

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, October 5, 2009 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. PASTOR DENNIS THOMAS, FREE METHODIST CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2009

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Litz and seconded by Council Member Costello to approve the Consent Agenda.

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

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, SEPTEMBER 21, 2009, AT 4:00 P.M.

B. CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 21, 2009, AT 7:00 P.M.

C. INFORMATIONAL MEETING OF MONDAY, SEPTEMBER 28, 2009, AT 4:00 P.M.

COMMUNICATIONS

1. 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 W. SIXTH ST., ON THURSDAY, OCTOBER 22, 2009, FROM 5:00 P.M. TO 7:00 P.M. FOR THE OPENING RECEPTION OF THE NEW EXHIBIT "UNDERWEAR: A BRIEF HISTORY".
2. A COMMUNICATION WAS RECEIVED FROM TRI-STATE WHOLESALE FLOORING, INC. REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, LIQUOR, WINE AND/OR MALT BEVERAGES AT THE OLD COURTHOUSE MUSEUM, 200 W. SIXTH ST., ON SATURDAY, DECEMBER 19, 2009, FROM 5:00 P.M. TO 10:00 P.M. FOR THE TRI-STATE WHOLESALE FLOORING'S EMPLOYEE CHRISTMAS PARTY.

APPLICATIONS

3. SANFORD MEDICAL CENTER, 1402 W. 17TH ST., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$608.11. THEY WERE GRANTED EXEMPT STATUS ON THIS PARCEL FOR 2009, TAXES PAYABLE 2010. TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR THE 2008 TAXES.
4. DANIEL HOILAND, 807 N. CLIFF AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$937.60 FOR 266 DAYS; AND 805 N. CLIFF AVE., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$374.70 FOR 266 DAYS. THE STRUCTURES WERE RAZED ON APRIL 10, 2008. TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR THE AMOUNT OF TIME THE STRUCTURES WERE GONE IN 2008.
5. VERNA LESTON, 901 SCOTLAND PLACE, FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$28.47. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
6. CAROL BOESE, 1104 S. MAIN AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$213.44. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
7. CLEOPHA DIRKS, 2504 S. VAN EPS AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$1,056.73. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
8. DIANNE PAYTON, 3016 S. GLENDALE AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$296.46. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
9. ROBERT C. ITZEN, 523 N. PRAIRIE AVE., FOR 2008 PROPERTY TAXES, IN THE AMOUNT OF \$755.50. MONIES REQUESTED ARE THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON ELDERLY FREEZE.
10. SIOUX FALLS VOA LIVING CENTER II, 700 N. SOLAR DR., FOR 2008 PROPERTY

TAXES, IN THE AMOUNT OF \$976.57 FOR 322 DAYS. THEY WERE GRANTED EXEMPT STATUS ON THIS PARCEL FOR 2009, TAXES PAYABLE 2010. TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR THE TIME WHEN CONSTRUCTION BEGAN IN 2008.

NOTICE OF HEARINGS

DOC: MEMO

Set hearing date for Monday, October 19, 2009, at 7:00 p.m. on Items 11 through 22:

11. 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.

Conditional Use Permit

12. 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).
13. 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.

conditional use permit

14. 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.
15. 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.
16. 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.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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.

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed

PUBLIC INPUT

There was none.

INTRODUCTION AND ADOPTION OF ORDINANCES

23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-08-06 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT SE CORNER OF I-29 AND I-90, 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.

Ord. 1102

PC Staff Report

PC Exhibits

PC Minutes - Item 13

A motion was made by Council Member Litz and seconded by Council Member Brown to adopt said Ordinance 87-09.

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

24. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. BENSON RD. AND S. WESTPORT AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE RC, RECREATION/CONSERVATION DISTRICT, PETITION NO. 2009-08-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1103

PC Staff Report

PC Exhibits

PC Minutes - Item 4

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said Ordinance 88-09.

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

25. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. BENSON RD. AND S. WESTPORT AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE SANFORD SPORTS COMPLEX PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-08-08, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1104

PC Report

PC Exhibits

PC Minutes - Item 5

A motion was made by Council Member Beninga and seconded by Council Member Litz to adopt said Ordinance 89-09.

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

Motion Passed

26. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SE CORNER OF S. CLIFF AVE. AND E. 69TH ST. FROM THE AG, AGRICULTURAL DISTRICT TO THE SHADOW CREEK PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-08-13, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 1105

PC Report

PC Exhibits

PC Minutes - Item 7

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 90-09.

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

Motion Passed

HEARINGS AND RESOLUTIONS

27. DEFERRED ACTION (FROM SEPTEMBER 21, 2009 MEETING): A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR NUISANCE REMOVAL FOR PROPERTY ID NUMBERS 053900 (806 W. 6TH STREET) AND 039640 (909 N. WALTS AVENUE) IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA. THESE PROPERTIES WERE DEFERRED FROM THE CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 21, 2009, AND WERE INITIALLY A PART OF RESOLUTION 88-09.

Resp 002B

Litter Removal List

Litter Removal List Revised

A motion was made by Council Member Costello and seconded by Council Member Beninga to adopt said Resolution 92-09.

A motion was made by Council Member Costello and seconded by Council Member Knudson to amend the original deferral to read as follows: Item 3, Invoice Number 119114, reduce the dollar amount from \$781.00 to \$638.00; and Item 4, Invoice Number 122313, delete from the total charges as this is a duplicate; and Item 5, Invoice Number 126888, reduce the dollar amount from \$1,570.00 to \$1,420.00; and Item 6, Invoice Number 126941, reduce the dollar amount from \$791.00 to \$648.00.

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

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

RESOLUTION NO. 92-09

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR NUISANCE REMOVAL FOR PROPERTY ID NUMBERS

053900 (806 W. 6THSTREET) AND 039640 (909 N. WALTS AVENUE) IN THE CITY OF SIOUX FALLS, SOUTH

DAKOTA. THESE PROPERTIES WERE DEFERRED FROM THE CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 21,

2009, AND WERE INITIALLY A PART OF RESOLUTION 88-09.

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

SECTION 1. That the special assessment roll for nuisance removal in various are as in Sioux Falls,

SD, is hereby approved and the assessments in the assessment roll are levied aga inst the property

described in it. The assessments become a lien against the property when the ass essment roll is

filed in the City Accounting Office.

SECTION 2. The assessment may be paid in one annual installment and shall be co llected under Plan

One-Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 10/05/09.

Dave Munson

Mayor

ATTEST:

Denise D. Tucker

Asst. City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will b ecome due and

payable at the office of the County Treasurer in one installment, together with interest not to exceed 6.25 percent per annum in accordance with SDCL 9-43. The first installment, with interest, will become due with general taxes and will be payable at the County Treasurer's Office on January 1, 2011.

Notice is further given that the special assessment roll approved in the above resolution was filed with the City Accounting Office on the 5th day of October, 2009, and that the entire assessment may be paid without interest to the City Accounting Office on or before November 4, 2009.

Denise D. Tucker

Asst. City Clerk

28. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF REDSTONE VILLAGE ADDITION. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 1664

PC Report

PC Exhibits

PC Minutes - Item 16

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adopt said Resolution 93-09.

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

RESOLUTION NO. 93-09

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF REDSTONE VILLAGE ADDITION.

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

That the preliminary plan of Redstone Village Addition to the City of Sioux Falls, Minnehaha 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: 10/05/09 .

Dave Munson

Mayor

ATTEST:

Denise D. Tucker

Asst. City Clerk

29. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF SANFORD SPORTS COMPLEX ADDITION. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Res. 1665

PC Report

PC Exhibits

PC Minutes - Item 11

A motion was made by Council Member Beninga and seconded by Council Member Litz to adopt said Resolution 94-09.

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

RESOLUTION NO. 94-09

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF SANFORD SPORTS COMPLEX ADDITION.

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

That the preliminary plan of Sanford Sports Complex Addition to the City of Sioux Falls, Minnehaha

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: 10/05/09 .

Dave Munson

Mayor

ATTEST:

Denise D. Tucker
Asst. City Clerk

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)

30. REPORT OF THE SEPTEMBER 25, 2009, NOTICE OF TRANSFER OF APPROPRIATIONS
WITHIN MAJOR ORGANIZATIONAL UNITS.

Memo

31. REPORT OF THE SEPTEMBER 28, 2009, NOTICE OF TRANSFER OF APPROPRIATIONS
WITHIN MAJOR ORGANIZATIONAL UNITS.

Memo

ADJOURNMENT

A motion was made by Council Member Knudson and seconded by Council Member Litz
to adjourn at 7:21 p.m.

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

Motion Passed

Denise D. Tucker, CMC
Assistant City Clerk