

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, August 3, 2009 at 7:00 p.m.	

ROLL CALL #1

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. PASTOR DENNIS THOMAS, FREE METHODIST CHURCH

PLEDGE OF ALLEGIANCE

Council Member Staggers arrived at this time.

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, Anderson Jr., Brown, Knudson, Staggers, Beninga, Costello, 8. Noes, 0.

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, JULY 20, 2009, AT 4:00 P.M.

B. JOINT CITY COUNCIL/MINNEHAHA COUNTY MEETING OF MONDAY, JULY 20, 2009, AT 5:00 P.M.

C. REGULAR COUNCIL MEETING OF MONDAY, JULY 20, 2009, AT 7:00 P.M.

D. INFORMATIONAL MEETING OF MONDAY, JULY 27, 2009, AT 4:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE PRESIDENT'S BOWL COMMITTEE STATING THEIR INTENT TO SELL RAFFLE TICKETS ON SEPTEMBER 5, 2009 FOR THE FOLLOWING PRIZES: TWO LAP TOP COMPUTERS (\$800.00 APIECE); TWO 25-INCH TELEVISIONS (\$400.00 APIECE); AND TWO IPODS (\$100.00 APIECE). TICKETS WILL BE \$0.50 APIECE. THE PROCEEDS WILL BE DISPERSED BETWEEN ALL THREE PUBLIC HIGH SCHOOL BOOSTER CLUBS AND WILL GO TOWARDS THE 50 DIFFERENT HIGH SCHOOL ACTIVITIES THAT EACH SCHOOL SUPPORTS DURING THE 2009-2010 SCHOOL YEAR.
2. A COMMUNICATION WAS RECEIVED FROM THE GREAT PLAINS ZOO AND DELBRIDGE MUSEUM OF NATURAL HISTORY REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, LIQUOR, WINE, AND/OR MALT BEVERAGE AT THE GREAT PLAINS ZOO AND DELBRIDGE MUSEUM OF NATURAL HISTORY, 805 S. KIWANIS AVE., ON AUGUST 4, 2009, FROM 4:00 P.M. TO 7:00 P.M. FOR THE PURPOSE OF THE SIOUX FALLS CHAMBER OF COMMERCE MONTHLY MIXER.

NOTICE OF HEARINGS

DOC: MEMO

Set hearing date for Monday, August 17, 2009, at 7:00 p.m. on Items 3 through 18:

3. NEW 2009 PACKAGE LIQUOR LICENSE FOR LEWIS DRUG INC., LEWIS EASTGATE, TO BE OPERATED AT 1301 EAST TENTH STREET.
4. RESCIND 2009-10 PACKAGE MALT BEVERAGE/FARM WINERY LICENSE ISSUED TO LEWIS DRUG INC., LEWIS EASTGATE, 1301 EAST TENTH STREET.
5. NEW 2009 PACKAGE LIQUOR LICENSE FOR LEWIS DRUG INC., LEWIS SOUTHWEST, TO BE OPERATED AT 5500 WEST 41ST STREET.
6. RESCIND 2009-10 PACKAGE MALT BEVERAGE/FARM WINERY LICENSE ISSUED TO LEWIS DRUG INC., LEWIS SOUTHWEST, 5500 WEST 41ST STREET.
7. NEW 2009-10 PACKAGE MALT BEVERAGE LICENSE FOR TARGET CORPORATION, TARGET STORE T-0076, TO BE OPERATED AT 3600 SOUTH LOUISE AVENUE.
8. NEW 2009-10 PACKAGE MALT BEVERAGE LICENSE FOR TARGET CORPORATION, TARGET STORE T-2540, TO BE OPERATED AT 1021 SOUTH HIGHLINE PLACE.
9. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR BOSS' PIZZA AND CHICKEN LLC, BOSS' PIZZA AND CHICKEN, TO BE OPERATED AT 2111 SOUTH MINNESOTA AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).

10. NEW 2009 RETAIL WINE LICENSE FOR BOSS' PIZZA AND CHICKEN LLC, BOSS' PIZZA AND CHICKEN, TO BE OPERATED AT 2111 SOUTH MINNESOTA AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
11. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR NIKKI'S LAMEXICANA INC., NIKKI'S BURRITO EXPRESS, TO BE OPERATED AT 905 EAST 8TH STREET (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
12. TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM NIKKI'S LAMEXICANA INC., NIKKI'S LAMEXICANA, 1112 EAST TENTH STREET, TO NIKKI'S LAMEXICANA INC., NIKKI'S LAMEXICANA, TO BE OPERATED AT 905 EAST 8TH STREET.
13. TRANSFER OF A 2009-10 PACKAGE MALT BEVERAGE LICENSE FROM MELINDA D. AND STEVEN L. KOPPIEN, PARK RIDGE PHILLIP'S 66, 1801 SOUTH WESTERN AVENUE, TO LESLIE VAN ROEKEL, PARK RIDGE CONVENIENCE STORE, TO BE OPERATED AT 1801 SOUTH WESTERN AVENUE, EFFECTIVE 9-1-09.
14. TRANSFER OF A 2009 RETAIL WINE LICENSE FROM CYNTHIA EVANS, LATITUDE 44, 201 NORTH WEBER AVENUE, TO LATITUDE 44 LLC, LATITUDE 44, TO BE OPERATED AT 201 NORTH WEBER AVENUE WITH THE CONDITIONAL USE PERMIT (2007-01-23) BEING APPROVED IN 2007.

201 N Weber Ave 2007-01-23

15. TRANSFER OF A 2009-10 RETAIL MALT BEVERAGE LICENSE FROM CYNTHIA EVANS, LATITUDE 44, 201 NORTH WEBER AVENUE, TO LATITUDE 44 LLC, LATITUDE 44, TO BE OPERATED AT 201 NORTH WEBER AVENUE WITH THE CONDITIONAL USE PERMIT (2007-01-23) BEING APPROVED IN 2007.
16. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, ON AUGUST 28, 2009, FOR A CLASS REUNION, AND OCTOBER 10, 2009, FOR A WEDDING RECEPTION.
17. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR ST. THERESE PARISH, TO BE OPERATED AT ST. THERESE PARISH, 901 NORTH TAHOE TRAIL, ON SEPTEMBER 18, 2009, FOR A SPECIAL EVENT.
18. SPECIAL ONE-DAY WINE LICENSE FOR SENIOR CITIZENS SERVICES INC., TO BE OPERATED AT THE CENTER FOR ACTIVE GENERATIONS, 2300 WEST 46TH STREET, ON OCTOBER 22, 2009, FOR A WINE TASTING EVENT.

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. 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

There was none.

UNFINISHED BUSINESS

DOC: MEMO

19. NEW 2009 RETAIL LIQUOR LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE OPERATED AT 1716 SOUTH WESTERN AVENUE, INCLUDING SUNDAY SALES, BASED ON THE 2008 U.S. CENSUS BUREAU ESTIMATE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).

SRO Restaurants

20. RESCIND 2009-10 RETAIL MALT BEVERAGE LICENSE ISSUED TO SRO RESTAURANTS LLC, GRILLE 26, 1716 SOUTH WESTERN AVENUE.

21. RESCIND 2009 RETAIL WINE LICENSE ISSUED TO SRO RESTAURANTS LLC, GRILLE 26, 1716 SOUTH WESTERN AVENUE.

22. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR THE BALLARD BUILDING RESTAURANT CO., PARKER'S, TO BE OPERATED AT 210 SOUTH MAIN AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-03-18) BEING APPROVED ON 04-01-09. PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.

210 S Main Ave 2009-03-18

23. NEW 2009 RETAIL WINE LICENSE FOR THE BALLARD BUILDING RESTAURANT CO., PARKER'S, TO BE OPERATED AT 210 SOUTH MAIN AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-03-18) BEING APPROVED ON 04-01-09. PENDING FINAL INSPECTIONS PER FIRE, HEALTH, AND BUILDING SERVICES.

C.U.P. 2009-03-18: See item 22

A motion was made by Council Member Costello and seconded by Council Member Beninga to approve Items 19 through 23 with one vote.

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

INTRODUCTION AND ADOPTION OF ORDINANCES

24. DEFERRED ACTION (FROM JULY 6, 2009 MEETING.): 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2009-05-03, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT N. GRANITE LN. AND W. 60TH ST. N. AMENDING THE PRAIRIE HILLS NORTH PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0007

070609 CM Item 23

PC Staff Report

PC Exhibits

PC Minutes - Item 5

A motion was made by Council Member Knudson and seconded by Council Member Litz to deny the recommendation of the Planning Commission on this Major Amendment.

A substitute motion was made by Council Member Brown and seconded by Council Member Beninga to approve said Ordinance 75-09.

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

25. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY CHANGING CITY COUNCIL DISTRICT DESIGNATIONS FOR DISTRICTS 1, 2, 3, 4, AND 5, AS PROPOSED BY THE DISTRICTING COMMISSION.

Ord. 1089

A motion was made by Council Member Jamison and seconded by Council Member Costello to adopt said Ordinance 74-09.

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

Ordinance unsigned by Mayor Dave Munson per City Charter Section 3.04 and per City Ordinance Section 2-23 (j).

Council Member Anderson Jr. left the meeting at this time.

26. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REPEALING APPENDIX "D" ENTITLED "FLOODPLAIN MANAGEMENT" APPENDIX OF THE CODE OF ORDINANCES OF SAID CITY.

Ord. 0001

A motion was made by Council Member Beninga and seconded by Council Member Costello to adopt said Ordinance 69-09.

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

Motion Passed

27. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING A CHAPTER 45 TO BE ENTITLED "FLOODPLAIN MANAGEMENT ORDINANCE."

Ord. 0002

PC Report

PC Exhibits

PC Minutes - Item 17

Example FIRM

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt said Ordinance 70-09.

Vote to adopt: Roll Call: Yeses, Jamison, Brown, Knudson, Beninga, Costello, 5. Noes Litz, Staggers, 2.

Motion Passed

28. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS, SD, BY AMENDING APPENDIX B, ZONING ORDINANCE, CHAPTER 15.43, DR DESIGN REVIEW DISTRICT.

Ord. 0004

Airport Overlay Map

A motion was made by Council Member Jamison and seconded by Council Member

Knudson to adopt said Ordinance 71-09.

A substitute motion was made by Council Member Staggers to refer this ordinance to the Land Use Committee. Since there is no second, the motion is not before the meeting.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Beninga, Costello, 6. Noes Staggers, 1.
Motion Passed

29. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1100 S. BLAINE AVE. FROM THE C-1, NEIGHBORHOOD COMMERCIAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2009-05-18, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0015

PC Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 72-09.

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

30. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY FROM 22ND ST. TO 26TH ST. AND FROM GRANGE AVE. TO COVELL AVE. FROM THE RS-2, RESIDENTIAL DISTRICT AND THE NORTH AMERICAN BAPTIST SEMINARY PLANNED DEVELOPMENT DISTRICT TO SUBAREA A OF SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-06-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Ord. 0016

PC Report

PC Exhibits

PC Minutes - Item 12

A motion was made by Council Member Beninga and seconded by Council Member Jamison to adopt said Ordinance 73-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Beninga, Costello, 6. Noes Stagers, 1.
Motion Passed

Set hearing date and 2nd Reading for Monday, August 17, 2009, at 5:00 p.m. at the Joint City Council/Minnehaha County Commission Meeting on Item 31:

31. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING APPENDIX C OF THE 2002 REVISED ORDINANCES FOR MINNEHAHA COUNTY AND THE CITY OF SIOUX FALLS BY AMENDING THE TEXT PERTAINING TO SALVAGE AND JUNK YARDS, PRODUCE SALES, RECREATION, AND BED AND BREAKFASTS, AND BY AMENDING THE A-1 AGRICULTURAL, R/C RECREATION/CONSERVATION DISTRICTS, I-1 AND I-2 INDUSTRIAL DISTRICTS, AND THE DEFINITIONS.

Ord. 0017

A motion was made by Council Member Knudson and seconded by Council Member Litz to set a hearing date and 2nd Reading for Monday, August 17, 2009, at 5:00 p.m. at the Joint City Council/Minnehaha County Commission Meeting.

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

HEARINGS AND RESOLUTIONS

32. A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

Res. 0011

A motion was made by Council Member Knudson and seconded by Council Member Brown to adopt said Resolution 71-09.

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

RESOLUTION NO. 71-09

A RESOLUTION ADVISING AND GIVING CONSENT TO THE APPOINTMENT OF MEMBERS TO CERTAIN CITIZEN BOARDS.

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

That it gives its advice and consent to the following City Council appointments:

Name	Board Term
Kenny Anderson Jr. July 2010.	SECOG Appointed for a term from August 2009 until July 2010.
Vernon Brown July 2010.	SECOG Appointed for a term from August 2009 until July 2010.
De Knudson May 2010 as an	SECOG Appointed for a term from August 2009 until alternate.
Greg Jamison July 2010.	UDC Appointed for a term from August 2009 until July 2010.
Bob Litz July 2010.	UDC Appointed for a term from August 2009 until July 2010.
Kermit Staggers May 2010.	UDC Appointed for a term from August 2009 until May 2010.
Kenny Anderson Jr. July 2010.	UDC Appointed for a term from August 2009 until July 2010.
Gerald Beninga and De Knudson May 2010 as	UDC Appointed for a term from August 2009 until alternates.

Date adopted: 08/03/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

33. A RESOLUTION TO AMEND AND RESTATE RESOLUTION 15-07 AS A GOAL THAT THE CITY MAINTAIN AN 11 PERCENT MONTHLY UNRESTRICTED CASH BALANCE AND A 25 PERCENT GENERAL FUND RESERVE BALANCE AT YEAR-END; THAT FUTURE BUDGETS OF THE CITY BALANCE; ESTABLISHING A COUNCIL POLICY REGARDING THE USE OF PROJECTED REVENUE FROM FEE OR TAX INCREASES IN ANY BUDGET ADOPTED BY THE COUNCIL; AND ESTABLISHING A COUNCIL POLICY ON THE USE OF ENTERPRISE FUNDS.

Res. 0002A

Res. 15-07

A motion was made by Council Member Beninga and seconded by Council Member Litz to adopt said Resolution 73-09.

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

RESOLUTION NO. 73-09

A RESOLUTION TO AMEND AND RESTATE RESOLUTION 15-07 AS A GOAL THAT THE CITY MAINTAIN AN 11 PERCENT MONTHLY UNRESTRICTED CASH BALANCE AND A 25 PERCENT GENERAL FUND RESERVE BALANCE AT YEAR-END; THAT FUTURE BUDGETS OF THE CITY BALANCE; ESTABLISHING A COUNCIL POLICY REGARDING THE USE OF PROJECTED REVENUE FROM FEE OR TAX INCREASES IN ANY BUDGET ADOPTED BY THE COUNCIL; AND ESTABLISHING A COUNCIL POLICY ON THE USE OF ENTERPRISE FUNDS.

WHEREAS, the Home Rule Charter of the City of Sioux Falls authorizes the Council to appropriate

City funds and set City policy; and

WHEREAS, the City Council desires adequate reserves to cash flow City government and meet any emergencies; and

WHEREAS, pursuant to the City's Home Rule Charter, the Council may provide for the form in which

the Mayor is to submit a budget proposal; and

WHEREAS, the City Council desires an ongoing plan for a fiscally sound budget; and

WHEREAS, the City Council expects potential new revenue streams be approved prior to final adoption of the budget; and

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

That the City establish as a goal that it maintain a minimum unrestricted cash balance at the end

of each calendar month equal to 11 percent of the general fund budget for that fiscal year and a

general fund unreserved fund balance as of December 31 for each fiscal year equal to 25 percent of

the general fund budget for that fiscal year. If the unrestricted cash reserves at any month end or

the general fund unreserved fund balance as of December 31 shall fall below these thresholds, the

Mayor shall, as soon as practical thereafter, present the Council with an explanation and plan for

replenishing the unrestricted cash balance or general fund reserve balance to the targeted

threshold; and

BE IT FURTHER RESOLVED:

That the City establish as a goal that a Mayor's proposed general fund budget for each fiscal year

beginning with 2008 provide for balance between projected revenues and expected expenditures

without the use of general fund unreserved fund balances, with the exception of cash reserves which

exceed the 25 percent general fund unreserved fund balance at year-end, and that the elected and

appointed officials of the City use their best efforts and mutual cooperation to accomplish that

goal. If a Mayor believes that the financial condition or needs of the City require the use of

funds from general fund unreserved fund balances in any proposed budget, such budget proposal shall

include a statement of the reasons which the Mayor believes justify the use of the general fund

unreserved funds; and

BE IT FURTHER RESOLVED:

That it be established as the policy of the Council that if a Mayor s proposed g
eneral fund
operation budget includes projected revenues from increases in fees, charges, ta
xes, or other
similar sources that require Council approval, the ordinance or ordinance amendm
ent authorizing
such increase should be presented to and approved by the Council prior to the su
bmission of the
proposed budget.

BE IT FURTHER RESOLVED:

That it be established as a policy of the Council that enterprise accounts of th
e City relating to
water, water reclamation, sanitary landfill and the city electric utility should
cover the true
cost for that enterprise, including operation, maintenance, periodic capital rep
lacement, new
capital acquisitions and improvements, debt service requirements, and other cost
s deemed necessary.

Date adopted: 08/03/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

34. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE
LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. (ANNEXATION 2008-07-01 NE
CORNER OF WESTPORT AVE. AND BENSON RD. SANFORD)

Res. 1658

Annexation Report

Annexation Map

A motion was made by Council Member Beninga and seconded by Council Member Litz
to adopt said Resolution 72-09.

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

RESOLUTION NO. 72-09

ANNEXATION 2008-07-01 NE CORNER OF WESTPORT AVE. AND BENSON RD. SA

NFORD

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. The proposed land uses and densities are generally consistent with the 2015 Growth Management

Plan.

3. There will be adequate provision for municipal utilities and access to the major street

network when the following occur:

a. City water main will need to be installed on Benson Rd. east of Westport Ave.

b. A post-construction BMP will be required as a part of development of the site

c. The sewer service in this area is available currently at the intersection of Benson Rd. and

Westport Ave. Basin 13 sewer improvements will continue through this development area depending on

street layout.

d. Street access along Westport Ave. will be based upon city standards.

e. The City and Sanford will enter into an agreement to determine infrastructure responsibilities

for on-site utilities.

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

That the following-described properties be and the same hereby are included with in the corporate

limits of the city of Sioux Falls, Minnehaha County, and the boundary of the city is hereby

extended to include such territory.

The Southwest 1/4 lying West of Lot E-10 of Section 32, T102N, R49W and the SE 1/4 of Section 31,

T102N, R49W except Tract 2 of Hall's Addition contained therein except Lot H-1 contained therein,

except the North 925 feet of the West 942 feet (lying East of Lot H-1) and except the North 450

feet of the East 482 feet of the West 1,424 feet (lying East of Lot H-1), but including adjacent

section-line and Benson Road right-of-way, all within Minnehaha County, South Dakota.

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South

Dakota, a duly certified transcript of this resolution.

Date adopted: 08/03/09 .

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

REPORT OF OFFICERS/BOARDS/COMMITTEES/TRANSFERS OF UNENCUMBERED APPROPRIATION
BALANCES AMONG PROGRAMS WITHIN A DEPARTMENT OR ORGANIZATIONAL UNIT AS PROVIDED
IN THE SIOUX FALLS CITY CHARTER SECTION 5.07 (d)

35. REPORT OF THE JULY 29, 2009, NOTICE OF TRANSFER OF APPROPRIATIONS WITHIN
MAJOR ORGANIZATIONAL UNITS.

Memo

ADJOURNMENT

A motion was made by Council Member Knudson and seconded by Council Member Litz
to adjourn at 9:01 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