

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Tuesday, October 13, 2009 at 7:00 p.m.	

ROLL CALL #8

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. PASTOR KIRK FLAA, ABIDING SAVIOR LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATION

A. OCTOBER NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH & DISABILITY.GOV DAY  
OCTOBER 21, 2009

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed

MINUTES

A. CORRECTING ITEM 17, AMENDMENT 6 FROM THE CITY COUNCIL MEETING OF MONDAY, AUGUST 13, 2007.

B. INFORMATIONAL MEETING OF MONDAY, OCTOBER 5, 2009, AT 4:00 P.M.

C. REGULAR COUNCIL MEETING OF MONDAY, OCTOBER 5, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE WASHINGTON PAVILION STATING ITS INTENT TO SELL RAFFLE TICKETS FROM OCTOBER 19, 2009 TO DECEMBER 5, 2009 FOR VARIOUS PRIZE PACKAGES WITH VALUES RANGING FROM \$95.00-\$485.00. TICKETS WILL BE SOLD FOR \$10.00. THE PROCEEDS ARE TO BE USED TO BENEFIT THE VISUAL ARTS CENTER/ PAVILION HOLIDAY.

Pavilion Holiday Packages

2. A COMMUNICATION WAS RECEIVED FROM THE WASHINGTON HIGH SCHOOL BAND BOOSTERS STATING ITS INTENT TO SELL RAFFLE TICKETS FROM OCTOBER 21, 2009 TO OCTOBER 26, 2009 FOR A SUNKIST SCOOTER (VALUED AT \$250.00); 7 PRIZE BASKETS (VALUED AT \$100.00 EACH); AND A SNARE DRUM (VALUED AT \$200.00). TICKETS WILL BE SOLD FOR \$1.00. THE PROCEEDS ARE TO BE USED FOR BAND TRANSPORTATION EXPENSES FOR UPCOMING REGIONAL COMPETITION.

APPLICATIONS

The following abatement was recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney's Office for Sioux Falls:

3. JT INVESTMENT PROPERTIES, LLC, 4401 N. WESTPORT AVE., FOR 2007 PROPERTY TAXES IN THE AMOUNT OF \$28,414.79. THIS PROPERTY QUALIFIED FOR THE DISCRETIONARY FORMULA IN SIOUX FALLS FOR 2007, TAXES PAYABLE 2008. THE APPLICATION WAS NOT FORWARD TO THE EQUALIZATION OFFICE, AND AS SUCH, THE VALUE WAS NOT REDUCED. THE TAXPAYER IS NOW REQUESTING ABATEMENT FOR THE VALUE DIFFERENCE.

NOTICE OF HEARINGS

Set a hearing date for Monday, November 9, 2009, at 7:00 p.m. for Item 4:

4. A PROPOSED 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.

NOH0042

Item 4 - Evaluation

Item 4 - Exhibits

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed

PUBLIC INPUT

Sandy Jerstad spoke about making Sioux Falls a bicycle friendly city.

INTRODUCTION AND ADOPTION OF ORDINANCES

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

5. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REVISING CHAPTER 14 OF THE CAMPAIGN FINANCE ORDINANCE FOR MUNICIPAL ELECTIONS.

Proposed ord0019

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

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

Set the hearing date and 2nd Reading for Monday, November 9, 2009, at 7:00 p.m. for Item 6:

6. 1ST 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.

Proposed ord1107

Item 6 - Exhibits

Item 6 - Release and Exhibit B

A motion was made by Council Member Knudson and seconded by Council Member Beninga to set a hearing date and 2nd Reading for Monday, November 9, 2009, at 7:00 p.m. for Item 6.

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

#### HEARINGS AND RESOLUTIONS

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

Proposed res0114

Item 7 - Exhibit A

Item 7 - Exhibits

Item 7 - Petition

A motion was made by Council Member Costello and seconded by Council Member  
Beninga to defer Item 7 to the City Council Meeting of Monday, November 9,  
2009, at 7:00 p.m.

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

8. 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.

Proposed res0115

Item 8 - Exhibits

Item 8 - Petition

A motion was made by Council Member Costello and seconded by Council Member  
Knudson to defer Item 8 to the City Council Meeting of Monday, November 9,  
2009, at 7:00 p.m.

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

9. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING A LEGAL DESCRIPTION

ON RESOLUTION NO. 37-09-A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER ON N. VAN EPS AVE. FROM E. BENSON RD. TO 300' SOUTH TO PROVIDE SANITARY SEWER SERVICE TO 3615 N. VAN EPS AVE.

Proposed res0018

Item 9 - Exhibits

Item 9 - Resolution No. 37-09

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to adopt said Resolution 95-09.

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

Motion Passed

RESOLUTION NO. 95-09

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING A LEGAL DESCRIPTION ON R ESOLUTION NO. 37-09-

A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER ON N. VAN EPS AVE. FROM E.

BENSON RD. TO 300' SOUTH TO PROVIDE SANITARY SEWER SERVICE TO 3615 N. VAN EPS AV E.

WHEREAS, on May 11, 2009, the City Council of the City of Sioux Falls adopted Re solution No. 37-09 APPROVING

THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER ON N. VAN EPS AVE. FRO M E. BENSON RD. TO 300' SOUTH

TO PROVIDE SANITARY SEWER SERVICE TO 3615 N. VAN EPS AVE.

WHEREAS, the following legal description as set forth in Resolution 37-09 was no t accurate:

E279.5' Tract 12 in Taylor s Subdivision of Sec. 3, T101N, R49W, City of Sioux F alls, Minnehaha County, SD

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

That the legal description as set forth in Resolution 37-09 is hereby amended to read as follows:

E279.5' Tract 12 in Taylor s Subdivision (Unit No. 8) of part of the W1/2 of NW1 /4 of Sec. 3, T101N, R49W,

Minnehaha County, SD

And that the City Clerk shall cause to be filed with the Register of Deeds, Minn ehaha County, South Dakota, a

duly certified transcript of this resolution.

Date adopted: 10/13/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen  
City Clerk

NEW BUSINESS/ ITEMS ADDED AFTER AGENDA DEADLINE

10. A RESOLUTION DESIGNATING THE CITY OF SIOUX FALLS, SOUTH DAKOTA, RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U 1, 1400U-2, AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE").

Proposed res1666

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt said Resolution 96-09.

A motion was made by Council Member Litz and seconded by Council Member Beninga to free form to call the question.

Vote to free form: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Staggers, Beninga, Costello, 7. Noes Anderson Jr., 1.  
Motion Passed

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, Costello, 7. Noes Staggers, 1.  
Motion Passed

RESOLUTION NO. 96-09

A RESOLUTION DESIGNATING THE CITY OF SIOUX FALLS, SOUTH DAKOTA, RECOVERY ZONE FOR PURPOSES OF SECTIONS 1400U 1, 1400U-2, AND 1400U-3 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE CODE ).

WHEREAS, Section 1400U-I of the Code authorizes the City of Sioux Falls, South Dakota (the City ) to designate a recovery zone for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code and for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code; and

WHEREAS, the term recovery zone means (1) any area designated by the City as having significant poverty, unemployment, rate of home foreclosures, or general distress; (2) any area designated by the City as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or a renewal community is in effect;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA:

The City's recovery zone for purposes of Sections 1400U-1, 1400U-2, and 1400U-3 of the Code is hereby

designated to be the area denoted on the map attached hereto as Exhibit A.  
The City Council hereby finds that the recovery zone described above meets the requirements of Section 1400U-1 of the Code, in that the area therein is an area having significant poverty, unemployment, rate of home foreclosures, or general distress.

Date adopted: 10/13/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adjourn at 7:40 p.m.

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

Motion Passed

Jamie L. Palmer

Assistant City Clerk