

MINUTE Tuesday, July 15, 2014

Land Use Committee

5:25 PM

Carnegie Town

Hall

235 West 10th

Street

Members Present: Council Member Kenny Anderson Jr. Council Member Greg Jamison, Council Member Rex Rolwing, Council Member Kermit L. Staggers

Members Absent: None

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

Guests: Christine M. Erickson, Dean Karsky and Rick Kiley

### 1. Call To Order

Committee Chair Rex Rolwing called the meeting to order at 5:25 p.m.

### 2. Approval of Minutes

A motion was made by Kenny Anderson Jr. and seconded by Greg Jamison to approve the minutes of Tuesday, May 20, 2014.

Rolwing called for a voice vote. All members voted yes.

Motion Passed.

### 3. Discussion

A. Right of Way Ordinance Review Update by Kurt Peppel, Civil Engineer, P.E.; Shannon VerHey, Assistant City Engineer

Shannon VerHey, Assistant City Engineer, stated he was there to give an update on the proposed changes they would like to make to the Right-of-Way Landscaping Ordinance. His PowerPoint presentation included: a Land Use Committee October 2013 recap; review committee purpose and findings; encroachments; and mailboxes.

He said the update is necessary because there are a number of residents, who are violating City Ordinance 96.010, which was established in 1991. VerHey read a section of the ordinance, which states, "Landscaping shall be limited to sod, seed or other living ground cover approved by the city. Nonliving ground cover, including, but not limited to, rock, stone, brick concrete, asphalt or other like materials, shall not be used as landscape material except as provided herein." He added, "This exception shall not include the use of loose rock or asphalt as landscaping material."

Four areas, around Sioux Falls, were inventoried to check the magnitude of the ordinance violations. VerHey showed a variety of photos, illustrating the violations, and discussed the findings of the inventory. He said there could be

thousands of violations of the ordinance. Aesthetics, site limitations and issues with growing or maintaining grass, were possible reasons given for why people would landscape in the Right-of-Way.

VerHey reviewed possible changes to the ordinance, which would allow for some level of Right-of-Way landscaping.

He addressed how to implement changes, with the existing violations. Residents cannot be grandfathered-in. VerHey said there would be a lot of residents who are currently violating the ordinance, who would be in compliance with the proposed ordinance.

Updates on encroachments and mailboxes were also provided.

VerHey said the next step would be to draft proposed changes to the Right-Of-Way Ordinances, in conjunction with educating the public on the issue. Discussion followed. Roling asked that the Public Works Department host a couple of public meetings regarding Right-of-Ways, and to include people who are currently in violation of the ordinance, and discuss the issue. After the public meetings, they can compile information and present it to the Land Use Committee at their October 21, 2014 meeting. Public input would also be allowed at that meeting, if necessary.

B. Update on the Prairie Meadows Subdivision Annexation by Mark Cotter, Director of Public Works; and Mike Cooper, Director of Planning and Building Services

Mike Cooper, Director of Planning and Building Services, provided an update on the Prairie Meadows Subdivision annexation. He said there have been neighborhood and one-on-one meetings with residents. In the subdivision, there are 111 lots, with 76 property owners. Cooper expressed some of the Prairie Meadows residents concerns. He said, approximately 25% of the residents would voluntarily annex their property. Cooper said they are a long way from reaching 75%, to make it a voluntary annexation and moving forward with assessments. He said they are a long way from where they want to be with the annexation.

Mark Cotter, Director of Public Works, spoke briefly about some past annexations. He said they have a number of annexations that are coming up and would like to form a Steering Committee. For the next 75 days, they would meet on a routine basis and in October bring back to the Land Use Committee a long term strategy on how they are going to work through a number of annexations, including Prairie Meadows. Discussion followed.

#### 4. Open Discussion

There was none.

#### 5. Adjournment

A motion was made by Greg Jamison and seconded by Kenny Anderson Jr. to adjourn the meeting at 6:37 p.m. Committee Chair Rex Rolwing adjourned the meeting.

Denise D. Tucker, CMC

Assistant City Clerk