMENT DRIVEN STREET) PROJECTS.

Document: Res. 1669

Document: Memo on priority ranking of arterial streets

(Note: The following exhibit slides will take a few minutes to open)

Document: Exhibit Slides 1-5

Document: Exhibit Slides 6-10

Document: Exhibit Slides 11-15

Document: Exhibit Slides 16-20

Document: Exhibit Slides 21-25

Document: Exhibit Slides 26-30

Document: Exhibit Slides 31-35

Document: Exhibit Slides 36-40

A motion was made by Council Member Litz and seconded by Council Member Brown to adopt said Resolution 101-09.

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

Motion Passed

RESOLUTION NO. 101-09

A RESOLUTION ESTABLISHING THE PRIORITY ORDER OF PROJECTS TO BE CONSTRUCTED IN 2010 UTILIZING THE CAPITAL IMPROVEMENT PROGRAM S ARTERIAL STREET EXPANSION (DEVELOPMENT DRIVEN STREET) PROJECTS.

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:

That the priority order of projects to be constructed in 2010, utilizing the Capital Improvement Program s Arterial Street Expansion Project (formerly Development-Driven Street Projects), shall be as follows:

1. 69th Street - Charger Avenue to east of Southeastern Avenue
2. Southeastern Avenue - Whisper Trail to south of 69th Street
3. Maple Street - Marion Road to Career Avenue
4. Louise Avenue - 85th Street to 1/2 mile south
5. Western Avenue and 69th Street intersection improvements
6. 41st Street - Sertoma Avenue to Tea Ellis Road
7. Western Avenue and 57th Street intersection improvements and Western Avenue

widening to Remington Place

Date adopted: 10/19/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Jamison and seconded by Council Member Brown to adjourn the City Council Meeting at 7:53 p.m.

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

Motion Passed

Tamara Jorgensen, CMC

Assistant City Clerk