

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

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

Members Absent: Council Member Beninga

INVOCATION

A. PASTOR WADE MOBLEY, LIVING WORD FREE LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. SUICIDE PREVENTION WEEK, SEPTEMBER 7-13, 2008

B. DISABLED AMERICAN VETERANS FORGET-ME-NOT DAYS, SEPTEMBER 11-13, 2008

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, Costello, 7. Noes, 0.  
Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF TUESDAY, SEPTEMBER 2, 2008, AT 4:00 P.M.

B. CLOSED EXECUTIVE SESSION OF TUESDAY, SEPTEMBER 2, 2008, AT 4:07 P.M.

C. CITY COUNCIL MEETING OF TUESDAY, SEPTEMBER 2, 2008, AT 7:00 P.M.

APPROVAL OF REGULAR AGENDA

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

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

PUBLIC INPUT

Andrean Stricherz spoke regarding the sales tax increase.

Mark Shlanta spoke regarding development planning.

George Hahn spoke regarding the need for arterial streets.

INTRODUCTION AND ADOPTION OF ORDINANCES

1. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PORTION OF THE PERMANENT UTILITY EASEMENT IN LOT 3A SKUNK CREEK ADDITION IN SECTION 25-101-50, MINNEHAHA COUNTY.

Document: Ord. 0243

Document: Exhibits and Agreements

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt Ordinance 111-08 .

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

2. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PORTION OF THE PERMANENT DRAINAGE EASEMENT IN LOT A STARLITE ESTATES 2ND ADDITION IN SECTION 18-101-49, MINNEHAHA COUNTY.

Document: Ordinance 0242

Document: Exhibits and Agreements

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt Ordinance 112-08 .

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

Set hearing date and 2nd Reading for Tuesday, October 14, 2008, at 7:00 p.m. on Item 3:

3. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF PERMANENT SANITARY SEWER EASEMENT.

Document: Ordinance 1058

Document: Exhibit and Agreements

A motion was made by Council Member Knudson and seconded by Council Member Brown to set a hearing date and second reading for Tuesday, October 14, 2008, at 7:00 p.m. on Item 3.

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

#### HEARINGS AND RESOLUTIONS

4. DEFERRED ACTION: A RESOLUTION VACATING LOT A, EXCEPT THAT PART LYING SOUTH OF A LINE EXTENDING EAST FROM THE NE CORNER OF H3 EXTENDING TO A POINT LYING APPROXIMATELY 133.16' SOUTH OF 57TH ST. ALONG THE WEST EDGE OF THE OLD DIRT ROAD OF HIGHWAY 115 EXTENDED (CURRENTLY SUNNYMEADE EXTENDED), IN THE NE1/4 OF SEC. 10-100-50 AS SHOWN ON ATTACHED EXHIBIT.

Document: Ordinance 1604

Document: Ordinance 1604a - Proposed Amendment

Document: Exhibits and Petition

Document: Letter

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt Resolution 148-08 with an amendment which would add the words "..construction, grading, before the word drainage and after the term ..and upon such vacated property for.. in the final paragraph.

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

RESOLUTION NO. 148-08

A RESOLUTION VACATING LOT A, EXCEPT THAT PART LYING SOUTH OF A LINE EXTENDING EAST FROM THE NE CORNER OF H3 EXTENDING TO A POINT LYING APPROXIMATELY 133.16' SOUTH OF 57TH ST. ALONG THE WEST EDGE OF THE OLD DIRT ROAD OF HIGHWAY 115 EXTENDED (CURRENTLY SUNNYMEADE EXTENDED), IN THE NE1/4 OF SEC. 10-100-50 AS SHOWN ON ATTACHED EXHIBIT.

WHEREAS, a petition of the owners of Lots 3B and 4B Block 12 Prairie Tree Addition 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 July 14, 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 Lot A, except that part lying south of a line extending east from the northeast corner of H3 extending to

a point lying approximately 133.16' south of 57th St. along the west edge of the old dirt road of Highway 115

extended (currently Sunnymead extended), in the NE1/4 of

Sec. 10-100-50 as shown on attached exhibit to the City of Sioux Falls, County, South Dakota, be and the same

hereby is declared vacated, subject to an easement reserved by the City of Sioux Falls in, over, and upon such

vacated property for construction, grading, drainage, sewer, water and gas mains, electric, telephone lines,

Cable TV, and all public utility uses required or authorized by the City of Sioux Falls, and that the City

Clerk shall cause to be filed with the Register of Deeds, County, South Dakota, a duly certified transcript

of this resolution.

Date adopted: 09/08/08 .

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

5. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REPAIR OR DEMOLITION OF REAL PROPERTY IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Document: Resp. 013

Document: Assessments - Repair or Demolition of Real Property

A motion was made by Council Member Litz and seconded by Council Member Brown to adopt Resolution 149-08 by approving the following ID No. s: 029129, 046172, 046154, 050693, 050693, 029683, 025890, 029128 in the assessments.

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

A motion was made by Council Member Brown and seconded by Council Member Litz to adopt Item 5 with ID No. 027492 .

Vote to adopt with ID No. 027492: Roll Call: Yeses, 0. Noes, Anderson Jr., Brown, Costello, Jamison, Knudson, Litz, Staggers, 7. Motion Failed.

Resolution 149-08 was adopted with ID No. 027492 removed.

RESOLUTION NO. 149-08

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR REPAIR OR DEMOLITION OF REAL PROPERTY IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA. BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD:

SECTION 1. That the special assessment roll for repair or demolition of real property in various areas in Sioux Falls, SD, is hereby approved and the assessments in the assessment roll are levied against the property described in it. The assessments become a lien against the property when the assessment roll is filed 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: 09/08/08 .

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 not to exceed 7.00 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, 2009. Notice is further given that the special assessment roll approved in the above resolution was filed with the City Accounting Office on the 8th day of September, 2008, and that the entire assessment may be paid without interest to the City Accounting Office on or before October 8, 2008.

Debra A. Owen

City Clerk

6. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MOWING OF WEEDS AND GRASSES IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Document: Resp. 003

Document: Assessments - Weed Mowing

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to amend this item by removing items with ID No. 027396 in the amounts of \$92.50 and \$83.25 from the assessments.

Vote to amend: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Knudson, Staggers, Costello, 6. Noes Brown, 1.  
Motion Passed

A motion was made by Council Member Knudson and seconded by Council Member Litz to amend this item to lessen the amount on ID No. 051159 from \$138.75 to \$70.00.

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

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to adopt Resolution 150-08, as amended.

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

RESOLUTION NO. 150-08

A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR THE MOWING OF WEEDS AND GRASSES IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA. BE IT RESOLVED BY THE CITY OF SIOUX

FALLS, SD:

SECTION 1. That the special assessment roll for mowing weeds and grasses in various areas in

Sioux Falls, SD, is hereby approved and the assessments in the assessment roll are levied

against the property described in it. The assessments become a lien against the property when

the assessment roll is filed in the City Accounting Office.

SECTION 2. The assessment may be paid in one annual installment and shall be collected under

Plan One-Collection by County Treasurer as provided in SDCL 9-43.

Date adopted: 09/08/08.

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 one installment, together with interest not to

exceed 7.00 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, 2009.

Notice is further given that the special assessment roll approved in the above resolution was

filed with the City Accounting Office on the 8th day of September, 2008, and that the entire

assessment may be paid without interest to the City Accounting Office on or before October 8,

2008.

Debra A. Owen

City Clerk

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

7. A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR NUISANCE REMOVAL IN

VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

Document: Resp. 002

Document: Assessments - Nuisance Removal / Litter

Document: Assessments - Nuisance Removal / Snow

Document: Assessments - Nuisance Removal / Tree Trimming

A motion was made by Council Member Knudson to amend this item by removing ID No. 033622 in the amount of \$150.00 from the tree trimming assessments and defer the action necessary to October 15, 2008. After discussion, Council Member Knudson amended her motion to dismiss the \$150.00 amount from the tree trimming assessments and Council Member Staggers seconded the motion.

Vote to amend: Roll Call: Yeses, Brown, Costello, Jamison, Knudson, Litz, Staggers, 6. Noes, 0. Motion Passed.

A motion was made by Council Member Brown and seconded by Council Member Costello to adopt Resolution 151-08 with amendments.

A motion was made by Council Member Staggers and seconded by to amend this item by removing ID No. 034342 in the amount of \$631.28 from the assessments for snow .

A motion was made by Council Member Staggers and seconded by to amend this item by removing ID No. 045928 in the amount of \$235.67 from the assessment for snow.

A motion was made by Council Member Staggers and seconded by to amend this item by removing ID No. 042329 in the amount of \$353.77 from the assessments .

A motion was made by Council Member Staggers and seconded by Council Member Jamison to amend this item by removing ID No. 040090 (tree trimming) in the amount of \$150.00 from the assessments .

Vote to amend: Roll Call: Yeses, Jamison, Staggers, 2. Noes Litz, Brown, Knudson, Costello, 4.  
Motion Failed

Vote to adopt, as amended: Roll Call: Yeses, Jamison, Knudson, Litz, Brown, Costello, 5. Noes, Staggers, 1. Motion Passed.

RESOLUTION NO. 151-08



A RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR NUISANCE REMOVAL IN VARIOUS AREAS IN THE CITY OF SIOUX FALLS, SOUTH DAKOTA. BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD :

SECTION 1. That the special assessment roll for nuisance removal in various areas as in Sioux Falls, SD, is hereby approved and the assessments in the assessment roll are levied against the property described in it. The assessments become a lien against the property when the assessment roll is filed in the City Accounting Office.

SECTION 2. The assessment may be paid in one annual installment and shall be collected under Plan One-Collection by County Treasurer as provided in SDCL 9-43.  
Date adopted: 09/08/08.

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 one installment, together with interest not to exceed 7.00 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, 2009. Notice is further given that the special assessment roll approved in the above resolution was filed with the City Accounting Office on the 8th day of September, 2008, and that the entire assessment may be paid without interest to the City Accounting Office on or before October 8, 2008.

Debra A. Owen

City Clerk

8. A RESOLUTION VACATING E. 73RD ST. FROM A POINT 910' WEST OF THE QUARTER LINE OF SECTION 13-100-50, THEN WEST 872.53' AS SHOWN ON EXHIBIT A.'

Document: Res. 0219

Document: Exhibits and Petition

A motion was made by Council Member Knudson and seconded by Council Member Costello to approve approve said resolution.

A substitute motion was made by Council Member Knudson and seconded by Council Member Brown to defer this item to the City Council Meeting on Monday, September 15, 2008, at 7:00 p.m.

Vote to accept the substitute motion: Roll Call: Yeses, Brown, Costello, Jamison, Knudson, Litz, 5. Noes, 0. Motion Passed.

#### ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member Brown to adjourn the City Council Meeting at 10:04 p.m.

Vote to adjourn: Roll Call: Yeses, Jamison, Litz, Brown, Knudson, Staggers, Costello, 6. Noes, 0.  
Motion Passed

Tamara M. Jorgensen  
Assistant City Clerk