

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Monday, October 6, 2008 at 7:00 p.m.	

ROLL CALL #3

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Brown	None.
Council Member Costello	
Council Member Jamison	
Council Member Knudson	
Council Member Litz	
Council Member Staggers	
Council Member Anderson Jr.	
Council Member Beninga	
Mayor Dave Munson	

INVOCATION

A. PASTOR MICHAEL PETERSON, CELEBRATE CHURCH

PLEDGE OF ALLEGIANCE

PROCLAMATIONS

A. DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2008

RECOGNITION/AWARDS

A. OUTSTANDING CITIZEN AWARD - KAY KIESO

APPROVAL OF CONSENT AGENDA

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

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

Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, SEPTEMBER 15, 2008, AT 4:00 P.M.

B. REGULAR CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 15, 2008, AT 7:00 P.M.

C. SPECIAL CITY COUNCIL MEETING OF MONDAY, SEPTEMBER 29, 2008, AT 4:00 P.M.

D. INFORMATIONAL MEETING OF MONDAY, SEPTEMBER 29, 2008, AT 4:48 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM SOUTHEAST TECHNICAL INSTITUTE STUDENT CHAPTER AITP, STATING ITS INTENT TO SELL RAFFLE TICKETS FROM OCTOBER 7, 2008 TO FEBRUARY 28, 2009 FOR A CUSTOM BUILT DESKTOP COMPUTER WITH LCD MONITOR, MOUSE AND KEYBOARD (VALUED AT \$900.00). TICKETS WILL BE \$5.00-\$15.00. THE PROCEEDS ARE TO BE USED FOR STUDENT CHAPTER TRIP TO OKLAHOMA CITY FOR ATIP NATIONAL CONVENTION.

APPLICATIONS

2. SIOUX FALLS MANAGEMENT LLC, PARCELS 54608 AND 54609, FOR 2007 PROPERTY TAXES IN THE AMOUNT OF \$778.24 AND \$1,134.85. STRUCTURES WERE REMOVED FROM THESE PARCELS IN APRIL 2007 AND THEY ARE NOW REQUESTING ABATEMENT FOR THE 249 DAYS THAT THE STRUCTURES WERE GONE.

NOTICE OF HEARINGS

Set hearing date for Monday, October 20, 2008, at 7:00 p.m. on Items 3 through 17:

DOC: ITEMS 3-17

3. NEW 2009 RETAIL WINE LICENSE FOR SMG, SIOUX FALLS ARENA, TO BE OPERATED AT 1201 NORTH WEST AVENUE, EFFECTIVE 1-1-09 (CUP NOT REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
4. NEW 2009 RETAIL WINE LICENSE FOR SMG, ORPHEUM THEATER CENTER, TO BE OPERATED AT 315 NORTH PHILLIPS AVENUE, EFFECTIVE 1-1-09 (CUP NOT REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
5. NEW 2009 RETAIL WINE LICENSE FOR CFJ PROPERTIES, COUNTRY MARKET RESTAURANT, TO BE OPERATED AT 5201 NORTH GRANITE LANE, EFFECTIVE 1-1-09 (CUP NOT REQUIRED; THIS IS AN ADDITION TO AN EXISTING LICENSE WHICH PREDATES THE ORDINANCE).
6. NEW 2008-09 SOUTH DAKOTA FARM WINERY PACKAGE LICENSE FOR CFJ PROPERTIES, FLYING J TRAVEL PLAZA, TO BE OPERATED AT 5201 NORTH GRANITE LANE, IN CONJUNCTION WITH THE APPLICANT'S EXISTING PACKAGE MALT BEVERAGE LICENSE.

7. NEW 2008-09 SOUTH DAKOTA FARM WINERY PACKAGE LICENSE FOR FREEDOM VALU CENTERS INC., FREEDOM VALU CENTER #9, TO BE OPERATED AT 1601 SOUTH MINNESOTA AVENUE, IN CONJUNCTION WITH THE APPLICANT'S EXISTING PACKAGE MALT BEVERAGE LICENSE.
8. NEW 2008-09 SOUTH DAKOTA FARM WINERY PACKAGE LICENSE FOR LEWIS DRUG INC., LEWIS EASTGATE, TO BE OPERATED AT 1301 EAST TENTH STREET, IN CONJUNCTION WITH THE APPLICANT'S EXISTING PACKAGE MALT BEVERAGE LICENSE.
9. NEW 2008-09 SOUTH DAKOTA FARM WINERY LICENSE FOR LEWIS DRUG INC., LEWIS SOUTHWEST, TO BE OPERATED AT 5500 WEST 41ST STREET, IN CONJUNCTION WITH THE APPLICANT'S EXISTING PACKAGE MALT BEVERAGE LICENSE.
10. TRANSFER OF A 2008 RETAIL LIQUOR LICENSE FROM BRINKER RESTAURANT CORPORATION, CHILI'S GRILL & BAR, 3720 WEST 41ST STREET, TO ERJ DINING IV LLC, CHILI'S GRILL & BAR, TO BE OPERATED 3720 WEST 41ST STREET, INCLUDING SUNDAY SALES (FULL SERVICE RESTAURANT; CUP NOT REQUIRED).
11. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM BRUHN LLC, CAF^' 334, 334 SOUTH PHILLIPS AVENUE, TO CHEF AMY'S CAF^' 334 LLC, CHEF AMY'S CAF^' 334, TO BE OPERATED AT 334 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2008-07-23) BEING APPROVED ON 09-03-08.

Conditional Use Permit

12. TRANSFER OF A 2008 RETAIL WINE LICENSE FROM BRUHN LLC, CAF^' 334, 334 SOUTH PHILLIPS AVENUE, TO CHEF AMY'S CAF^' 334 LLC, CHEF AMY'S CAF^' 334, TO BE OPERATED AT 334 SOUTH PHILLIPS AVENUE, WITH THE CONDITIONAL USE PERMIT (2008-07-23) BEING APPROVED ON 09-03-08.

See Item 11 for Conditional Use Permit

13. TRANSFER OF A 2008 PACKAGE LIQUOR LICENSE FROM FRIDAY'S HERO LTD., ALICK'S LIQUORS, 3406 SOUTH MARION ROAD, TO BAKE'S LIQUORS INC., BAKE'S LIQUORS, TO BE OPERATED AT 3406 SOUTH MARION ROAD.
14. TRANSFER OF A 2008-09 RETAIL MALT BEVERAGE LICENSE FROM C.C. PETERSON REALTY CO. INC., GRAND CASINO, 4211 WEST 12TH STREET, TO STAG LLC, GRAND CASINO, TO BE OPERATED 4211 WEST 12TH STREET, INCLUDING VIDEO LOTTERY TERMINALS (EXISTING CUP #97-10-10 IN PLACE).
15. SPECIAL ONE-DAY LIQUOR LICENSE REQUESTS FOR WASHINGTON PAVILION MANAGEMENT INC., WASHINGTON PAVILION OF ARTS & SCIENCE, 301 SOUTH MAIN AVENUE, FOR THE FOLLOWING: NOVEMBER 14, 2008, FOR A CHURCH GALA; NOVEMBER 15, 2008, DECEMBER 27, 2008, AND FEBRUARY 7, 2009, FOR WEDDING RECEPTIONS.
16. SPECIAL ONE-DAY MALT BEVERAGE LICENSE FOR THE SERTOMA CLUB OF SIOUX FALLS TO BE OPERATED AT THE SERTOMA PARK SHELTER, 49TH STREET AND OXBOW AVENUE,

ON OCTOBER 25, 2008, FOR A FUNDRAISING EVENT.

17. SPECIAL ONE-DAY MALT BEVERAGE AND SPECIAL ONE-DAY WINE LICENSES FOR SENIOR CITIZENS SERVICES INC., TO BE OPERATED AT THE CENTER FOR ACTIVE GENERATIONS, 2300 WEST 46TH STREET, ON APRIL 19, 2009, FOR THE GOURMET GUYS FUNDRAISER.

APPROVAL OF REGULAR AGENDA

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

A motion was made by Council Member Costello and seconded by Council Member Knudson to amend the Regular Agenda by moving Item 31 before Item 21.

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

Motion Passed

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

PUBLIC INPUT

Kim Bartling expressed her gratitude to the Council for their continued support of the Orpheum Theatre.

PETITIONS

18. DEFERRED ACTION: REVOCATION: CONDITIONAL USE PERMIT (2002-08-11): ALLOWING MOTOR VEHICLE DISPLAY AND SALES WITHIN AN EXISTING COMMERCIAL PARKING LOT IN THE C-2, GENERAL COMMERCIAL DISTRICT AT 4915 NORTH CLIFF AVENUE. THE PLANNING COMMISSION RECOMMENDED APPROVAL ON SEPTEMBER 4, 2002.

PC Staff Report

PC Exhibits

PC Minutes - Item 13

Item withdrawn at the request of Planning & Building Services Department.

INTRODUCTION AND ADOPTION OF ORDINANCES

19. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, PROVIDING APPROPRIATIONS AND THE MEANS OF FINANCING THEM FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

Proposed Ord0001

Department of Finance Amendment

A motion was made by Council Member Costello and seconded by Council Member Litz to adopt said Ordinance 117-08.

A motion to amend was made by Council Member Costello and seconded by Council Member Brown to read "The 2009 Appropriation Ordinance of the City of Sioux Falls, SD for the Fiscal Year ending December 31, 2009, by inserting the amount of \$40,701,216 of tax levies which the Finance Director is directed to certify to the Minnehaha and Lincoln County Auditors in accordance with SDCL 9-21-19 and SDCL 10-13-35".

A substitute motion was made by Council Member Staggars and seconded by Council Member Anderson Jr. to read "The 2009 Appropriation Ordinance of the City of Sioux Falls, SD for the Fiscal Year ending December 31, 2009, by inserting the amount of \$39,599,286 of tax levies which the Finance Director is directed to certify said amount to the Minnehaha and Lincoln County Auditors in accordance with SDCL 9-21-19 and SDCL 10-13-35".

Vote on substitute motion: Roll Call: Yeses, Staggars, 1. Noes, Brown, Costello, Jamison, Knudson, Litz, Anderson Jr., Beninga, 7. Motion Failed.

Vote to amend: Roll Call: Yeses, Brown, Costello, Jamison, Knudson, Litz, Anderson Jr., Beninga, 7. Noes, Staggars, 1. Motion Passed.

A motion to amend was made by Council Member Staggars and seconded by Council Members Anderson Jr. to amend the 2009 Appropriation Ordinance of the City of Sioux Falls, SD, for the Fiscal Year Ending December 31, 2009, by amending the 2009 General Fund Expenditure budget by reducing 2008 contracted service agreements with the intent to phase out funding over the next three years for the following 2008 organizations. The 2009 General Fund Expenditures are to be provided by existing 2009 budgeted funds in the assigned departments, with funding as follows: The Glory House - \$4,917 (Community Development Department - Urban & Economic Development); Project Car - \$3,217 (Central Services - General Government); RSVP - \$1,733 (Central Services - General Government); Senior Companion - \$4,000 (Health Department - Health); Youth Enrichment - \$13,333 (Health - Health Department)

A substitute motion was made by Council Member Brown to take the \$27,200 and create a program that allows all 200 non-profit agencies to apply for that money. Motion dies for a lack of second.

Vote to amend: Roll Call: Yeses, Costello, Jamison, Litz, Staggars, Anderson Jr., Beninga, 6. Noes, Brown, Knudson, 2. Motion Passed

A motion to amend was made by Council Member Staggers and seconded by Council Member Anderson Jr. to amend the title of the ordinance to comply with City Ordinance 2-22 (d), to read "An Ordinance of the City of Sioux Falls, SD providing appropriations and the means of financing them which includes a property tax increase of 2.9% or \$1,101,930 of tax levies for the Fiscal Year ending December 31, 2009".

Vote to amend: Roll Call: Yeses, Litz, Staggers, Anderson, Jr., Beninga, 4. Noes, Brown, Costello, Jamison, Knudson, 4. Mayor Munson broke the tie with a no vote. Motion Failed.

Vote to adopt said Ordinance 117-08, as amended: Yeses, Brown, Costello, Jamison, Knudson, Litz, Staggers, Anderson Jr., Beninga, 8. Noes, 0. Motion Passed.

20. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY WEST OF CULBERT AVE. AT THE END OF W. 60TH ST. FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2008-05-08, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0104

PC Staff Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Litz and seconded by Council Member Knudson to adopt said Ordinance 118-08.

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

21. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT THE SE CORNER OF E. 26TH ST. AND SD HWY 11 FROM THE AG, AGRICULTURAL DISTRICT TO THE RS-2, RESIDENTIAL DISTRICT, PETITION NO. 2008-08-04, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0105

PC Staff Report

PC Exhibits

PC Minutes - Item 4

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to adopt said Ordinance 119-08.

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

Motion Passed

22. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 57TH ST. AND SD HWY 11 FROM THE AG, AGRICULTURAL DISTRICT TO THE FALCON HEIGHTS PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-06-19, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0106

PC Staff Report

PC Exhibits

PC Minutes - Item 14

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 120-08.

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

Motion Passed

23. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT WEST 85TH ST. AND SOUTH RAMBLER PLACE FROM THE O, OFFICE DISTRICT TO THE RA-1, RESIDENTIAL DISTRICT, PETITION NO. 2008-08-15, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0107

PC Staff Report

PC Exhibits

PC Minutes - Item 5

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 121-08.

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

Motion Passed

24. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO. 2008-08-14, TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICT, AT THE NW CORNER OF W. 18TH ST. AND S. GRANGE AVE. AMENDING THE SANFORD USD MEDICAL CENTER PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0108

PC Staff Report

PC Exhibits

PC Minutes - Item 6

A motion was made by Council Member Anderson Jr. and seconded by Council Member Beninga to adopt said Ordinance 122-08.

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

Motion Passed

Set the hearing date and 2nd Reading for Monday, October 20, 2008, at 7:00 p.m. for Item 25:

25. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY AMENDING SECTION 5-16, OF CHAPTER 5, ALCOHOLIC BEVERAGES.

Proposed Ord0005

Item 25 SDCL 35-4-81.1

26. 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.

Proposed Ord0002

Health Department Letters

Exhibit

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to set a hearing date and 2nd Reading for Monday, October 20, 2008, at 7:00 p.m. for Items 25 and 26.

Vote to set a hearing date: Roll Call: Yeses, Brown, Costello, Jamison, Litz, Staggers, Anderson Jr., Beninga, 7. Noes, 0. Motion Passed.

Council action taken at the City Council Meeting of Tuesday, October 14, 2008 to amend action above:

A motion was made by Council Member Litz and seconded by Council Member Beninga to amend the main motion, by correcting the City Council Meeting Minutes of October 6, 2008, to set the hearing date and 2nd Reading for "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," to Tuesday, October 14, 2008, at 7:00 p.m.

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

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

HEARINGS AND RESOLUTIONS

27. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF GALWAY PARK - PHASE 5 ADDN. (2008-05-11) THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Res0002

PC Staff Report

PC Exhibits

PC Minutes - Item 7

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 159-08.

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

Motion Passed

RESOLUTION NO. 159-08

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF GALWAY

PARK?PHASE 5 ADDN.

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

That the preliminary plan of Galway Park-Phase 5 Addn. to the City of Sioux Falls, Lincoln County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 10/06/08.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

Council Member Knudson returned to the meeting at this time.

28. A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF COPPER CREST CIRCLE, AN EXTENSION OF COPPER CREEK ADDN. (2008-08-03) THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Res0003

PC Staff Report

PC Exhibits

PC Minutes - Item 8

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Resolution 160-08.

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

Motion Passed

RESOLUTION NO. 160-08

A RESOLUTION OF THE CITY OF SIOUX FALLS APPROVING THE PRELIMINARY PLAN OF COPPER CREST CIRCLE, AN EXTENSION OF COPPER CREEK ADDN.

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

That the preliminary plan of Copper Crest Circle, an extension of Copper Creek Addn, to the City of Sioux Falls, Minnehaha County, SD, is hereby approved, and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same

thereon.

Date adopted: 10/06/08.

Dave Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

29. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND TERRAPASS INC., A DELAWARE CORPORATION, FOR A VERIFIED EMISSION REDUCTIONS PURCHASE AND SALE AGREEMENT.

Proposed Res0009 & Agreement

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt said Resolution 161-08.

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

Motion Passed

RESOLUTION NO. 161-08

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND TERRAPASS INC., A DELAWARE CORPORATION, FOR A VERIFIED EMISSION REDUCTIONS PURCHASE AND SALE AGREEMENT.

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

That the document attached to and part of this resolution entitled, Verified Emission Reductions Purchase and

Sale Agreement between TerraPass and Sioux Falls is hereby approved.

That the Mayor is authorized to sign such agreement after it is ratified and executed by TerraPass Inc., a Delaware corporation.

Date adopted: 10/06/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

30. A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. (ANNEXATION 2008-08-02 - 57TH ST. AND ONE-HALF MILE EAST OF SD HWY. 11 TENCATE)

Proposed Res0008

Staff Report

Annexation Map

Concept Plan

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt said Resolution 162-08.

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

RESOLUTION NO. 162-08

ANNEXATION 2008-08-02-57TH ST. AND ONE-HALF MILE
EAST OF SD HWY. 11 TENCATE

A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA.

WHEREAS, there has been presented to the City Council of the City of Sioux Falls and filed with the City Clerk, a Petition in writing signed by the owners and otherwise in compliance with the provisions of SDCL Chapter 9-4, requesting that the territory hereinafter described be included within the municipality;

WHEREAS, there has been an analysis completed in regard to the territory hereinafter described and it has been found that:

1. The property has been properly described and is contiguous to the current city limits.
2. The proposed land uses and densities are not currently within the 2015 Growth Management Plan. A future land use map amendment to the 2015 Growth Management Plan is required to add this area and any proposed land uses to the 2015 Growth Management Plan.
3. There will be adequate provision for municipal utilities and access to the major street network when the following occur:

- a. Access to 57th St. will need to comply with SDDOT and Engineering Design Standard requirements.
- b. A traffic study will need to be completed and all development will need access to a paved surface before final engineering plans are approved.

- c. Oversized water lines will need to be installed by the developer along 57th St. to provide water services to the development of the area.
- d. Sanitary sewer is currently at 57th St. and SD Hwy. 11. It will be the developer's responsibility to obtain sanitary sewer through adjacent properties.
- e. The developer will be required to construct an interim post-construction BMP until regional BMPs are constructed by the City.

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

That the following described properties be and the same hereby are included within the corporate limits of the city of Sioux Falls, Lincoln County, and the boundary of the city is hereby extended to include such territory.

Government Lots 1 and 2 in Section 9, T100N, R49W of the 5th P.M., and the 66' of section line right-of-way lying adjacent thereto, Lincoln County, South Dakota.

And that the City Clerk shall cause to be filed with the Register of Deeds, Lincoln County, South Dakota, a duly certified transcript of this resolution.

Date adopted: 10/06/08.

Dave

Muson

Mayor

ATTEST:

Debra A. Owen

City Clerk

Council Member Litz left the meeting at this time.

31. A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 143-08. (ANNEXATION LEGAL DESCRIPTION CORRECTION 2008-05-14 - 26TH ST. AND SD HWY. 11 HALLSTROM.)

Proposed Res0006

Staff Report

Annexation Map

A motion was made by Council Member Anderson Jr. and seconded by Council Member Jamison to adopt said Resolution 158-08.

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

RESOLUTION NO. 158-08

ANNEXATION LEGAL DESCRIPTION CORRECTION
2008-05-14-26THST. AND SD HWY. 11 HALLSTROM

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO.

143-08.

WHEREAS, on August 18, 2008, the City Council of the City of Sioux Falls adopted Resolution No. 143-08 to

include certain contiguous territory within the corporate limits of the city of Sioux Falls, South Dakota.

WHEREAS, the annexation map boundaries have been approved by the City Council.

WHEREAS, the legal description as set forth in Resolution 143-08 was not accurate.

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

That the legal description as set forth in Resolution 143-08 hereby is amended to read as follows:

Parcel A: The W 567.2' of Iverson s Tract No. 6 including adjacent 26th Street right-of-way

Parcel B: Iverson s Tract No. 6A except Lots 1 and 2 thereof

Parcel C: Lot 2 Iverson s Tract No. 6A

All above within the NW1/4 of Section 30, T101N, R48W, Minnehaha County, SD

And that the City Clerk shall cause to be filed with the Register of Deeds, Minnehaha County, South Dakota, a

duly certified transcript of this resolution.

Date adopted: 10/06/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

ADJOURNMENT

A motion was made by Council Member Knudson and seconded by Council Member Litz to adjourn at 8:28 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