

	City of Sioux Falls Council Meeting Minutes
	Carnegie Town Hall, 235 West Tenth Street
	MEETING OF Monday, April 13, 2009 at 7:00 p.m.

ROLL CALL #6

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Litz	Council Member Knudson
Council Member Anderson Jr.	Council Member Staggers
Council Member Beninga	
Council Member Brown	
Council Member Costello	
Council Member Jamison	
Mayor Dave Munson	

INVOCATION

A. FATHER EDWARD ANDERSON, ST. LAMBERT CATHOLIC CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. ANIMAL CONTROL OFFICERS WEEK, APRIL 12-18, 2009

B. NATIONAL PUBLIC SAFETY TELECOMMUNICATIONS WEEK, APRIL 12-18, 2009

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Brown and seconded by Council Member Beninga to approve the Consent Agenda.

A motion was made by Council Member Litz and seconded by Council Member Costello to amend the main motion by moving Item 10 from the Consent Agenda to the Regular Agenda before Item 21 for discussion purposes.

Vote to amend: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga, Costello, 6. Noes, 0.

Motion Passed

Vote to approve, as amended: Roll Call: Yeses, Litz, Anderson Jr., Beninga, Brown, Costello, Jamison, 6. Noes, 0. Motion Passed.

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, APRIL 6, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, APRIL 6, 2009, AT 7:00 P.M.

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:

1. COLONY HOUSE ESTATES CONDOMINIUM ASSN., 4500 E. 49TH ST., FOR THE AMOUNT OF \$67.26. TAXPAYER REQUESTING ABATEMENT OF PENALTY AND INTEREST ON DRAINAGE FEES ASSOCIATED WITH THE CONDOMINIUM PROPERTY BECAUSE THE TAX BILL WAS MAILED TO FORMER OWNER IN ERROR.
2. DORIS ANDERSON, 1913 S. BLAUVELT AVE., 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,107.03. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
3. GLEN BULLION, 1012 S. PHILLIPS AVE., 2008 PROPERTY TAXES IN THE AMOUNT OF \$793.68. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
4. DONNA DYBVIK, 4109 S. DREXEL DR., 2008 PROPERTY TAXES IN THE AMOUNT OF \$612.15. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
5. CURTIS DALE ENGEL, 309 E. 40TH ST., 2008 PROPERTY TAXES IN THE AMOUNT OF \$772.79. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
6. JEAN FISCHER, 2209 S. HAWTHORNE, 2008 PROPERTY TAXES IN THE AMOUNT OF \$621.10. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
7. HILDA JENNINGS, 1514 W. 26TH ST., 2008 PROPERTY TAXES IN THE AMOUNT OF \$702.20. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
8. IVA JOHNSON, 1116 S. PRAIRIE AVE., 2008 PROPERTY TAXES IN THE AMOUNT OF \$804.78. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.
9. EUGENA PARRY, 415 N. GRANGE AVE., 2008 PROPERTY TAXES IN THE AMOUNT OF \$677.08. AMOUNT REQUESTED IS THE DIFFERENCE BETWEEN THE ELDERLY FREEZE AND NON-ELDERLY FREEZE.

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:

10. CAROL YUSTEN, 5001 W. 37TH STREET, FOR 2008 PROPERTY TAXES IN THE AMOUNT OF \$1,461.98. TAXPAYER IS REQUESTING ABATEMENT FOR OWNER OCCUPIED STATUS RATHER THAN NON-OWNER OCCUPIED STATUS. ALSO, REQUESTING THAT THE 2008 ASSESSED PROPERTY VALUE IS LOWERED TO \$160,000 BASED ON THE APPRAISED VALUE OF THE HOME.

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to defer Item 10 to the City Council meeting on Monday, April 20, 2009, at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga, Costello, 6. Noes, 0.  
Motion Passed

#### NOTICE OF HEARINGS

Set the hearing date for Monday, May 11, 2009, at 7:00 p.m. for Items 11 through 20:

11. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, ASPHALT SURFACING, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STREETLIGHTS, SANITARY SEWER MAIN, AND WATER MAIN ON N. VAN EPS AVE. FROM E. BENSON RD. TO 300' SOUTH OF E. BENSON RD.

NOH0035

Item 11 - Exhibit

Proposed Res0055

Special Assessment Roll Item 11

12. A PROPOSED RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER ON N. VAN EPS AVE. FROM E. BENSON RD. TO 300' SOUTH TO PROVIDE SANITARY SEWER SERVICE TO 3615 N. VAN EPS AVE.

noh1427

Item 12 - Exhibit

Proposed Res1427

13. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, SIDEWALK, STORM SEWER, ASPHALT SURFACING, STREETLIGHTS, AND WATER MAIN ON N. BAHNSON AVE. FROM E. MADISON ST. TO 1300' NORTH.

NOH0036

Item 13 - Exhibit

Proposed Res0056

Special Assessment Roll Item 13

14. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER WITH DRIVEWAY APPROACHES, STORM SEWER, ASPHALT SURFACING, WATER MAIN AND SERVICES, SANITARY SEWER MAIN AND SERVICES, AND STREETLIGHTS ON N. HILLCREST AVE. FROM E. 54TH ST. N. TO E. 57TH ST. N.

NOH0037

Item 14 - Exhibit

Proposed Res0057

Special Assessment Roll Item 14

15. A PROPOSED RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF SANITARY SEWER MAIN ON E. 54TH ST. N. FROM N. HILLCREST AVE. TO N. NATIONAL AVE.

NOH0054

Item 15 - Exhibit

Proposed Res0054

16. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, ASPHALT SURFACING, CURB AND GUTTER, STORM SEWER, SIDEWALK, AND STREETLIGHTS ON N. CAREER AVE. FROM 1,100' SOUTH OF W. TICKMAN ST. TO W. BENSON RD.

NOH0076

Item 16 - Exhibit

Proposed Res0061

Updated Special Assessment Roll Item 16

17. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, ASPHALT SURFACING, CURB AND GUTTER, STORM SEWER, SIDEWALK, AND STREETLIGHTS ON S. BAHNSON AVE. FROM E. 57TH ST. TO E. MISSION ST.

NOH0055

Item 17 - Exhibit

Proposed Res0062

Special Assessment Roll Item 17

18. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, ASPHALT SURFACING, CURB AND GUTTER WITH DRIVEWAY APPROACHES, STORM SEWER, SIDEWALK, AND STREETLIGHTS, SANITARY SEWER, AND WATER MAIN ALSO EXTENDED ALONG W. 16TH ST. RIGHT-OF-WAY ON S. VALLEY VIEW RD. FROM W. 12TH ST. TO W. 16TH ST.

NOH0056

Item 18 - Exhibit

Proposed Res0063

Special Assessment Roll Item 18

19. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER, SIDEWALK, ASPHALT SURFACING, 8-INCH SANITARY SEWER WITH SANITARY SEWER SERVICES, AND 8-INCH WATER MAIN AND WATER SERVICES ON N. GALAXY LN. FROM W. ARUBA ST. TO 600' SOUTH.

NOH0095

Item 19 - Exhibit

Proposed Res0229

Special Assessment Roll Item 19

20. A PROPOSED RESOLUTION APPROVING THE SPECIAL ASSESSMENT ROLL FOR CONSTRUCTION OF GRADING, GRAVEL, CURB AND GUTTER, SIDEWALK, STORM SEWER, AND ASPHALT SURFACING ON S. MEREDITH AVE. FROM W. BITTERROOT ST. TO 900' NORTH.

Item 20 - Exhibits

NOH0105

Proposed Res1649

Special Assessment Roll Item 20

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Litz and seconded by Council Member Beninga to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga, Costello, 6. Noes, 0.

Motion Passed

PUBLIC INPUT

There was none.

Item 10 was discussed at this time. See item for action taken.

INTRODUCTION AND ADOPTION OF ORDINANCES

21. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE RELEASE OF A PORTION OF THE PERMANENT UTILITY EASEMENT IN VACATED W. 34TH ST. RIGHT-OF-WAY IN SECTION 29-101-49, MINNEHAHA COUNTY.

Proposed Ord0054

Item 21 - Easement

Item 21 - Exhibit

A motion was made by Council Member Litz and seconded by Council Member Costello to adopt said Ordinance 32-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga, Costello, 6. Noes, 0.

Motion Passed

22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA, AUTHORIZING THE REFUNDING OF A PORTION OF THE CITY'S MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (INN ON WESTPORT PROJECT), SERIES 2006; AUTHORIZING THE REISSUANCE OF A PORTION OF THE CITY'S MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (INN ON WESTPORT PROJECT), SERIES 2006; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER AMENDMENT AGREEMENT; AND APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE REISSUED BOND IN AN AMOUNT NOT TO EXCEED \$5,500,000 AND CERTAIN RELATED DOCUMENTS.

Proposed Ord1086

A motion was made by Council Member Beninga and seconded by Council Member Costello to adopt said Ordinance 33-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga, Costello, 6. Noes, 0.

Motion Passed

#### HEARINGS AND RESOLUTIONS

23. DEFERRED ACTION: A RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF THE EAST SIDE SANITARY SEWER SYSTEM.

Proposed Res1637

Item 23 - Exhibits

Item 23 - Table 1

A motion was made by Council Member Beninga and seconded by Council Member Knudson to defer Item 23 to the City Council meeting on Monday, May 11, 2009, 7:00 p.m.

Vote to defer: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, Costello, 7. Noes, 0.

Motion Passed

24. A RESOLUTION VACATING A PORTION OF W. SUDBURY ST. FROM S. RIDGESTONE DR. TO THE EAST PROPERTY LINE OF LOT 12 BLK. 10 PRAIRIE HILLS SOUTH ADDN.

Proposed Res1429

Item 24 - Exhibit

Item 24 - Petition

A motion was made by Council Member Litz and seconded by Council Member Knudson to adopt said Resolution 28-09.

Vote to adopt: Roll Call: Yeses, Litz, Anderson Jr., Brown, Knudson, Beninga, Costello, 6. Noes, 0.

Motion Passed

RESOLUTION NO. 28-09

A RESOLUTION VACATING A PORTION OF W. SUDBURY ST. FROM S. RIDGESTONE DR. TO THE EAST PROPERTY LINE OF LOT 12 BLK. 10 PRAIRIE HILLS SOUTH ADDN.

WHEREAS, a petition of the owners of Lots 10, 11, and 12 Blk. 10 Prairie Hills South Addn.; Lot 69 Blk. 5

Prairie Hills South Addn.; Tract 8 Prairie Hills South Addn. to the City of Sioux Falls, 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 April 13, 2009, 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 a portion of W. Sudbury St. from S. Ridgestone Dr. to the east property line of Lot 12 Blk. 10 Prairie

Hills South Addn. to the City of Sioux Falls, 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, County, South Dakota, a

duly certified transcript of this resolution.

Date adopted: 04/13/09.

Dave

Munson

Mayor



ATTEST:

Debra A. Owen  
City Clerk

Council Member Stagers arrived at this time.

25. A RESOLUTION VACATING S. LONE ROCK LN. FROM W. BITTERROOT ST. TO SOUTH  
PROPERTY LINE OF LOT 4 BLK. 12 BOULDER RIDGE ESTATES ADDN.

Proposed Res1430

Item 25 - Exhibit

Item 25 - Petition

A motion was made by Council Member Brown and seconded by Council Member Litz  
to adopt said Resolution 29-09.

Vote to adopt: Roll Call: Yeses, Litz, Anderson Jr., Brown, Knudson, Stagers,  
Beninga, Costello, 7. Noes, 0.  
Motion Passed

26. A RESOLUTION APPROVING TRANSIT ROUTE MODIFICATIONS.

Proposed Res1650

routell Gaikowski

Route 11 Gaikowski

A motion was made by Council Member Brown and seconded by Council Member Litz  
to adopt said Resolution 30-09.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson,  
Stagers, Beninga, Costello, 8. Noes, 0.  
Motion Passed

RESOLUTION NO. 30-09

A RESOLUTION APPROVING TRANSIT ROUTE MODIFICATIONS.

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

WHEREAS, the Public Transit Advisory Board held a public hearing on March 23 to  
consider a transit route  
modification of Route 11 (Mall Shuttle) by reducing the frequency of runs from r  
unning every 30 minutes to  
every 60 minutes and reducing the route length by approximately one quarter mile  
, along with increasing the

fare from free to \$1; and  
WHEREAS, the Public Transit Advisory Board, at their March 23, 2009, meeting, un-  
animously recommended approval  
of the transit route modification; and  
WHEREAS, the transit route modification meets the criteria for the necessity of  
City Council action  
established in Executive Order 02-74;  
NOW, THEREFORE, BE IT RESOLVED, that Transit Route 11 (Mall Shuttle) be modified  
by reducing the frequency of  
runs from running every 30 minutes to every 60 minutes and reducing the route le-  
ngth by approximately one  
quarter mile, along with increasing the fare from free to \$1 is hereby adopted.

Date adopted: 04/13/09.

Dave

Munson

Mayor  
ATTEST:  
Debra A. Owen  
City Clerk

Set the hearing date for Monday, May 11, 2009, at 7:00 p.m. for Item 27:

27. A PROPOSED RESOLUTION VACATING A PORTION OF SECTION LINE RIGHT-OF-WAY, N.  
CLIFF AVE. RIGHT-OF-WAY AND NORTH DR. RIGHT-OF-WAY AS SHOWN ON ATTACHED  
EXHIBIT A.

NOH0060

Item 27 - Exhibit

Item 27 - Petition

Proposed Res0060

ADJOURNMENT

A motion was made by Council Member Beninga and seconded by Council Member  
Costello to adjourn at 7:35 p.m.

Vote to adjourn: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson,  
Staggers, Beninga, Costello, 8. Noes, 0.

Motion Passed

Jamie L. Palmer  
Assistant City Clerk

