

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West 10th Street
|| MEETING OF Monday, June 14, 2010 at 7:00 p.m. |

ROLL CALL #3

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Brown	None.
Council Member Entenman	
Council Member Erpenbach	
Council Member Jamison	
Council Member Litz	
Council Member Roling	
Council Member Aguilar	
Council Member Anderson Jr.	
Mayor Mike T. Huether	

INVOCATION

A. PASTOR JOHN CHRISTOPHERSON, FIRST LUTHERAN CHURCH

PLEDGE OF ALLEGIANCE

A. WORLD REFUGE DAY - JUNE 20, 2010

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, JUNE 7, 2010, AT 4:00 P.M.

B. REGULAR CITY COUNCIL MEETING OF MONDAY, JUNE 7, 2010, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE DIVERSITY KIWANIS CLUB OF SIOUX FALLS STATING ITS INTENT TO SELL RAFFLE TICKETS ON JUNE 19, 2010. TICKETS WILL BE \$5.00 EACH. PRIZES INCLUDE: FRAMED NATIVE AMERICAN PAINTINGS AND PRINTS, A NATIVE AMERICAN DRUM, A HAND-MADE LARGE DREAM CATCHER, A HAND-BEADED HEAD PIECE, A STAR QUILT, TWO FREE TICKETS TO THE OLD TOWNE DINNER THEATER, A GIFT CERTIFICATE FROM BALLROOM AT THE BRIDGES, A FRAMED PHOTO FROM SHANNON DYCE PHOTOGRAPHY, AND POSSIBLY MORE (APPROXIMATE VALUE OF PRIZES IS \$1,000.00). PROCEEDS WILL BE USED TO BUY EQUIPMENT, SUPPLIES OR MAKE A MONETARY DONATION TO THE BOYS & GIRLS CLUB OF WAGNER, AND THE SUZANNE BIG CROW BOYS & GIRLS CLUB IN PINE RIDGE.

2. A COMMUNICATION WAS RECEIVED FROM CHIVILLA BAY REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, LIQUOR AND WINE AT CHIVILLA BAY, 5015 S. WESTERN AVE., SUITE 250, ON WEDNESDAY, JUNE 16, 2010, FROM 4:00 P.M. TO 8:00 P.M. FOR THE GRAND OPENING AND RIBBON CUTTING CEREMONY AT CHIVILLA BAY.

APPROVAL OF REGULAR AGENDA

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

Vote to approve: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

PUBLIC INPUT

Charles Santee, a citizen, is concerned that the bus company has not implemented the new bus ordinance with the new fare rates.

PETITIONS

3. POSTPONE DEFINITELY (FROM JUNE 7, 2010 MEETING): CONDITIONAL USE PERMIT APPEAL (2010-04-06): NORTHWEST CORNER OF W. 85TH STREET AND S. MINNESOTA AVENUE. THE CONDITIONAL USE PERMIT WAS TO CONSTRUCT AN ASSISTED LIVING FACILITY. APPROVED AT THE MAY 5, 2010, PLANNING COMMISSION MEETING WITH A VOTE OF 4-YES, 1-NO.

PC Staff Report

PC Exhibits

PC Minutes - Item 10

Jelken Packet to PC

Sylvester Packet to PC (1 of 2)

Sylvester Packet to PC (2 of 2)

Letters of Appeal

Esprit Packet to Council 6-8-10

Memo

Revised landscape

Typical Screen Section

A motion was made by Council Member Rolwing and seconded by Council Member Aguilar to approve Conditional Use Permit Appeal (2010-04-06): Northwest Corner of W. 85th Street and S. Minnesota Avenue .

A motion was made by Council Member Brown and seconded by Council Member Entenman to amend the main motion by adding the five stipulations outlined by Mike Cooper: 1. The applicant will provide a 30 foot setback along the west property line; 2. That landscaping in accordance with the revised landscaping plan showing the staggered double row of coniferous trees along the west property line, be installed and maintained as shown; 3. A temporary construction access be provided from S. Minnesota Ave. to the subject property; 4. Phase II of the proposed project not be constructed until W. 81st Street from S. Audie Ave. is completed to Minnesota Ave.; 5. All outdoor lighting and parking lot screening standards will be required to be met.

A motion was made by Council Member Rolwing and seconded by Council Member Litz to amend the amendment to the main motion to amend number 4 for Phase I not to be constructed until 81st Street to Minnesota Avenue is completed.

Council Member Rolwing withdrew his amendment. Council Member Litz withdrew his second.

Council Member Brown called point of order.

Vote to amend: Roll Call: Yeses, Brown, Entenman, Jamison, Rolwing, Aguilar, Anderson Jr., 6. Noes, Litz, 1. Council Member Erpenbach was excused from the meeting and the vote on this item. Motion Passed.

Vote to approve as amended: Roll Call: Brown, Entenman, Jamison, Litz, Rolwing, Aguilar, Anderson Jr., 7. Noes, 0. Council Member Erpenbach was excused from the meeting and the vote on this item. Motion Passed.

INTRODUCTION AND ADOPTION OF ORDINANCES

Set a hearing date for Monday, June 21, 2010, at 7:00 p.m. on Items 4 through 9:

A motion was made by Council Member Jamison and seconded by Council Member Entenman to set a hearing date for Monday, June 21, 2010, at 7:00 p.m. on Items 4 through 9.

Vote to set a hearing date: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

4. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING SECTION 27-41 OF ARTICLE III OF CHAPTER 27, "PARKS AND RECREATION" OF THE REVISED ORDINANCES OF THE CITY BY REVISING RECREATION AND FACILITY FEES.

Ord. 1193

PowerPoint Presentation

5. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE FEE SCHEDULE SET FORTH IN CHAPTER 23, LICENSES.

Ord. 1192

Overview

Exhibit

Memo

6. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING THE SCHEDULE OF RATES TO BE CHARGED BY THE CITY LIGHT AND POWER DEPARTMENT FOR FURNISHING ELECTRIC CURRENT FOR LIGHT AND POWER PURPOSES AS FOUND IN CHAPTER 41 "UTILITIES."

Ord. 1196

PowerPoint Presentation for Items 6-9 (Very long document will take approx. 2 mins to open)

7. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 18 THEREOF TO INCREASE RATES AT THE LANDFILL IN SECTIONS 18-30(A)(2, 3), 18-30(B)(2, 3), AND 18-30 (G) WITH AN EFFECTIVE DATE OF JANUARY 1, 2011.

Ord. 1199

8. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY REVISING SEWER UTILITY RATES AND CHARGES AS FOUND IN CHAPTER 41 "UTILITIES."

Ord. 1197

9. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY INCREASING WATER RATES AS FOUND IN CHAPTER 41 "UTILITIES."

Ord. 1198

Set a hearing date for Monday, July 12, 2010, at 7:00 p.m. on Item 10:

A motion was made by Council Member Jamison and seconded by Council Member Anderson Jr. to set a hearing date for Monday, July 12, 2010, at 7:00 p.m. on Item 10.

Vote to set a hearing date: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Rolwing, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

10. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PERMANENT DRAINAGE EASEMENT IN TRACT 6B, PARK SOUTH, AN ADDITION TO THE CITY OF SIOUX FALLS, IN SECTION 32-T101N-R49W OF THE 5TH P.M., MINNEHAHA COUNTY, SOUTH DAKOTA.

Ord. 1184

Exhibit

HEARINGS AND RESOLUTIONS

11. A RESOLUTION ADVISING, GIVING CONSENT, AND APPROVING THE MAYOR'S INTERIM SUCCESSOR(S) PURSUANT TO SECTION 2.03 OF THE CITY'S HOME RULE CHARTER.

Res. 1725

Executive Order

A motion was made by Council Member Aguilar and seconded by Council Member Erpenbach to adopt said Resolution 38-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

RESOLUTION NO. 38-10

A RESOLUTION ADVISING, GIVING CONSENT, AND APPROVING THE MAYOR S INTERIM SUCCESSOR(S) PURSUANT TO

SECTION 2.03 OF THE CITY S HOME RULE CHARTER.

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

That it gives its advice and consent approving the Mayor s Executive Order No. 10-21 designating interim Mayoral successor(s).

Date adopted: 06/14/10 .

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

12. A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A SPECIAL FRONT FOOT ASSESSMENT FEE FOR STREET MAINTENANCE AND REPAIR.

Res. 1727

A motion was made by Council Member Anderson Jr. and seconded by Council Member Entenman to adopt said Resolution 39-10.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

RESOLUTION NO. 39-10

A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A SPECIAL FRONT FOOT ASSESSMENT FEE FOR

STREET MAINTENANCE AND REPAIR.

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

Section 1. It is necessary to levy and there shall be levied a special front foot assessment fee

upon each lot, tract, and parcel of land fronting upon every street and part thereof, within the

city of Sioux Falls, to be used to maintain and repair street surfacing or pavement.

Section 2. There is hereby assessed against each and every lot, tract, and parcel of land fronting

upon every street or part thereof, one dollar (\$1.00) per front foot for the year 2011, which shall

be apportioned as the assessment for maintaining of street surfacing or pavement. Front foot, for

the purposes of this Resolution, means the actual front of the premises as established by the

buildings thereon, record title, and use of the property regardless of the original plat.

Section 3. The City Clerk shall certify such special front foot assessment fees to the County

Auditors of Minnehaha and Lincoln Counties, SD, and the same shall be collected as municipal taxes

for general purposes.

Section 4. This resolution is necessary for the immediate support of the municipal government and

its existing public institutions and shall take effect upon its passage and publication.

Date adopted: 06/14/10.

Mike T. Huether

Mayor

ATTEST:

Debra A. Owen

City Clerk

Street Maintenance Assessment Summary

Year	Actual Revenue	Assessment \$ Per Front Ft.
1992	\$1,043,061	\$0.40
1993	\$1,058,105	\$0.40
1994	\$1,100,155	\$0.40

1995	\$1,116,567	\$0.40
1996	\$1,414,956	\$0.50
1997	\$1,546,213	\$0.53
1998	\$1,473,268	\$0.50
1999	\$1,488,489	\$0.50
2000	\$1,514,684	\$0.50
2001	\$1,549,185	\$0.50
2002	\$1,612,007	\$0.50
2003	\$1,687,826	\$0.50
2004	\$1,724,590	\$0.50
2005	\$2,105,537	\$0.60
2006	\$2,516,296	\$0.70
2007	\$3,233,523	\$0.80
2008	\$3,731,095	\$0.90
2009	\$4,276,954	\$1.00

Set a hearing date for Monday, July 12, 2010, at 7:00 p.m. on Items 13 and 14:

A motion was made by Council Member Jamison and seconded by Council Member Brown to set a hearing date for Monday, July 12, 2010, at 7:00 p.m. on Items 13 and 14.

Vote to adopt: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.
Motion Passed

13. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON W. 23RD ST. FROM S. MINNESOTA AVE. TO S. SPRING AVE.

Res. 1716

Exhibit

Petition

14. A PROPOSED RESOLUTION VACATING THE PUBLIC RIGHT-OF-WAY ON THE NORTH-SOUTH ALLEY IN BLK 7 BENNETT'S 1ST ADDN BETWEEN THE SOUTH PROPERTY LINE OF LOT 8 BLK 7 BENNETT'S 1ST ADDN AND THE SOUTH RIGHT-OF-WAY LINE OF W. 11TH ST.

Res. 1726

Exhibit

Petition

ADJOURNMENT

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adjourn at 9:32 p.m.

Vote to adjourn: Roll Call: Yeses, Council Member Erpenbach, Council Member Jamison, Council Member Litz, Council Member Roling, Council Member Aguilar, Council Member Anderson Jr., Council Member Brown, Council Member Entenman, 8. Noes, 0.

Motion Passed

Denise D. Tucker, CMC
Assistant City Clerk