

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West Tenth Street
|| REGULAR MEETING OF Monday, August 10, 2009 at 7:00 p.m. |

ROLL CALL #2

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. MICHAEL BANY, FAITH FAMILY CHURCH

PLEDGE OF ALLEGIANCE

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, Jamison, Litz, Anderson Jr., Brown, Knudson, Staggers, Costello, 7. Noes, 0.

Motion Passed

MINUTES

A. SPECIAL CITY COUNCIL MEETING OF THURSDAY, JULY 23, 2009, AT 1:30 P.M.

B. INFORMATIONAL MEETING OF MONDAY, AUGUST 3, 2009, AT 4:00 P.M.

C. REGULAR COUNCIL MEETING OF MONDAY, AUGUST 3, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM SIOUX FALLS MORNING OPTIMIST CLUB, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM AUGUST 15, 2009 TO AUGUST 22, 2009 FOR \$1,000.00 SAVINGS BOND, NINTENDO WII, 6-MONTH FITNESS CENTER MEMBERSHIP,

3-DAY CAMPING WEEKEND AT CAMP LAKODIA, AND OTHER SMALL PRIZES (VALUED AT \$35,00.00). TICKETS WILL BE 1 FOR \$5.00, 5 FOR \$20.00, OR 15 FOR \$50.00. THE PROCEEDS WILL BE USED TO BENEFIT CAMP BRING IT ON.

2. A COMMUNICATION WAS RECEIVED FROM THE WASHINGTON HIGH SCHOOL 2010 SENIOR CLASS PARTY COMMITTEE STATING THEIR INTENT TO SELL TICKETS FOR A 50/50 RAFFLE FROM AUGUST 28, 2009 THROUGH MARCH 31, 2010 DURING FOOTBALL, BASKETBALL AND VOLLEYBALL GAMES, AS WELL AS OTHER WHS ACTIVITIES AND FUNCTIONS. HALF OF THE MONEY RAISED AT EACH RAFFLE WILL BE AWARDED AS A PRIZE. THE REMAINING BALANCE WILL BENEFIT THE 2010 SENIOR CLASS PARTY WHICH WILL BE HELD AFTER GRADUATION IN MAY 2010.

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed

PUBLIC INPUT

There was none.

UNFINISHED BUSINESS

3. DEFERRED ACTION (FROM THE MEETING OF 07/06/09): NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR THE MARKET ON PHILLIPS LLC, THE MARKET ON PHILLIPS, TO BE OPERATED AT 204 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-10) BEING APPROVED ON 06-03-09.

Item 3 Memo-Council

A motion was made by Council Member Knudson and seconded by Council Member Litz to approve Item 3.

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

Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

4. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PERMANENT SANITARY SEWER EASEMENT, PERMANENT STORM SEWER EASEMENT, AND PERMANENT DRAINAGE EASEMENT IN LOT 1 OF VOCATIONAL-TECHNICAL 3RD ADDITION TO THE CITY OF SIOUX FALLS AND THE E1/2 SW1/4 LYING SOUTH OF

LOT 1 OF VOCATIONAL-TECHNICAL 3RD ADDITION TO THE CITY OF SIOUX FALLS,
EXCEPT LOT H1 OF THE SW1/4 AND EXCEPT LOTS H5 AND H6 THEREOF AND EXCEPT LOT
PE 1 THEREOF, ALL IN SECTION 12, T-101-N, R-50-WEST OF THE 5TH P.M.,
MINNEHAHA COUNTY, SOUTH DAKOTA.

Proposed ord1097

Item 4 - Exhibits

Item 4 - Release

A motion was made by Council Member Litz and seconded by Council Member
Costello to adopt said Ordinance 75-09.

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

HEARINGS AND RESOLUTIONS

Set a hearing date and 2nd Reading for Monday, September 21, 2009, at 7:00 p.m.
for Item 5:

5. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE
RELEASE OF A PORTION OF THE PERMANENT UTILITY EASEMENT IN LOT 3, BLOCK 2,
WESTWOOD VALLEY ADDITION, MINNEHAHA COUNTY.

Proposed ord0018

Item 5 - Exhibits

Item 5 - Release

A motion was made by Council Member Brown and seconded by Council Member Litz
to set a hearing date and 2nd Reading for Monday, September 21, 2009, at 7:00
p.m. for Item 5.

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

6. A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR SANITARY SEWER
IMPROVEMENTS CONSTRUCTED ON S. MEREDITH AVE. FROM W. 86TH ST. TO W. 90TH
ST., AND ASSESSING THE COST FOR THE IMPROVEMENTS TO EACH LOT OR TRACT OF
LAND BENEFITTING THEREBY.

Proposed res0003

Item 6 - Exhibits

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Resolution 74-09.

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

RESOLUTION NO. 74-09

A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR SANITARY SEWER IMPROVEMENTS CONSTRUCTED ON S. MEREDITH AVE. FROM W. 86TH ST. TO W. 90TH ST., 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. Timber Oaks LLC has financed and constructed SANITARY SEWER on the following streets in front of and abutting upon the following property:

S. MEREDITH AVE. FROM W. 86TH ST. TO W. 90TH ST. Sanitary Sewer

The North Half of the Northwest Quarter of the
\$11,208.58

Northwest Quarter (N1/2 NW1/4 NW1/4) except Lots H1, H2, and H3 thereof, AND the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) except DeBulten s Addition thereof and except Tract A and Tract B thereof and except Living Word Addition thereof, all in Section 21, T100N, R50W, Lincoln County, SD

SECTION 2. The improvements primarily serve property in Section 21, T100N, R50W, Lincoln 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 property as provided by law.

SECTION 3. The costs allocated to each property shall be delayed without interest until the development and connection to City utilities. Development and connection to City utilities of the above-described property will result in the sanitary sewer cost for that property being payable to Timber Oaks LLC.

SECTION 4. Prior to connection to the City utility, the owners of the above-described property shall be required to pay Timber Oaks LLC the sanitary sewer fee listed above and present evidence of payment to the appropriate City department.

Date adopted: 08/10/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

7. A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR SANITARY SEWER AND WATER MAIN IMPROVEMENTS CONSTRUCTED TO PRIMARILY SERVE ARROWHEAD PARKWAY ADDITION AND CAPITOL HILL ADDITION, AND ASSESSING THE COST FOR THE IMPROVEMENTS TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.

Proposed res0099

Item 7 - Exhibits

A motion was made by Council Member Litz and seconded by Council Member Costello to adopt said Resolution 75-09.

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

Motion Passed

RESOLUTION NO. 75-09

A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR SANITARY SEWER AND WATER MAIN IMPROVEMENTS CONSTRUCTED TO PRIMARILY SERVE ARROWHEAD PARKWAY ADDITION AND CAPITOL HILL ADDITION, 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. Marvin Tripp has financed and constructed SANITARY SEWER AND WATER MAIN abutting upon the following properties to be assessed:

E. Garfield St., S. Joliet Ave., and E. Grant St. Sanitary Sewer
Water

E1/2 Block 63, Capitol Hill Addition \$3,401.14
\$3,849.28

to Sioux Falls Dakota, Minnehaha County

W1/2 W1/2 and N63.3' E1/2 W1/2 Block 63, \$3,391.25

\$3,838.08

Capitol Hill Addition to Sioux Falls Dakota,
Minnehaha County

SECTION 2. The improvements primarily serve property in Arrowhead Parkway Addition and Capitol Hill Addition.

The improvements may also serve other areas which may be benefited, and the costs have not been apportioned

against the above-described properties. 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 City utilities. Development and connection to City utilities of the above-described properties will result in the sanitary sewer and/or water main cost recovery for that property being payable to Marvin Tripp.

SECTION 4. Prior to connection to the City utilities, the owners of the above-described properties shall be required to pay Marvin Tripp the sanitary sewer and/or water main fee listed above and present evidence of payment to the appropriate City department.

Date adopted: 08/10/09.

Dave

Munson

Mayor
ATTEST:
Debra A. Owen
City Clerk

8. A RESOLUTION VACATING A PORTION OF N. SPRING AVE. BETWEEN W. EIGHTH ST. AND W. NINTH ST. AS SHOWN ON EXHIBIT A.

Proposed res0004

Item 8 - Exhibit A

Item 8 - Exhibits

Item 8 - Petition

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt said Resolution 76-09.

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

RESOLUTION NO. 76-09

A RESOLUTION VACATING A PORTION OF N. SPRING AVE. BETWEEN W. EIGHTH ST. AND W. NINTH ST. AS SHOWN ON EXHIBIT

A.

WHEREAS, a petition of the owners of Lots 1 and 2 Block 10 Bennett s First Addit ion 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 pro perly published; and

WHEREAS, the hearing was held on August 10, 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 petiti on has been heard, and no

opposition thereto was voiced. Said property, as shown upon the plats attached t o and made a part of said

petition, has been used as a street or alley and no longer serves a useful publi c purpose.

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

That a portion of N. Spring Ave. between W. Eighth St. and W. Ninth 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 cert ified transcript of this resolution.

Date adopted: 08/10/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

9. A RESOLUTION VACATING S 17' OF W 6TH ST. ADJACENT TO LOT 1 BLK. 1 HEIDEBRINK ADDN.

Proposed res1443

Item 9 - Exhibits

Item 9 - Petition

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 77-09.

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

Motion Passed

RESOLUTION NO. 77-09

A RESOLUTION VACATING S 17' OF W 6TH ST. ADJACENT TO LOT 1 BLK. 1 HEIDEBRINK ADD N.

WHEREAS, a petition of the owners of Lot 1 Blk. 1 Heidebrink Addn. 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 August 10, 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 upon 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 S 17' of W 6th St. adjacent to Lot 1 Blk. 1 Heidebrink Addn. to the City of Sioux Falls, County, South

Dakota, be and the same hereby is declared vacated, subject to an easement reserved by the City of Sioux Falls

in, over, and upon such vacated property for drainage, sewer, water and gas mains, electric, telephone lines,

Cable TV, and all public utility uses required or authorized by the City of Sioux Falls, 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: 08/10/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

Set a date of hearing for Monday, September 21, 2009, at 7:00 p.m. for Item 10:

10. A PROPOSED RESOLUTION VACATING S. CAMBRIDGE AVE. FROM W. 41ST ST. TO W. 43RD ST.

Proposed res0012

Item 10 - Exhibits

Item 10 - Petition

A motion was made by Council Member Litz and seconded by Council Member Jamison to set a hearing date for Monday, September 21, 2009, at 7:00 p.m. for Item 10.

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

ADJOURNMENT

A motion was made by Council Member Knudson and seconded by Council Member
Brown to adjourn at 7:19 p.m.

Vote to adjourn: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson,
Staggars, Costello, 7. Noes, 0.
Motion Passed

Jamie L. Palmer
Assistant City Clerk