City of Sioux Falls Council Meeting Minutes

Carnegie Town Hall, 235 West Tenth Street

MEETING OF Monday, May 20, 2002, 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 Hall, Sioux Falls, South Dakota, on Monday, May 20, 2002, at 7:00 p.m., pursuant to law, with the following members present at roll call: Council Members Kermit L. Staggers, Andy Howes, Kenyon Gleason, De Knudson, Curtis Rust, Gerald Beninga, Darrin Smith, Kevin Kavanaugh, and Mayor Dave Munson. All members present.

Mayor Dave Munson thanked outgoing Mayor Gary Hanson and outgoing Council Members Tam Baker, Dann Grevlos, Bob Jamison, and Dick Kelly for their leadership provided to the Council and the City of Sioux Falls.

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Kavanaugh and seconded by Council Member Rust to approve the items on the Consent Agenda with one vote as follows. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

MINUTES

- Briefing Meeting of Monday, May 13, 2002, at 4:00 p.m.
- Informational Meeting of Monday, May 13, 2002 at 5:15 p.m.
- Regular Council Meeting of Monday, May 13, 2002, at 7:00 p.m.

COMMUNICATIONS

1. Communication received from the Children's Medical Library stating their intent to sell raffle tickets from May 30, 2002 to August 31, 2002 for a set of golf clubs worth approximately $500.00 with the proceeds to be used for operational expenses for the organization. The drawing will be August 31, 2002.

NOTICE OF HEARINGS

Set hearing date for Monday, June 10, 2002, at 7 p.m., on Item #2:

2. Various Retail Malt Beverage and Package Malt Beverage License renewals for 2002-03 to be operated at various locations in the City of Sioux Falls. **See attached Exhibit B.**

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Kavanaugh and seconded by Council Member Smith to approve the Regular Agenda.

A motion was made by Council Member Kavanaugh and seconded by Council Member Gleason to reconsider Resolution No. 62-02 adopted on May 13, 2002, deferred action declaring the necessity to grade, gravel, construct curb and gutter with driveway approaches, storm sewer, asphalt surfacing and streetlights on E. 55th St. N. and E. 57th St. N., and assessing the cost to each lot or tract of land benefiting thereby, and to set the hearing for Monday, June 17, 2002, at 7:00 p.m. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

A motion was made to by Council Member Rust and seconded by Council Member Gleason to reconsider an Ordinance of the City of Sioux Falls, SD, amending the Revised Ordinances of the City by revising garbage hauler license regulations, and to set the hearing for Monday, July 15, 2002, at 7:00 p.m. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

A motion was made by Council Member Kavanaugh and seconded by Council Member Gleason to move Agenda Item #30 to the first item on the Regular Agenda. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

The main motion to approve the Regular Agenda, with amendments, was voted on at this time. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

PETITIONS

Item #30 was considered at this time. See Item #30 for the action taken.

Council Member Darrin Smith left the meeting at this time.

3. This was the date set for the hearing on a Major Amendment (2002-04-09) at the SE corner of 6th and Cleveland, in Subarea B, Grevlos Planned Development District, to allow an additional carwash bay, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Rust to approve subject to provision of a revised Initial Development Plan for the Grevlos PD, Planned Development District. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Kavanaugh, 7. Noes, None.**

Council Member Darrin Smith returned to the meeting at this time.

4. This was the date set for the hearing on a Major Amendment (2002-04-20) at the NE corner of East 41st Street and S. Sycamore Avenue, in Subareas A, B and C of the Manifold Acres PD, Planned Development District, to change Subarea boundaries and allowed uses, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Beninga to approve subject to the Subarea

boundary map and regulations being revised. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

5. This was the date set for the hearing on a Conditional Use Permit (2002-04-25) at 2700 West 49th Street, in the O, Office District, to allow a day care center, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to approve. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

6. This was the date set for the hearing on a Conditional Use Permit (2002-04-03) at 1728 S. Sherman, in the RS-2 Residential District, to allow construction of a twin home, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Rust to approve subject to the area between the driveways being sodded and trees planted as depicted on the plan presented. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

Council Member Andy Howes absented himself from the area and the vote on Item #7 at this time.

7. This was the date set for the hearing on a Conditional Use Permit (2002-04-07) at Foss Avenue and Highway 42, in the C-4, Planned Commercial District, to allow a gas dispensing station, with the Planning Commission recommending approval, and a motion was made by Council Member Kavanaugh and seconded by Council Member Smith to approve subject to: 1) A station attendant is required and pumps are to be visible from the attendant station; 2) Recessed canopy lighting fixtures are required; 3) Stop signs at all driveways along the access road are required; 4) Add one shade tree in the front yard along Highway 42; 5) Ground cover is to be grass with an underground irrigation system provided; 6) The trash enclosure is to be a masonry wall, using brick or split-faced colored concrete masonry units; 7) On-premise freestanding signage is limited to one sign, 21-foot maximum height, 104 sq. ft. maximum sign area with design as presented; and 8) Building wall and canopy signage is limited to the north and south elevations. **Roll Call: Yeses, Staggers, Gleason, Knudson, Rust, Beninga, Kavanaugh, 6. Noes, Smith, 1.**

Council Member Andy Howes returned to the meeting at this time.

8. This was the date set for the hearing on a Conditional Use Permit (2002-04-08) at 910 North Main Avenue, in the C-2, General Commercial District, to allow motor vehicle display and sales, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Beninga to approve subject to the plan as presented, limited to five cars for display and sales. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

9. This was the date set for the hearing on a Conditional Use Permit (2002-04-14) at 5300 W. 57th Street, in the C-4, Planned Commercial District, to allow a convenience store with gas dispensing, a car wash, and a bank, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Rust

to approve subject to the landscape plan for the north 225 feet of the eastern property line incorporating a vinyl fence, evergreen trees planted 15 foot on center, and a sound wall. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

10. This was the date set for the hearing on a Major Amendment (2002-03-06) at 3608-3642 Southeastern Avenue, 4-Hills Plaza, Subarea E of the Brady Estates PD, Planned Development District, to allow on-sale alcohol accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Smith to approve subject to: 1) The on-sale alcohol use is an accessory use to a restaurant and valid for this applicant only and any expansion of the floor area of the on-sale establishment will require review and approval of the Planning Commission; and 2) The crime prevention officer approves a security management plan prior to business operation. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

11. This was the date set for the hearing on a Conditional Use Permit (2002-03-14) at 201 N. Weber, in the C-2 General Commercial District, and off-site parking in the I-1 Light Industrial District, to allow on-sale alcohol accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Smith and seconded by Council Member Gleason to approve subject to: 1) The on-sale alcohol use is an accessory use to a restaurant and valid for this applicant only; and 2) A security management plan is approved by the crime prevention officer prior to business operation. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

Council Member Darrin Smith absented himself from the area and the vote on Items #12 through #18 at this time.

12. This was the date set for the hearing on a Conditional Use Permit (2002-03-03) at 1605 West Burnside, in the C-2, General Commercial District, to allow on-sale alcohol as an accessory use to a bingo hall, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Beninga to approve subject to: 1) Approval is for this applicant only; 2) Approval is for an on-sale establishment as an accessory use to a bingo hall; and 3) Submittal of a security management plan is required for review and approval by the City Police Department prior to license issuance. **Roll Call: Yeses, Staggers, Howes, Kavanaugh, 3. Noes, Gleason, Knudson, Rust, Beninga, 4. Motion failed.**

13. This was the date set for the hearing on a Conditional Use Permit (2002-03-12) at 5304 N. Cliff Avenue, in the C-4, Planned Commercial District, to allow on-sale alcohol accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Staggers and seconded by Council Member Howes to approve subject to: 1) Approval is for this applicant only; 2) Approval is for an on-sale establishment as an accessory use to a restaurant; and 3) Submittal of a security management plan is required for review and approval by the City Police Department prior to license issuance.

Roll Call: Yeses, Staggers, Howes, 2. Noes, Gleason, Knudson, Rust, Beninga, Kavanaugh, 5. Motion failed.

14. This was the date set for the hearing on a Conditional Use Permit (2002-03-13) at 3400 S. Gateway Blvd, in the C-4, Planned Commercial District, to allow an on-sale alcohol establishment accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Staggers and seconded by Council Member Howes to approve subject to: 1) Approval is for this applicant only; 2) Approval is for an on-sale establishment as an accessory use to a restaurant; and 3) Submittal of a security management plan is required for review and approval by the City Police Department prior to license issuance. **Roll Call: Yeses, Staggers, Howes, 2. Noes, Gleason, Knudson, Rust, Beninga, Kavanaugh, 5. Motion failed.**

15. This was the date set for the hearing on a Conditional Use Permit (2002-04-04) at 1430 N. Minnesota Avenue, in the C-2, General Commercial District, to allow on-sale alcohol establishment accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Staggers and seconded by Council Member Howes to approve subject to: 1) Approval is for this applicant only; 2) Approval is for an on-sale establishment as an accessory use to a restaurant; and 3) Submittal of a security management plan is required for review and approval by the City Police Department prior to license issuance. **Roll Call: Yeses, Staggers, Howes, 2. Noes, Gleason, Knudson, Rust, Beninga, Kavanaugh, 5. Motion failed.**

16. This was the date set for the hearing on a Conditional Use Permit (2002-04-11) at 4204 W. 41st Street, in the C-4, Planned Commercial District, to allow on-sale alcohol establishment accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Staggers and seconded by Council Member Howes to approve subject to: 1) Approval is for this applicant only; 2) Approval is for an on-sale establishment as an accessory use to a restaurant; and 3) Submittal of a security management plan is required for review and approval by the City Police Department prior to license issuance. **Roll Call: Yeses, Staggers, Howes, 2. Noes, Gleason, Knudson, Rust, Beninga, Kavanaugh, 5. Motion failed.**

17. This was the date set for the hearing on a Conditional Use Permit (2002-04-12) at 2708 E. 10th Street, in the C-2, General Commercial District, to allow on-sale alcohol establishment accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Staggers and seconded by Council Member Howes to approve subject to: 1) Approval is for this applicant only; 2) Approval is for an on-sale establishment as an accessory use to a restaurant; and 3) Submittal of a security management plan is required for review and approval by the City Police Department prior to license issuance. **Roll Call: Yeses, Staggers, Howes, 2. Noes, Gleason, Knudson, Rust, Beninga, Kavanaugh, 5. Motion failed.**

18. This was the date set for the hearing on a Conditional Use Permit (2002-04-13) at 1720 W. 12th Street, in the C-2, General Commercial District, to allow on-sale alcohol establishment accessory use to a restaurant, with the Planning Commission recommending approval, and a motion was made by Council Member Howes and seconded by Council Member Staggers to

approve subject to: 1) Approval is for this applicant only; 2) Approval is for an on-sale establishment as an accessory use to a restaurant; and 3) Submittal of a security management plan is required for review and approval by the City Police Department prior to license issuance. **Roll Call: Yeses, Staggers, Howes, 2. Noes, Gleason, Knudson, Rust, Beninga, Kavanaugh, 5. Motion failed.**

Council Member Darrin Smith returned to the meeting at this time.

A motion was made by Council Member Gleason and seconded by Council Member Rust for a 10-minute break at 10:07 p.m. The meeting reconvened at 10:20 p.m. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

19. This was the date set for the hearing on a Conditional Use Permit (2001-11-24) at 3200 W. 12th Street, in the C-2, General Commercial District, to allow motor vehicle display and sales in an existing commercial parking lot, with the Planning Commission recommending approval, and a motion was made by Council Member Knudson and seconded by Council Member Gleason to approve subject to: 1) The Conditional Use Permit is granted for this applicant only and, additionally, any transfer in ownership will void the conditional use permit; 2) Parking spaces continue to be limited to six cars and the Planning Commission will review the Conditional Use Permit for compliance with City Ordinances at the regular meeting to be held August 1, 2002 and at that time, the applicant may request the increase to 20 cars for the winter months from September 15th to April 15th; 3) Submittal of a parking plan, to include re-striping and additional structurally sound abutments, for the City Engineering review and approval; 4) The motor vehicles on the display on Lot 1 Tract 2D Nardell's Second Addition are parked facing east/west as shown on the plan submitted March 11, 2002; and 5) On-site display and sales of recreational motor vehicles, including campers and boats are prohibited.

A motion was made by Council Member Staggers and seconded by Council Member Howes to amend by deleting Stipulation #4. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

A motion was made by Council Member Gleason and seconded by Council Member Howes to amend from allowing 6 cars to 10 cars. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

The main motion, with amendments, was voted on at this time. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

20. This was the date set for the hearing on a Major Amendment (2002-04-15) at 4637 W. Homefield Drive, in Subarea A, Marion Place PD, Planned Development District, to allow a car wash, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to approve subject to Subarea A Regulations being modified to include a pitched roof, upgraded building finishes, increased landscaping and screening, and lighting and signage that is compatible with existing development. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

21. This was the date set for the hearing on a Conditional Use Permit (2001-04-27) at 421 West 8th Street, in the C-2, General Commercial District, to allow a retail store on property in which another retail use was discontinued on the premises for more than one year, with the Planning Commission recommending approval, and a motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to approve subject to: 1) Establish a new 10 ft. wide landscape setback, including grass and at least two trees along 8th Street and the existing asphalt between the curb and sidewalk along 8th Street be removed and a grass area established; and 2) A new 10-foot wide landscape setback, including grass and one tree be established at the southwest corner of the property, south of the South Spring Avenue driveway and any exterior remodeling should be compatible with adjacent historic districts relative to design, materials, and color schemes and be reviewed and approved by Planning Staff prior to building permit issuance. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

UNFINISHED BUSINESS

Council Member Gerald Beninga absented himself from the area and the vote on Item #22 at this time.

22. This was the date set for the hearing on the transfer of a 2002 Retail Liquor License from Skelly's Pub & Grill LLC, Skelly's Pub & Grill, 130 South Phillips Avenue, to Red Buffalo Trading Co. Inc., Skelly's Pub & Grill, to be operated at 130 South Phillips Avenue, including Sunday Sales and video lottery terminals, and a motion was made by Council Member Kavanaugh and seconded by Council Member Smith to approve said transfer. **Roll Call: Yeses, Staggers, Howes, Rust, Smith, Kavanaugh, 5. Noes, Gleason, Knudson, 2.**

Council Member Gerald Beninga returned to the meeting at this time.

23. This was the date set for the hearing on the transfer of a 2002 Retail Liquor License from River Falls Inc., Falls Landing, 200 East Eighth Street, to Woo's Landing Inc., Falls Landing, to be operated at 200 East Eighth Street, including Sunday Sales and video lottery terminals, and a motion was made by Council Member Kavanaugh and seconded by Council Member Smith to approve said transfer. **Roll Call: Yeses, Staggers, Howes, Rust, Smith, Kavanaugh, 5. Noes, Gleason, Knudson, Beninga, 3.**

24. This was the date set for the hearing on a new 2001-02 Retail Malt Beverage License for Legends Entertainment LLC, Legends Ballroom, to be operated at 1500 West Russell Street, and a motion was made by Council Member Kavanaugh and seconded by Council Member Smith to approve said license subject to final inspections per Fire and Health. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

25. This was the date set for the hearing on various Retail Malt Beverage and Package Malt Beverage License renewals for 2002-03 to be operated at various locations in the City of Sioux Falls, as follows, and a motion was made to approve by Council Member Smith and seconded by Council Member Kavanaugh with the license for the Sioux Falls Canaries

Professional Baseball Club LLC, Sioux Falls Canaries, 1001 North West Avenue, to be approved subject to Fire Code corrections per Fire.

A motion to amend was made that a stipulation be placed on the Retail Malt Beverage License renewal for Corner Pub & Casino Inc., Corner Pub & Casino, 2408 East Sixth Street, specifying that there be no outside drinking.

A substitute motion was made to remove Corner Pub & Casino Inc., Corner Pub & Casino, 2408 East Sixth Street, from the renewal list and defer action to Monday, June 3, 2002, at 7:00 p.m. **Roll Call: Yeses, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 7. Noes, Staggers, 1.**

The main motion, as amended, was voted on at this time. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**

RETAIL MALT BEVERAGE

OWNER'S NAME	BUSINESS NAME	ADDRESS
* BTRG Inc	Westside City Casino	2720 W 12th St
Breaktime Billiards Inc.	Breaktime Billiards	224 S Phillips Ave
CEC Entertainment Inc.	Chuck E. Cheese's	2600 S Louise Ave
C.Y. Heritage Inn of SF Inc.	Sioux Falls Residence Place	4509 W Empire Pl
* Commonwealth Gaming & Holdings Corp	Deuces	317 N West Ave
* Crystal Investment Inc.	Ace's Casino	1316 S Cliff Ave
* Crystal Investment Corp	Black Diamond Casino	5113 W 41st St
* Davis Casino Inc.	Kay's Casino and Cafe	1508 W 41st St
* Davis Casino Inc.	Kay's Too	1506 W 41st St
* Delta Investments Inc.	Boomer's	4408 E 26th St
* Empire Casino Inc.	Empire Casino	3908 W 41st St
* Frannea Inc.	King's Casino	721 W 11th St
Godfather's Pizza Inc.	Godfather's Pizza No. 42002	5107 W 41st St
Godfather's Pizza Inc.	Godfather's Pizza No. 42006	200 S Kiwanis Ave
Godfather's Pizza Inc.	Godfather's Pizza No. 42502	2331 E Tenth St
Golden Wall Inc.	Golden Wall Restaurant	1716 S Minnesota Ave
Hoover, Gayle and Dwight	Sioux Falls Popcorn	2801 W 12th St
* Hopp, Michael	The Scoreboard	110 N Indiana Ave
Inca's Mexican Restaurant Inc.	Inca	3312 S Holly Ave
* Interstate Gaming Inc.	Boxcar's	1400 E Tenth St
* JD Holdings Inc.	Ken's Korner	918 W Sixth St
* K & P Enterprises Inc.	The Club	3301 E 26th St, Ste 125
* K & P Enterprises Inc.	The Fireside Casino	3221 S Carolyn Ave
* K & P Enterprises Inc.	The Nickel Spot	2918 S Minnesota Ave
Knights of Columbus	Marquette Council	315 N Summit Ave
* Lida Investment Corporation	Easy Dough Casino	2309 W 12th 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
* McCollar Inc.	New Dew Drop Inn	904 S Cliff Ave
* Miller, Robert L.	Lucky Lady Casino	601 W 11th St

* Myrmoe Enterprises Inc.	Dareo's Pizza and Pasta	2920 S Minnesota Ave
* Myrmoe Enterprises Inc.	Dareo's Pizza and Pasta	3301 E 26th St, No. 129
* Nace, James	Suds & Suds Laundry & Fun	4205 Racket Drive
* Paradise Management Inc.	Paradise Casino	5109 W 12th St
* Paradise Management Inc.	Paradise East Casino	1914 S Sycamore, #201
Peking Inc.	Peking Restaurant	5311 W 41st St
* Peterson, C. C., Realty Co.	Grand Casino	4211 W 12th St
Puerto Vallarta Rest LLC	Puerto Vallarta Restaurant	1801 E Tenth St
* Royal Flush Gaming Inc.	Royal Flush on Cliff	803 S Cliff Ave
* Sally's Inc.	Royal Flush	800 E Eighth St
Sioux Falls Canaries Prof Baseball Club LLC	Sioux Falls Canaries	1001 N West Ave
Sioux Falls Trades and Labor Assembly	Sioux Falls Trades and Labor	101 S Fairfax Ave
* Teamm Code' Inc.	Cody's Tavern and Grill	5400 N Cliff Ave
* Thurston Inc.	Jono's	1704 Burnside St
Washington Pavilion Management Inc.	Washington Pavilion of Arts and Science	301 S Main Ave

PACKAGE MALT BEVERAGE

OWNER'S NAME	BUSINESS NAME	ADDRESS
Haggar Investment Company	Franklin Food Market	711 N Cliff Ave
Holiday Stationstores Inc.	Holiday Stationstore #304	5000 N Cliff Ave
Hy-Vee Food Stores Inc.	Hy-Vee Food Store #5	3020 E Tenth St
Hy-Vee Food Stores Inc.	Hy-Vee Food Store	2404 S Minnesota Ave
Hy-Vee Food Stores Inc.	Hy-Vee Food Store	1601 S Sycamore Ave
Hy-Vee Food Stores Inc.	Hy-Vee Food Store	1900 S Marion Rd
Lewis Drugs Inc.	Lewis Drug Eastgate	1301 E Tenth St
Lewis Drugs Inc.	Lewis Drug Southeast	4409 E 26th St
Lewis Drugs Inc.	Lewis Drug Southwest	5500 W 41st St
Lewis Drugs Inc.	Lewis Drug Westgate	2700 W 12th St
Reilly, Robert F.	Bob Reilly's Amoco	4200 W 41st St
Speedway/SuperAmerica LLC	SuperAmerica #4298	2911 W 41st St
Taylor Oil Company	Taylor's Pantry	3401 S Cliff Ave

INTRODUCTION AND ADOPTION OF ORDINANCES

A motion was made by Council Member Kavanaugh and seconded by Council Member Beninga to set a hearing and second reading for Monday, June 3, 2002, at 7:00 p.m. on Items 26 through 29. **Roll Call: Yeses, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 7. Noes, None. Council Member Staggers passed on the vote; he then voted "Yes."**

26. An Ordinance (2002-04-05) of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at Ralph Rogers Road, approximately 200 feet east of Old Yankton Road, from the AG, Agricultural District to the RS-2, Residential District, for a new housing development, with the Planning Commission recommending approval, was introduced and given its first reading.

27. An Ordinance (2002-04-19) of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at Marion Road and Benson Road from the AG, Agricultural District to the RS-2, Residential District to allow single family development, with the Planning Commission recommending approval, was introduced and given its first reading.

28. An Ordinance (2002-04-10) of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at 3800 and 3820 W. 41st Street from the C-4, Planned Commercial District to the C-2, General Commercial District to conform to existing and future land uses and to allow for more liberal signage regulations, with the Planning Commission recommending approval, was introduced and given its first reading.

29. An Ordinance (2001-06-08) of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at E. 69th Street and S. Cliff Avenue from unzoned to the Diamond Valley Planned Development District for commercial, office and residential development, with the Planning Commission recommending approval, was introduced and given its first reading.

HEARINGS AND RESOLUTIONS

Council Member De Knudson absented herself from area and the vote on Item #30 at this time.

30. **RECONSIDERATION AND DEFERRED ACTION:** Declaring the necessity to adopt the Cost Recovery Report for storm sewer improvements constructed to primarily serve Phase I of Memorial Park Estates, and assessing the cost for the improvements to each lot or tract of land benefiting thereby.

ACTION FROM MEETING OF 05-20-02:

A motion was made by Council Member Kavanaugh and seconded by Council Member Smith for adoption of this resolution. **Roll Call: Yeses, Kavanaugh, 1. Noes, Staggers, Howes, Gleason, Rust, Beninga, Smith, 6. Motion failed. The resolution adopted on 05-13-02 is null and void.**

Council Member De Knudson returned to the meeting at this time.

ACTION FROM MEETING OF 05-13-02:

Roll Call: YNYNYNYN Mayor Hanson broke the tie by voting Yes. Item adopted.

- See the end of the agenda for reconsideration of Item #21 (from meeting of 05-13-02).

At this time, a motion was made and seconded to reconsider Item #21 (from meeting of 05-13-02).
Roll Call: NYYYYYYY

- A motion was made and seconded to defer action to Monday, May 20, 2002 at 7pm.

- A motion to amend the main motion was made and seconded to defer action to Monday, June 17, 2002, at 7pm.

Roll Call: NYYNYNNN

- At this time, the main motion was voted upon.

Roll Call: YYYYYYYY

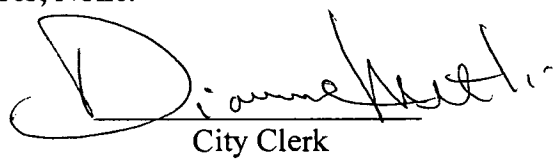
NEW BUSINESS/ITEMS RECEIVED AFTER AGENDA DEADLINE

At this time, a motion was made by Council Member Gleason and seconded by Council Member Rust to reconsider Items #12 through #18. **Roll Call: Yeses, Staggers, Howes, Gleason, Rust, Beninga, 5. Noes, Knudson, Smith, Kavanaugh, 3.**

A motion was made by Council Member Gleason and seconded by Council Member Rust to defer action to Monday, June 10, 2002, at 7 p.m., on these items. **Roll Call: Yeses, Staggers, Howes, Gleason, Rust, Beninga, Kavanaugh, 6. Noes, Knudson, Smith, 2.**

ADJOURNMENT

A motion was made by Council Member Gleason and seconded by Council Member Staggers to adjourn at 11:29 p.m. **Roll Call: Yeses, Staggers, Howes, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, 8. Noes, None.**



City Clerk