

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, June 1, 2009 at 7:00 p.m.	

ROLL CALL #3

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. ASSOCIATE PASTOR DAVE THOMPSON, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Knudson and seconded by Council Member Beninga 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, MAY 18, 2009, AT 4:00 P.M.

B. JOINT CITY COUNCIL/MINNEHAHA COUNTY MEETING OF MONDAY, MAY 18, 2009, AT 5:00 P.M.

C. REGULAR COUNCIL MEETING OF MONDAY, MAY 18, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM BOLER RACING & SCARBOROUGH AUTO SALES

STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM JUNE 3, 2009 TO AUGUST 31, 2009 FOR TWO MOPEDS AND ONE FOUR-WHEELER (\$3000.00). TICKETS WILL BE \$5.00 EACH OR \$20.00 FOR FIVE. THE PROCEEDS WILL BE USED FOR BOLER RACING SPONSORSHIP, A DONATION TO THE AMERICAN CANCER SOCIETY, AND SCARBOROUGH AUTO SALES ADVERTISEMENT.

2. A COMMUNICATION WAS RECEIVED FROM THE CHILDREN'S HOME SOCIETY STATING THEIR INTENT TO SELL RAFFLE TICKETS ON JUNE 12, 2009 FOR THE FOLLOWING PRIZES: MAURICE LACROIX MEN'S WRISTWATCH (\$5,500.00); DELL MINI COMPUTER (\$275.00); PAULA DEAN COOKWARE, ACCESSORIES AND COOKBOOK (\$225.00); AND WII SPORT & BOARD GAMES (\$350.00). TICKETS WILL BE \$10.00 FOR THREE OR \$25.00 FOR 10. THE PROCEEDS WILL HELP SUPPORT THE PROGRAMS AND SERVICES PROVIDED BY THE CHILDREN'S HOME SOCIETY.

APPLICATIONS

3. LIFELIGHT COMMUNICATIONS INC., 2601 S. WESTERN AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$8,479.51. LIFELIGHT WAS GRANTED EXEMPT STATUS IN 2009 AND THEY ARE NOW REQUESTING ABATEMENT FOR THE 362 DAYS OWNED IN 2008.
4. AUGUSTANA COLLEGE ASSOCIATION, FOR 2008 PROPERTY TAXES FOR: PARCEL 33334, IN THE AMOUNT OF \$378.41; PARCEL 50604, IN THE AMOUNT OF \$762.47; PARCEL 50605, IN THE AMOUNT OF \$612.35; AND PARCEL 50416, IN THE AMOUNT OF \$822.68. TOTAL ABATEMENT REQUEST OF \$2,575.91. OWNER WAS GRANTED EXEMPT STATUS IN 2009 AND THEY ARE NOW REQUESTING ABATEMENT FOR THE TIME OWNED IN 2008.
5. MICHELE VANUDEN, 1305 N. HAZEL, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,393.36. A CLERICAL ERROR WAS MADE WHEN THE BUILDING VALUE WAS ENTERED AS LAND VALUE. OWNER IS NOW REQUESTING ABATEMENT FOR THE VALUE DIFFERENCE.
6. KEITH GOODMAN, 1901 W. 39TH ST., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$500.65. OWNER OCCUPIED STATUS WAS REMOVED IN ERROR. OWNER IS NOW REQUESTING ABATEMENT FOR THE VALUE DIFFERENCE BETWEEN OWNER OCCUPIED AND NON-OWNER OCCUPIED STATUS.
7. ANGIE VANLAAR, 712 E. 5TH ST., FOR 2005 PROPERTY TAXES FOR \$348.00; 2006 PROPERTY TAXES FOR \$336.21; 2007 PROPERTY TAXES FOR \$306.53; AND 2008 PROPERTY TAXES FOR \$300.75. PROPERTY OWNER APPLIED CORRECTLY FOR OWNER OCCUPIED STATUS BUT THE INFORMATION WAS NEVER ADDED. SHE IS REQUESTING ABATEMENT FOR THE VALUE DIFFERENCE TOTALING \$1,291.49.
8. BARBARA FORBES, 301 S. GRANGE AVE., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$2,365.12. OWNER IS REQUESTING ABATEMENT FOR THE DAYS THAT THE STRUCTURE WAS GONE AFTER IT WAS DESTROYED BY FIRE ON JULY 17, 2008.
9. HATTIE BAGELY, 1602 E. 5TH ST., FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$546.54. THE AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN ELDERLY FREEZE AND NON-ELDERLY FREEZE.

NOTICE OF HEARINGS

Set hearing date for Monday, June 15, 2009, at 7:00 p.m. on Items 10 through 14:

DOC: MEMO

10. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR TOKYO JAPANESE RESTAURANT LLC, TOKYO JAPANESE RESTAURANT, 109 EAST TENTH STREET, EFFECTIVE 07-01-09 (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
11. NEW 2009 RETAIL WINE LICENSE FOR TOKYO JAPANESE RESTAURANT LLC, TOKYO JAPANESE RESTAURANT, 109 EAST TENTH STREET (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
12. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR THE SIOUX FALLS SISTER CITIES ASSOCIATION, TO BE OPERATED ON PHILLIPS AVENUE FROM 5TH STREET NORTH TO 2ND STREET, FOR THE GERMAN FEST TO BE HELD ON SEPTEMBER 12, 2009.
13. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR DOWNTOWN SIOUX FALLS, TO BE OPERATED IN THE PARKING LOT BEHIND SKELLY'S PUB (130 SOUTH PHILLIPS AVENUE), FOR THE STOGEEZ FUNDRAISER FOR THE NICK RALLIS BAND ON JUNE 19, 2009.
14. VARIOUS RETAIL MALT BEVERAGE AND PACKAGE MALT BEVERAGE LICENSE RENEWALS FOR 2009-10 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT C.

Exhibit C

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

Motion Passed

PUBLIC INPUT

Rob Horrocks, representing MJ Ventures, spoke about outdoor events and noise.

UNFINISHED BUSINESS

DOC: MEMO

15. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR JAN WOOD, CRYSTAL ICE CONCESSIONS, TO BE OPERATED AT HARMODON PARK, 5727-5729 EAST 41ST STREET (CITY ADMINISTERED CONTRACT; CUP NOT REQUIRED).
16. TRANSFER OF A 2009 RETAIL WINE LICENSE FROM MKSF INC., STUBBIE'S BAR & GRILL, 5024 SOUTH CLIFF AVENUE, TO BIG 19 INC., STUBBIE'S BAR & GRILL, TO BE OPERATED AT 5024 SOUTH CLIFF AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
17. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM MKSF INC., STUBBIE'S BAR & GRILL, 5024 SOUTH CLIFF AVENUE, TO BIG 19 INC., STUBBIE'S BAR & GRILL, TO BE OPERATED AT 5024 SOUTH CLIFF AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
18. TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM EAST WEST VENTURES LLC, FOUR HILLS EXPRESS, 2800 EAST MARSON DRIVE, TO BAUER ENTERPRISES LLC, FOUR HILLS PUMP N PAK, TO BE OPERATED AT 2800 EAST MARSON DRIVE.
19. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR GREAT BEAR RECREATION PARK INC., GREAT BEAR RECREATION PARK, TO BE OPERATED AT 5901 EAST RICE STREET, ON JUNE 20, JULY 18, SEPTEMBER 5, AND SEPTEMBER 12, 2009, FOR WEDDING RECEPTIONS.
20. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR DOWNTOWN SIOUX FALLS FOR THE AUTOMANIA PRE-EVENT RECEPTION ON JUNE 16, 2009, CHANGING THE LOCATION FROM PHILLIPS AND MAIN AVENUES FROM 9TH TO 14TH STREETS TO HUMMER OF SIOUX FALLS, 4410 WEST 12TH STREET.

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to approve with one vote Items 15-20.

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

Motion Passed

21. VARIOUS RETAIL MALT BEVERAGE, PACKAGE MALT BEVERAGE, AND PACKAGE MALT BEVERAGE SOUTH DAKOTA FARM WINERY LICENSE RENEWALS FOR 2009-10 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT B.

Exhibit B

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to defer Lalibela Restaurant to the City Council Meeting of Monday, June 15, 2009, at 7:00 p.m .

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

Motion Passed

A motion was made by Council Member Beninga and seconded by Council Member Knudson to defer the Flying J to the City Council Meeting of Monday, June 15, 2009, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Brown, Jamison, Knudson, Litz, Staggers, Beninga, 6. Noes, 0. Council Member Costello and Council Member Anderson Jr. were excused from the meeting and the vote on this item. Motion Passed.

A motion was made by Council Member Beninga and seconded by Council Member Litz to approve Item 21 with two deferrals.

Vote to defer: Roll Call: Yeses, Brown, Jamison, Knudson, Litz, Staggers, Beninga, 6. Noes, 0. Council Member Costello and Council Member Anderson Jr. were excused from the meeting and the vote on this item. Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SE CORNER OF S. SOUTHEASTERN AVE. & E. 41ST ST. FROM THE SUBAREA E OF THE BRADY ESTATES PLANNED DEVELOPMENT DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2009-04-04 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (THE PLANNING COMMISSION RECOMMENDS DENIAL.)

Ord. 1094

PC Report

PC Exhibits

PC Minutes - Item 19

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 55-09.

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

Motion Passed

23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING LOCATION OF ACCESSORY BUILDINGS. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 0062

PC Report

PC Minutes - Item 21

A motion was made by Council Member Brown and seconded by Council Member Litz to adopt said Ordinance 49-09.

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

Motion Passed

24. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING LANGUAGE FOR PROPERTY OWNER NOTIFICATION TO THE REZONING PROCEDURE. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1087

PC Report

PC Minutes - Item 20

A motion was made by Council Member Anderson Jr. and seconded by Council Member Litz to adopt said Ordinance 50-09.

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 816 S. COVELL AVE. FROM THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2009-03-21 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1092

PC Report

PC Exhibits

PC Minutes - Item 18

A motion was made by Council Member Litz and seconded by Council Member Costello to adopt said Ordinance 51-09.

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 NORTHWEST CORNER OF W. 54TH ST. N. AND N. MARION RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2 & RD, RESIDENTIAL DISTRICTS AND THE UNIVERSITY HILLS VILLAGE PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-03-13 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1091

PC Report

PC Exhibits

PC Minutes - Item 17

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adopt said Ordinance 52-09.

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

Motion Passed

27. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4200 S. SYCAMORE AVE. FROM THE RA-1, RESIDENTIAL DISTRICT TO THE EASTERN HILLS PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-04-20 AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1095

PC Report

PC Exhibits

PC Minutes - Item 3

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

to adopt said Ordinance 53-09.

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

28. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-03-23 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 1105 W. 73RD ST. AMENDING THE DIAMOND VALLEY PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Ord. 1093

PC Report

PC Exhibits

PC Minutes - Item 4

A motion was made by Council Member Litz and seconded by Council Member Brown to adopt said Ordinance 54-09.

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

29. 2ND READING: AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF SPECIAL ASSESSMENT BONDS IN AN AMOUNT NOT TO EXCEED TWO MILLION FIVE HUNDRED THOUSAND DOLLARS (\$2,500,000), AND TO REDEEM BOND ANTICIPATION NOTES ISSUED FOR PURPOSES OF PROVIDING INTERIM FINANCING OF STREET IMPROVEMENT PROJECTS.

Ord. 0084

A motion was made by Council Member Beninga and seconded by Council Member Jamison to adopt said Ordinance 48-09.

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

HEARINGS AND RESOLUTIONS

30. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF UNIVERSITY HILLS ADDITION.

Res. 1653

PC Report

PC Exhibits

PC Minutes - Item 30

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adopt said Resolution 50-09.

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

RESOLUTION NO. 50-09

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF UNIVER
SITY HILLS
ADDITION.

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

That the preliminary plan of University Hills 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: 6/01/09.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

NEW BUSINESS/ITEMS ADDED AFTER AGENDA DEADLINE

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)

31. REPORT OF THE MAY 29, 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 8:16 p.m.

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

Motion Passed

Denise D. Tucker, CMC
Assistant City Clerk