

MINUTES Monday, July 30, 2012

Land Use Committee

4:00 PM

Carnegie

Town Hall

235 West

10th Street

Members Present: Council Member Kermit L. Staggers, Council Member Rex Rolfing, Council Member Kenny Anderson Jr., Council Member Dean Karsky

Members Absent: None

Staff Present: Denise D. Tucker, CMC, Assistant City Clerk; and Jim David, Legislative/Operations Manager

Guests: John R. Jacobs, Robin Willhoit, Kori Baade, Melissa Jungemann, Stephanie O'Brien, Cindy Paulson, Eric Dezell, Celeste Moore, Tori Miles, Susan Zacher, Joseph Zacher, Harold Podhradsky, Todd Anawski, Deb Parks, Ali Horsted, Nolan Renville, Chuck Point, Mike Colwill, Jerome Miller, Jeff Schmitt, Mike Cooper, Brittany Snyders, and Chad Bolstad

### 1. Call To Order

Committee Chair Rex Rolfing called the meeting to order at 4:00 p.m.

### 2. Approval of Minutes

A. Tuesday, May 29, 2012

B. Tuesday, June 26, 2012

A motion was made by Kenny Anderson Jr. and seconded by Dean Karsky to approve the meeting minutes of Tuesday, May 29, 2012, and Tuesday, June 26, 2012.

Rolfing called for a voice vote. All members present voted yes. Motion Passed.

### 3. Discussion

A. Annexation Program Update by Jeff Schmitt, Chief Planning and Zoning Official; and Sam Trebilcock, Transportation Planner

Jeff Schmitt, Chief Planning and Zoning Official, said this is an update on the annexation program, which is designed to inform people on how and when land will be annexed into the City of Sioux Falls. He said a variety of information and a map is available online regarding the annexation program. He provided background on the program.

It will take a number of years for properties to be annexed into the city. Schmitt said this program will provide homeowners with a timeline on where

their property stands in the project. Once the annexation process of a property begins, Schmitt said it will take a couple of years to complete. He said their goal is to begin and complete an annexation with the same City Council, instead of one Council starting the project and a different one finishing the project.

Schmitt gave a synopsis of the annexation projects of Prairie Meadows and South Cactus Heights.

Staggers said there was no discussion about private property rights. And he said citizens should be given the choice if they want to be annexed into Sioux Falls. Schmitt said there was a State Supreme Court ruling that citizens don't have a say regarding annexations. He said elected officials make the decision. Schmitt said a problem that they have encountered in the Planning Department is that they are questioned by residents, if their neighborhood is going to be annexed. Staggers said this is coercion.

Anderson Jr. asked Schmitt to explain the process of working on the annexation of Prairie Meadows. Discussion followed. Anderson Jr. asked if there would be neighborhood meetings and an opportunity for people to speak to the Council. Schmitt said yes.

Rolfing asked about the islands of un-annexed properties in Sioux Falls. Schmitt said there aren't that many of them. He added there aren't that many properties where they haven't had a discussion with the owners about annexation.

Karsky asked about the cost of annexing property. Schmitt said the property owners are informed about the costs.

#### B. Country Club Zoning Ordinance Amendment by Jeff Schmitt, Chief Planning and Zoning Official

Schmitt said this is an item that has been before the Land Use Committee twice. He reviewed the purpose for the amendment, gave a brief history and update. Schmitt said, for country clubs, he was trying to: define it; where are they going to be allowed (zoning districts); and what (land) uses.

Rolfing said he doesn't want a country club to become a drive through liquor store. Schmitt said this would not be an allowed use in the definition of country club. Anderson Jr. expressed his concerns about allowing off-sale liquor sales. Schmitt will draft an ordinance and return to present it to the committee in a month or two.

#### C. Dog Bites Discussion by Sgt. Mike Colwill, Animal Control Supervisor; and Kori Baade, Humane Society Executive Director

Sgt. Mike Colwill, Animal Control Supervisor, gave a brief presentation featuring 2011 and 2012 statistics. He said there are currently four dogs (a rat terrier and three pit bulls/pit bull mixes) registered as vicious in the City of Sioux Falls. Discussion followed.

Kori Baade, Humane Society Executive Director, gave a presentation of their 2011 to July 2012 statistics.

Brittany Snyders, with Sioux Empire Pit Rescue, discussed the issues of dog bites, breed bans and the vicious dog ordinance.

Chad Bolstad, with Pet Pals, stated the organization works with many different breeds of dogs and provided a perspective on their experience. He also provided tips on working with dogs.

Baade mentioned problems that they see involving dogs. She cited tethering and the lack of spaying and neutering of dogs, as examples. Baade said owners should be held responsible for their dogs.

Karsky said this is an emotional issue. He said this is both an owner and dog issue. Karsky said the current ordinance needs to be worked on. He volunteered to work on the ordinance. Staggers said from the presentations it appears that we have a good ordinance. He said it doesn't appear that we have a problem with dogs in Sioux Falls. Anderson Jr. said he agreed with Staggers.

Gail Eiesland, Assistant City Attorney, said Keith Allenstein, also an Assistant City Attorney, has been working with Colwill on this issue. She relayed that Allenstein is researching loopholes in the current ordinance. Discussion followed.

Rolfing asked that Jim David, Legislative/Operations Manager, and Allenstein work together to create a draft ordinance for the committee's next meeting.

#### 4. Open Discussion

There was none.

#### 5. Adjournment

Rolfing adjourned the meeting at 5:26 p.m.

Denise D. Tucker, CMC

Assistant City Clerk