

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, July 20, 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 Knudson	
Council Member Litz	
Mayor Dave Munson	

INVOCATION

A. PASTOR KEITH LOY, CELEBRATE CHURCH

PLEDGE OF ALLEGIANCE

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, Staggers, Anderson Jr., Beninga, Brown, Costello, Jamison, Knudson, Litz, 8. Noes, 0. Motion Passed.

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, JULY 13, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, JULY 13, 2009, AT 7:00 P.M.

NOTICE OF HEARINGS

Set hearing date for Monday, August 3, 2009, at 7:00 p.m. on Items 1 through 5:

DOC: DOCUMENT: MEMO

1. NEW 2009 RETAIL LIQUOR LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE

OPERATED AT 1716 SOUTH WESTERN AVENUE, INCLUDING SUNDAY SALES, BASED ON THE 2008 U.S. CENSUS BUREAU ESTIMATE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).

2. RESCIND 2009-10 RETAIL MALT BEVERAGE LICENSE ISSUED TO SRO RESTAURANTS LLC, GRILLE 26, 1716 SOUTH WESTERN AVENUE.
3. RESCIND 2009 RETAIL WINE LICENSE ISSUED TO SRO RESTAURANTS LLC, GRILLE 26, 1716 SOUTH WESTERN AVENUE.
4. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR THE BALLARD BUILDING RESTAURANT CO., PARKER'S, TO BE OPERATED AT 210 SOUTH MAIN AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-03-18) BEING APPROVED ON 04-01-09.
5. NEW 2009 RETAIL WINE LICENSE FOR THE BALLARD BUILDING RESTAURANT CO., PARKER'S, TO BE OPERATED AT 210 SOUTH MAIN AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-03-18) BEING APPROVED ON 04-01-09.

#### REGULAR AGENDA

#### APPROVAL OF REGULAR AGENDA

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

Theresa Stehly spoke regarding city staff assistance with setting up flower beds at Drake Springs Pool.

Robert Riibe spoke regarding microchipping dogs.

#### PETITIONS

6. DEFERRED ACTION: CONDITIONAL USE PERMIT APPEAL (2009-05-07): 5837 S. FRONTIER TRAIL. THE APPLICANT IS REQUESTING THE CONDITIONAL USE PERMIT TO ALLOW FOR A FAMILY DAY CARE OF UP TO 12 CHILDREN. APPROVED AT THE JUNE 3, 2009, PLANNING COMMISSION MEETING WITH A SPLIT VOTE (5-YES, 3-NO).

PC Report

PC Exhibits

PC Minutes - Item 9

A motion was made by Council Member Jamison and seconded by Council Member Costello to approve the Conditional Use Permit.

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

Motion Passed

UNFINISHED BUSINESS

DOC: DOCUMENT: MEMO

7. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR GREENBERG JEWELERS INC., GREENBERG JEWELERS, TO BE OPERATED AT 4829 SOUTH LOUISE AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-01) BEING APPROVED ON 06-03-09.
8. NEW 2009 RETAIL WINE LICENSE FOR GREENBERG JEWELERS INC., GREENBERG JEWELERS, TO BE OPERATED AT 4829 SOUTH LOUISE AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-01) BEING APPROVED ON 06-03-09.
9. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR LCDD INC., NAME TO BE DETERMINED, TO BE OPERATED AT 221 SOUTH PHILLIPS AVENUE, SUITE 100, WITH THE CONDITIONAL USE PERMIT (2009-04-13) BEING APPROVED ON 05-06-09. PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.
10. NEW 2009 RETAIL WINE LICENSE FOR LCDD INC., NAME TO BE DETERMINED, TO BE OPERATED AT 221 SOUTH PHILLIPS AVENUE, SUITE 100, WITH THE CONDITIONAL USE PERMIT (2009-04-13) BEING APPROVED ON 05-06-09. PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.
11. 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 AUGUST 8, OCTOBER 3, AND OCTOBER 10, 2009, AND CANCELLING THE JUNE 6, 2009, REQUEST, AND AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH STREET, ON AUGUST 19, 2009, FOR WEDDING RECEPTIONS.
12. SPECIAL ONE-DAY LIQUOR LICENSE REQUEST FOR GREAT BEAR RECREATION PARK INC., GREAT BEAR RECREATION PARK, TO BE OPERATED AT 5901 EAST RICE STREET, ON AUGUST 15, 2009, FOR A WEDDING RECEPTION.
13. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE CENTERS FOR EQUALITY, TO BE OPERATED AT THE TERRACE PARK BANDSHELL AREA, AT

600 NORTH GRANGE AVENUE, ON JULY 25, 2009, FOR THE SIOUX FALLS GAY PRIDE EVENT.

14. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE SIOUX EMPIRE ARTS COUNCIL, TO BE OPERATED AT THE EMPIRE MALL IN THE GRASSY AREA ON THE SOUTH SIDE OF THE MALL, 4001 WEST 41ST STREET, ON AUGUST 7-8, 2009, FOR THE EMA (EMPIRE MUSIC & ARTS) FEST. ITEM WAS WITHDRAWN.

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to approve items 7 through 13 with one vote with item 14 being withdrawn at the request of the petitioner.

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

Mayor Munson recognized Boy Scout Troop 229 at this time.

#### INTRODUCTION AND ADOPTION OF ORDINANCES

Set a hearing date and 2nd Reading for the meeting on Monday, August 3, 2009, for Items 15 through 19:

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to set a hearing date and 2nd Reading for the meeting on Monday, August 3, 2009, for Items 15 through 19.

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

15. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING APPENDIX "D" ENTITLED "FLOODPLAIN MANAGEMENT" APPENDIX OF THE CODE OF ORDINANCES OF SAID CITY.

Document: Ord. 0001

16. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING A CHAPTER 45 TO BE ENTITLED "FLOODPLAIN MANAGEMENT ORDINANCE."

Document: Ord. 0002

PC Report

PC Minutes - Item 17

PC Exhibits

Example FIRM

17. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS, SD, BY AMENDING APPENDIX B, ZONING ORDINANCE, CHAPTER 15.43, DR DESIGN REVIEW DISTRICT.

Document: Ord. 0004

Airport Overlay Map

18. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1100 S. BLAINE AVE. FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2009-05-18, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0015

PC Report

PC Exhibit

PC Minutes - Item 3

19. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY FROM 22ND ST. TO 26TH ST. AND FROM GRANGE AVE. TO COVELL AVE. FROM THE RS-2, RESIDENTIAL DISTRICT AND THE NORTH AMERICAN BAPTIST SEMINARY PLANNED DEVELOPMENT DISTRICT TO SUBAREA A OF SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-06-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0016

PC Report

PC Exhibits

PC Minutes - Item 12

HEARINGS AND RESOLUTIONS

20. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY-SERTOMA PARK.

Document: Res. 1656

Application Materials

A motion was made by Council Member Knudson and seconded by Council Member Brown to adopt said Resolution 67-09.

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

RESOLUTION NO. 67-09

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING THE PLACEMENT OF A SCULPTURE ON PUBLIC PROPERTY- SERTOMA PARK.

WHEREAS, the Sioux Falls Visual Arts Commission and Parks and Recreation Board encourages and recommends

the outdoor exhibition of public art in Sioux Falls, SD; and

WHEREAS, a tile mosaic butterfly sculpture, a 2008 SculptureWalk entry, known as Summer Garden, was

designed and constructed by sculptor artist Chon Love; and

WHEREAS, the Summer Garden sculpture has been purchased by Sertoma Butterfly House volunteers and will be

donated to the City of Sioux Falls. The sculpture is to be maintained by Sertoma Butterfly House

volunteers; and

WHEREAS, the proposed site placement for the Summer Garden sculpture be prominently displayed on a

precast base at the Butterfly House's main entrance within Sertoma Park and have accent lighting; and

WHEREAS, the sculpture will measure approximately 30 inches in height, 28 inches in width, and 40 inches in

length, and have high visibility and be very complimentary to the Butterfly House building and grounds; and

WHEREAS, there will be an informational plaque acknowledging the Summer Garden sculpture and artist, and

providing a brief commentary about the Sertoma Butterfly House and volunteers; and

WHEREAS, the Sioux Falls Visual Arts Commission and Parks and Recreation Board reviewed the proposed

Summer Garden sculpture on May 19, 2009, and June 16, 2009, respectively, and recommends the proposed

placement in Sertoma Park be approved by the City Council; and

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

The Summer Garden sculpture and its placement in Sertoma Park be approved as recommended.

Date adopted: 07/20/09 .

Dave Munson

Mayor  
ATTEST:  
Debra A. Owen  
City Clerk

21. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING AN INVENTORY LIST OF ARTISTIC BICYCLE RACK DESIGNS ON PUBLIC PROPERTY.

Document: Res. 0007

Application Materials

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 70-09.

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

RESOLUTION NO. 70-09

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING AN INVENTORY LIST OF ARTISTIC BICYCLE RACK DESIGNS ON PUBLIC PROPERTY.

WHEREAS, the Sioux Falls Visual Arts Commission encourages and recommends the outdoor exhibition of public art in Sioux Falls, SD; and

WHEREAS, the Sioux Falls Visual Arts Commission established a project subcommittee, conducted a call for art and separate jury panel review process for this project; and

WHEREAS, the Sioux Falls Visual Arts Commission invited professional and amateur South Dakota resident artists of all backgrounds to participate in a Request for Proposal for: 1) an artist designed free-form bicycle rack;

and 2) an artist designed standard abandoned parking meter bicycle rack; and  
WHEREAS, the primary goals of this project are to promote energy conservation by encouraging citizens and visitors to safely bike within our community and to provide public useable art for aesthetically functional bicycle parking; and

WHEREAS, the selected bicycle rack designs support the City's Leading Green Initiative by utilizing a bicycle rack design that incorporates recycled materials; and

WHEREAS, the selected bicycle rack designs will become part of an acceptable comprehensive City inventory list of artistic bicycle rack designs designated for public and private entities to consider in addressing bicycle parking on their properties; and

WHEREAS, there is no guarantee that a selected artistic bicycle rack design will be purchased or placed for bicycle parking, and that public funding will be provided for the project; and  
WHEREAS, on June 16, 2009, the Visual Arts Commission considered recommendations

from the jury panel and selected the following artists and their artworks for the project:

Artist	Name of Artwork	Free-Form
	Parking Meter	
	Design	Design
Paul Boerboom, AIA	High Wheeler	
	X	
Jordan Erickson	Paper Clip	X
Rick Haugen	Double Rim -Proposal No. 1	
	X	
Shane Juhnke	Dog Rack (Dogs as a grouping)	X
	Bird Rack	X
	Bike Tree	X
	Ring Walker	X
Harry Klessen	Geometric Forms -Proposal 1	X
	Proposal 2	X
	Proposal 3	X
	Proposal 5	X
Kelly Rogenmoser	Beauty	X

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:  
 The above-referenced artists and their artistic bicycle rack designs be approved as recommended for this project:

Date adopted: 07/20/09 .

Dave

Munson

Mayor  
 ATTEST:  
 Debra A. Owen  
 City Clerk

22. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2009-06-01-81ST ST. AND MINNESOTA AVE.-TRECMM.

Document: 0009

Staff Report

Annexation Map

Concept Plan



A motion was made by Council Member Beninga and seconded by Council Member Litz to adopt said Resolution 69-09 .

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

Motion Passed

RESOLUTION NO. 69-09

ANNEXATION 2009-06-01-81ST ST. AND MINNESOTA AVE.-TREC

OMM

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 will be adequate provision for municipal utilities and access to the major street network when the

following occur:

a. Any access to Minnesota Ave. will require an access permit.

b. A site-specific BMP will be required for the development.

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, Lincoln County, and the boundary of the city is hereby extended to include such

territory.

Tract 2 and the S 150' of Tract 3A of Fischenich Addition in the SE1/4 of Section 15-T100N-R50W of the 5th

P.M., Lincoln County, South Dakota.

And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, South Dakota, a

duly certified transcript of this resolution.

Date adopted: 07/20/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

23. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. ANNEXATION 2009-05-01-SD 42 AND SD 11-SDDOT LAND

Document: Res. 0010

Staff Report

Annexation Map

A motion was made by Council Member Brown and seconded by Council Member Knudson to adopt said Resolution 68-09 .

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

Motion Passed

RESOLUTION NO. 68-09

ANNEXATION 2009-05-01-SD 42 and SD 11-SDDOT LAND

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. The proposed land uses and densities are consistent with the 2015 Growth Management Plan.

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

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.

Lots H2, H3, and H4 in Fulton s Second Subdivision in the S1/2 SE1/4 of Section 13-T101N-R49W of the 5th P.M.,

Minnehaha County, South Dakota

And that the City Clerk shall cause to be filed with the Register of Deeds, Minn

ehaha County, South Dakota, a  
duly certified transcript of this resolution.

Date adopted: 07/20/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

#### ADJOURNMENT

A motion was made by Council Member Jamison and seconded by Council Member  
Anderson Jr. to adjourn the meeting at 7:49 p.m .

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

Motion Passed

Tamara Jorgensen, CMC

Assistant City Clerk