

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West Tenth Street
|| MEETING OF Tuesday, January 20, 2009 at 7:00 p.m. |

ROLL CALL #6

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. PASTOR AARON ASMUS, MEMORIAL LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

CONSENT AGENDA

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, JANUARY 12, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, JANUARY 12, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM MS. ELIZABETH FEEZELL REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, LIQUOR, WINE, AND/OR MALT BEVERAGES AT THE SIOUXLAND HERITAGE MUSEUMS, 200 WEST SIXTH STREET, ON FRIDAY, JULY 24,

2009 FROM 5:00 P.M. TO 10:00 P.M. FOR THE PURPOSE OF A WEDDING.

2. A COMMUNICATION WAS RECEIVED FROM THE SIOUX FALLS IRISH CLUB, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM FEBRUARY 9, 2009, TO MARCH 17, 2009, FOR A TRIP FOR TWO TO IRELAND (VALUED AT \$6,000.00). THE PROCEEDS ARE TO BE USED TO BENEFIT THE SUMMER IRISH FESTIVAL.

APPLICATIONS

3. MINNEHAHA COUNTY, 318 N. MINNESOTA AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$797.21. THE COUNTY PURCHASED THIS PARCEL ON OCTOBER 31, 2008 AND IS REQUESTING AN ABATEMENT FOR THE TIME OWNED IN 2008.
4. ALI SELIM, 5909 W. SILVER VALLEY DRIVE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$401.73. TAXPAYER IS REQUESTING AN ABATEMENT FOR THE VALUE DIFFERENCE IN THE BASEMENT SIZE ON HIS RESIDENCE FOR 2008.
5. THE LUKE SOCIETY, 3409 S. GATEWAY BOULEVARD, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$5,938.38. A VALUE WAS PLACED ON THE PARCEL IN ERROR AND THE TAXPAYER IS NOW REQUESTING AN ABATEMENT FOR THIS VALUE DIFFERENCE.
6. SIOUX FALLS SCHOOL DISTRICT, 7800 W. 57TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$172.42. SIOUX FALLS SCHOOL DISTRICT IS EXEMPT.
7. AMY KADINGER, 4208 S. GALWAY AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$602.73. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE A FIRE DESTROYED THE HOME ON AUGUST 28, 2008.
8. TODD STARZ, 2011 JOHNSON PLACE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$399.37. TAXPAYER IS REQUESTING AN ABATEMENT BECAUSE HIS MOBILE HOME WAS MOVED TO LINCOLN COUNTY IN SEPTEMBER, 2007.
9. PAUL NELSON, NELSON HOMES, 802 TOPAZ PLACE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$331.73. TAXPAYER IS REQUESTING AN ABATEMENT AS THE DEALERSHIP WAS SOLD ON SEPTEMBER 28, 2007, AND MOVED TO MINNESOTA.
10. ALOHA BURNHAM, 1103 N. DULUTH AVENUE, FOR 2007 PROPERTY TAXES IN THE AMOUNT OF \$396.25.
11. LAURENCE HUSE, 823 W. 8TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$130.86.
12. IRENE OLSTAD, 506 S. EUCLID AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$837.92.
13. DOROTHY DEMPSEY, 801 S. SNEVE AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$783.05.

14. DARIN RISLOV, 1020 W. 17TH ST, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$514.94.
15. DONALD PEARSON, 1201 W. 37TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$814.07.
16. LOIS LUNDBERG, 1700 S. WILLOW, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$524.13.
17. GARY SKINLO, 1913 E. RUSSELL STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$15.91.
18. GUENTER NEUMANN, 4705 W. 37TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$638.21.
19. EILEEN WALLSTEIN, 1313 E. 4TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$306.30.
20. EDWIN SORENSEN, 1033 N. PRAIRIE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$93.92.
21. LUCILLE WIRT, 1104 W. 57TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$347.22.
22. ALTA LEMAR, 311 N. GRANGE AVENUE, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$823.11.

REGULAR AGENDA

APPROVAL OF REGULAR AGENDA

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

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

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

A motion was made by Council Member Beninga and seconded by Council Member Brown to approve items 23 through 35 (excluding Item 34) with one vote.

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

Motion Passed

DOC: MEMORANDUM

23. NEW 2009 RETAIL LIQUOR LICENSE FOR OUR VENTURES INC., NAME TO BE DETERMINED, TO BE OPERATED AT 900 SOUTH MARION ROAD, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2008-04-39) BEING APPROVED ON 07-02-08. PENDING FINAL INSPECTIONS PER FIRE AND HEALTH AND SUBJECT TO PERMITS, INSPECTIONS, AND FINAL OCCUPANCY PER BUILDING SERVICES.
24. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE OPERATED AT 1716 SOUTH WESTERN AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.
25. NEW 2009 RETAIL WINE LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE OPERATED AT 1716 SOUTH WESTERN AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.
26. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR KAREN A. JOHNSON, BUFFALOBERRIES, TO BE OPERATED AT 309 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2007-09-09) BEING APPROVED ON 10-03-07.
27. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM GREAT PLAINS LODGING V LLC, HOMEWOOD SUITES, 3620 WEST AVERA DRIVE, TO SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE, WITH THE CONDITIONAL USE PERMIT (2001-04-03) BEING APPROVED ON 05-21-01.
28. TRANSFER OF A 2008 RETAIL WINE LICENSE FROM GREAT PLAINS LODGING V LLC, HOMEWOOD SUITES, 3620 WEST AVERA DRIVE, TO SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE, WITH THE CONDITIONAL USE PERMIT (2001-04-03) BEING APPROVED ON 05-21-01.
29. RENEWAL OF A 2009 RETAIL WINE LICENSE FOR SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE.
30. RENEWAL OF A 2009 RETAIL LIQUOR LICENSE FOR 4900 BUILDING LLC, THE OAKS HOTEL, TO BE OPERATED AT 3300 WEST RUSSELL STREET, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS. PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.

31. ADDRESS CORRECTION FOR THE NEW 2009 RETAIL WINE LICENSE FOR THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, TO BE OPERATED AT 2320 SOUTH LOUISE AVENUE, APPROVED ON 11-17-08, WITH THE CORRECT ADDRESS BEING 2316-2318 SOUTH LOUISE AVENUE.
32. ADDRESS CORRECTION FOR THE TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, 2425 SOUTH SHIRLEY AVENUE #116, TO THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, TO BE OPERATED AT 2320 SOUTH LOUISE AVENUE, APPROXIMATELY FEBRUARY 19, 2009, OR UPON COMPLETION OF CONSTRUCTION, APPROVED ON 11-17-08, WITH THE CORRECT ADDRESS BEING 2316-2318 SOUTH LOUISE AVENUE.
33. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE SOUTHEASTERN CHAPTER OF THE SOUTH DAKOTA ENGINEERING SOCIETY TO BE HELD AT DOW RUMMEL VILLAGE, 1321 WEST DOW RUMMEL STREET, ON FEBRUARY 21, 2009, FOR THEIR AWARDS BANQUET.
34. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE CHILDREN'S CARE FOUNDATION TO BE HELD AT FIRST NATIONAL BANK IN SIOUX FALLS, 500 SOUTH PHILLIPS AVENUE, ON FEBRUARY 13, 2009, FOR A FUNDRAISER. APPLICANT IS REQUESTING WITHDRAWAL OF THIS REQUEST; NO ACTION NEEDED.
35. SPECIAL ONE-DAY WINE LICENSE FOR ST. JOSEPH CATHEDRAL CLUB #54, TO BE OPERATED AT ST. JOSEPH CATHEDRAL, 523 NORTH DULUTH AVENUE, ON FEBRUARY 13, 2009, FOR A VALENTINE'S DINNER.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set the hearing date and 2nd reading for Monday, February 2, 2009, at 7:00 p.m. for Items 36 and 37.

A motion was made by Council Member Litz and seconded by Council Member Jamison to set a hearing date and 2nd reading for Monday, February 2, 2009, at 7:00 p.m. for Items 36 and 37.

Vote to set a hearing date: Roll Call: Yeses, Knudson, Litz, Staggers, Beninga, Brown, Costello, Jamison, 7. Noes, 0.
Motion Passed

36. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE NORTHEAST CORNER OF E. 69TH ST. AND S. SYCAMORE AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE RC, RECREATION/ CONSERVATION DISTRICT; RS-2, RESIDENTIAL DISTRICT; RD, RESIDENTIAL DISTRICT; AND THE BRIARWOOD ESTATES SOUTH PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-12-09, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 4

37. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT S. TUSCAN CLUB CIR. FROM THE RS-1, RESIDENTIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2008-12-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Document: Ord. 0049

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 3

Set the hearing date and 2nd reading for Monday, February 9, 2009, at 7:00 p.m. for Items 38 through 41.

A motion was made by Council Member Knudson and seconded by Council Member Costello to set a hearing date and 2nd reading for Monday, February 9, 2009, at 7:00 p.m. for Items 38 through 41.

Vote to set a hearing date: Roll Call: Yeses, Knudson, Litz, Stagers, Beninga, Brown, Costello, Jamison, 7. Noes, 0.
Motion Passed

38. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BOND, FIXING THE TERMS OF SUCH WASTEWATER SYSTEM REVENUE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT. (NOT TO EXCEED \$1,803,000.)

Doc: Document: Ord. 1077

Doc: SRF Loan Items 38, 39, 40, 41

39. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BOND, FIXING THE TERMS OF SUCH WASTEWATER SYSTEM REVENUE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT. (NOT TO EXCEED \$2,540,000.)

Doc: Document: Ord. 1078

40. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS WATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE DRINKING WATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WATER SYSTEM REVENUE BOND, FIXING THE TERMS OF SUCH WATER SYSTEM REVENUE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT. (NOT TO EXCEED \$3,578,750.)

Doc: Document: Ord. 1079

41. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS WATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE DRINKING WATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WATER SYSTEM REVENUE BOND, FIXING THE TERMS OF SUCH WATER SYSTEM REVENUE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT, AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT. (NOT TO EXCEED \$7,706,900.)

Doc: Document: Ord. 1080

HEARINGS AND RESOLUTIONS

42. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF FOSS FIELDS ADDITION, PETITION NO. 2008-12-11. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Document: Res. 0039

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 12

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt Resolution 7-09.

Vote to adopt: Roll Call: Yeses, Knudson, Litz, Staggers, Beninga, Brown, Costello, Jamison, 7. Noes, 0.
Motion Passed

RESOLUTION NO. 07-09

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF FOSS FIELDS ADDITION, PETITION NO. 2008-12-11.

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

That the preliminary plan of Foss Fields 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: 01/20/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

ADJOURNMENT

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

Vote to adjourn: Roll Call: Yeses, Knudson, Litz, Staggers, Beninga, Brown, Costello, Jamison, 7. Noes, 0.
Motion Passed

Tamara Jorgensen
Assistant City Clerk