

|| City of Sioux Falls Council Meeting Minutes ||
|| Carnegie Town Hall, 235 West Tenth Street ||
|| REGULAR MEETING OF Monday, November 9, 2009 at 7:00 p.m. ||

ROLL CALL #3

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. REVEREND TIMOTHY FOUNTAIN, GOOD SHEPHERD EPISCOPAL CHURCH

PLEDGE OF ALLEGIANCE

VISITOR RECOGNITION

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, NOVEMBER 2, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, NOVEMBER 2, 2009, AT 7:00 P.M.

NOTICE OF HEARINGS

Set a hearing date for Monday, December 14, 2009 at 7:00 p.m. for Item 1:

1. A PROPOSED RESOLUTION DECLARING THE NECESSITY TO ADOPT THE COST RECOVERY ROLL FOR SANITARY SEWER IMPROVEMENTS CONSTRUCTED IN SECTION 12, SECTION 13, AND SECTION 14; ALL IN T100N, R50W, LINCOLN COUNTY, SD, AND ASSESSING THE COST FOR THE IMPROVEMENTS TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Document: NOH 0017

Document: Res. 0017

Document: Evaluation

Document: Exhibits

APPROVAL OF REGULAR AGENDA

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

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

PUBLIC INPUT

There was none.

INTRODUCTION AND ADOPTION OF ORDINANCES

2. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PORTION OF THE PERMANENT UTILITY EASEMENT IN LOTS 4, 5, 6, AND 7, BLOCK 2, WHISPERING WOODS ADDITION, LINCOLN COUNTY, SOUTH DAKOTA.

Document: Ord. 1107

Document: Exhibits

Document: Release and Exhibit

A motion was made by Council Member Beninga and seconded by Council Member Litz to adopt said Ordinance 100-09.

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

Set the hearing date and 2nd Reading for Monday, November 16, 2009 at 7:00 p.m. for Items 3 through 5:

Council Member Brown left the meeting at this time.

3. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF SIOUX FALLS, SD, BY ADDING A CHAPTER 44 TO BE ENTITLED "CABLE SERVICE REGULATORY ORDINANCE."

Document: Ord. 0017

4. 1ST READING: AN ORDINANCE APPROVING THE CABLE SYSTEM FRANCHISE RENEWAL AGREEMENT BETWEEN MIDCONTINENT COMMUNICATIONS AND THE CITY OF SIOUX FALLS, SOUTH DAKOTA, ALONG WITH AUTHORIZING THE MAYOR TO SIGN THE SAME.

Document: Ord. 1122 and Agreement

A motion was made by Council Member Costello and seconded by Council Member Knudson to set a hearing date and 2nd Reading for Monday, November 16, 2009, at 7:00 p.m. for Items 3 and 4.

Vote to set a hearing date: Roll Call: Yeses, Jamison, Litz, Knudson, Staggers, Beninga, Costello, 6. Noes, 0.

Motion Passed

Council Member Brown returned to the meeting at this time.

5. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 18 GARBAGE AND RECYCLING.

Document: Powerpoint Presentation

ord1123

A motion was made by Council Member Costello and seconded by Council Member Litz to set a hearing date and 2nd Reading for Monday, November 16, 2009, at 7:00 p.m. for Item 5.

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

Motion Passed

HEARINGS AND RESOLUTIONS

6. DEFERRED ACTION (FROM MEETING OF OCTOBER 13, 2009): A RESOLUTION VACATING A PORTION OF THE INTERSECTION OF S. WESTWIND AVE. AND E. WOODSEDGE ST. AS SHOWN ON EXHIBIT A.

Document: Res. 0114

Document: Petition

Document: Exhibit A

Document: Exhibits

A motion was made by Council Member Costello and seconded by Council Member Beninga to adopt said Resolution 105-09.

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

RESOLUTION NO. 105-09

A RESOLUTION VACATING A PORTION OF THE INTERSECTION OF S. WESTWIND AVE. AND E. WOODSEGE ST. AS SHOWN ON EXHIBIT A.

WHEREAS, a petition of the owners of Lots 4, 5, 6, and 7 Block 2 Whispering Woods Addition to the City of Sioux Falls, County, South Dakota has been filed with the City Clerk, asking that the aforesaid be vacated. Pursuant to SDCL, notice of hearing has duly been given, and said notice was properly published; and WHEREAS, the hearing was held on November 9, 2009, and the petition has been duly examined and investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition has been heard, and no opposition thereto was voiced. Said property, as shown up on the plats attached to and made a part of said petition, has been used as a street or alley and no longer serves a useful public purpose.

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

That a portion of the intersection of S. Westwind Ave. and E. Woodsedge St. as shown on Exhibit A to the City of Sioux Falls, County, South Dakota, be and the same hereby is declared vacated, and that the City Clerk shall cause to be filed with the Register of Deeds, County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 11/09/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

7. DEFERRED ACTION (FROM MEETING OF OCTOBER 13, 2009): A RESOLUTION VACATING W. 8TH ST. FROM N. HOLLY AVE. EAST TO THE WEST PROPERTY LINES OF LOT 1B BLOCK 5 AND LOT 1B BLOCK 6 ENGLEWOOD LAKE ADDITION.

Res. 0115

Document: Petition

Document: Exhibits

A motion was made by Council Member Litz and seconded by Council Member Knudson to adopt said Resolution 106-09.

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

RESOLUTION NO. 106-09

A RESOLUTION VACATING W. 8TH ST. FROM N. HOLLY AVE. EAST TO THE WEST PROPERTY LINES OF LOT 1B BLOCK

5 AND LOT 1B BLOCK 6 ENGLEWOOD LAKE ADDITION.

WHEREAS, a petition of the owners of Lots 1B and 2 Block 5 and Lots 1B and 3 Block 6 Englewood Lake

Addition to the City of Sioux Falls, County, South Dakota has been filed with the City Clerk,

asking that the aforesaid be vacated. Pursuant to SDCL, notice of hearing has duly been given, and

said notice was properly published; and

WHEREAS, the hearing was held on November 9, 2009, and the petition has been duly examined and

investigated by the City Council of the City of Sioux Falls. Testimony in support of said petition

has been heard, and no opposition thereto was voiced. Said property, as shown up on the plats

attached to and made a part of said petition, has not been used for public travel in the last 20

years.

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

That W. 8th St. from N. Holly Ave. east to the west property lines of Lot 1B Block 5 and Lot 1B

Block 6 Englewood Lake Addition to the City of Sioux Falls, County, South Dakota, be and the same

hereby is declared vacated, and that the City Clerk shall cause to be filed with the Register of

Deeds, County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 11/09/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

8. A RESOLUTION DECLARING THE NECESSITY TO ADOPT THE COST RECOVERY ROLL FOR WATER MAIN IMPROVEMENTS CONSTRUCTED ON N. HILLCREST AVE. FROM E. 54TH ST. N. TO E. 57TH ST. N., AND ASSESSING THE COST FOR THE IMPROVEMENTS TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

Document: Res. 0042

Document: Exhibit

Document: Evaluation

A motion was made by Council Member Litz and seconded by Council Member Costello to adopt said Resolution 108-09.

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

Motion Passed

RESOLUTION NO. 108-09

A RESOLUTION DECLARING THE NECESSITY TO ADOPT THE COST RECOVERY ROLL FOR WATER MAIN IMPROVEMENTS

CONSTRUCTED ON N. HILLCREST AVE. FROM E. 54TH ST. N. TO E. 57TH ST. N., AND ASSESSING THE COST FOR

THE IMPROVEMENTS TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

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

SECTION 1. T & R Contracting, Inc., has financed and constructed WATER MAIN on the following

streets in front of and abutting upon the following property:

N. HILLCREST AVE. FROM E. 54TH ST. N. TO E. 57TH ST. N.

Water Main

Lot 1 (ex. H1) Block 5 Highland Park Subd.

\$1,168.52

Lot 2 Block 5 Highland Park Subd.

\$1,294.85

Lot 3 Block 5 Highland Park Subd.

\$1,294.85
 Lot 4 Block 5 Highland Park Subd.
 \$1,294.85
 Lot 5 Block 5 Highland Park Subd.
 \$1,294.85
 Lot 6 Block 5 Highland Park Subd.
 \$1,294.85
 Lot 7 Block 5 Highland Park Subd.
 \$1,294.85
 Lot 8 Block 5 Highland Park Subd.
 \$1,294.85
 Lot 9 Block 5 Highland Park Subd.
 \$1,294.85
 Lot 10 Block 5 Highland Park Subd.
 \$1,294.85
 Lots 21-23 Block 4 Highland Park Subd.
 \$3,884.54
 Lot 24 Block 4 Highland Park Subd.
 \$1,294.85
 Lot 25 Block 4 Highland Park Subd.
 \$1,294.85
 Lot 26 Block 4 Highland Park Subd.
 \$1,294.85
 Lot 27 Block 4 Highland Park Subd.
 \$1,294.85
 Lot 28 Block 4 Highland Park Subd.
 \$1,294.85
 Lot 29 Block 4 Highland Park Subd.
 \$1,294.85
 Lot 30 Block 4 Highland Park Subd.
 \$1,168.52

SECTION 2. The improvements primarily serve properties in Highland Park Subdivision, City of Sioux Falls, Minnehaha County, SD. The improvements may also serve other areas which may be benefited, and the costs have not been apportioned against the above-described property. Therefore, the cost of the improvements shall be levied upon the above-described properties as provided by law.

SECTION 3. The costs allocated to each property shall be delayed without interest until the development and connection to the water main. Development and connection to the water main of the above-described properties will result in the water main cost for that property being payable to T & R Contracting, Inc.

SECTION 4. The cost of the improvements is shown in the Water Main Cost Recovery Evaluation for Hillcrest Ave. from E. 54th St. N. to E. 57th St. N. on file at Sioux Falls City Engineering.

SECTION 5. A copy of the resolution will be recorded at the Register of Deeds Office, Minnehaha County, SD, as a notice to all potential or actual future landowners of possible present or future cost recovery payments on the above-described properties.

SECTION 6. Prior to connection to the water main, the owners of the above-described properties shall be required to pay T & R Contracting, Inc., the water main fee listed above and present

evidence of payment to the appropriate City department.

Date adopted: 11/09/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

9. A RESOLUTION AMENDING THE 2009-2013 CAPITAL PROGRAM TO ADD A WALK-IN FREEZER AND ELECTRONIC TICKETING SYSTEM.

Document: Res. 1675

Document: Res. 1675 (Microsoft 2003 version)

A motion was made by Council Member Beninga and seconded by Council Member Jamison to adopt said Resolution 107-09.

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

Motion Passed

RESOLUTION NO. 107-09

A RESOLUTION AMENDING THE 2009-2013 CAPITAL PROGRAM TO ADD A WALK-IN FREEZER AND ELECTRONIC TICKETING SYSTEM.

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

That the 2009-2013 Capital Program be amended as follows:

Police

Amend the Other Capital Expenditures Program by adding a walk-in freezer in 2009 . The estimated

cost is \$28,000 and will be funded by grant funds.

Amend the Other Capital Expenditures Program by adding an electronic ticketing system in 2009. The

estimated cost is \$201,000 and will be funded by grant funds.

Date adopted: 11/09/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

10. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF HARRISBURG FOR UTILIZATION OF THE WASTEWATER COLLECTION AND TREATMENT FACILITY OF SIOUX FALLS.

Document: Res. 1676 and Agreement

Document: Exhibit

Memo received 110909

A motion was made by Council Member Knudson and seconded by Council Member Costello to defer Item 10 to the City Council Meeting of Monday, November 16, 2009, at 7:00 p.m.

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

ADJOURNMENT

A motion was made by Council Member Costello and seconded by Council Member Litz to adjourn at 7:28 p.m.

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

Denise D. Tucker, CMC
Assistant City Clerk