

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, March 11, 2014, at 7:03 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Kermit L. Staggers

Council Member Sue Aguilar

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

Mayor Mike T. Huether

INVOCATION

Council Member Rex Rolfing

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Sioux Empire Water Festival Days - March 18-19, 2014

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CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Council Member Kermit L. Staggers asked to move: the Northwest Sioux Falls Park/School Site, agreement for land acquisition, \$416,213.00; and Lyon Park Improvements, nursery, \$353,379.00, from Item 1 (Contracts and Agreements) to the Regular Agenda for discussion purposes.

Vote to approve: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

#### MINUTES

Informational Meeting of Tuesday, March 4, 2014, at 4:00 p.m.

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Regular City Council Meeting of Tuesday, March 4, 2014, at 7:00 p.m.

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#### COMMUNICATIONS

1. Approval of Contracts/Agreements on the March 7, 2014 memo.

A motion was made by Council Member James Entenman and seconded by Council Member Michelle Erpenbach to approve the Northwest Sioux Falls Park/School Site, agreement for land acquisition, \$416,213.00; and Lyon Park Improvements, nursery, \$353,379.00, from Item 1 (Contracts and Agreements).

Vote to approve: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Rolwing, 6. Noes, Kermit L. Staggers, 1. Council Member Greg Jamison was excused from the discussion and vote of this item.

Motion Passed.

#### 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:

2. Shirley Wilson, 510 S. Fifth Ave., for 2013 taxes in the amount of \$119.24. The house was razed on September 27, 2013.

3. Angela Dennison, 4808 S. Dunlap Ave., for 2013 taxes in the amount of \$1,414.39. The house was destroyed by fire on April 10, 2013.

Item 4: The amount requested is the difference between the owner-occupied and the non-owner-occupied tax.

4. Ryan Davis, 2604 S. Ascot Ave., for taxes in the amount of \$836.55.

Items 5-6: The amount requested is the difference between the elderly freeze and the non-elderly freeze.

5. Joan Morrison, 1313 N. Elmwood Ave., for 2013 taxes in the amount of \$574.38.

6. Constance Schaub, 5615 W. Dardanella Rd., for 2013 taxes in the amount of \$144.14.

The following abatement was recommended for denial by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and the City Attorney for Sioux Falls:

- Russell F. Bartunek, 904 S. Foster Ave., for 2013 taxes in the amount of \$606.18; for 2012 taxes in the amount of \$581.39; for 2011 taxes in the amount of \$557.77; for 2010 taxes in the amount of \$564.95; and for 2009 taxes in the amount of \$548.89. The assessed value of property is \$83,499.00 and the property sold for \$54,000.00. Taxpayer is requesting an abatement for difference in value for last five years. Applicant did not file appeal process through boards of Equalization.

#### REGULAR AGENDA ITEMS

#### APPROVAL OF REGULAR AGENDA

A motion was made by Council Member James Entenman and seconded by Council Member Rex Roling to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 8. Noes, 0.

Motion Passed.

#### PUBLIC INPUT

Charlie Robert spoke about Spellerberg Park and keeping an outdoor pool.

Bruce Danielson, chairman of Citizens for Integrity, spoke about two Ballot Question meetings and the naming of the Events Center.

Tim Stanga spoke about his concerns regarding a Ballot Question meeting and the City Council.

I.L. Wiedermann suggested an indoor pool be placed in the Sanford Sports Complex. He also asked why Item 11 was placed on tonight's agenda.

Item 1 was discussed at this time. See Item for action taken.

#### HEARINGS AND RESOLUTIONS

8. A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON A PORTION OF N. BLUE BELL LN. AS SHOWN ON EXHIBIT 1.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution 20-14.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 20-14

A RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON [A PORTION OF N. BLUE BELL LN.  
AS SHOWN ON EXHIBIT 1].

WHEREAS, a petition of the owners of:

[Lots 8 through 13 Block 5 Songbird Addition, Minnehaha County,  
SD; Unplatted portion of the SE1/4 of the NE1/4 of Section 15-T101N-  
R50W, lying south of the railway and adjacent to Mlady's Tract 1, Minnehaha  
County, SD];

to the City of Sioux Falls, [One of: Minnehaha/Lincoln] 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 [March 11, 2014 ], 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 [been used as a street or alley and no longer  
serves a useful public purpose.]

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

That the public right-of-way on [a portion of N. Blue Bell Ln. as shown on  
Exhibit 1] to the City of Sioux Falls, [One of: Minnehaha/Lincoln] 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, [One of: Minnehaha/  
Lincoln] County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 03/11/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN TRACT 2  
9. OF THE MISSOURI BASIN MUNICIPAL POWER AGENCY ADDITION TO SIOUX FALLS,  
MINNEHAHA COUNTY, SD, EXCEPT LOT H1 AND EXCEPT KUM & GO 1ST ADDITION.

A motion was made by Council Member Rex Roling and seconded by Council Member  
Kenny Anderson Jr. to adopt said Resolution 21-14.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggars, Sue Aguilar, Kenny  
Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky,  
Rex Roling, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 21-14

A RESOLUTION APPROVING THE RELEASE OF PERMANENT EASEMENTS LOCATED IN TRACT 2 OF  
THE MISSOURI BASIN MUNICIPAL POWER AGENCY ADDITION TO SIOUX FALLS, MINNEHAHA

COUNTY, SD, EXCEPT LOT H1 AND EXCEPT KUM & GO 1ST ADDITION.

WHEREAS, the City of Sioux Falls, SD, no longer needs the permanent easement areas for sanitary sewer across the above-described real property, as shown on Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer.

WHEREAS, the permanent utility easements were established by grants to the City and recorded in Book 124 of Miscellaneous on pages 669-672 on October 15, 1976, and in Book 140 of Miscellaneous on pages 864-867 on March 12, 1981, both in the office of the Register of Deeds for Minnehaha County, SD.

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

That it approves the release of the permanent easement areas, as shown on attached Exhibit A, and affecting the real property described as Tract 2 of Missouri Basin Municipal Power Agency Addition to Sioux Falls, Minnehaha County, SD, except Lot H1 and except Kum & Go 1st Addition, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 03/11/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

10. A RESOLUTION APPROVING THE RELEASE OF A UTILITY EASEMENT LOCATED IN LOT 1 OF HOTEL ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Greg Jamison to adopt said Resolution 22-14.

Vote to adopt: Roll Call: Yeses, Kermit L. Staggers, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Rolwing, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 22-14

A RESOLUTION APPROVING THE RELEASE OF A UTILITY EASEMENT LOCATED IN LOT 1 OF HOTEL ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SD.

WHEREAS, the City of Sioux Falls, SD, no longer needs a part of the utility easement area on the above-described real property, as shown on and defined by Exhibit A. Signed approvals from all public and private utilities are on file with the office of the City Engineer.

WHEREAS, the permanent utility easement was established by plat to the City and recorded in Book 75 of Plats on page 263 on September 10, 2013, in the office of the Register of Deeds for Minnehaha County, SD.

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

That it approves the release of the permanent easement area, as shown on attached Exhibit A, and affecting the real property described as Lot 1 of Hotel Addition to Sioux Falls, Minnehaha County, SD, and that the City Clerk shall cause to be recorded with the Register of Deeds, Minnehaha County, SD, a duly certified transcript of this resolution.

Date adopted: 03/11/14 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

MOTION TO RECONSIDER PASSED MOTION TO DEFER UNTIL APRIL 1, 2014, MEETING:  
AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE OF  
11. ORDINANCES OF THE CITY BY REVISING CHAPTER 37 TO AMEND THE TAX INCREMENTAL  
DISTRICT APPLICATION. (Deferred at the March 4, 2014, City Council Meeting  
with a vote of 5-Yes, 3-No).

A motion was made by Council Member Dean Karsky and seconded by Council Member James Entenman to reconsider a passed motion to defer until April 1, 2014, meeting.

Vote to reconsider: Roll Call: Yeses, Sue Aguilar, Kenny Anderson Jr., James Entenman, Michelle Erpenbach, Dean Karsky, Rex Roling, 6. Noes, Kermit L. Staggers, Greg Jamison, 2.

Motion Passed.

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to defer indefinitely.

Vote to defer: Roll Call: Yeses, Sue Aguilar, James Entenman, Michelle Erpenbach, Greg Jamison, Dean Karsky, Rex Roling, 6. Noes, Kermit L. Staggers, Kenny Anderson Jr., 2.

Motion Passed.

Mayor Mike Huether recognized the University of Sioux Falls students in the audience.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member James Entenman to adjourn at 7:37 p.m.

Mayor Mike Huether called for a voice vote. All members voted yes. Motion Passed.

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 ON TUESDAYS EACH MONTH AT 4:00 P.M. COUNCIL COMMITTEE MEETINGS AIR LIVE THE FIRST, SECOND, AND THIRD 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 FOURTH TUESDAY OF EACH MONTH AT 5:00 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT [WWW.SIOUXFALLS.ORG](http://WWW.SIOUXFALLS.ORG). LINKS TO EACH MEETING'S 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.