

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West Tenth Street
|| MEETING OF Monday, December 8, 2008 at 7:00 p.m. |

ROLL CALL #2

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. DR. RON TOTTINGHAM, EMPIRE BAPTIST TEMPLE

PLEDGE OF ALLEGIANCE

RECOGNITION/AWARDS

- A. MAYOR DAVE MUNSON AND FIRE CHIEF DONN HILL PRESENTED THE V.L. CRUSINBERRY AWARD TO CARLA SCHULTZ, TECHNICAL CLERK WITH FIRE RESCUE.
- B. MAYOR DAVE MUNSON PRESENTED THE EMPLOYEE OF THE YEAR FOR SAFETY AWARD TO DEAN FURNEY, WELDER WITH PUBLIC WORKS/FLEET MANAGEMENT DIVISION.
- C. MAYOR DAVE MUNSON AND MIKE COOPER, DIRECTOR OF PLANNING AND BUILDING SERVICES, PRESENTED THE JEANNE FULLENKAMP MANAGEMENT EXCELLENCE AWARD TO STEVE RANDALL, URBAN PLANNER WITH PLANNING AND BUILDING SERVICES.

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Beninga 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, DECEMBER 1, 2008, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, DECEMBER 1, 2008, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE SOUTH DAKOTA NURSERY & LANDSCAPE ASSOCIATION STATING ITS INTENT TO SELL RAFFLE TICKETS FROM FEBRUARY 2, 2009 THROUGH FEBRUARY 3, 2009, FOR A 50/50 RAFFLE, WINNER DRAWN WILL TAKE 50% OF PROCEEDS. TICKETS WILL COST \$1.00 PER TICKET OR \$5.00 FOR SIX TICKETS. THE PROCEEDS ARE TO BE USED FOR THE SCHOLARSHIP FUND, WITH SCHOLARSHIPS TO BE GIVEN TO ONE INDUSTRY STUDENT FROM BOTH SOUTH DAKOTA STATE UNIVERSITY AND SOUTHEAST TECHNICAL INSTITUTE.

APPROVAL OF REGULAR AGENDA

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

Bruce Bettmeng said he had concerns about the project on West 69th Street, from South Louise Avenue to the east. He was asked to return when the item came up.

INTRODUCTION AND ADOPTION OF ORDINANCES

2. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING AMENDMENT NO. 1 TO THE LEASE OF CITY PROPERTY TO THE UNIVERSITY OF SOUTH DAKOTA.

Ord. 1035

A motion was made by Council Member Beninga and seconded by Council Member Brown to adopt said Ordinance 148-08.

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

Motion Passed

3. 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.

Ord. 0035

A motion was made by Council Member Costello and seconded by Council Member Beninga to defer Item 3 to the City Council Meeting of Monday, December 15, 2008, 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

4. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING TWO WEB-CAM LEASE AGREEMENTS TO BE LOCATED AT SIOUX FALLS VISITORS' CENTER TOWER WITHIN FALLS PARK.

Ord. 1074

A motion was made by Council Member Knudson and seconded by Council Member Brown to adopt said Ordinance 149-08.

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

Motion Passed

Set a hearing date and 2nd Reading for Monday, December 15, 2008, at 7:00 p.m. for Items 5 and 6:

5. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE EXCHANGE OF REAL PROPERTY. (TRACT A OF SWARTZ'S ADDITION IN THE NE ... OF SECTION 28-T103N-R49W OF THE 5TH P.M. FOR TRACT 1D IN THE NE ... OF SECTION 28-T103N-R49W OF THE 5TH P.M.)

Ord. 1070

Agreement

Appraisal

Exhibits

6. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE EXCHANGE OF REAL PROPERTY. (300 S. MARION ROAD FOR LOTS H1 AND H4 LOCATED NEAR THE INTERSECTION OF NORTH MARION ROAD AND W. 60TH ST. N.)

Ord. 1073

Agreement

Exhibits

SDDOT Appraisal Pt. 1

SDDOT Appraisal Pt. 2

Wayne Township Appraisal Pt. 1

Wayne Township Appraisal Pt. 2

A motion was made by Council Member Litz and seconded by Council Member Jamison to set a hearing date and second reading for Monday, December 15, 2008, at 7:00 p.m. for Items 5 and 6.

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

Set a hearing date and 2nd Reading for Monday, January 12, 2009, at 7:00 p.m. for Items 7 through 9:

7. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE GRANT OF EASEMENT FOR SANITARY SEWER SERVICE.

Ord. 0032

Exhibits

Grant

8. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTIONS 38-32 AND 38-32.1 AND REPEALING SECTION 38-33 IN CHAPTER 38, STREETS AND SIDEWALK, ARTICLE II, PUBLIC IMPROVEMENTS GENERALLY.

Ord. 0033

9. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING APPENDIX A, SUBDIVISION

ORDINANCE.

Ord. 0034

A motion was made by Council Member Knudson and seconded by Council Member Jamison to set a hearing date and second reading for Monday, January 12, 2009, at 7:00 p.m. for Items 7 through 9.

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

10. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF SIDEWALK ON N. CLIFF AVE. FROM E. CHAMBERS ST. TO E. BENSON RD.

Res. 0011

Exhibits

A motion was made by Council Member Anderson Jr. and seconded by Council Member Beninga to adopt said Resolution 188-08.

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

RESOLUTION NO. 188-08

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF SIDEWALK ON N. CLIFF AVE.

FROM E. CHAMBERS ST. TO E. BENSON RD.

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 sidewalk on N. Cliff Ave. from E. Chambers St. to E. Benson Rd. pursuant to a

contract entered into with D & G Concrete on the 5th day of April, 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: 12/08/08.

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 7

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. Owen

City Clerk

11. 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.

Res. 0024

Exhibits

A motion was made by Council Member Beninga and seconded by Council Member Brown to defer to the City Council Meeting of Monday, January 5, 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

12. A RESOLUTION VACATING N. COSSINGTON AVE. FROM N. MARLOWE AVE. TO APPROXIMATELY 507' NORTH OF E. ROSEMARY ST. AS SHOWN ON ATTACHED EXHIBIT.

Doc: Res. 0012

Doc: Exhibits

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 190-08.

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

RESOLUTION NO. 190-08

A RESOLUTION VACATING N. COSSINGTON AVE. FROM N. MARLOWE AVE. TO APPROXIMATELY 507' NORTH OF E. ROSEMARY ST. AS SHOWN ON ATTACHED EXHIBIT.

WHEREAS, a petition of the owners of SW1/4 NE1/4 Section 12-100-49 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 December 8, 2008, 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 N. Cossington Ave. from N. Marlowe Ave. to approximately 507' north of E. Rosemary St. as shown on attached exhibit 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 certified transcript of this resolution.

Date adopted: 12/08/08.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

13. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING EXTENDING OFFICER RALPH L. STIEBEN'S EMPLOY WITH THE CITY UNTIL JANUARY 31, 2010.

Res. 0032

Letter

A motion was made by Council Member Beninga and seconded by Council Member Costello to adopt said Resolution 191-08.

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

Motion Passed

RESOLUTION NO. 191-08

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, APPROVING EXTENDING OFFICER RALPH L . STIEBEN S EMPLOY

WITH THE CITY UNTIL JANUARY 31, 2010.

WHEREAS, Ralph Stieben shall turn 60 years old on February 6, 2009; and

WHEREAS, Section 35-24 (a) of the Revised Ordinances of Sioux Falls, SD, require s police officers

to separate . . . from the employ of the city the first day of the calendar mon th next following

the month in which the member attains age 60 years . . . unless the requirement s set forth in

Section 35-24 (b) of the Revised Ordinances of Sioux Falls, SD, are satisfied; a nd

WHEREAS, November 20, 2008, Officer Stieben requested in writing to the Chief of Police that he be

allowed to complete 25 years of service with the City of Sioux Falls; and

WHEREAS, Doug Barthel, Chief of Police, by written email to Mayor Munson has app roved Officer

Stieben s request and approved extending Officer Stieben s tenure with the City to January 31,

2010;

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

RESOLVED..."

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

That in accordance with Section 35-24 (b) of the Revised Ordinances of Sioux Fal ls, SD, that

Officer Ralph L. Stieben s tenure with the City shall be extended until January 31, 2010.

Date adopted: 12/08/08.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

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

Res. 1640

Memo

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt said Resolution 189-08.

A motion was made by Council Member Costello and seconded by Council Member Brown to amend by deleting the Zoological Board of Directors position.

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, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, Anderson Jr., 8. Noes, 0. Motion Passed.

RESOLUTION NO. 189-08

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 Mayoral appointments:

Name	Board	Term
Howard Paulson	Board of Ethics	Appointed for a term from December 2008
		to December 2012 (to replace John Peckham)
Wallace Chandler	Board of Health/Community Health Center	Appointed for a term from December 2008
	Board	to December 2011 (to replace Josh Kennedy)
Scott Burns	Board of Preservation	Appointed for a term from December 2008
		to December 2011 (to replace Kim Thormodsgard)
Austin Buhta	Board of Preservation	Appointed for a term from December 2008
		to December 2011 (to replace Stacey Newcomb-Weiland)
Vicki Kerkvliet	Community Development Advisory Committee	Appointed for a term from December 2008
		to December 2011 (to replace Barbara Hines)
Jacques Mambo	Community Development Advisory Committee	Reappointed for a term from December 2008
		to December 2011
Dennis Gilliam	Community Development Advisory Committee	Appointed for a term from December 2008
		to December 2011 (to replace Loila Hunking)
Ted Ornas	Disability Awareness Commission	Appointed for a term from December 2008

rom December 2008		to May 2011 (to comple
te the unexpired		term of Brett Johnson)
Vicki Nelson	Disability Awareness Commission	Appointed for a term f
rom December 2008		to May 2011 (to comple
te the unexpired		term of Mary Hurd)
Eric Pauli	Electrical Board of Appeals and	Reappointed for a term
from December 2008	Examiners	to December 2011
Bill Earley	Housing and Redevelopment Commission	Appointed for a term f
rom December 2008		to December 2013 (to r
eplace Gary Molzen)		Appointed for a term f
John Peckham	Housing and Redevelopment Commission	to December 2013 (to r
rom December 2008		Appointed for a term f
eplace Bill Myers)		to December 2011 (as a
Pat Beckman	Infrastructure Review Advisory Board	Appointed for a term f
rom December 2008		to December 2011 (as a
n alternate)		Appointed for a term f
Orrin Oliver	Infrastructure Review Advisory Board	to December 2011 (to r
rom December 2008		as an alternate)
eplace Mike Runge		Reappointed for a term
Dianne Metli	Museum Board of Directors	to December 2011
from December 2008		Reappointed for a term
Sylvia Henkin	Orpheum Theater Advisory Board of	to December 2011
from December 2008	Directors	Reappointed for a term
Pat Lloyd	Parks and Recreation Board	to December 2011
rom December 2008		Appointed for a term f
omplete the		to December 2012 (to c
Jans)		unexpired term of Brad
Dawn Clausen	Property Maintenance Board of Appeals	Appointed for a term f
rom December 2008		to December 2011 (to c
omplete the		unexpired term of Burt
Horsted)		Reappointed for a term
Kate Heligas	Public Transit Advisory Board	to December 2011
from December 2008		Appointed for a term f
Debra Nelson	Public Transit Advisory Board	to December 2011 (to r
rom December 2008		Sutton)
eplace William		Appointed for a term f
Kerry Larson	Pedestrians Avoiding Traffic Hazards	to December 2011 (to r
rom December 2008		
eplace Kathy		

Danielle Merrow	Public Parking Advisory Board	Nelson)
from December 2008		Appointed for a term f
		to December 2011 (to r
replace Tom Simmons)		
Rod Carlson	Public Parking Advisory Board	Appointed for a term f
from December 2008		to December 2011 (to r
replace Larry Toll)		
Rob Joyce	Sioux Empire Arts Council Board of	Appointed for a term f
from December 2008		to December 2011 (to r
replace Wally	Directors	
		Doolittle)
Jerry Hauck	Visual Arts Commission	Reappointed for a term
from December 2008		to December 2011

Date adopted: 12/08/08.

Dave Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

Set a hearing date for Monday, January 12, 2009, at 7:00 p.m. for Item 15:

15. A PROPOSED RESOLUTION VACATING W. 2ND ST. FROM THE WEST RIGHT-OF-WAY LINE OF N. HARLEM AVE. WEST TO PREVIOUSLY VACATED W. 2ND ST.

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to set a hearing date for Monday, January 12, 2009, at 7:00 p.m. for Item 15.

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

Res. 0030

Exhibits

ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member Brown to adjourn at 7:57 p.m.

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

Denise D. Tucker
Assistant City Clerk