City of Sioux Falls Council Meeting Minutes

Carnegie Town Hall, 235 West Tenth Street

MEETING OF Monday, May 15, 2006, at 7:00 p.m.

The City Council of the City of Sioux Falls, Minnehaha and Lincoln Counties, South Dakota, met in session at the Carnegie Town Hall, Sioux Falls, South Dakota, on Monday, May 15, 2006, at 7:00 p.m., pursuant to law, with the following members present at roll call: Council Members Gerald Beninga, Vernon Brown, J. Pat Costello, Bob Jamison, Kevin Kavanaugh, De Knudson, Kermit L. Staggers, and Mayor Dave Munson. Absent: Council Member Darrin Smith.

INVOCATION

Reverend Jesse Moore, Son Rise Baptist Church and Ridgecrest Baptist Church

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Jamison and seconded by Council Member Beninga to approve the items on the Consent Agenda with one vote as follows.

- A motion to amend was made by Council Member Kavanaugh and seconded by Council Member Knudson to move Item 9 to the Regular Agenda for discussion. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

- The main motion, as amended, was voted upon. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

MINUTES

- Informational Meeting of Monday, May 8, 2006, at 4:00 p.m.
- Regular Council Meeting of Monday, May 8, 2006, at 7:00 p.m.

COMMUNICATIONS

1. A communication was received from Ms. Dianne C. Mair requesting permission to consume but not sell, liquor, wine and/or malt beverages at the Old Courthouse Museum, 200 W. 6th Street, from 7:00 p.m. to 12:00 pm for a wedding reception.

NOTICE OF HEARINGS

Set a hearing date for Monday, June 5, 2006, at 7:00 p.m. on Items 2 through 8:

2. New 2005-06 Retail Malt Beverage License for Alliance Services LLC, De Hoek, to be operated at 200 South Phillips Avenue.

3. Transfer of a 2005-06 Package Malt Beverage License from Melesech Ayele and Tsehau Retta, Hywet Grocery, 617 West 11th Street, to Melesech Ayele, Hywet Grocery, to be operated at 617 West 11th Street.

4. Special One-Day Liquor License requests for Catering America Inc. for the following dates and locations: Wedding reception at the Multi-Cultural Center, 515 North Main Avenue, on July 15, 2006; wedding receptions at the Old Courthouse Museum, 200 West Sixth Street, on June 17 and August 5, 2006.

5. Special One-Day Liquor License request for Washington Pavilion Management Inc., Washington Pavilion of Arts and Science, 301 South Main Avenue, for a wedding reception on June 17, 2006.

6. Special One-Day Malt Beverage License for Youth Activities Inc. (a subsidiary of the Sioux Falls Morning Optimists) to be held at Legend Victory, 2101 West Burnside Street, on June 17, 2006, for a fundraiser.

7. Special One-Day Wine License for The Banquet to be operated at The Banquet, 900 East Eighth Street, on September 23, 2006, for the Project SOS Fundraiser.

8. Various Retail Malt Beverage and Package Malt Beverage License renewals for 2006-07 to be operated at various locations in the City of Sioux Falls. See attached Exhibit B.

A motion was made by Council Member Kavanaugh and seconded by Council Member Beninga to set a hearing date for Monday, June 12, 2006, at 7:00 p.m. for Item 9, which was introduced and given its first reading. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

9. A proposed Resolution vacating E. Washington St. from 40' east of section line (N. Sycamore Ave.) to Lot 1A, Blk 1 Wildflower Addition.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Brown and seconded by Council Member Kavanaugh to approve the Regular Agenda. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

PUBLIC INPUT

- There was none.

Item 9 was discussed at this time. See item for action taken.

UNFINISHED BUSINESS

A motion was made by Council Member Knudson and seconded by Council Member Costello to approve the items with one vote as follows. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

10. New 2006-07 Retail Malt Beverage License for Suad & Venija Mujcin, European Super Market, to be operated at 702 East Eighth Street, effective July 1, 2006. **Pending final inspections per Fire, Health, and Building Services.**

11. New 2006 Retail Wine License for Suad & Venija Mujcin, European Super Market, to be operated at 702 East Eighth Street. **Pending final inspections per Fire, Health, and Building Services.**

12. Transfer of a 2006 Retail Liquor License from Pat Davis, Waterfall Grille, 453-457-461-465 West 69th Street, to Waterfall Plaza LLC, Waterfall Grille, to be operated at 449 West 69th Street (formerly known as 453-457-461-465 West 69th Street), including Sunday Sales and video lottery terminals. **Pending final inspections per Fire and Building Services.**

13. Transfer of a 2006 Retail Liquor License from Alpha Services Inc., 601 Arota, 601 West 33rd Street, to Pinnacle Hospitality Inc., 601 Arota, to be operated at 601 West 33rd Street, including Sunday Sales.

14. Transfer of a 2005-06 Retail Malt Beverage License from Riverfront Centre Hotel Joint Venture, Front Porch Grill, 2501 West Russell Street, to Soul Affair LLC, Soul Affair, to be operated at 2501 West Russell Street, including video lottery terminals.

15. Transfer of a 2005-06 Retail Malt Beverage License from M&M Casino Inc., M&M Casino, 825 South Minnesota Avenue, to Minnesota Jack's Casino Inc., M&M Casino, to be operated at 825 South Minnesota Avenue, including video lottery terminals.

16. Special One-Day Liquor License for Children's Care Hospital and School to be operated at the Multi-Cultural Center, 515 North Main Avenue, on February 10, 2007, for a fundraiser. **Item withdrawn.**

17. Special One-Day Malt Beverage and Special One-Day Wine Licenses for Sioux Falls Catholic Schools Corporation to be operated at Great Bear Recreation Park, 5901 East Rice Street, on June 24, 2006, for the Summer Jam.

18. Various Retail Malt Beverage and Package Malt Beverage License renewals for 2006-07 to be operated at various locations in the City of Sioux Falls, **known as Exhibit A**, were approved with the following stipulations on the Retail Malt Beverage License renewals: NPC International Inc., Pizza Hut No. 2782, 2501 West 12th Street, pending final inspection per Fire; Thurston Inc., Jono's, 1704 Burnside Street, pending final inspection per Fire.

RETAIL MALT BEVERAGE

OWNER'S NAME	BUSINESS NAME	ADDRESS
Avila, Julio C. & Bartrus, Luis	El Paraiso Family Restaurant	2401 E Tenth St Ste 101
BTRG Inc	Westside City Casino	2720 W 12th St
CFJ Properties	Country Market Restaurant	5201 N Granite Ln
C.Y. Heritage Inn of Sioux Falls Inc.	SF Residence Inn	4509 W Empire Place
Chances Inc.	Hole in the Wall	1504 W Russell St
Commonwealth Gaming & Holdings Corp	Deuces	317 N West Ave
Commonwealth Gaming & Holdings Corp	Deuces IV	800 E Eighth St
Corner Pub & Casino Inc.	Corner Pub & Casino	2408 E Sixth St
Crown Gaming Inc.	Crown Casino	2516 W 41st St
Crown Gaming Inc.	Crown Casino Central	1725 S Minnesota Ave
Crystal Investment Inc.	Ace's Casino	1316 S Cliff Ave
Crystal Investment Corp	Black Diamond Casino	5113 W 41st St
Delta Investments Inc.	Boomer's	4408 E 26th St
Dollar Bill's Casino Inc.	Dollar Bill's Casino	4920 N Cliff Ave
Empire Casino Inc.	Empire Casino	3908 W 41st St
Garcia, Salvador	Taqueria America	802 E 10th St
Golden Dragon Inc.	Golden Dragon Chinese Rest	121 N Indiana Ave
Grevlaar Inc.	Blue Moon Casino	1704 W 41st St
Hopp, Michael	The Scoreboard	110 N Indiana Ave
Houli Inc.	Players Club Casino	2909 E Tenth St
Howell Extended Stay Inc.	Staybridge Suites	2505 S Carolyn Ave
Inca's Mexican Restaurant Inc.	Inca's	3312 S Holly Ave
Interstate Gaming Inc.	Boxcar's	1400 E Tenth St
JSKR Ventures Inc.	Shooter's Pub	2309 W Madison St
Ken's Korner Inc.	Ken's Korner	918 W Sixth St
Keserovic, Ibrahim	Eurogoal	210 S Main Ave
Los Chivistas Inc.	La Fiesta Mexican Restaurant	2039 W 41st St
Louie, Dak F. and Ken Lau	Ming Wah Restaurant	119 W Tenth St
Lucky Bucks Casino Inc.	Lucky Bucks Casino	3705 S Western Ave
Lucky Strike Casino Inc.	Lucky Strike Casino	1033 N Minnesota Ave
MJM Inc.	Kay's Casino	1508 W 41st St
MJM Inc.	Kay's Too	1506 W 41st St
Mint Casino Inc.	The Mint Casino	3601 E Tenth St
NPC International Inc.	Pizza Hut No. 2781	2600 W 41st St
NPC International Inc.	Pizza Hut No. 2783	4501 E 26th St
Nace, James	Suds & Suds Laundry & Fun	4205 Racket Drive
Nelson Operating Co.	Friday's Hero	1004 W 18th St
Nelson Operating Co.	Rice Street Casino	1810 E Rice St
Neon Corporation	Neon Diner and Casino	4101 E Tenth St
Paradise Management Inc.	Paradise Casino	5109 W 12th St
Paradise Management Inc.	Paradise East Casino	1914 S Sycamore, #201
Peterson, C. C., Realty Co.	Grand Casino	4211 W 12th St
Quan Holdings Inc.	Crown Casino East	2401 E Tenth St, Ste 109
Quan Holdings Inc.	The Gold Nugget	2605 E Tenth St
Regal Holdings	Crown Casino #1	4805 W 12th St
Regal Holdings	Crown Casino #2	4809 W 12th St
Regal Holdings	Paradise Central Casino	1821 W 12th St
Sioux Falls Canaries	Sioux Falls Canaries	1001 N West Ave

Prof Baseball Club LLC		
Sioux Falls Trades and Labor Assembly	Sioux Falls Trades and Labor	101 S Fairfax Ave
Tri State Gaming	Full House	5005 W 12th St
VerSchoor, Philip	Phil's Corner	106 S Indiana Ave
Youth Enrichment Services Inc.	Burnside Bingo	1605 W Burnside St

PACKAGE MALT BEVERAGE

OWNER'S NAME	BUSINESS NAME	ADDRESS
Art's Auto Care Inc.	Art's Auto Care	812 E Tenth St
CFJ Properties	Flying J Travel Plaza	5201 N Granite Ln
Casey's Retail Company	Casey's General Store	1705 W Burnside St
Casey's Retail Company	Casey's General Store	701 S Sycamore Ave
Casey's Retail Company	Casey's General Store	1809 E Rice St
Casey's Retail Company	Casey's General Store	901 E Benson Rd
Casey's Retail Company	Casey's General Store	500 N Kiwanis Ave
Freedom Valu Centers Inc.	Erickson Valu Center #9	1601 S Minnesota Ave
Freedom Valu Centers Inc.	Erickson Valu Center #16	2601 W 12th St
Grevco Inc.	Shop 'N Cart North	1029 N Minnesota Ave
Haggar Investment Co.	Franklin Food Market	711 N Cliff Ave
Hy-Vee Food Stores Inc.	Hy-Vee Food Store #1	1601 S Sycamore Ave
Hy-Vee Food Stores Inc.	Hy-Vee Food Store #3	2404 S Minnesota Ave
Hy-Vee Food Stores Inc.	Hy-Vee Food Store #4	1900 S Marion Rd
Hy-Vee Inc.	Hy-Vee Food Store #5	3020 E Tenth St
Hy-Vee Inc.	Hy-Vee Gas #1	1521 S Sycamore Ave
Parks, Donald	Donald Parks Amoco	3501 W 49th St
Speedway/SuperAmerica LLC	SuperAmerica #4298	2911 W 41st St

INTRODUCTION AND ADOPTION OF ORDINANCES

19. This was the date set for deferred action and 2nd Reading on **Ordinance 64-06**, of the City of Sioux Falls, SD, providing supplemental appropriations CIP Project 037011 Evidence and Record Storage Building increase amount to $1,000,000, Public Works/Facilities Management, and a motion was made by Council Member Brown and seconded by Council Member Jamison to adopt said ordinance. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

20. This was the date set for a hearing and 2nd Reading on **Ordinance 62-06**, of the City of Sioux Falls, SD, amending the revised ordinances of the city allowing the temporary consumption of alcoholic beverages in Falls Park and Fawick Park, and a motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said ordinance. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

21. This was the date set for a hearing and 2nd Reading on **Ordinance 63-06**, of the City of Sioux Falls, SD, amending the revised ordinances of the city by revising Chapter 18 thereof, (Garbage Ordinance Revision), and a motion was made by Council Member Jamison and seconded by Council Member Kavanaugh to adopt said ordinance.

- A motion was made by Council Member Staggers to amend the main motion by deleting paragraph 7 out of section 18-75. Motion died for lack of second.

- A motion was made by Council Member Knudson to amend the main motion by changing section 18-75, paragraph 7 to set recycling goal for 2007 to 15 percent by weight. Motion died for lack of second.

At 8:50 p.m., Mayor Munson recessed the meeting for a 5 minute break.

At 8:55 p.m., the meeting reconvened.

- A motion was made by Council Member Knudson and seconded by Council Member Beninga to amend the main motion by inserting the original language back into section 18-24. Motion withdrawn by Knudson.

- The main motion was voted on at this time. ***Roll Call: Yeses, Costello, Beninga, Kavanaugh, Jamison, Brown, 5. Noes, Staggers, Knudson, 2.***

A motion was made by Council Member Beninga and seconded by Council Member Brown to set a hearing date and 2nd Reading for Monday, June 5, 2006, at 7:00 p.m. for Item 22 through Item 34, which were introduced and given their first readings. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

22. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at Falls Park from the RC, Recreation Conservation District to the Overlook Café Planned Development District, Petition No. 2006-02-05, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

23. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at Western Avenue and Laquinta Avenue from the RA-1, Residential District to the O, Office and the RS-2, Residential Districts, Petition No. 2006-03-04, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

24. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at 18th St. to 22nd St. and Lake Ave. to West Ave. from the RS-2, Residential District to the Sioux Valley Hospital Campus Planned Development District, Petition No. 2006-03-11, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

25. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at the SE Corner of Sixth St. and Sycamore Ave. from the RD and RS-2, Residential and RD, Residential Districts to the Washington Crossing Planned Development District, Petition No. 2006-03-25, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

26. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, a **Major Amendment** (Petition No. 2006-04-01) to Chapter 15.45.070, Planned Development Districts, at W. 77th St. and S. Minnesota Ave. allowing changes in land use as reflected in the revised Subarea regulations and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

27. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, a **Major Amendment** (Petition No. 2006-04-06) to Chapter 15.45.070, Planned Development Districts, at S. Solberg Ave. and W. 57th St. allowing changes in land use as reflected in the revised Subarea regulations and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

28. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at 400' West of Valley View Rd. on W. Fifth St. from the Meadow Ridge Planned Development District to the RS-2, Residential District, Petition No. 2006-04-07, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

29. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property between 26th St. and Highway 42, West of Highway 11 from the AG, Agricultural District to the Dawley Farm Village Planned Development District, Petition No. 2006-04-16, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

30. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at East and South of Sunny View Acres Addition from the AG, Agricultural District to the RS-2, Residential District, Petition No. 2006-04-18, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

31. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at North side of 26th St., one-half mile west of SD Highway 11 from the AG, Agricultural District to the O, Office District, Petition No. 2006-04-17, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

32. **1st Reading:** An Ordinance of the City of Sioux Falls, SD, rezoning property at W. 77th St. and S. Louise Avenue. From the AG, Agricultural District to the RC, Recreation/ Conservation, RS-1, Residential, RS-2, Residential and the RD, Residential Districts, Petition No. 2006-04-24, and amending the official zoning map of the City of Sioux Falls. Planning Commission recommends approval.

HEARINGS AND RESOLUTIONS

33. This was the date set for deferred action on a Preliminary Subdivision Plan (2006-03-27): Sycamore Crossing Addition to the City of Sioux Falls, Minnehaha County, SD. NE Corner of S. Sycamore Ave. and E. 57th Street, Planning Commission recommends approval, and a motion was made by Council Member Brown and seconded by Council

Member Jamison to adopt the following Resolution. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

RESOLUTION NO. **60-06**

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD, that the preliminary plan of Sycamore Crossing 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: 05/15/06 .

Dave Munson
Mayor

ATTEST:
Denise D. Tucker
Assistant City Clerk

34. This was the date set for deferred Action on a Resolution amending the 2006-2010 Capital Program, Public Works/Facilities Management, and a motion was made by Council Member Beninga and seconded by Council Member Brown to adopt the following Resolution. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

RESOLUTION NO. **61-06**

A RESOLUTION AMENDING THE 2006–2010 CAPITAL PROGRAM.

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

That the 2006–2010 Capital Program be amended as follows:

Public Works/Facilities Management
Amend Capital Improvement Project No. 037011, Evidence and Record Storage Building, by changing the year from 2007 to 2006 and changing the description for work to be completed in 2006 to "Property Acquisition and Building Remodel Costs for the Evidence and Record Storage Building." The estimated cost will increase from $581,940 to $1,000,000. The funding will require an increase in appropriations that will be funded by the Sales/Use Tax Fund.

Date adopted: 05/15/06 .

Dave Munson
Mayor

ATTEST:
Denise D. Tucker
Assistant City Clerk

35. **Deferred Action:** A Resolution vacating S. Grange Ave. from W. 33rd St. to W. 37th St. **Item withdrawn.**

36. This was the date set for a hearing on a Resolution including certain contiguous territory within the corporate limits of the City of Sioux Falls, South Dakota, NE Corner of West 57th Street and Tea/Ellis Road, and a motion was made by Council Member Jamison and seconded by Council Member Kavanaugh to adopt the following Resolution. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

RESOLUTION NO. **62-06**

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. An approved Future Land Use Amendment is required prior to subdivision and zoning, based upon the area being outside of the 2015 Growth Area.
3. There is adequate provision for municipal utilities and access to the major street network [57th St.]. Tea Ellis Rd. is not currently in the 2006–2010 Capital Improvement Program (CIP).

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.

SW1/4 of Section 34, T101N, R50W, Minnehaha County, except the E 730' of the S 2,060' and except the W 670' of the E 1,400' of the S 1,315.22' of the SW1/4 of said Section 34, and including the adjacent W. 57th St. and Tea/Ellis Rd. right-of-ways, adjacent thereto.

Date adopted: 05/15/06 .

Dave Munson
Mayor

ATTEST:
Denise D. Tucker
Assistant City Clerk

NEW BUSINESS/ITEMS ADDED AFTER AGENDA DEADLINE

At this time, Mayor Munson absented himself from the discussion and the vote for Items 37 and 38. Council Member Vernon Brown presided as Chair of the meeting.

37. Election of an interim City Council Chair. **Item withdrawn.**

38. A motion was made by Council Member Jamison and seconded by Council Member Beninga to elect City Council Member De Knudson as interim City Council Vice-Chair. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

The City Council may include such other business as may come before this body.

ADJOURNMENT

A motion was made by Council Member Kavanaugh and seconded by Council Member Jamison to adjourn at 9:22 p.m. ***Roll Call: Yeses, Staggers, Costello, Beninga, Kavanaugh, Jamison, Knudson, Brown, 7. Noes, None.***

Denise D. Tucker
Assistant City Clerk