

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, June 12, 2012, at 7:00 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kenny Anderson Jr.

Council Member James Entenman

Council Member Michelle Erpenbach

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Sue Aguilar

Mayor Mike T. Huether

INVOCATION

Pastor Val Putnam, Westminster Presbyterian Church

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PLEDGE OF ALLEGIANCE

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to approve the Consent Agenda.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolfing, Kermit L. Staggers, Sue Aguilar, 7.  
Noes, 0.

Motion Passed.

MINUTES

Informational Meeting of Tuesday, June 5, 2012, at 4:00 p.m.

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COMMUNICATIONS

1. Approval of Contracts/Agreements on June 7, 2012 memo.

Sponsor: Mayor/Finance

2. Notice of change orders on June 7, 2012 memo.

Sponsor: Mayor/Finance

3. A communication was received from Big Brothers Big Sisters of the Sioux Empire stating their intent to sell raffle tickets from June 20, 2012 until July 31, 2012 for a fishing boat (valued at \$5,000.00). Tickets will be sold for \$50.00 each. The proceeds will be used for community-based mentoring in the Sioux Falls area.

Sponsor: SDCL 22-25-25

4. A communication was received from Ryan Pennock and Danelle Koch requesting permission to consume, but not sell liquor, beer and wine at the Old Courthouse Museum, 200 West Sixth Street on Saturday, September 15, 2012 from 6:00 p.m. until 12:00 a.m. for a wedding reception.

Sponsor: SDCL 35-1-5.3

5. Report of Requests for Quotes for Fuel dated: May 30, 2012; #2 Dyed Diesel Fuel; 7,500 gallons; Howes Oil (\$2.9135); Harms Oil (\$2.9431); CHS, Inc. (\$2.9740); Midwest Oil (\$3.0500); Olson Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fleet

6. Report of Requests for Quotes for Fuel dated: May 30, 2012; Unleaded Ethanol; 8,500 gallons; Howes Oil (\$3.0565); CHS, Inc. (\$3.1120); Harms Oil (\$3.2495); Olson Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Fleet

7. Report of Requests for Quotes for Fuel dated: May 31, 2012; Unleaded; 650 gallons; Howes Oil (\$2,001.35); Midway Service (\$2,050.42); Palisades Oil, no bid. Bid awarded to: Howes Oil.

Sponsor: Mayor/Sioux Falls Fire Rescue

APPLICATIONS

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

8. Dennis G. Shearer, Parcel 51162, Lot 11 Block 17 Van Eps Addition to the City of Sioux Falls, for 2011 property taxes in the amount of \$1,431.69. The amount requested was approved as being tax exempt by the Minnehaha County Commissioners during the County Board process.

Sponsor: SDCL 10-4-40

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Greg Jamison and seconded by Council Member Kenny Anderson Jr. to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

PUBLIC INPUT

Cheryl Rath spoke about public/private partnerships and South Dakota Junior Football.

Tim Stanga spoke about the E. 10th St. road construction project; landscaping for the Cliff Avenue hill; keeping politics out of running for City Council; the loss of jobs pertaining to the formerly proposed Wal-Mart; management of the Events Center and SMG; and money for fireworks for the Jaycees.

Theresa Stehly challenged the City Council to have televised listening sessions.

INTRODUCTION AND ADOPTION OF ORDINANCES

- 2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
9. ARTICLE IX, CHAPTER 38 OF THE REVISED ORDINANCES OF THE CITY BY  
DEFINING AND ESTABLISHING PROCEDURES FOR SPECIAL EVENTS.

Sponsor: Mayor/Parks and Recreation

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Ordinance for Item 9.

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to amend the main motion, by changing the definition of Assembly and removing "outdoor wedding and church service" and "other than a parade" and replacing it with "but does not rise to the definition of a special event." Removing all references to a "Downtown loop area." Adding to the definition of Parade - motorcade consisting of "25 or more" persons. Changing the definition of Special event - the following activities "involving 25 or more persons, animals or vehicles or a combination thereof open to the general public"; removing "or" and adding "involving" a substantial deviation from current legal land use; removing "shall" and adding "may" include, but not limited to; adding to item c. Music "by way of sound amplification." Adding a new item i. and removing "Political rallies or speeches" and adding "Any activity involving the sale of merchandise, food, or alcohol". Changing the old item i to j and adding "Any activity making use of structures not already present on the public space such as stages, booths, canopies, awnings, risers, bleachers, fences, partitions, stands or similar constructions". Changing the old item j to item k.

Vote to amend: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

A motion was made by Council Member Kermit L. Staggars and seconded by Council Member Kenny Anderson Jr. to defer the vote to adopt said ordinance, as amended, to Tuesday, June 19, 2012, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggars, Sue Aguilar, 7. Noes, 0.

Motion Passed.

10. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING SUPPLEMENTAL APPROPRIATIONS. (\$4,032,000.00)

Sponsor: Mayor/Finance

A motion was made by Council Member Sue Aguilar and seconded by Council Member Rex Roling to adopt said Ordinance 38-12.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to amend the main motion, "to increase the supplemental appropriation for Parks/Recreation, Sales/Use Tax Fund by \$342,000.00."

Vote to amend: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggars, Sue Aguilar, 7. Noes, 0.

Motion Passed.

A motion was made by Council Member Kermit L. Staggars to amend the main motion, "by amending paragraph 2 the Parks and Recreation line and change \$1,362,000.00 to \$637,000.00; and the Street line to change \$1,480,000.00 to \$2,205,000". Since there is no second, the motion is not before the meeting.

Vote to adopt, as amended: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Sue Aguilar, 6. Noes, Kermit L. Staggars, 1.

Motion Passed.

11. 2ndReading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING CHAPTERS 11 AND 42 OF THE REVISED ORDINANCES OF THE CITY BY CHANGING THE ENFORCEMENT AGENCY FOR NUISANCE VEGETATION FROM PARKS AND RECREATION TO PLANNING AND BUILDING SERVICES.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Michelle Erpenbach to adopt said Ordinance 37-12.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggars, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, June 19, 2012, at 7:00 p.m., for Item 12:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING  
12. CHAPTERS 10 AND 40 OF THE REVISED ORDINANCES OF THE CITY OF SIOUX FALLS,  
SD, BY AMENDING ON-STREET BICYCLE ORDINANCES.

Sponsor: Mayor/Planning and Building Services

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, June 19, 2012, at 7:00 p.m. for Item 12.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 10, 2012, at 7:00 p.m., for Item 13:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
13. APPROVING THE RELEASE OF THE PERMANENT UTILITY EASEMENTS IN LOTS 10A AND 11A, BLOCK 9, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member James Entenman and seconded by Council Member Kenny Anderson Jr. to set a date of hearing and 2nd Reading for Tuesday, July 10, 2012, at 7:00 p.m. for Item 13.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Tuesday, July 10, 2012, at 7:00 p.m., for Item 14:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD,  
14. APPROVING THE RELEASE OF THE PERMANENT UTILITY EASEMENTS IN LOTS 10A AND 11A AND LOTS 3, 4, AND 18, BLOCK 9, WESTWOOD VALLEY ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

Sponsor: Mayor/Public Works

A motion was made by Council Member Sue Aguilar and seconded by Council Member James Entenman to set a date of hearing and 2nd Reading for Tuesday, July 10, 2012, at 7:00 p.m. for Item 14.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

#### HEARINGS AND RESOLUTIONS

15. A RESOLUTION AMENDING THE 2012-2016 CAPITAL PROGRAM. (\$4,032,000.00)

Sponsor: Mayor/Finance

A motion was made by Council Member Rex Rolwing and seconded by Council Member Michelle Erpenbach to adopt said Resolution 34-12.

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to amend the main motion, "to increase funding for CIP #193064, Zoo Master Plan Improvements, by increasing the amount of funding for the zoo entrance/monkey exhibit by \$342,000.00, which will be funded by a donation from the zoo."

Vote to amend: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Vote to adopt, as amended: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Sue Aguilar, 7. Noes, Kermit L. Staggers, 1.

Motion Passed.

RESOLUTION NO. 34-12

A RESOLUTION AMENDING THE 2012-2016 CAPITAL PROGRAM.

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

That the 2012-2016 Capital Program shall be amended as follows:

#### Library

Amend the Other Capital Expenditures Program by adding Automated Materials Handling and Radio Frequency Systems in 2012. The estimated cost is \$500,000. This will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

#### Facilities Management

Amend Capital Improvements Program Project No. 048011, Carnegie Building Improvements, by increasing the amount of funding for window improvements and work at the east entry by \$90,000 in 2012. The additional funding will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

#### Parks and Recreation

Amend Capital Improvements Program Project No. 189064, River Greenway Improvements, by increasing the amount of funding for Phase 2 plus a stepped river edge and water feature by \$1,020,000 in 2012. The additional funding will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

Amend Capital Improvements Program Project No. 193064, Zoo Master Plan Improvements, by increasing the amount of funding for the zoo entrance/monkey exhibit project by \$684,000 in 2012. The additional funding will require an increase in appropriations that will be funded by the Sales and Use Tax Fund (\$342,000 sales/use tax, \$342,000 donation from zoo).

Street

Amend Capital Improvements Program Project No. 198099, Concrete Rehabilitation, by increasing the amount of funding for concrete rehabilitation, Prairie Avenue from Fourth Street to Eighth Street and 41st Street from Kelly Avenue to Kiwanis Avenue by \$450,000 in 2012. The additional funding will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

Amend Capital Improvements Program Project No. 021033, Asphalt Overlay Program, by increasing the amount of funding for asphalt overlay of Southeastern Avenue from 18th Street to 26th Street by \$380,000 in 2012. The additional funding will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

Amend the Other Capital Expenditures Program by adding a new project, Salt Dome Conveyor and Electrical Replacement, in 2012. The estimated cost is \$50,000 for engineering and \$300,000 for construction, totaling \$350,000. This will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

Amend the Capital Improvements Program by adding a new project, Sanitary Sewer Service Line-Street Facility, in 2012. The estimated cost is \$50,000 for engineering and \$250,000 for construction, totaling \$300,000. This will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

Engineering

Amend Capital Improvements Program Project No. 504099, Major Street Reconstruction, by increasing the amount of funding for the reconstruction of 14th Street from Minnesota Avenue to Phillips Avenue by \$300,000 in 2012. The additional funding will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

Amend the Capital Improvements Program by adding a new project, 26th Street and Grange Avenue Intersection Reconstruction, in 2012. The estimated cost is \$30,000 for engineering and \$270,000 for construction, totaling \$300,000. This will require an increase in appropriations that will be funded by the Sales and Use Tax Fund.

Date adopted: 06/12/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

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

Sponsor: Mayor

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adopt said Resolution 35-12.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolfing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 35-12

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  |
|--------------------|--|---|
| John Peterson      | Board of Health/Falls<br>Community Health Center Board | Appointed for a term from June 2012 to June 2015 (to replace Sylvia Thorstenson). |
| Craig Odens        | Electrical Board of Appeals<br>and Examiners           | Appointed for a term from June 2012 to June 2015 (to replace David Thompson).     |
| Tammy Beintema     | Orpheum Theater Advisory<br>Board of Directors         | Reappointed for a term from June 2012 to June 2015.                               |
| Robert Fitzsimmons | Orpheum Theater Advisory<br>Board of Directors         | Reappointed for a term from June 2012 to June 2015.                               |
| Nancy Savage       | Public Parking Advisory Board                          | Appointed for a term from June 2012 to June 2017 (to replace Richard Murphy).     |
| Erik Gaikowski     | Public Transit Advisory Board                          | Appointed for a term from June 2012 to June 2015 (to replace Chris Schiltz).      |
| Lee VanDeWalle     | Zoning Board of Adjustment                             | Reappointed for a term from June 2012 to June 2015.                               |
| Chris Schiltz      | Zoning Board of Adjustment                             | Reappointed for a term from   |



June 2012 to June 2015.

Date adopted: 06/12/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

17. A RESOLUTION ABATING STORM DRAINAGE FEES AND REFUNDING STORM DRAINAGE FEES FROM 2010 THROUGH 2012 AT PARCEL NO. 53604.

Sponsor: Mayor/Public Works

A motion was made by Council Member Rex Rolwing and seconded by Council Member Kenny Anderson Jr. to adopt said Resolution 36-12.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 36-12

A RESOLUTION ABATING STORM DRAINAGE FEES AND REFUNDING STORM DRAINAGE FEES FROM 2010 THROUGH 2012 AT PARCEL NO. 53604.

WHEREAS, Marlyn E. and Geraldine M. Hanten own Tract A of Richmond Estates Second Addition to the City of Sioux Falls and the NE1/4 of the SE1/4 of Section 11-T101N-R49W of the 5th P.M. (except Hanten's Addition to the City of Sioux Falls contained therein), Minnehaha County, South Dakota (Parcel No. 53604); and

WHEREAS, the property consists of Parcel No. 53604; and

WHEREAS, Section 41-80 of the Revised Ordinances of the City of Sioux Falls authorizes the City of Sioux Falls to establish a charge against real property within the city for the operation, maintenance, and capital expenses of the storm sewer and drainage system; and

WHEREAS, at all relevant times herein, the City has established and charged a fee against real property for the operation, maintenance, and capital expenses of the storm sewer and drainage system; and

WHEREAS, Two Thousand Six Hundred Five Dollars and Fifty-Three Cents (\$2,605.53) in storm drainage fees were assessed against Parcel No. 53604 for the storm drainage fees due in 2010; and

WHEREAS, One Thousand Eight Hundred Twenty-Three Dollars and Eighty-Seven Cents (\$1,823.87) in storm drainage fees were assessed against Parcel No. 53604 for the storm drainage fees due in 2011; and

WHEREAS, One Thousand Eight Hundred Twenty-Three Dollars and Eighty-Seven Cents (\$1,823.87) in storm drainage fees were assessed against Parcel No. 53604 for

the storm drainage fees due in 2012; and

WHEREAS, Section 39-160 of the Revised Ordinances of the City of Sioux Falls authorizes the City Council to abate or refund any part of a tax if the City Council is satisfied beyond a doubt that the assessment of real property described in the application for abatement or refund is invalid, inequitable, or unjust, if the request is filed no later than the first day of November of the fourth year after which such assessment would have been delinquent;

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

The City Council is satisfied beyond a doubt that the storm drainage fees imposed against Parcel No. 53604 were invalid, inequitable, or unjust for the storm drainage fees due in 2010, 2011, and 2012; and

Two Thousand Six Hundred Five Dollars and Fifty-Three Cents (\$2,605.53) shall be refunded to Marlyn E. and Geraldine M. Hanten for drainage fees due and paid in 2010, pursuant to Section 39-160 of the Revised Ordinances of the City of Sioux Falls because the aforementioned assessments were invalid, inequitable, or unjust; and

One Thousand Eight Hundred Twenty-Three Dollars and Eighty-Seven Cents (\$1,823.87) shall be refunded to Marlyn E. and Geraldine M. Hanten for drainage fees due and paid in 2011, pursuant to Section 39-160 of the Revised Ordinances of the City of Sioux Falls because the aforementioned assessments were invalid, inequitable, or unjust; and

One Thousand Eight Hundred Twenty-Three Dollars and Eighty-Seven Cents (\$1,823.87) are due for drainage fees in 2012 and Nine Hundred Eleven Dollars and Ninety-Four Cents (\$911.94) have already been paid for drainage fees due in 2012 for Parcel No. 53604. Pursuant to Section 39-160 of the Revised Ordinances of the City of Sioux Falls the drainage fees due in 2012 are also determined to be invalid, inequitable, or unjust; and

A total refund of Five Thousand Three Hundred Forty-One Dollars and Thirty-Four Cents (\$5,341.34) shall be refunded to Marlyn E. and Geraldine M. Hanten and the remaining Nine Hundred Eleven Dollars and Ninety-Three Cents (\$911.93) shall be abated pursuant to Section 39-160 of the Revised Ordinances of the City of Sioux Falls because the aforementioned assessments due in 2010, 2011, and 2012 are determined to be invalid, inequitable, or unjust.

Date adopted: 06/12/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

18. A RESOLUTION REFUNDING FRONT FOOT ASSESSMENTS FOR STREET MAINTENANCE FEES AT PARCEL NO. 53604.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to adopt said Resolution 37-12.

Vote to adopt: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

RESOLUTION NO. 37-12

A RESOLUTION REFUNDING FRONT FOOT ASSESSMENTS FOR STREET MAINTENANCE FEES AT PARCEL NO. 53604.

WHEREAS, Marlyn E. and Geraldine M. Hanten own Tract A of Richmond Estates Second Addition to the City of Sioux Falls and the NE1/4 of the SE1/4 of Section 11-T101N-R49W of the 5th P.M. (except Hanten's Addition to the City of Sioux Falls contained therein), Minnehaha County, South Dakota (Parcel No. 53604); and

WHEREAS, the property consists of Parcel No. 53604; and

WHEREAS, twenty feet of the property fronts Sycamore Avenue, which is a City-maintained road; and

WHEREAS, Section 38-31 of the Revised Ordinances of the City of Sioux Falls authorizes the City Council to annually levy, for the purpose of maintaining or repairing street surfacing or pavement, a special front foot assessment not to exceed \$1.00 per front foot upon the lots fronting and abutting the street; and

WHEREAS, at all relevant times herein, the City Council has levied a special front foot assessment of \$1.00 per front foot upon the lots fronting and abutting the streets; and

WHEREAS, Four Hundred Sixty-Four Dollars (\$464.00) in front foot assessments were assessed against Parcel No. 53604 due in 2007; and

WHEREAS, the appropriate amount due in 2007 for the front foot assessment was Twenty Dollars (\$20.00); and

WHEREAS, the applicants requested a refund of the 2007 front foot assessments within four years from the date the assessment would have been delinquent; and

WHEREAS, Section 39-160 of the Revised Ordinances of the City of Sioux Falls authorizes the City Council to abate or refund any part of a tax if the City Council is satisfied beyond a doubt that the assessment of real property described in the application for abatement or refund is invalid, inequitable, or unjust, if the request is filed no later than the first day of November of the fourth year after which such assessment would have been delinquent;

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

The City Council is satisfied beyond a doubt that any front foot assessment in excess of Twenty Dollars (\$20.00) imposed against Parcel No. 53604 that was due in 2007 was invalid, inequitable, or unjust; and

Four Hundred Forty-Four Dollars (\$444.00) in front foot assessments paid for Parcel No. 53604 that were due and paid in 2007 are to be refunded to Marlyn E. and Geraldine M. Hanten, pursuant to Section 39-160 of the Revised Ordinances of the City of Sioux Falls because the aforementioned assessments were invalid, inequitable, or unjust.

Date adopted: 06/12/12 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NOTICE OF HEARINGS FOR STREET VACATIONS

Set a hearing date for Tuesday, July 10, 2012, at 7:00 p.m.  
for Item 19:

19. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON ALLEY FROM  
SOUTH RIGHT-OF-WAY LINE OF W. 13TH ST. TO NORTH RIGHT-OF-WAY LINE OF W.  
14TH ST. IN BLK. 2 GRIGSBY'S ADDN.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Sue Aguilar to set a date of hearing for Tuesday, July 10, 2012, at 7:00  
p.m. for Item 19.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman,  
Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, Sue Aguilar,  
7. Noes, 0.

Motion Passed.

Set a hearing date for Tuesday, July 10, 2012, at 7:00 p.m. for Item 20:

20. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON W. NATIONAL  
GUARD DR. FROM N. MINNESOTA AVE. TO 2,961.85' WEST AS SHOWN ON ATTACHED  
EXHIBIT.

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member Rex Roling to set a date of hearing for Tuesday, July 10, 2012, at 7:00  
p.m. for Item 20.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman,  
Michelle Erpenbach, Greg Jamison, Rex Roling, Kermit L. Staggers, Sue Aguilar,  
7. Noes, 0.

Motion Passed.

Set a hearing date for Tuesday, July 10, 2012, at 7:00 p.m. for Item 21:

21. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. LEWIS AVE.  
FROM N. LEWIS AVE. TO E. 50TH ST. N. AS SHOWN ON EXHIBIT "A."

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council  
Member James Entenman to set a date of hearing for Tuesday, July 10, 2012, at

7:00 p.m. for Item 21.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Set a hearing date for Tuesday, July 10, 2012, at 7:00 p.m. for Item 22:

22. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON ALLEY ADJACENT TO LOTS 1-7 AND LOTS 16-22, BLOCK 5 TOWER PARK ADDITION.

Sponsor: Mayor/Public Works

A motion was made by Council Member Sue Aguilar and seconded by Council Member Greg Jamison to set a date of hearing for Tuesday, July 10, 2012, at 7:00 p.m. for Item 22.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Set a hearing date for Tuesday, July 10, 2012, at 7:00 p.m. for Item 23:

23. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON E. 4TH ST. FROM N. HARRINGTON AVE. TO N. SHERWOOD AVE. (EXCEPT 12' FOR ALLEY RIGHT-OF-WAY).

Sponsor: Mayor/Public Works

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member James Entenman to set a date of hearing for Tuesday, July 10, 2012, at 7:00 p.m. for Item 23.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

Set a hearing date for Tuesday, July 10, 2012, at 7:00 p.m. for Item 24:

24. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON N. F AVE. FROM W. ALGONQUIN ST. TO W. BLACKHAWK ST.

Sponsor: Mayor/Public Works

A motion was made by Council Member Greg Jamison and seconded by Council Member James Entenman to set a date of hearing for Tuesday, July 10, 2012, at 7:00 p.m. for Item 24.

Vote to set a date: Roll Call: Yeses, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Rex Rolwing, Kermit L. Staggers, Sue Aguilar, 7. Noes, 0.

Motion Passed.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Kenny Anderson Jr. to adjourn at 8:37 p.m.

The Mayor called for a voice vote. All members present voted yes.

Denise D. Tucker, CMC

Assistant City Clerk

MEETING ASSISTANCE: UPON REQUEST, ACCOMMODATIONS FOR MEETINGS WILL BE PROVIDED FOR PERSONS WITH DISABILITIES. PLEASE CONTACT THE CITY CLERK'S OFFICE, CARNEGIE TOWN HALL, AT (605) 367-8080 (VOICE) OR (605) 367-7039 (TDD) 24 HOURS IN ADVANCE OF THE MEETING.

ADDRESSING THE COUNCIL: PERSONS ADDRESSING THE COUNCIL SHALL USE THE MICROPHONE AT THE PODIUM. PLEASE STATE YOUR NAME. PRESENTATIONS ARE LIMITED TO FIVE MINUTES.

LIVE BROADCASTS OF COUNCIL MEETINGS ON CITYLINK: INFORMATIONAL MEETINGS AIR LIVE THE FIRST, SECOND, THIRD, AND LAST TUESDAYS OF EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND LAST TUESDAYS OF EACH MONTH IMMEDIATELY FOLLOWING THE INFORMATIONAL MEETING. CITY COUNCIL MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD TUESDAYS OF EACH MONTH AT 7:00 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE THIRD TUESDAY OF EACH MONTH AT 5:30 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT WWW.SIOUXFALLS.ORG. LINKS TO EACH MEETINGS' VIDEO ARE POSTED ON THE MEETING MINUTES AND AGENDAS PAGE.

CLOSED CAPTIONING: CITY COUNCIL MEETINGS ARE CLOSE CAPTIONED ON CITYLINK.

CITYLINK REBROADCAST: INFORMATIONAL MEETINGS AT 1:30 A.M. AND 9:00 A.M. ON THURSDAYS, AND 6:00 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8:00 A.M. ON THURSDAYS, AND 5:00 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10:00 A.M. ON THURSDAYS, AND 7:00 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8:00 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1:00 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.