

|| City of Sioux Falls Council Meeting Minutes
|| Carnegie Town Hall, 235 West Tenth Street
|| MEETING OF Monday, January 12, 2009 at 7:00 p.m. |

ROLL CALL #5

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

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

INVOCATION

A. COUNCIL MEMBER BOB LITZ

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. NATIONAL DAY OF SERVICE - JANUARY 19, 2009

APPROVAL OF CONSENT AGENDA

A motion was made by Council Member Knudson and seconded by Council Member Litz to approve the Consent Agenda.

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

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, JANUARY 5, 2009, AT 4:00 P.M.

B. REGULAR COUNCIL MEETING OF MONDAY, JANUARY 5, 2009, AT 7:00 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM THE MUSCULAR DYSTROPHY ASSOCIATION ON

BEHALF OF NORDSTROM'S AUTOMOTIVE STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM JANUARY 16, 2009 TO JUNE 20, 2009 FOR A CHEVY COLORADO TRUCK (VALUED AT \$11,000.00). TICKETS WILL BE \$1.00. THE PROCEEDS ARE TO BE USED TO BENEFIT THE MUSCULAR DYSTROPHY ASSOCIATION.

2. A COMMUNICATION WAS RECEIVED FROM THE LINCOLN HIGH SCHOOL BOYS BASKETBALL BOOSTER CLUB STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM JANUARY 20, 2009 TO FEBRUARY 10, 2009 FOR THREE (3) GAS GIFT CARDS (VALUED AT \$200.00, \$300.00, AND \$500.00). TICKETS WILL BE \$5.00. THE PROCEEDS ARE TO BE USED FOR TEAM MEALS, CAMPS, WARM-UP CLOTHING, AND EXPENSES NOT COVERED BY THE SCHOOL DISTRICT.
3. A COMMUNICATION WAS RECEIVED FROM SPECIAL OLYMPICS SOUTH DAKOTA ON BEHALF OF THE HOME BUILDERS ASSOCIATION OF THE SIOUX EMPIRE, SIOUX FALLS STAMPEDE, AND THE EMPIRE MALL STATING THEIR INTENT TO SELL RAFFLE TICKETS FROM JANUARY 19, 2009 TO MARCH 1, 2009 FOR THE FOLLOWING PRIZES: TWO (2) AIRLINE TICKETS TO LAS VEGAS VALUED AT \$500.00; AUSTAD'S GOLF GIFT CARD VALUED AT \$300.00; FOUR (4) STAMPEDE HOCKEY 2009 HOME PLAYOFF GAME TICKETS AND REPLICA HOME JERSEY VALUED AT \$575.00. TICKETS WILL BE \$1.00 FOR 1, \$5.00 FOR 7; \$10.00 FOR 15; \$20.00 FOR 30, \$50.00 FOR 100; AND \$100.00 FOR 200. PROCEEDS WILL BENEFIT THE SIOUX EMPIRE HOME BUILDERS CARE FOUNDATION, SIOUX FALLS STAMPEDE HOCKEY "FOUNDATION FOR KIDS", AND SPECIAL OLYMPICS SOUTH DAKOTA.

NOTICE OF HEARINGS

Set a date of hearing for Monday, February 9, 2009, at 7:00 p.m. for Item 4:

4. PROPOSED RESOLUTION APPROVING THE COST RECOVERY ROLL FOR CONSTRUCTION OF THE EAST SIDE SANITARY SEWER SYSTEM.

Proposed Res1637

noh1420

Item 4 - Exhibit A Maps

Item 4 - Table 1

APPROVAL OF REGULAR AGENDA

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

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

Motion Passed

PUBLIC INPUT

There was none.

INTRODUCTION AND ADOPTION OF ORDINANCES

5. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE GRANT OF EASEMENT FOR SANITARY SEWER SERVICE.

Proposed Ord0032

Item 5 - Exhibits

Item 5 - Grant

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 9-09.

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

6. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTIONS 38-32 AND 38-32.1 AND REPEALING SECTION 38-33 IN CHAPTER 38, STREETS AND SIDEWALK, ARTICLE II, PUBLIC IMPROVEMENTS GENERALLY.

Proposed Ord0033

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Ordinance 10-09.

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

7. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING APPENDIX A, SUBDIVISION ORDINANCE.

Proposed Ord0034

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 11-09.

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

Set the hearing date and 2nd reading for Monday, February 9, 2009, at 7:00 p.m.
for Items 8 and 9:

8. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, APPROVING THE
RELEASE OF A PERMANENT DRAINAGE EASEMENT IN LOTS 5A AND 6A IN BLOCK 2 OF
ESTATES ON YANKTON TRAIL ADDITION TO THE CITY OF SIOUX FALLS IN SECTION 9,
T-100-N, R-50-WEST OF THE 5TH P.M., LINCOLN COUNTY, SOUTH DAKOTA.

Proposed Ord1075

Item 8 - Exhibits

9. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE
OF ORDINANCES OF SAID CITY BY CHANGING A STREET NAME. (E. HIGHLINE PL. TO E.
ARROWHEAD PL.)

Proposed Ord0031

Item 9 - Exhibits

A motion was made by Council Member Litz and seconded by Council Member
Anderson Jr. to set a hearing date and 2nd reading for Monday, February 9,
2009, at 7:00 p.m. for Items 8 and 9.

Vote to set a hearing date: Roll Call: Yeses, Knudson, Litz, Staggers,
Anderson Jr., Beninga, Brown, Costello, Jamison, 8. Noes, 0.
Motion Passed

HEARINGS AND RESOLUTIONS

10. A RESOLUTION VACATING W. 2ND ST. FROM THE WEST RIGHT-OF-WAY LINE OF N.
HARLEM AVE. WEST TO PREVIOUSLY VACATED W. 2ND ST.

NOH0019

Proposed Res0030

Item 10 - Exhibits

A motion was made by Council Member Beninga and seconded by Council Member

Costello to adopt said Resolution 5-09.

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

RESOLUTION NO. 5-09

A RESOLUTION VACATING W. 2nd St. from the west right-of-way line of
N. Harlem Ave. west to
previously vacated W. 2nd St.

WHEREAS, a petition of the owners of:

Lots 1, 2, 3, 10, 11, & 12 in Blk. 24 Harrison s Addn., & the W1/2 vac. Haley Av
e. (Hawley Ave.) lying east of

Lots 1 through 3, & the S1/2 vac. 2nd St. lying adjacent thereto.

Tract 1 in Blk. 9 Harrison s Addn.

Lots 1 through 12 in Blk. 23 Harrison s Addn., & the W1/2 vac. Harlem Ave., also
known as Harlem St., lying
adjacent to Lots 1 through 6, & the E1/2 vac. Haley Ave., also known as Hawley A
ve. and as Haley St., lying
adjacent to Lots 7 through 12, & the N1/2 vac. Middlesex St. lying adjacent ther
eto.

Tract 1 in Blk. 10 Harrison s Addn.

to the City of Sioux Falls, County, South Dakota has been filed with the City C
lerk, asking that the
aforesaid be vacated. Pursuant to SDCL, notice of hearing has duly been given, a
nd said notice was properly
published; and

WHEREAS, the hearing was held on January 12, 2009, and the petition has been dul
y examined and investigated by
the City Council of the City of Sioux Falls. Testimony in support of said petiti
on has been heard, and no
opposition thereto was voiced. Said property, as shown upon the plats attached t
o and made a part of said
petition, has not been used for public travel in the last 20 years.

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

That W. 2nd St. from the west right-of-way line of N. Harlem Ave. west to previo
usly vacated W. 2nd St. to the
City of Sioux Falls, County, South Dakota, be and the same hereby is declared v
acated, subject to an easement
reserved by the City of Sioux Falls in, over, and upon such vacated property for
drainage, sewer, water and
gas mains, electric, telephone lines, Cable TV, and all public utility uses requ
ired or authorized by the City
of Sioux Falls, and that the City Clerk shall cause to be filed with the Registe
r of Deeds, County, South
Dakota, a duly certified transcript of this resolution.

Date adopted: 01/12/09.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen
City Clerk

11. A RESOLUTION CORRECTING A LEGAL DESCRIPTION ON RESOLUTION 98-08 FOR
VACATING COUNTY AUDITORS LOT H2.

Res. 98-08

Proposed Res0133

Item 11 - Exhibits

A motion was made by Council Member Brown and seconded by Council Member Litz
to adopt said Resolution 6-09.

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

RESOLUTION NO. 6-09

A RESOLUTION CORRECTING A LEGAL DESCRIPTION ON RESOLUTION 98-08 FOR VACATING COU
NTY AUDITORS LOT H2.

WHEREAS, on June 9, 2008, the City Council of the City of Sioux Falls adopted Re
solution 98‑08 approved

vacating a portion of County Auditors Lot H2 SW1/4 Section 34-101-50 as shown on
the attached exhibit;

WHEREAS, the following legal description as set forth in Resolution 98-08 was no
t accurate:

A portion of County Auditors Lot H2 SW1/4 34-101-50 as shown on the attached exh
ibit.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just
"BE IT RESOLVED..."

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

That the legal description as set forth in Resolution 98-08 is hereby amended to
read as follows:

County Auditors Lot H2 in the SW1/4 34-101-50, except the west 17' and the south
17' lying within said Lot H2.

Date adopted: 01/12/09.

Dave

Munson

Mayor
ATTEST:
Debra A. Owen
City Clerk

Set a date of hearing for Monday, February 9, 2009, at 7:00 p.m. for Item 12:

12. PROPOSED RESOLUTION VACATING N. VALLEY VIEW RD. FROM APPROXIMATELY 165' NORTH OF NORTH RIGHT-OF-WAY LINE OF W. MADISON ST. TO APPROXIMATELY 895' NORTH AS SHOWN ON EXHIBIT 1

NOH0024

Proposed Res0035

Item 12 - Exhibits

A motion was made by Council Member Knudson and seconded by Council Member Jamison to set a hearing date for Monday, February 9, 2009, at 7:00 p.m. for Item 12.

Vote to set a hearing date: Roll Call: Yeses, Knudson, Litz, Staggars, Anderson Jr., Beninga, Brown, Costello, Jamison, 8. Noes, 0.
Motion Passed

ADJOURNMENT

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to adjourn at 7:22 p.m.

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

Jamie L. Palmer
Assistant City Clerk