

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, June 15, 2009 at 7:00 p.m.	

ROLL CALL #5

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

a. PASTOR CHARLES AYARS, FIRST PRESBYTERIAN CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATION

A. World Refugee Day - June 20, 2009

CONSENT AGENDA

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, JUNE 8, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, JUNE 8, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE CENTER FOR ACTIVE GENERATIONS, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM JUNE 16, 2009, TO AUGUST 14, 2009, FOR A BALLOON RIDE (VALUED AT \$500.00). THE TICKETS WILL SELL FOR \$5.00 EACH OR \$20.00 FOR FIVE. THE PROCEEDS WILL BE USED TO EQUIP THE NUTRITION, DAY BREAK AND ACTIVITY PROGRAMS AT THE CENTER.
2. A COMMUNICATION WAS RECEIVED FROM ST. THERESE CATHOLIC CHURCH, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM JULY 18, 2009, TO SEPTEMBER 18, 2009, FOR A CASH PRIZE OF \$5,000.00. THE TICKETS WILL BE \$25.00 EACH. THE PROCEEDS ARE TO BE USED TO HELP SUPPORT THE PROGRAMS AND SERVICES PROVIDED BY ST. THERESE CATHOLIC CHURCH.

NOTICE OF HEARINGS

Set the hearing date for Monday, July 6, 2009, at 7:00 p.m. on Items 3 through 8:

DOC: DOCUMENT: ALCOHOL MEMO

3. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR AZTECA MEXICAN RESTAURANT INC., AZTECA MEXICAN RESTAURANT, TO BE OPERATED AT 811 SOUTH MINNESOTA AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-02) BEING APPROVED ON 06-03-09.
4. NEW 2009 RETAIL WINE LICENSE FOR AZTECA MEXICAN RESTAURANT INC., AZTECA MEXICAN RESTAURANT, TO BE OPERATED AT 811 SOUTH MINNESOTA AVENUE, WITH THE CONDITIONAL USE PERMIT (2009-05-02) BEING APPROVED ON 06-03-09.
5. 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.
6. NEW 2009 RETAIL WINE 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.
7. NEW 2009 PACKAGE LIQUOR LICENSE FOR THE MARKET ON PHILLIPS LLC, THE MARKET ON PHILLIPS, TO BE OPERATED AT 204 SOUTH PHILLIPS AVENUE.
8. NEW 2009 PACKAGE LIQUOR LICENSE FOR AMANUAL LIBEN AND LEANN BEANER, ABYSSINIA, TO BE OPERATED AT 209 SOUTH BLAUVELT AVENUE.

REGULAR AGENDA

APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Costello and seconded by Council Member Beninga to amend the Regular Agenda by moving Item 29 before Item 9.

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

Motion Passed

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

PUBLIC INPUT

There was none.

Item 29 was heard at this time. See item for action taken.

UNFINISHED BUSINESS

9. DEFERRED ACTION: 2009-10 RENEWAL OF A RETAIL MALT BEVERAGE LICENSE FOR MULUGETA AND MARTA ENDAYEHU, LALIBELA RESTAURANT, TO BE OPERATED AT 1001 WEST 11TH STREET.

A motion was made by Council Member Knudson and seconded by Council Member Staggers to approve Item 9.

A substitute motion was made by Council Member Beninga and seconded by Council Member Knudson to approve with the stipulations that: if there are any violations of the current Conditional Use Permit stipulations, that the City Council will hold a special hearing within 30 days of the violation and will then readdress the whole issue.

A motion was made by Council Member Brown and seconded by Council Member Jamison to amend the substitute motion by adding that the owners are required to go through TAM Training (Techniques in Alcohol Management) as part of their conditional use permit at their own expense.

Vote to amend the substitute motion: Roll Call: Yeses, Jamison, Knudson, Litz, Staggers, Anderson Jr., Beninga, Brown, 7. Noes, 0. Council Member Costello was excused from the meeting and the vote on this item. Motion Passed.

Vote to approve the substitute motion, as amended: Roll Call: Yeses, Jamison, Knudson, Litz, Anderson Jr., Beninga, Brown, 6. Noes, Staggers, 1. Council Member Costello was excused from the meeting and the vote on this item. Motion Passed.

10. DEFERRED ACTION: 2009-10 RENEWAL OF A PACKAGE MALT BEVERAGE RENEWAL FOR CFJ PROPERTIES, FLYING J (CONVENIENCE STORE), 5201 NORTH GRANITE LANE (UNDERAGE SALES ON 03/21/06, 10/31/07, AND 09/30/08).

Document: Alcohol Memo - Items 11 through 15

A motion was made by Council Member Knudson and seconded by Council Member Jamison to approve Item 10.

Vote to approve: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Staggers, Costello, 6. Noes Anderson Jr., Beninga, 2.  
Motion Passed

11. NEW 2009-10 RETAIL MALT BEVERAGE LICENSE FOR TOKYO JAPANESE RESTAURANT LLC, TOKYO JAPANESE RESTAURANT, 109 EAST TENTH STREET, EFFECTIVE 07-01-09 (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTION PER HEALTH AND BUILDING PERMITS AND INSPECTIONS REQUIRED PER BUILDING SERVICES IF RENOVATED.
12. NEW 2009 RETAIL WINE LICENSE FOR TOKYO JAPANESE RESTAURANT LLC, TOKYO JAPANESE RESTAURANT, 109 EAST TENTH STREET (FULL SERVICE RESTAURANT; CUP NOT REQUIRED). PENDING FINAL INSPECTION PER HEALTH AND BUILDING PERMITS AND INSPECTIONS REQUIRED PER BUILDING SERVICES IF RENOVATED.
13. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR THE SIOUX FALLS SISTER CITIES ASSOCIATION, TO BE OPERATED ON PHILLIPS AVENUE FROM 5TH STREET NORTH TO 2ND STREET, FOR THE GERMAN FEST TO BE HELD ON SEPTEMBER 12, 2009.
14. SPECIAL ONE-DAY MALT BEVERAGE AND WINE LICENSE REQUESTS FOR DOWNTOWN SIOUX FALLS, TO BE OPERATED IN THE PARKING LOT BEHIND SKELLY'S PUB (130 SOUTH PHILLIPS AVENUE), FOR THE STOGEEZ FUNDRAISER FOR THE NICK RALLIS BAND ON JUNE 19, 2009. APPLICANT IS REQUESTING WITHDRAWAL OF THIS ITEM. ITEM WITHDRAWN.
15. VARIOUS RETAIL MALT BEVERAGE AND PACKAGE MALT BEVERAGE LICENSE RENEWALS FOR 2009-10 TO BE OPERATED AT VARIOUS LOCATIONS IN THE CITY OF SIOUX FALLS, SD, IDENTIFIED AS EXHIBIT C.

Document: Exhibit C

A motion was made by Council Member Costello and seconded by Council Member Anderson Jr. to approve Items 11, 12, 13 and 15.

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

INTRODUCTION AND ADOPTION OF ORDINANCES

16. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS FOR EXPENSES RELATED TO THE PETTIGREW HEIGHTS NEIGHBORHOOD HOUSING RESOURCE CENTER.

Document: Ord. 0158

Document: Memo

Document: Additional Information

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 56-09.

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

17. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING CHAPTER 17 ENTITLED "FOOD AND FOOD HANDLERS" BY ADDING A DEFINITION OF TEMPORARY FOOD ESTABLISHMENT ALONG WITH ESTABLISHING A FOLLOW-UP INSPECTION FEE AND TEMPORARY EVENT FEE IN CHAPTER 15 1/2 ENTITLED "FEES."

Document: Ord. 0085

Document: Proposed Amendment 0085a - OS/Underline Version

A motion was made by Council Member Brown and seconded by Council Member Beninga to adopt said Ordinance 57-09.

A substitute motion was made by Council Member Brown and seconded by Council Member Litz to adopt said Ordinance 57-09 by accepting the Ordinance Code 0085A which includes the following revisions: 1) grammatical changes in Section 17-1 Definitions; 2) including a definition of a Temporary Food Establishment; 3) Including Section 17-2.1. Follow-up inspection of food authorized 4) Including Section 23-25 Licenses issued by public health director which has the fee changes in Food processing and sales and Food service establishments; 4) Section number corrections in Sections 23-25.1 and 23-25-2

Vote to adopt the substitute motion: Roll Call: Yeses, Jamison, Knudson, Litz,

Anderson Jr., Beninga, Brown, 6. Noes, Staggers, 1. Council Member Costello was excused from the meeting and the vote on this item. Motion Passed.

Vote to adopt, as substituted: Roll Call: Yeses, Jamison, Knudson, Litz, Anderson Jr., Beninga, Brown, 6. Noes, Staggers, 1. Council Member Costello was excused from the meeting and the vote on this item. Motion Passed.

18. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE WASTEWATER SYSTEM REVENUE OF THE CITY TO THE PAYMENT OF SAID WASTEWATER SYSTEM REVENUE BOND, FIXING THE TERMS OF SUCH WASTEWATER SYSTEM REVENUE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH WASTEWATER SYSTEM REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT NOT TO EXCEED \$8,462,000.

Document: Ord. 1098

A motion was made by Council Member Anderson Jr. and seconded by Council Member Jamison to adopt said Ordinance 58-09.

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

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE ISSUANCE OF ITS SANITARY LANDFILL REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT, AUTHORIZING THE USE OF THE PROCEEDS THEREOF FOR CAPITAL IMPROVEMENTS, PLEDGING A PORTION OF THE LANDFILL REVENUE OF THE CITY TO THE PAYMENT OF SAID SANITARY LANDFILL REVENUE BOND, FIXING THE TERMS OF SUCH SANITARY LANDFILL REVENUE BOND, AUTHORIZING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT BETWEEN THE CITY AND THE SOUTH DAKOTA CONSERVANCY DISTRICT AND AUTHORIZING THE EXECUTION AND DELIVERY OF SUCH SANITARY LANDFILL REVENUE BOND TO THE SOUTH DAKOTA CONSERVANCY DISTRICT NOT TO EXCEED \$1,970,000.

Document: Ord. 1099

Document: Proposed Amendment

Document: Proposed Amendment - Overstruck / Underscored Version

A motion was made by Council Member Knudson and seconded by Council Member Jamison to adopt Ordinance 59-09.

A motion was made by Council Member Brown and seconded by Council Member Beninga to amend said Ordinance 59-09 by changing the 3rd Whereas paragraph

on the first page to read as follows: WHEREAS, the City is authorized by its City Charter and Chapters 9-40 and 34A-6 of the South Dakota Codified Laws to establish just and equitable rates of charges to be paid to such City for the use of the sanitary landfill of the City, directly or indirectly; and the City has adopted and enacted Ordinance No. 76-08 pursuant to its City Charter and SDCL Chapters 9-40 and 34A-6, which Ordinance establishes charges for the use of the City's sanitary landfill, such charges being hereinafter referred to as the Landfill Charges; and...

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

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

20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REVISING SEWER UTILITY RATES AND CHARGES.

Document: Ord. 0249

Document: Presentation for Items 20, 21 and 22

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to adopt said Ordinance 60-09.

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

21. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY INCREASING WATER RATES.

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt said Ordinance 61-09.

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

Document: Ord. 0250

22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE SCHEDULE OF RATES TO BE CHARGED BY THE CITY LIGHT AND POWER DEPARTMENT FOR FURNISHING ELECTRIC CURRENT FOR LIGHT AND POWER PURPOSES.

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

Costello to adopt said Ordinance 62-09.

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

Document: Ord. 0248

Set the hearing date and 2nd Reading for Monday, July 6, 2009, at 7:00 p.m. on Items 23 through 26:

23. 1ST 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.

Document: Ord. 0007

PC Staff Report

PC Exhibits

PC Minutes - Item 5

24. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 4101 W. MAPLE ST. FROM THE RS-2, RESIDENTIAL DISTRICT TO SUBAREA A OF THE SOUTHEAST TECHNICAL INSTITUTE PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-05-08, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0009

PC Staff Report

PC Exhibits

PC Minutes - Item 4

25. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT 1202 W. 22ND ST. FROM THE RS-2, RESIDENTIAL DISTRICT TO SUBAREA A OF THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2009-05-06, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Document: Ord. 0008

PC Report

PC Exhibits

PC Minutes - Item 3

26. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF ORDINANCES OF THE CITY BY AMENDING SECTION 39-82 AND ADDING SECTION 39-82A, PROVIDING FOR RURAL SERVICE DISTRICT LANDS.

Document: Ord. 0086

Document: Map

A motion was made by Council Member Knudson and seconded by Council Member Jamison to set a hearing date for Monday, July 6, 2009, at 7:00 p.m. on Items 23 through 26.

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

HEARINGS AND RESOLUTIONS

27. DEFERRED ACTION: A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF THE EAST SIDE SANITARY SEWER SYSTEM.

Document: Res. 1637

Document: Maps

Pgs. 1-12

Pgs. 13-24

Pgs. 25-36

Pgs. 37-48

Pgs. 49-60

Pgs. 61-72

Pgs. 73-84

Pgs. 85-96

Pgs. 97-108

Pgs. 109-121

Document: Table - Revised for 061609 CCM - includes the evaluation changes

A motion was made by Council Member Brown and seconded by Council Member Costello to adopt said Resolution 57-09.

A motion was made by Council Member Beninga and seconded by Council Member Jamison to amend by updating the Sanitary Sewer Cost Recovery Evaluation attachment: Under Section III (Allocation of Costs) - Paragraph B (Formula for Area-wide Sanitary Sewer Cost Recovery) - changing the dollar amount of \$3,523.82 per acre to read \$3,532.82 per acre and to amend the Sanitary Sewer Cost Recovery Evaluation report, the Maps and the Tables to reflect the inclusion of the Basin 23B owners and acres.

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

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

Note: The Evaluation Report, Maps and Tables are available for viewing at [www.siouxfalls.org](http://www.siouxfalls.org) or at the City Clerk's Office at 235 West 10th Street

RESOLUTION NO. 57-09

A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF THE EAST SIDE SANITARY SEWER SYSTEM.

WHEREAS, the City of Sioux Falls will finance and complete the construction of the East Side Sioux Falls

Sanitary Sewer system extending from the City of Sioux Falls collection system to primarily serve the property

listed in Table 1 of the attached Cost Recovery Evaluation; and

WHEREAS, the sanitary interceptor sewers may serve areas which may be benefited thereby, and the cost has been

apportioned against such property; and

WHEREAS, the City has determined that it is appropriate that such benefited property pay its proportionate

share of the cost of such construction, without interest, according to the benefits that may accrue to such

property before such property may be served by such facility; and

WHEREAS, the governing body has determined the amount to be paid and the apportionment thereof among the

benefited properties; and

WHEREAS, such benefited property owners have been notified of the hearing on adoption of the Resolution of Necessity to Construct the East Side Sanitary Sewer System (Res. No. 18-05), adoption of a Resolution Correcting Several Legal Descriptions on Res. No. 18-05 (Res. No. 163-08), and adoption of a Resolution Adding Several Legal Descriptions on Resolution No. 18-05 (Res. No. 164-08), by publication and by mail; and copies of these resolutions, including attachments, were recorded at the Register of Deeds Offices, Minnehaha County Courthouse, Sioux Falls, SD, and Lincoln County Courthouse, Canton, SD;

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

1. That any property described in Table 1 of the attached East Side Sioux Falls Sanitary Sewer System Cost Recovery Evaluation which is connected to the Sioux Falls sanitary sewer system shall be required to pay the City of Sioux Falls the cost recovery established in the sanitary sewer cost recovery evaluation, which is attached to and part of this resolution.
2. That the owner of any benefited property listed in Table 1 of the attached cost recovery evaluation shall pay the established cost recovery amount or any portion thereof as described in the attached cost recovery evaluation, prior to the connection of the property to the interceptor sewer system.

Date adopted: 06/15/09

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

28. DEFERRED ACTION: A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON VARIOUS STREETS AND AVENUES IN THE CITY OF SIOUX FALLS AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITING THEREBY.

Document: Res. 0064

Document: Proposed Amendments

Document: Exhibits

Document: Exhibits - Maps

A motion was made by Council Member Costello and seconded by Council Member Litz to adopt said Resolution 56-09.

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to defer this item to the City Council Meeting on Monday, July 6, 2009, at 7:00 p.m. After discussion, the maker and the second withdrew the motion.

A motion was made by Council Member Brown and seconded by Council Member Beninga to amend said Resolution 56-09 by removing the section titled West Side of Lyncrest Ave. from Shady Hill St. to 77th St. which removes the 14 listed properties; and by removing the section titled North and West Sides of Circle Drive from End of W. 33rd St. to Cul De Sac which removes the 2 listed properties. After discussion, the maker and second withdrew the motion.

A five minute recess was taken at 9:42 p.m. The meeting resumed at 9:47 p.m.

A motion was made by Council Member Costello and seconded by Council Member Beninga to amend by deleting the first 14 properties and the last two and those would be the 14 properties in between LaQuinta and 77th Street on the west side; and the last two are the Circle Drive properties referred to earlier.

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

A motion was made by Council Member Staggers to amend the resolution by stating that the city should pay for the rest of the sidewalks listed on this resolution. Since there is no second, the motion is not before the meeting.

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

#### RESOLUTION NO. 56-09

A RESOLUTION DECLARING THE NECESSITY TO CONSTRUCT SIDEWALK ON VARIOUS STREETS AND AVENUES IN THE CITY OF SIOUX FALLS AND ASSESSING THE COST TO EACH LOT OR TRACT OF LAND BENEFITTING THEREBY.  
BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

Section 1. It is necessary to CONSTRUCT SIDEWALKS in accordance with specifications prepared by the Office of the City Engineer and on file in the Office of the City Engineer on the following streets in the city of Sioux Falls, SD, fronting or abutting upon the following described property to be assessed:

North Side of Ralph Rogers Rd. from Western Ave. to Old Yankton Trl.

Lot 7 Block 1 Estates on Yankton Trail Addition, an Addition in the City of Sioux Falls, Lincoln County, South Dakota

South Side of Ralph Rogers Rd. from Western Ave. to Old Yankton Trl.

Lot 1A Block 7 Cypress Knoll Addition, an Addition in the City of Sioux Falls, Lincoln County, South Dakota

Lot 1A Block 7 Reserve Addition, an Addition in the City of Sioux Falls, Lincoln County, South Dakota

East Side of Bahnson Ave. from Marson Dr. to 49th St.  
 Lot 1 Block 1 Fox Run Addition, an Addition in the City of Sioux Falls, Minnehaha County, South Dakota  
 Lot 1 Block 2 Fox Run Addition, an Addition in the City of Sioux Falls, Minnehaha County, South Dakota  
 Lot 10 Block 1 Fox Run Addition, an Addition in the City of Sioux Falls, Minnehaha County, South Dakota  
 Lot 4 Block 2 Fox Run Addition (Storm Drainage Easement), an Addition in the City of Sioux Falls, Minnehaha County, South Dakota  
 Lot 5 Block 2 Fox Run Addition, an Addition in the City of Sioux Falls, Minnehaha County, South Dakota

Section 2. The cost and expense of the improvements shall be levied by special assessment upon the above-described property in accordance with Section 38-32 of the Revised Ordinances of Sioux Falls and SDCL Chapter 9-43. Subject to exceptions described in City ordinance, the improvements shall be assessed upon the above-described property abutting upon the same in proportion to the amount of work done as provided by law.

Section 3. Notice. If you are an owner-occupant of a single-family dwelling to be specially assessed and whose total household income is \$10,000 annually, or less, you may be eligible for the waiving or reduction of the special assessment described herein. In order to qualify and be eligible for the waiving or reduction of such special assessments, you must make application on forms provided at the City of Sioux Falls Community Development, Carnegie Town Hall, 235 W. 10th St., or call 367-7125, prior to the date of the Final Levy of the Assessment Roll before the Sioux Falls City Council. Failure to make proper written application prior to this date will disqualify you from being eligible for waiving or reduction of the special assessment.

Section 4. The assessment may be paid in five equal annual installments. If not paid within 30 days after the assessment roll has been filed in the City Accounting Office, the assessment or any installment shall be collected with interest in accordance with the procedure provided by SDCL 9-43-31 through 9-43-41. Interest on the assessment or installment will be charged and collected in accordance with law. The rate to be charged will be set by the City Council in the year of assessment.

Section 5. The estimated cost of the above-named improvements is as follows:  
 Construct 4" Thick Sidewalk..... \$3.50 Per Square Foot  
 F & I Detectable Warning Panel..... \$40.00 Per Square Foot  
 Concrete Curb and Gutter Rem./Rpl..... \$35.00 Per Front Foot  
 Unclassified Excavation..... \$12.00 Per Cubic Yard  
 Tree Removal..... \$250.00 Per Each

Landscaping Removal..... \$500.00 Per Location/Property  
 Retaining Wall ..... \$30.00 Per Square Foot (wall face)  
 Seeding Disturbed Area..... \$3.00 Per Square Yard  
 Engineering Fee..... 14 Percent

Section 6. The assessment will be levied on the above-described property pursuant to Section 38-32 of the Revised Ordinances of Sioux Falls.

Section 7. A copy of the resolution will be recorded at the Register of Deeds Of

fice, Lincoln County, SD and  
Minnehaha County, SD, as a notice to all potential or actual future landowners,  
of present or future  
assessment payments on said property.

Date adopted: 06/15/09 .

Dave

Munson

Mayor  
ATTEST:  
Debra A. Owen  
City Clerk

29. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONDITIONAL GIFTING  
AGREEMENT FOR THE DONATION OF LAND FOR A NEW PARK SITE ON OR NEAR WEST 12TH  
STREET AND THE TEA ELLIS ROAD, WHICH INCLUDES THE NAMING OF THE PARK AS A  
CONDITION OF THE GIFT.

Document: Res. 0002

A motion was made by Council Member Beninga and seconded by Council Member  
Costello to adopt said Resolution 55-09.

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

RESOLUTION NO. 55-09

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A CONDITIONAL GIFTING AGREEMENT  
FOR THE DONATION OF LAND FOR  
A NEW PARK SITE ON OR NEAR WEST 12TH STREET AND THE TEA ELLIS ROAD, WHICH INCLUD  
ES THE NAMING OF THE PARK AS A  
CONDITION OF THE GIFT.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just  
"BE IT RESOLVED..."

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

That the document attached to and part of this resolution entitled A Conditiona  
l Gifting Agreement for the  
Donation of Land for a New Park Site on or Near West 12th Street and the Tea Ell  
is Road, which includes the  
naming of the park as a condition of the gift, is hereby approved.

That the Mayor is authorized to sign such agreement after it is ratified and exe  
cuted by Crusher Investment  
Company.

Date adopted: 06/15/09 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Jamison and seconded by Council Member Brown to adjourn the meeting at 9:51 p.m.

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

Motion Passed

Tamara Jorgensen, CMC

Assistant City Clerk