

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, January 5, 2009 at 7:00 p.m.	

ROLL CALL #4

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. A. DR. RON TOTTINGHAM, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. A. NATIONAL MENTORING MONTH - JANUARY 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, Knudson, Litz, Staggers, Anderson Jr., Beninga, Brown, Costello, Jamison, 8. Noes, 0.
Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, DECEMBER 15, 2008, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, DECEMBER 15, 2008, AT 7:00 P.M.

COMMUNICATIONS

1. 1. A COMMUNICATION WAS RECEIVED FROM CARROLL INSTITUTE, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM JANUARY 18, 2009, THROUGH MARCH 31, 2009, FOR A TRIP TO THE MASTERS (VALUED AT \$5,000.00). TICKETS COST \$100.00 PER CHANCE. PROCEEDS WILL GO TOWARDS THE INSTITUTE'S SCHOOL-BASED EDUCATION/PREVENTION PROGRAM CALLED PROJECT AWARENESS.
2. 2. A COMMUNICATION WAS RECEIVED FROM THE TECHNOLOGY COMMITTEE AT ST. LAMBERT SCHOOL, STATING ITS INTENT TO HAVE STUDENTS AND THEIR FAMILIES SELL RAFFLE TICKETS FROM APRIL 3, 2009, THROUGH APRIL 21, 2009, FOR A SHOPPING BONANZA (THREE PRIZES TOTALING UP TO \$2,000.00). TICKETS COST \$2.00 EACH. PROCEEDS WILL GO TOWARDS PURCHASING NEW COMPUTER HARDWARE FOR THE SCHOOL.

APPLICATIONS

3. 3. MINNEHAHA COUNTY, FOR MULTIPLE VOIDED PROPERTIES, IN THE AMOUNT OF \$44,579.49. PURSUANT TO SOUTH DAKOTA CODIFIED LAW 10-21-15 THE BACK TAXES REMAINING ON THESE VOIDED PARCEL RECORDS HAVE BEEN DEEMED AS UNCOLLECTIBLE. NO STATUTORY AUTHORITY EXISTS TO COLLECT THESE TAXES. THE PARCELS ARE:
#11968, FOR 2005 PROPERTY TAXES, CANDLE DEVELOPMENT LLC, \$595.34; #11969, FOR 2005 PROPERTY TAXES, CANDLE DEVELOPMENT LLC, \$595.54; #27092, FOR 2006 PROPERTY TAXES, APEX PROPERTY MANAGEMENT, \$213.72; #28604, FOR 2005 PROPERTY TAXES, MURRAY CONSTRUCTION LLC, \$2,179.82; #28605, FOR 2005 PROPERTY TAXES, MURRAY CONSTRUCTION LLC, \$2,795.06; #29837, FOR 2006 PROPERTY TAXES, CLIFFORD O'HARA, \$189.39; #32587, FOR 2004 PROPERTY TAXES, JEREMY D. ERICKSON, \$83.66; #33185, FOR 2005 PROPERTY TAXES, THOMAS R. TENNESSEN, \$226.94; #41164, FOR 2004 PROPERTY TAXES, NEW MASONRY HOMES INC., \$183.41; #41880, FOR 2005 PROPERTY TAXES, GOLDEN TRIANGLE LLC, \$1,930.41; #42983, FOR 2006 PROPERTY TAXES, PETTINGILL MAIN PROP., \$3,831.38; #43856, FOR 2004 PROPERTY TAXES, KARLA J. SORENSON, \$1,052.61; #44508, FOR 2005 PROPERTY TAXES, CLARA GAMACHE, \$70.76; #45917, FOR 2003 PROPERTY TAXES, KEITH AND REBECCA COACHER, \$200.71; #46585, FOR 2004 PROPERTY TAXES, BETTY A. STANSBURY, \$129.57; #47171, FOR 2006 PROPERTY TAXES, LLOYD PROPERTY MANAGEMENT, \$3,380.74; #56916, FOR 2005 PROPERTY TAXES, CLARKE PARTNERSHIP, \$16,133.87; #59061, FOR 2004 PROPERTY TAXES, M. MIGNONNE SCHWEBACH, \$80.20; #59061, FOR 2005 PROPERTY TAXES, M. MIGNONNE SCHWEBACH, \$82.47; #63132, FOR 2005 PROPERTY TAXES, HOMELAND DEVELOPMENT CO., \$10.61; #66785, FOR 2005 PROPERTY TAXES, DONALD F. HANDER, \$3,763.89; #69320, FOR 2006 PROPERTY TAXES, BIG SIOUX DEVELOPMENT CO., \$345.53; #74615, FOR 2004 PROPERTY TAXES, MELLEGARD INC., \$427.40; #75598, FOR 2005 PROPERTY TAXES, DANIELS CONSTRUCTION, \$754.04; #77165, FOR 2006 PROPERTY TAXES, TYSDAL-INGLE INVESTMENTS, \$3,286.36; AND #79503, FOR 2006 PROPERTY TAXES, I'VE BEEN WORKING ON THE RAILROAD LLC, \$2,036.06.

NOTICE OF HEARINGS

Set hearing date for Tuesday, January 20, 2009, at 7:00 p.m. on Items 4 through 16:

DOC: MEMO

4. 4. NEW 2009 RETAIL LIQUOR LICENSE FOR OUR VENTURES INC., NAME TO BE DETERMINED, TO BE OPERATED AT 900 SOUTH MARION ROAD, INCLUDING SUNDAY SALES

AND VIDEO LOTTERY TERMINALS, WITH THE CONDITIONAL USE PERMIT (2008-04-39) BEING APPROVED ON 07-02-08.

5. 5. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE OPERATED AT 1716 SOUTH WESTERN AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
6. 6. NEW 2009 RETAIL WINE LICENSE FOR SRO RESTAURANTS LLC, GRILLE 26, TO BE OPERATED AT 1716 SOUTH WESTERN AVENUE (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
7. 7. NEW 2008-09 RETAIL MALT BEVERAGE LICENSE FOR KAREN A. JOHNSON, BUFFALOBERRIES, TO BE OPERATED AT 309 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2007-09-09) BEING APPROVED ON 10-03-07.
8. 8. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM GREAT PLAINS LODGING V LLC, HOMEWOOD SUITES, 3620 WEST AVERA DRIVE, TO SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE, WITH THE CONDITIONAL USE PERMIT (2001-04-03) BEING APPROVED ON 05-21-01.
9. 9. TRANSFER OF A 2008 RETAIL WINE LICENSE FROM GREAT PLAINS LODGING V LLC, HOMEWOOD SUITES, 3620 WEST AVERA DRIVE, TO SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE, WITH THE CONDITIONAL USE PERMIT (2001-04-03) BEING APPROVED ON 05-21-01.
10. 10. RENEWAL OF A 2009 RETAIL WINE LICENSE FOR SF LODGING GROUP LLC, HOMEWOOD SUITES, TO BE OPERATED AT 3620 WEST AVERA DRIVE.
11. 11. RENEWAL OF A 2009 RETAIL LIQUOR LICENSE FOR 4900 BUILDING LLC, THE OAKS HOTEL, TO BE OPERATED AT 3300 WEST RUSSELL STREET, INCLUDING SUNDAY SALES AND VIDEO LOTTERY TERMINALS.
12. 12. ADDRESS CORRECTION FOR THE NEW 2009 RETAIL WINE LICENSE FOR THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, TO BE OPERATED AT 2320 SOUTH LOUISE AVENUE, APPROVED ON 11-17-08, WITH THE CORRECT ADDRESS BEING 2316-2318 SOUTH LOUISE AVENUE.
13. 13. ADDRESS CORRECTION FOR THE TRANSFER OF A 2009 PACKAGE LIQUOR LICENSE FROM THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, 2425 SOUTH SHIRLEY AVENUE #116, TO THE LITTLE CELLAR WINE COMPANY LLC, THE LITTLE CELLAR WINE COMPANY, TO BE OPERATED AT 2320 SOUTH LOUISE AVENUE, APPROXIMATELY FEBRUARY 19, 2009, OR UPON COMPLETION OF CONSTRUCTION, APPROVED ON 11-17-08, WITH THE CORRECT ADDRESS BEING 2316-2318 SOUTH LOUISE AVENUE.
14. 14. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE SOUTHEASTERN CHAPTER OF THE SOUTH DAKOTA ENGINEERING SOCIETY TO BE HELD AT DOW RUMMEL VILLAGE, 1321 WEST DOW RUMMEL STREET, ON FEBRUARY 21, 2009, FOR THEIR AWARDS BANQUET.

15. 15. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR THE CHILDREN'S CARE FOUNDATION TO BE HELD AT FIRST NATIONAL BANK IN SIOUX FALLS, 500 SOUTH PHILLIPS AVENUE, ON FEBRUARY 13, 2009, FOR A FUNDRAISER.

16. 16. SPECIAL ONE-DAY WINE LICENSE FOR ST. JOSEPH CATHEDRAL CLUB #54, TO BE OPERATED AT ST. JOSEPH CATHEDRAL, 523 NORTH DULUTH AVENUE, ON FEBRUARY 13, 2009, FOR A VALENTINE'S DINNER.

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed

PUBLIC INPUT

Theresa Stehly spoke about the sales tax increase, a petition drive and new arterial streets.

Scott L. Ehrisman spoke regarding arterial streets and First Amendment rights.

Kathy Kersey asked City Council members to remember to serve those in need.

I.L. Wiedermann asked about money given to the City of Sioux Falls from Citibank. Mike Cooper, director of Planning and Building Services, provided an answer.

INTRODUCTION AND ADOPTION OF ORDINANCES

17. 17. DEFERRED ACTION: 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCE OF THE CITY BY REVISING THE ORDER OF BUSINESS FOR COUNCIL MEETINGS.

Doc: Ord. 0035

Doc: Proposed Amend. Ord. 0035 A

Doc: Proposed Amend. Ord. 0035 B

Doc: Proposed Amend. Ord. 0035 C

Doc: Proposed Amend. Ord. 0035 D

Doc: 120808 CM Item 3

Doc: 121508 CM Item 18

A motion was made by Council Member Beninga and seconded by Council Member Costello to adopt said Ordinance 1-09.

A substitute motion was made by Council Member Costello and seconded by Council Member Anderson Jr. to amend by adding (5) c. "Council's internal departmental directives." And at Item 13 after commissions, "and 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)."

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

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

18. 18. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SW CORNER OF E. MADISON ST. AND POWDER HOUSE RD. FROM THE RS-2, RESIDENTIAL DISTRICT; RD, RESIDENTIAL DISTRICT; RA-1, RESIDENTIAL DISTRICT; C-4, PLANNED COMMERCIAL DISTRICT; AND O, GENERAL OFFICE DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT; RD, RESIDENTIAL DISTRICT; RA-1, RESIDENTIAL DISTRICT; C-4, PLANNED COMMERCIAL DISTRICT; AND O, GENERAL OFFICE DISTRICT, PETITION NO. 2008-11-03, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0041

Doc: PC Staff Report

Doc: PC Exhibits

Doc: PC Minutes - Item 4

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said Ordinance 2-09.

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

19. 19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT W. FIFTH ST. AND N. CORNFLOWER AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE RD, RESIDENTIAL DISTRICT, PETITION NO. 2008-11-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0042

Doc: PC Staff Report

Doc: PC Exhibits

Doc: PC Minutes - Item 5

A motion was made by Council Member Jamison and seconded by Council Member Costello to adopt said Ordinance 3-09.

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

20. 20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT NE CORNER OF E. MADISON ST. AND POWDER HOUSE RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT AND THE CANTERBURY HEIGHTS EAST PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-11-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0043

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 6

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to adopt said Ordinance 4-09.

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

21. 21. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. AND S. DUBUQUE AVE. FROM THE AG, AGRICULTURAL DISTRICT TO THE C-4, PLANNED COMMERCIAL DISTRICT, PETITION NO. 2008-10-18,

AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0040

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 14

A motion was made by Council Member Knudson and seconded by Council Member Costello to defer Item 21 to the City Council Meeting of Monday, February 2, 2009, at 7:00 p.m.

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

22. 22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. BETWEEN HIGHWAY 11 AND SIX MILE RD. FROM THE AG, AGRICULTURAL DISTRICT TO THE FALCON HEIGHTS PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-11-09, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0045

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 16

A motion was made by Council Member Anderson Jr. and seconded by Council Member Knudson to adopt said Ordinance 6-09.

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

23. 23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT SE CORNER OF E. 69TH ST. AND S. SOUTHEASTERN AVE. FROM THE RA-1, RESIDENTIAL DISTRICT; O, OFFICE DISTRICT; AND C-4, PLANNED COMMERCIAL DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, AND THE EMERALD VALLEY II PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-11-07, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION

RECOMMENDS APPROVAL.

Doc: Ord. 0044

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 15

A motion was made by Council Member Litz and seconded by Council Member Knudson to adopt said Ordinance 7-09.

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

24. 24. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2008-11-11 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT BROOKS CROSSING PLANNED DEVELOPMENT DISTRICT SUBAREAS A AND B TO REVISE SUBAREA BOUNDARIES AND ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Doc: Ord. 0038

Doc: PC Report

Doc: PC Exhibits

Doc: PC Minutes - Item 7

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 8-09.

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

25. 25. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD (THE "CITY"), AUTHORIZING THE ISSUANCE OF ITS SALES TAX REVENUE BONDS IN ONE OR MORE SERIES, AUTHORIZING THE USE OF THE PROCEEDS THEREOF TO PAY THE COSTS OF IMPROVEMENTS TO THE EXISTING DIVERSION DAM, CONSTRUCTION OF A NEW DAM AT THE CONFLUENCE OF SKUNK CREEK AND THE BIG SIOUX RIVER, REBUILDING THE 41ST STREET BRIDGE AND RAISING THE LEVEES TO PROVIDE ADEQUATE FLOOD RISK

REDUCTION ALONG THE BIG SIOUX RIVER, SKUNK CREEK, AND THE DIVERSION CHANNEL IN THE CITY, PLEDGING A PORTION OF THE SALES AND USE TAX PROCEEDS OF THE CITY TO THE PAYMENT OF SAID SALES TAX REVENUE BONDS, FIXING THE TERMS OF SUCH SALES TAX REVENUE BONDS, AUTHORIZING THE EXECUTION AND DELIVERY OF ONE OR MORE SUPPLEMENTAL INDENTURES BETWEEN THE CITY AND THE FIRST NATIONAL BANK IN SIOUX FALLS, AND AUTHORIZING THE SALE, EXECUTION, AND DELIVERY OF SUCH SALES TAX REVENUE BONDS. (\$38 MILLION)

Doc: Ord. 0046

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 5-09.

A motion was made by Council Member Staggars and seconded by to amend by deleting \$38 million where it is mentioned in the ordinance and substitute \$26 million (getting rid of the bridge for bonding). And delete from the title of the ordinance where it mentions the bridge and delete any other references to the bridge project in the ordinance.

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

HEARINGS AND RESOLUTIONS

26. 26. DEFERRED ACTION: A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER, SIDEWALK ASPHALT SURFACING WITH DRIVEWAY APPROACHES, SANITARY SEWER MAIN, SANITARY SEWER SERVICES, AND WATER SERVICES ON W. 69TH ST. FROM S. LOUISE AVE. TO 2,300' EAST.

Doc: Res. 0024

Doc: Exhibit

Doc: 120808 CM Item 11

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Resolution 1-09.

Vote to adopt: Roll Call: Yeses, Knudson, Litz, Anderson Jr., Beninga, Brown, Costello, 6. Noes Staggars, 1.
Motion Passed

RESOLUTION NO. 1-09

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR construction of grading,

gravel, curb and gutter, sidewalk asphalt surfacing with driveway approaches, sanitary sewer main, sanitary sewer services, and water services on W. 69th St. from S. Louise Ave. to 2,300' east.

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

SECTION 1. That the special assessment roll for the assessment of the property assessable for construction of grading, gravel, curb and gutter, sidewalk asphalt surfacing with driveway approaches, sanitary sewer main, sanitary sewer services, and water services on W. 69th St. from S. Louise Ave. to 2,300' east pursuant to a contract entered into with D & G Concrete on the 16th day of March, 2007, be and the same is hereby approved and the assessment as set out in the special assessment roll approved this date is hereby levied against the property described therein and becomes a lien against such property upon filing of the special assessment roll in the City Accounting Office.

SECTION 2. The assessment may be paid in five annual installments and shall be collected under Plan One Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 1/5/09.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

NOTICE TO PROPERTY OWNERS

Notice is hereby given that assessments levied under the above resolution will become due and payable at the office of the County Treasurer in five installments, together with interest at 6.5 percent per annum in accordance with SDCL 9-43. The first installment, with interest, will become due with general taxes and will be payable at the County Treasurer's Office on January 1, 2010; the remaining installments, with interest, will become due and payable annually at the County Treasurer's Office on January 1 of each following year until total assessment, with interest, is paid in full.

Notice is further given that the special assessment roll approved in the above resolution was filed with the City Clerk's Office on the 10th day of December, 2008, and that the whole of said assessment, or any installment thereof, may be paid without interest to the City Accounting Office on or before 30 days after said filing.

Debra

a A. Owen

City Clerk

27. 27. A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITION OF CITY CLERK COMMENCING ON JANUARY 12, 2009.

Doc: Res. 1641

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said Resolution 2-09.

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

RESOLUTION NO. 2-09

A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITION OF CITY CLERK COMMENCING ON JANUARY 12, 2009.

WHEREAS, Section 2.08 of the Charter of the City of Sioux Falls authorizes the City Council to appoint an officer of the City who shall have the title of City Clerk; and WHEREAS, the City Council shall supervise and appraise the performance of the City Clerk and maintain a market-competitive salary range and a pay-for-performance program for the City Clerk;

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

1. The 2009 biweekly salary ranges for the City Clerk shall be as follows: minimum range-\$2,122.40; maximum-\$3,032.00.
2. A pay-for-performance program is not a substitute for competitive market-based pay ranges. The salary program for the City Clerk shall be reviewed annually to determine adjustments necessary to keep pace with the labor market and inflation adjustments.
3. The City Clerk's salary will be modified on the first pay period of the calendar year to reflect the adopted inflation adjustment to the assigned salary range.
4. Performance increases shall be determined by the City Council effective in January of each calendar year. The performance increase shall be in addition to any inflation adjustment applied to the City Clerk's salary.
5. Performance shall be assessed based on the following three-level scale of performance: exceeds performance expectations, meets expectations, and failed to meet expectations. A City Clerk who fails to meet performance expectations shall receive 0 percent performance pay.
6. Evaluative criteria will address any or all of the following key competencies when determining the level of performance: demonstrated leadership and teamwork, effective performance management of

subordinate staff, effective fiscal and operational management of defined responsibilities, effective communication, and City business knowledge.

7. The Director of Human Resources shall assist the Council in administering the salary and pay-for-performance program and for the purposes of advising market-based pay recommendations and adherence to federal, state, and City employment practices.

8. The City Council may modify the provisions relating to the merit pay guidelines in any one calendar year based on budgetary reasons or at their discretionary authority.

|Date adopted:|1/5/09.|

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

28. 28. A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITIONS OF LEAD INTERNAL AUDITOR AND INTERNAL AUDITOR COMMENCING ON JANUARY 12, 2009.

Doc: Res. 1642

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to adopt said Resolution 3-09.

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

RESOLUTION NO. 3-09

A RESOLUTION ESTABLISHING A SALARY PROGRAM THAT MAINTAINS A MARKET-COMPETITIVE SALARY RANGE WITH A PAY-FOR-PERFORMANCE PROGRAM FOR THE APPOINTED POSITIONS OF LEAD INTERNAL AUDITOR AND INTERNAL AUDITOR COMMENCING ON JANUARY 12, 2009.

WHEREAS, Section 2.10 of the Charter of the City of Sioux Falls provides for an independent annual audit of all city accounts and may provide for more frequent audits as necessary ; and

WHEREAS, the City Council shall supervise and appraise the performance of the Lead Internal Auditor and Internal Auditor and maintain a market-competitive salary range and a pay-for-performance program for such positions;

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

1. The 2009 biweekly salary range for the appointive exempt Lead Internal Auditor position shall be as follows: minimum-\$1,955.20, maximum-\$2,773.60.
2. The 2009 hourly salary range for the appointive non-exempt Internal Auditor s shall be as follows:
minimum-\$19.20, maximum-\$26.69.
3. A pay-for-performance program is not a substitute for competitive market-based pay ranges. The salary program for Lead Internal Auditor and Internal Auditor shall be reviewed annually to determine adjustments necessary to keep pace with the labor market and inflation adjustments.
4. The Lead Internal Auditor and Internal Auditor s salaries will be modified on the first pay period of the calendar year to reflect the adopted inflation adjustment to the assigned salary range.
5. Pay for performance evaluations shall be conducted by the Audit Committee with a recommendation for an annual pay performance increase to the City Council Chair for approval. The performance increase shall be in addition to any inflation adjustment applied to the Lead Internal Auditor and Internal Auditor s salary.
6. Performance shall be assessed based on the following three-level scale of performance: exceeds performance expectations, meets expectations, and failed to meet expectations. A Lead Internal Auditor and/or Internal Auditor who fails to meet performance expectations shall receive 0 percent performance pay.
7. Evaluative criteria will address any or all of the following key competencies when determining the level of performance: demonstrated leadership and teamwork, effective performance management of subordinate staff, if applicable, effective fiscal and operational management of defined responsibilities, effective communication, and City business knowledge.
8. The Director of Human Resources shall assist the Council in administering the salary and pay-for-performance program and for the purposes of advising market-based pay recommendations and adherence to federal, state, and City employment practices.
9. The City Council may modify the provisions relating to the merit pay guidelines in any one calendar year based on budgetary reasons or at their discretionary authority.

Date adopted: 1/5/09.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

29. 29. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 157-08. (2008-08-01-SE CORNER OF 85TH ST. AND MINNESOTA AVE. AKERSON)

Doc: Res. 0038

Doc: Annexation Report

Doc: Concept Plan

Doc: Annexation Map

Doc: Res. 157-08

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to adopt said Resolution 4-09.

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

RESOLUTION NO. 4-09

ANNEXATION LEGAL DESCRIPTION CORRECTION

2008-08-01-SE CORNER OF 85TH ST. AND MINNESOTA AVE. AKERSON

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

RESOLUTION NO. 157-08.

WHEREAS, on September 15, 2008, the City Council of the City of Sioux Falls adopted Resolution No.

157-08 to include certain contiguous territory within the corporate limits of the city of Sioux Falls, SD.

WHEREAS, the annexation map boundaries have been approved by the City Council.

WHEREAS, the legal description as set forth in Resolution 157-08 was not accurate.

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

That the legal description as set forth in Resolution 157-08 hereby is amended to read as follows:

Lot 1 of Block 1 and Lots 1, 2, 3, and 4 of Block 2 all within Minnesota Crossings Addition to the

City of Sioux Falls and including the N 151.95' of the W 225' and all adjacent Minnesota Ave. and

Anchor Ln. right-of-way all within the NW1/4 of Section 23, T100N, R50W of the 5th P.M., Lincoln

County, South Dakota, according to the government survey thereof including Lot H-1 contained therein.

And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, SD, a duly certified transcript of this resolution.

Date adopted: 1/5/09.

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

ADJOURNMENT

A motion was made by Council Member Anderson Jr. and seconded by Council Member Brown to adjourn at 8:50 p.m.

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

Denise D. Tucker
Assistant City Clerk