

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West Tenth Street
|| MEETING OF Monday, May 18, 2009 at 7:00 p.m. |

ROLL CALL #2

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. PASTOR BARBARA WANGSNESS, FIRST LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. NATIONAL PUBLIC WORKS WEEK - MAY 17-23, 2009

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Knudson and seconded by Council Member Brown to approve the Consent Agenda.

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

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, MAY 11, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, MAY 11, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE SOUTH DAKOTA CORN GROWERS ASSOCIATION STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM JUNE 2009 TO SEPTEMBER 2009 FOR A JOHN DEERE EZTRACK Z225 ZERO-TURN RADIUS MOWER (VALUED AT \$3000.00). TICKETS WILL BE \$5.00 FOR ONE OR \$10.00 FOR THREE. THE PROCEEDS ARE TO BE USED TO BENEFIT EDUCATIONAL PROGRAMS THROUGH THE SOUTH DAKOTA CORN GROWERS ASSOCIATION.
2. A COMMUNICATION WAS RECEIVED FROM THE BIG SIOUX CAT FANCIERS STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM OCTOBER 31, 2009 TO NOVEMBER 1, 2009 FOR VARIOUS CAT RELATED ITEMS (APPROXIMATE VALUE OF \$10.00). TICKETS WILL BE \$1.00 EACH. THE PROCEEDS WILL BE DONATED TO SECOND CHANCE RESCUE.
3. A COMMUNICATION WAS RECEIVED FROM HOLLY SWEDEEN REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE, BEER AND MIXED DRINKS AT THE OLD COURTHOUSE MUSEUM, 200 WEST 6TH STREET, ON OCTOBER 10, 2009, FROM 5:00 P.M. TO 12:00 A.M. FOR THE PURPOSE OF A WEDDING RECEPTION/DINNER.

NOTICE OF HEARINGS

Set hearing date for Monday, June 1, 2009, at 7:00 p.m. on Items 4 through 10:

DOC: MEMO ITEMS 4-10

4. 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).
5. 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).
6. 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).
7. 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.
8. 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.
9. 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.

10. 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

APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Staggers and seconded by Council Member Costello to free form amend the main motion by removing Item 22 from the Regular Agenda and referring it to the Land Use Committee meeting on July 27, 2009.

Vote to amend the main motion by removing Item 22 from the Regular Agenda and referring it to the Land Use Committee meeting on July 27, 2009: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.
Motion Passed

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

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

DOC: MEMO ITEMS 11-18

11. TRANSFER OF A 2009 RETAIL LIQUOR LICENSE FROM MMLK INC., THE BRASS RAIL, 1213 NORTH CLIFF AVENUE, TO ONE-SAGG LLC, TOPPER'S, TO BE OPERATED AT 1213 NORTH CLIFF AVENUE, INCLUDING VIDEO LOTTERY TERMINALS (CUP NOT REQUIRED; THIS IS AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
12. TRANSFER OF A 2008-09 PACKAGE MALT BEVERAGE LICENSE FROM KUM & GO LC, KUM & GO #617, 2101 WEST 49TH STREET, TO CUBBY'S INC., CUBBY'S WEST 49TH, TO BE OPERATED AT 2101 WEST 49TH STREET.
13. TRANSFER OF A 2008-09 PACKAGE MALT BEVERAGE LICENSE FROM KUM & GO LC, KUM &

GO #621, 1900 WEST 12TH STREET, TO CUBBY'S INC., CUBBY'S WEST 12TH, TO BE OPERATED AT 1900 WEST 12TH STREET.

14. TRANSFER OF A 2008-09 PACKAGE MALT BEVERAGE LICENSE FROM KUM & GO LC, KUM & GO #619, 4700 WEST 12TH STREET, TO CUBBY'S INC., CUBBY'S WEST 12TH TRUCK STOP, TO BE OPERATED AT 4700 WEST 12TH STREET.
15. TRANSFER OF A 2008-09 PACKAGE MALT BEVERAGE LICENSE FROM KUM & GO LC, KUM & GO #613, 3420 NORTH CLIFF AVENUE, TO CUBBY'S INC., CUBBY'S NORTH CLIFF, TO BE OPERATED AT 3420 NORTH CLIFF AVENUE.
16. SPECIAL ONE-DAY MALT BEVERAGE LICENSE FOR RONALD MCDONALD HOUSE CHARITIES OF SOUTH DAKOTA INC. TO BE OPERATED AT THE 8TH & RAILROAD CENTER PARKING LOT ON JUNE 27, 2009, FOR THE BEER DABBLER BEER FEST FUNDRAISER.
17. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES TO BE OPERATED ON PHILLIPS AVENUE IN THE STREET CLOSURE AREA BETWEEN 2ND AND 6TH STREETS, ON JULY 25TH, 2009, FOR THE IRISH FEST.
18. 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 A.

Exhibit A

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to approve Items 11 through 18 with one vote.

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

Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA (THE "CITY"), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS IN ONE OR MORE SERIES, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO PAY THE COSTS OF CONSTRUCTION AND EQUIPPING OF THE WESTSIDE BRANCH LIBRARY TO BE LOCATED WEST OF INTERSTATE HIGHWAY I-29, IMPROVEMENTS ON AND EQUIPPING OF THE RIVER GREENWAY, CONSTRUCTION AND EQUIPPING OF THE YOUTH SPORTS COMPLEX TO BE LOCATED AT THE INTERSECTION OF WESTPORT AVENUE AND BENSON ROAD, AND IMPROVEMENTS AND EQUIPMENT FOR THE CITY'S ZOO, PLEDGING THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE SUPPLEMENTAL INDENTURES BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS (THE "TRUSTEE"), AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE BONDS IN AN AMOUNT NOT TO EXCEED \$18,500,000 PLUS COSTS OF ISSUANCE AND DEBT SERVICE RESERVE FUNDS. (QUALITY OF LIFE II)

Proposed ord1090

Quality of Life II Bond

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 47-09.

A motion was made by Council Member Costello and seconded by Council Member Anderson Jr. to defer Item 19 to the City Council meeting on Monday, September 8, 2009.

Vote to defer: Roll Call: Yeses, Beninga, Costello, Staggers, Anderson Jr., 4. Noes, Brown, Jamison, Knudson, Litz, 4. Mayor Munson broke the tie by voting NO. Motion Failed.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Beninga, 5. Noes Anderson Jr., Staggers, Costello, 3. Motion Passed

20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE TRAFFIC ORDINANCES AS FOUND IN CHAPTER 40 OF THE REVISED ORDINANCES OF SIOUX FALLS, SD.

Proposed ord0066

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 46-09.

A motion was made by Council Member Staggers to amend the main motion by adding "sedgeways" after bicycle. Motion dies for a lack of a second.

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

Set the hearing date and 2nd Reading for Monday, June 1, 2009, at 7:00 p.m. for Items 21 through 29:

21. 1ST 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.)

Proposed ord1094

PC Report

Granicus Minutes- item 19

PC Exhibits

22. 1ST 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, TRAVEL TRAILERS, OR CAMPING UNITS' PARKING AREAS. (THE PLANNING COMMISSION RECOMMENDS APPROVAL.)

Proposed ord0051

PC Report

Granicus Minutes- item 22

Item 22 was referred to the Land Use Committee.

23. 1ST 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.)

Proposed ord0062

PC Report

Granicus Minutes- item 21

24. 1ST 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.)

Proposed ord1087

PC Report

Granicus Minutes- item 20

25. 1ST 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.)

Proposed ord1092

PC Report

Granicus Minutes- item 18

PC Exhibits

26. 1ST 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.)

Proposed ord1091

PC Report

Granicus Minutes- item 17

PC Exhibits

27. 1ST 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.)

Proposed ord1095

PC Report

Granicus Minutes- item 3

PC Exhibits

28. 1ST 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.)

Proposed ord1093

PC Report

Granicus Minutes- item 4

PC Exhibits

29. 1ST 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.

Proposed ord0084

A motion was made by Council Member Litz and seconded by Council Member Jamison to set a hearing date and 2nd Reading for Monday, June 1, 2009, at 7:00 p.m. for Items 21, and 23 through 29.

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

ADJOURNMENT

A motion was made by Council Member Anderson Jr. and seconded by Council Member Brown to adjourn at 10:28 p.m.

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

Jamie L. Palmer
Assistant City Clerk