

City of Sioux Falls Council Meeting

Minutes

Carnegie Town Hall, 235 West 10th Street

MEETING OF Tuesday, October 13, 2015, at 7 PM

ROLL CALL

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

PRESENT

ABSENT

Council Member Greg Jamison

Council Member Dean Karsky

Council Member Rick Kiley

Council Member Rex Rolfing

Council Member Kermit L. Staggers

Council Member Kenny Anderson Jr.

Council Member Christine M. Erickson

Council Member Michelle Erpenbach

Mayor Mike T. Huether

INVOCATION

Senior Pastor Isaiah Allen, Prairie Hills Covenant Church

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PLEDGE OF ALLEGIANCE

PROCLAMATIONS

Soroptimist Day, October 13, 2015

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RECOGNITION/AWARDS

The 2015 Sioux Falls Mayoral Beautification Excellence Awards were presented at this time.

Recognition of a City Employee - Honoring retiring Police Chief Doug Barthel.

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2015 Sioux Falls Mayoral Beautification Excellence Award for

* Residential was awarded to Warren Shoberg.

2015 Sioux Falls Mayoral Beautification Excellence Award for
* Commercial was awarded to Nick's Gyros.

2015 Sioux Falls Mayoral Beautification Excellence Award for Community
* Advocate was awarded to Michelle Jackson.

The Recognition of a City Employee was held at this time.

CONSENT AGENDA ITEMS

APPROVAL OF CONSENT AGENDA

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

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

MINUTES

Informational Meeting on Tuesday, October 6, 2015, at 4 p.m.

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Regular City Council Meeting on Tuesday, October 6, 2015 at 7 p.m.

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COMMUNICATIONS

1. Approval of contracts/agreements on the October 8, 2015, memo.

Report of Requests for Quotes for Fuel dated: September 30, 2015; E-10

2. Unleaded Ethanol/87 Octane; 8,500 Gallons; Harms Oil (\$1.8571); Cole's Petroleum (\$1.8840); CHS, Inc. (\$1.8889); Howes Oil (\$1.9235); and Olson Oil, no bid. Bid awarded to: Harms Oil.

Report of Requests for Quotes for Fuel dated: October 6, 2015; #2 Dyed

3. Diesel; 3,000 Gallons; Howes Oil (\$1.939); Midwest Oil (\$1.879); and Midway Service (\$1.850). Bid awarded to: Midway Service.

REGULAR AGENDA ITEMS

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Christine M. Erickson and seconded by Council Member Michelle Erpenbach to approve the Regular Agenda.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

PUBLIC INPUT

Dan Daly spoke about wearing hats during a City Council meeting; false arrests; problems with gaining access to speak to some City employees;

problems with a Code Enforcement employee; and the Wounded Warrior Project.

Sierra Broussard spoke about numerous calls to hotels regarding problems with pimps, prostitutes and drugs; a proposed city ordinance to address numerous calls to hotels; wanting the police to patrol the streets; seeing Latin King gang members at local hotels; and a racial dispute incident.

INTRODUCTION AND ADOPTION OF ORDINANCES

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 4. OF ORDINANCES OF THE CITY BY REPEALING SUBCHAPTER "ULTIMATE FIGHTING" OF CHAPTER

113 "AMUSEMENTS" AND SECTION 131.006 "ULTIMATE FIGHTING, CONTEST OR EXHIBITIONS."

A motion was made by Council Member Dean Karsky and seconded by Council Member Michelle Erpenbach to adopt said Ordinance 96-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, 5. PROVIDING SUPPLEMENTAL APPROPRIATIONS. Highways and Streets (\$3,110,000); Parks and Recreation (\$1,597,000), and Police (\$690,000).

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Ordinance 97-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, October 19, 2015, at 7 p.m. for Item 6:

1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE CODE 6. OF ORDINANCES OF THE CITY BY REVISING THE FEES SUBCHAPTER OF CHAPTER 95 PARKS AND RECREATION.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to set a date of hearing and 2nd Reading for Monday, October 19, 2015.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

Set a date of hearing and 2nd Reading for Monday, October 19, 2015, at 7 p.m. for Item 7:

7. 1st Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, CORRECTING LEGAL DESCRIPTIONS OF ORDINANCE NO. 58-15.

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Dean Karsky to set a date of hearing and 2nd Reading for Monday, October 19, 2015.

Vote to set a date: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

HEARINGS AND RESOLUTIONS

A RESOLUTION AMENDING THE 2015-2019 CAPITAL PROGRAM. (Public Works - 8. Highways and Streets, \$2,860,000; Public Works - Water Reclamation, \$600,000; Public Works - Highways and Streets/Storm Drainage, \$250,000; Fire, \$70,000; and Parks and Recreation, \$1,597,000).

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution 105-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 105-15

A RESOLUTION AMENDING THE 2015-2019 CAPITAL PROGRAM.

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

That the 2015-2019 Capital Program shall be amended as follows:

Public Works-Highways and Streets

Amend Capital Improvements Program Project No. 11006, Arterial Street Improvements, by increasing the amount of funding for Arterial Street Platting Fees by \$260,000 in 2015. The additional funding will require an increase in appropriations that will be funded by platting fees collected.

Amend Capital Improvements Program Project No. 11009, Right of Way Acquisition and Restoration, by increasing the amount of funding by \$2,000,000 for right of way acquisition in 2015. The additional funding will require an increase in appropriations that will be funded by reimbursement from South Dakota Department of Transportation's Surface Transportation Program (STP) funds.

Amend Capital Improvements Program Project No. 11010, Traffic Signal Improvements, by increasing the amount of funding by \$600,000 for construction in 2015. The additional funding will require an increase in appropriation that will be funded by reimbursement from the South Dakota Department of Transportation.

Public Works-Water Reclamation

Amend the Capital Improvements Program by adding a new project, Basin 14D Sanitary Sewer Extension, in 2015. The estimated cost is \$600,000 for engineering. This will not require an increase in appropriations as it will be funded by State Revolving Loan Funds.

Public Works-Highways and Streets/Storm Drainage

Amend Capital Improvements Program Project No.11022, Unforeseen Drainage Improvements, in 2015. The estimated cost is \$250,000 for right of way. The project will require an increase in appropriations that will be funded by reimbursement from the South Dakota Department of Transportation.

Fire

Amend the Other Capital Expenditures Program by adding a portable vehicle lift in 2015. The estimated cost is \$70,000. This will not require an increase in appropriations as it will be funded by the Sales/Use Tax Fund, with remaining funds in Capital Improvement Program Project No. 09003, Fire Station Sprinkler System.

Parks and Recreation

Amend Capital Improvements Program Project No. 14026, Zoo Master Plan Improvements, by increasing the amount of funding for construction of the brown bear exhibit by \$1,597,000 in 2015. The additional funding will require an increase in appropriations that will be funded by a donation from the Zoological Society.

Date adopted: 10/13/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION ABATING SNOW REMOVAL, STORM SEWER, AND DRAINAGE ASSESSMENTS ON 9. CERTAIN PARCELS WITHIN CANDLELIGHT ACRES SECOND ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

A motion was made by Council Member Rick Kiley and seconded by Council Member Christine M. Erickson to adopt said Resolution 106-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 106-15

A RESOLUTION ABATING SNOW REMOVAL, STORM SEWER, AND DRAINAGE ASSESSMENTS ON CERTAIN PARCELS WITHIN CANDLELIGHT ACRES SECOND ADDITION TO THE CITY OF SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, City records show that Candle Development, LLC; Daniels Residential, Inc.; Core Properties, LLC; and/or James P. Daniels have, at all relevant times herein, owned property in full or in part which is described in Lincoln County tax records as follows:

1. Parcel 280.88.00.100, legally described as Tract (1), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.02.016, legally described as Lot Sixteen (16), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.02.017, legally described as Lot Seventeen (17), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.02.018, legally described as Lot Eighteen (18), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.02.019, legally described as Lot Nineteen (19), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.02.026, legally described as Lot Twenty-Six (26), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.02.027, legally described as Lot Twenty-Seven (27), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.02.028, legally described as Lot Twenty-Eight (28), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
2. Parcel 280.88.02.029, legally described as Lot Twenty-Nine (29), Block Two (2), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.07.012, legally described as Lot Twelve (12), Block Seven (7), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.07.013, legally described as Lot Thirteen (13), Block Seven (7), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.07.014, legally described as Lot Fourteen (14), Block Seven (7), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.07.015, legally described as Lot Fifteen (15), Block Seven (7), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.09.005, legally described as Lot Five (5), Block Nine (9), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.11.005, legally described as Lot Five (5), Block Eleven (11), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.11.006, legally described as Lot Six (6), Block Eleven (11),

in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.

1. Parcel 280.88.11.007, legally described as Lot Seven (7), Block Eleven (11), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.
1. Parcel 280.88.11.008, legally described as Lot Eight (8), Block Eleven (11), in Candlelight Acres Second Addition to the City of Sioux Falls, Lincoln County, SD, according to the plat(s) thereof.

WHEREAS, Section 51.100 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish storm drainage charges against real property within the city for the operation, maintenance, and capital expenses of the storm drainage system and the City has, in fact, established and charged such drainage system fees; and

WHEREAS, Section 96.033 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish annual street maintenance charges against real property within the city for maintaining or repairing street surfacing or pavement and drainage system and the City has, in fact, established and charged such street maintenance fees; and

WHEREAS, Sections 96.101, 96.103, and 96.104 of the Code of Ordinances of Sioux Falls, SD, authorize the City to collect the costs of snow removal by the City when the landowner fails to do so;

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

The City finds that uncollected fees should be removed from the tax rolls for the above-listed parcels based on the following findings:

1. A total of One Thousand Five Hundred Sixty-Eight Dollars and Forty Cents (\$1,568.40) in storm drainage fees were filed against the above-listed parcels for collection along with property taxes due from 2009 through 2014.
1. A total of Eight Thousand Six Hundred Thirty-One Dollars (\$8,631.00) in street maintenance fees were filed against the above-listed parcels for collection along with property taxes due from 2009 through 2014.
1. A total of Three Hundred Twenty-Three Dollars and Eighty-Six Cents (\$323.86) in snow removal fees were filed against parcels 280.88.02.016 and 280.88.02.017 for collection along with property taxes due in 2009.
1. The above-stated storm drainage, street maintenance, and snow removal fees were never paid and remain delinquent as shown on Attachment A.
1. All of the above-listed parcels have been the subject of proceedings for failure to pay real property taxes and special assessments as provided by law. Lincoln County obtained Tax Sale Certificates and, further, obtained Tax Title to the parcels.
1. Lincoln County conveyed the above-listed parcels to the City of Sioux Falls by means of a Quit Claim Deed on February 24, 2015.
1. The foregoing fees do not constitute special assessments within the meaning of SDCL 9-43-112, and the Lincoln County treasurer has notified the City that such fees remain uncollected and delinquent. These fees cannot and have

not been satisfied, relinquished, or otherwise resolved in the tax proceedings.

1. Because the fees were never collected with the property taxes and remain due and owing to the City, collecting the delinquent charges as against the property is no longer a valid remedy and recourse against the prior owner(s) is the proper means to undertake such collection.
1. The City finds that the above-listed fees should be removed as against the property listed above in the same manner as property taxes are abated.

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

The Sioux Falls City Council is satisfied beyond a doubt that the fees imposed against the above-stated parcels would be unjust, inequitable, or invalid if collected against the City itself as the current owner of the property and should be abated as against the City without prejudice to the City's ability to collect such fees otherwise from the former owner(s); and

One Thousand Five Hundred Sixty-Eight Dollars and Forty Cents (\$1,568.40) in storm drainage fees for the above-listed parcels that were charged from 2009 through 2014 and remain uncollected are hereby removed or abated as against the property listed above; and

Eight Thousand Six Hundred Thirty-One Dollars (\$8,631.00) in street maintenance fees for the above-listed parcels that were charged from 2009 through 2014 and remain uncollected are hereby removed or abated as against the property listed above; and

Three Hundred Twenty-Three Dollars and Eighty-Six Cents (\$323.86) in snow removal fees that were charged for parcels 280.88.02.016 and 280.88.02.017 in 2009 and remain uncollected are hereby removed or abated as against the property listed above;

All without prejudice to the City's efforts to collect the fees from the former owner or otherwise as provided by law.

Date adopted: 10/13/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

10. A RESOLUTION ABATING STORM DRAINAGE AND STREET MAINTENANCE FEES TO AVOID DOUBLE COLLECTION FOR THE SAME LAND WITHIN LINCOLN COUNTY, SD.

A motion was made by Council Member Rex Roling and seconded by Council Member Michelle Erpenbach to adopt said Resolution 107-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 107-15

A RESOLUTION ABATING STORM DRAINAGE AND STREET MAINTENANCE FEES TO AVOID DOUBLE COLLECTION FOR THE SAME LAND WITHIN LINCOLN COUNTY, SD.

WHEREAS, Velda Baatz and Alice Engverson have, at all relevant times, owned property described in Lincoln County, SD, tax records as follows:

Parcel 280.50.08.1040 (formerly known as Lincoln County Parcel 100.49.08.1040) and legally described as:

GOVT LOT 1-NE 1/4 EX .71 AC RD, LOT H-1, H-2, H-3, A, & B (2010 DESCRIPTION)

GOVT LOT 1-NE 1/4 EX BENDS ADD & .71 AC RD, LOT H-1, H-2, H-3, A & B (2011-2014 DESCRIPTION)

WHEREAS, Section 51.100 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish storm drainage charges against real property within the city for the operation, maintenance, and capital expenses of the storm drainage system and the City has, in fact, established and charged such drainage system fees; and

WHEREAS, Section 96.033 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish annual street maintenance charges against real property within the city for maintaining or repairing street surfacing or pavement and drainage system and the City has, in fact, established and charged such street maintenance fees; and

WHEREAS, a total of Ten Thousand Seven Hundred Four Dollars and Fourteen Cents (\$10,704.14) in storm drainage fees were charged by the City of Sioux Falls against Lincoln County Parcel 280.50.08.1040 for collection along with property taxes for tax years 2010-2014 and remain uncollected; and

WHEREAS, a total of Five Thousand One Hundred and no/100 Dollars (\$5,100.00) in street maintenance fees were charged by the City of Sioux Falls against Lincoln County Parcel 280.50.08.1040 for collection along with property taxes for tax years 2010-2014 and remain uncollected; and

WHEREAS, property taxes for the above-described land were abated by the Sioux Falls City Council on January 20, 2015, insofar as property taxes for the same property had already been paid prior to replatting or annexation under Lincoln County Parcel 100.49.08.1040; and

WHEREAS, Lincoln County has now notified the City of Sioux Falls that the above-referenced drainage and street maintenance fees were previously paid under Lincoln County Parcel 100.49.08.1040;

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

The City Council is satisfied beyond a doubt that the fees imposed against the above-stated property have already been paid under Parcel 100.49.08.1040 and collection of the above-stated fees again under Parcel 280.50.08.1040 would be invalid, inequitable, or unjust for the tax years 2010-2014; and

A total of Ten Thousand Seven Hundred Four Dollars and Fourteen Cents (\$10,704.14) in storm drainage fees charged by the City of Sioux Falls against Lincoln County Parcel 280.50.08.1040 are hereby abated for tax years

2010-2014; and

A total of Five Thousand One Hundred and no/100 Dollars (\$5,100.00) in street maintenance fees charged by the City of Sioux Falls against Lincoln County Parcel 280.50.08.1040 are hereby abated for tax years 2010-2014.

Date adopted: 10/13/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

11. A RESOLUTION ABATING STORM DRAINAGE FEES CHARGED TO CONDOMINIUM OR APARTMENT COMMON AREA PARCELS WITHIN LINCOLN COUNTY, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Christine M. Erickson to adopt said Resolution 108-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 108-15

A RESOLUTION ABATING STORM DRAINAGE FEES CHARGED TO CONDOMINIUM OR APARTMENT COMMON AREA PARCELS WITHIN LINCOLN COUNTY, SD.

WHEREAS, Holcomb Freightliner, Inc. has, at all relevant times, owned property described in Lincoln County, SD, tax records as follows:

Parcel 280.75.00.2B12, legally described as Tract 2, Lot B1, Tract 2 Lundstrom's Second Subdivision, Yankton Trail Condos (Common Area), Lincoln County, SD;

WHEREAS, Southern Properties has, at all relevant times, owned property described in Lincoln County, SD, tax records as follows:

Parcel 280.92.03.009, legally described as Lot 9, Block 3, Reserve Addition (Common Area), Lincoln County, SD;

Parcel 280.92.03.010, legally described as Lot 10, Block 3, Reserve Addition (Common Area), Lincoln County, SD;

Parcel 280.92.03.011, legally described as Lot 11, Block 3, Reserve Addition (Common Area), Lincoln County, SD;

WHEREAS, Section 51.100 of the Code of Ordinances of Sioux Falls, SD, authorizes the City of Sioux Falls to establish storm drainage charges against real property within the city for the operation, maintenance, and capital expenses of the storm drainage system and the City has, in fact, established and charged such drainage system fees; and

WHEREAS, One Hundred Seventy-Seven Dollars and Seventy-Six Cents (\$177.76) in storm drainage fees were charged by the City of Sioux Falls against Lincoln County Parcel 280.75.00.2B12 for collection along with property taxes for tax year 2009; and

WHEREAS, One Hundred Fifty-Two Dollars and Four Cents (\$152.04) in storm drainage fees were charged by the City of Sioux Falls against Lincoln County Parcel 280.92.03.009 for collection along with property taxes for tax year 2010; and

WHEREAS, One Hundred Fifty-Seven Dollars and Eighty-Two Cents (\$157.82) in storm drainage fees were charged by the City of Sioux Falls against Lincoln County Parcel 280.92.03.010 for collection along with property taxes for tax year 2009; and

WHEREAS, One Hundred Sixty Dollars and Thirty-Eight Cents (\$160.38) in storm drainage fees were charged by the City of Sioux Falls against Lincoln County Parcel 280.92.03.011 for collection along with property taxes for tax year 2010; and

WHEREAS, the above-stated storm drainage fees were never paid and remain delinquent;

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

The City Council is satisfied beyond a doubt that the fees imposed against the above-stated parcels were invalid, inequitable, or unjust for the tax years 2009-2010; and

One Hundred Seventy-Seven Dollars and Seventy-Six Cents (\$177.76) in storm drainage fees that were charged by the City of Sioux Falls against Lincoln County Parcel 280.75.00.2B12 for collection along with property taxes in 2009 and that remain uncollected are hereby abated; and

One Hundred Fifty-Two Dollars and Four Cents (\$152.04) in storm drainage fees that were charged by the City of Sioux Falls against Lincoln County Parcel 280.92.03.009 for collection along with property taxes in 2010 and that remain uncollected are hereby abated; and

One Hundred Fifty-Seven Dollars and Eighty-Two Cents (\$157.82) in storm drainage fees that were charged by the City of Sioux Falls against Lincoln County Parcel 280.92.03.010 for collection along with property taxes in 2009 and that remain uncollected are hereby abated; and

One Hundred Sixty Dollars and Thirty-Eight Cents (\$160.38) in storm drainage fees that were charged by the City of Sioux Falls against Lincoln County Parcel 280.92.03.011 for collection along with property taxes in 2010 and that remain uncollected are hereby abated.

Date adopted: 10/13/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION ABATING STORM DRAINAGE AND STREET MAINTENANCE FEES ON PARCEL 12. 280.50.10.001 IN THE PRAIRIE TREE ADDITION IN SIOUX FALLS, LINCOLN COUNTY, SD.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution 109-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 109-15

A RESOLUTION ABATING STORM DRAINAGE AND STREET MAINTENANCE FEES ON PARCEL 280.50.10.001 IN THE PRAIRIE TREE ADDITION IN SIOUX FALLS, LINCOLN COUNTY, SD.

WHEREAS, City of Sioux Falls records show that U.S. Bank NA as Trustee, U.S. Bank, and Lincoln County, SD, have owned the following property in full or in part at all times relevant herein:

Parcel 280.50.10.001, a ditch originally adjoining Block 9, now adjoining Block 15 of Prairie Tree Addition in the City of Sioux Falls, Lincoln County, SD

WHEREAS, Section 51.100 of the Code of Ordinances of Sioux Falls, SD (the "Code") authorizes the City of Sioux Falls to establish storm drainage charges against real property within the city for the operation, maintenance, and capital expenses of the storm drainage system, and the City has, in fact, established and charged such drainage system fees; and

WHEREAS, Section 96.033 of the Code authorizes the City to establish annual street maintenance charges against real property within the city for maintaining or repairing street surfacing or pavement and drainage system, and the City has, in fact, established and charged such street maintenance fees;

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

The City finds that uncollected fees should be removed from the tax rolls for the above-listed parcel based on the following findings:

1. A total of One Thousand Eight Hundred Sixty-Nine Dollars and Sixty-Two Cents (\$1,869.62) in storm drainage fees were filed against the above-listed parcel for collection along with property taxes due for tax years 2005 through 2014.
1. A total of One Thousand Six Hundred Ninety-Two and no/100 Dollars (\$1,692.00) in street maintenance fees were filed against the above-listed parcel for collection along with property taxes due for tax years 2005 through 2014.
1. The above-stated storm drainage and street maintenance fees were never paid and remain delinquent.
1. The listed parcel has been the subject of proceedings for failure to pay real property taxes and special assessments as provided by law. Lincoln County obtained Tax Sale Certificates and obtained Tax Title to the parcels. Lincoln County conveyed the above-listed parcel to the City by means of a Quit Claim Deed on April 7, 2015.

1. The foregoing fees do not constitute special assessments within the meaning of SDCL 9-43-112. The Lincoln County treasurer has notified the City that such fees remain uncollected and delinquent. These fees cannot and have not been satisfied, relinquished, or otherwise resolved in the tax proceedings.
1. Because the fees were never collected with the property taxes and remain due and owing to the City, collecting the delinquent charges as against the property is no longer a valid remedy and recourse against the prior owner(s) is the proper means to undertake such collection.
1. The City finds that the above-listed fees should be removed as against the property listed above in the same manner as property taxes are abated.

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

The Sioux Falls City Council is satisfied beyond a doubt that the fees imposed against the above-stated parcels would be unjust, inequitable, or invalid if collected against the City itself as the current owner of the property and should be abated as against the City without prejudice to the City's ability to collect such fees otherwise from the former owner(s); and

One Thousand Eight Hundred Sixty-Nine Dollars and Sixty-Two Cents (\$1,869.62) in storm drainage fees that were charged from 2005 through 2014 and remain uncollected are hereby removed or abated as against the property listed above; and

One Thousand Six Hundred Ninety-Two and no/100 Dollars (\$1,692.00) in street maintenance fees that were charged from 2005 through 2014 and remain uncollected are hereby removed or abated as against the property listed above; and

All without prejudice to the City's efforts to collect the fees from the former owner(s) or otherwise as provided by law.

Date adopted: 10/13/15 .

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

A RESOLUTION APPROVING THE RELEASE OF 20' PERMANENT DRAINAGE EASEMENTS
13. LOCATED IN LOT 2, BLOCK 3 AND TRACT 1, BROOKS CROSSING ADDITION TO THE CITY
OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

A motion was made by Council Member Kenny Anderson Jr. and seconded by Council Member Rex Roling to adopt said Resolution 110-15.

Vote to adopt: Roll Call: Yeses, Greg Jamison, Dean Karsky, Rick Kiley, Rex Roling, Kermit L. Staggers, Kenny Anderson Jr., Christine M. Erickson, Michelle Erpenbach, 8. Noes, 0.

Motion Passed.

RESOLUTION NO. 110-15

A RESOLUTION APPROVING THE RELEASE OF 20% PERMANENT DRAINAGE EASEMENTS LOCATED IN LOT 2, BLOCK 3 AND TRACT 1, BROOKS CROSSING ADDITION TO THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA.

WHEREAS, the City of Sioux Falls, South Dakota, no longer needs portions of the 20% permanent drainage easement areas 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 20% permanent drainage easements over, under, and upon Lot 2, Block 3 of Brooks Crossing Addition to the City of Sioux Falls, Minnehaha County, South Dakota, were granted by plat in Book 71 of Plats on page 24 in the office of the Register of Deeds for Minnehaha County, SD, on February 20, 2009.

WHEREAS, the 20% permanent drainage easements over, under, and upon Lot 2, Block 3 and Tract 1, Brooks Crossing Addition to the City of Sioux Falls, Minnehaha County, South Dakota, were reaffirmed by plat in Book 77 of Plats on page 203 in the office of the Register of Deeds for Minnehaha County, SD, on August 27, 2015.

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 now described as Lot 2, Block 3 and Tract 1, Brooks Crossing Addition to the City of Sioux Falls, Minnehaha County, South Dakota, 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: 10/13/15.

Mike T. Huether

Mayor

ATTEST:

Lorie Hogstad

City Clerk

NEW BUSINESS

There was none.

ADJOURNMENT

A motion was made by Council Member Michelle Erpenbach and seconded by Council Member Rex Roling to adjourn at 8:08 p.m.

Mayor Mike T. Huether called for a voice vote. All members said 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.

AS YOUR ELECTED REPRESENTATIVES, THE CITY COUNCIL VALUES YOUR INPUT AND FEEDBACK. WHEN THE CITY COUNCIL WILL ACT AS A DECISION-MAKER ON AN UPCOMING MATTER INVOLVING A LICENSE OR A PERMIT, PERSONS ARE ENCOURAGED TO PROVIDE WRITTEN COMMENTS TO THE ENTIRE CITY COUNCIL OR TO PROVIDE ORAL COMMENT AT THE PUBLIC MEETING WHEN THAT ITEM IS CONSIDERED BY THE ENTIRE CITY COUNCIL. THOSE WHO PROVIDE COMMENTS IN ANY MANNER SHOULD UNDERSTAND THAT THEIR COMMENTS MAY BECOME PART OF THE OFFICIAL RECORD AND SUBJECT TO REVIEW BY ALL PARTIES AND THE PUBLIC.

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 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 P.M. THE JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AIR LIVE THE FOURTH TUESDAY OF EACH MONTH AT 5 P.M. REGULAR MEETINGS OF THE CITY COUNCIL ARE ALSO ARCHIVED AND AVAILABLE FOR VIEWING ON DEMAND AT 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 A.M. ON THURSDAYS, AND 6 P.M. ON SATURDAYS. COUNCIL COMMITTEE MEETINGS AT 12:30 A.M. AND 8 A.M. ON THURSDAYS, AND 5 P.M. ON SATURDAYS. CITY COUNCIL MEETINGS AT 2:30 AM AND 10 A.M. ON THURSDAYS, AND 7 P.M. ON SATURDAYS. JOINT CITY COUNCIL/MINNEHAHA COUNTY COMMISSION MEETINGS AT 8 A.M. ON FIRST FRIDAY AFTER LIVE MEETING AND 1 P.M. ON FIRST SUNDAY AFTER LIVE MEETING.