

THE MINNEHAHA COUNTY COMMISSION CONVENED IN JOINT SESSION WITH THE SIOUX FALLS CITY COUNCIL AT 5:00 P.M., February 19, 2002, pursuant to adjournment of this morning's Commission Meeting. Commissioners present were Kolbe, O'Connor, Pekas, Twedt, and Zweep. Jody Hilmoe, Deputy Auditor, was also present.

City Council Members present were: Baker, Gleason, Jamison, Kelly, Rust, Smith and Mayor Hanson. Council Members Grevlos and Kavanaugh absent.

Chairman Kolbe called the meeting to order.

ZONING HEARING

Dave Queal, Planning Director, was present for the second reading and public hearing of an amendment to the 1983 Comprehensive Extraterritorial Zoning Regulations for Minnehaha County and the City of Sioux Falls which would rezone from the A-1 Agricultural District to the RC Recreation/Conservation District property legally described as Tract 8 and Tract 9 Perry Warren Estate's Addition (ex Weir's Lot 1) NE1/4 Section 29-T101N-R48W; Weir's Lot 1 in Tract 8 Perry Warren Estate's Addition NE1/4 Section 29-T101N-R48W; Blocks 1, 2, 8 and 9 and Tract B Block 3 O'Hanlons Addition to East Sioux Falls. This property is located two miles east of Sioux Falls and both the City and County Planning Commissions have recommended approval of this rezoning. He stated that the rezoning is necessary because this land is to be used as a park and A-1 Agricultural zoning does not allow parks. He also noted that the City and County Planning Commissions will begin consideration next week of updates to the extraterritorial zoning regulations for the City and County. City Parks Director Mike Cooper briefly commented on future plans for Arrowhead Park, which includes this subject property. There was no one present who wished to speak to this item. MOTION by Zweep, seconded by Twedt to approve Ordinance MC5-78-02. 5 ayes. City concurred.

ORDINANCE MC5-78-02

AN ORDINANCE AMENDING ORDINANCE MC5-83 BY REZONING CERTAIN PROPERTY.

BE IT ORDAINED BY MINNEHAHA COUNTY, SOUTH DAKOTA:

That Ordinance MC5-83 be amended as follows:

Tract 8 and Tract 9 Perry Warren Estates Addition (ex Weirs Lot 1) NE1/4 Section 29-T101N-R48W; Weirs Lot 1 in Tract 8 Perry Warren Estates Addition NE1/4 Section 29-T101N-R48W; Blocks 1, 2, 8 and 9 and Tract B Block 3 O'Hanlons Addition to East Sioux Falls are hereby rezoned from A-1 Agricultural to RC Recreation/Conservation and the official zoning map referred to in Article 2.03(A) is amended to include the property in the RC Recreation/Conservation District.

Approved this 19th day of February, 2002

BOARD OF COUNTY COMMISSIONERS  
Robert Kolbe  
Michael J. O'Connor  
John Pekas  
James Zweep  
Carol Twedt

ATTEST:  
Jody Hilmoe  
Deputy Auditor

VACATION OF RIGHT-OF-WAY

Dave Queal, Planning Director, was present for the scheduled hearing to consider Vacation of Public Right-Of-Way of a portion of Joe Drive located in the Pine Hills Addition, located approximately 1 mile east of the Sioux Falls City limits. He stated that it is doubtful that the land to the north of this right-of-way will be developed prior to annexation to the City of Sioux Falls, that this dedicated right-of-way has never been used as such, and recommended that the Commission approve the vacation. He noted that, if they choose to approve, the City must concur with that action in order for the vacation to be filed. MOTION by O'Connor, seconded by Zweep to approve Resolution MC02-07. 5 ayes. Lyle Johnson, City Public Works Director, stated that vacating this right-of-way would be premature at this time, and recommended waiting to see if it is needed as a collector street. Galen Smidt, petitioner, stated that he owns the property immediately to the west of the right-of-way and, as his lot is narrower than others in the area, he would have to build his house facing Joe Drive while his neighbors would face onto 38th Street, if this vacation is not approved. He also stated that this right-of-way isn't needed as Bingen Drive, only a block to the east, is a through street, and vacation of this right-of-way would also give him and the neighbor on the opposite side an additional 33 feet on their lots. The City Council passed a motion to defer their decision on this vacation for one month.

RESOLUTION MC02-07  
RESOLUTION TO VACATE PUBLIC RIGHT-OF-WAY

WHEREAS, a public hearing was held on February 19, 2002, pursuant to the provisions of SDCL 31-3-7 to consider a petition to vacate a platted public right-of-way; and

WHEREAS, said hearing was for the purpose of determining whether the public interest will be better served by such proposed vacation.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, by the Minnehaha County Board of Commissioners that the following described public right-of-way, recorded in Book 32 Page 176 of Plats, is hereby declared vacated:

That portion of Joe Drive located which lies between Lot 5 Block 1 and Lot 3 Block 4 of Pine Hill Addition in the S1/2 of SW1/4 Section 29-T101N-R48W of the 5<sup>th</sup> P.M., Minnehaha County, South Dakota.

BE IT FURTHER RESOLVED, pursuant to SDCL 31-3-44, that this resolution be forwarded to the City of Sioux Falls for concurrence.

BE IT FURTHER RESOLVED, that this resolution be placed on file with the Minnehaha County Auditor and, upon concurrence by the City of Sioux Falls, recorded with the Minnehaha County Register of Deeds.

Dated the 19th day of February, 2002.

APPROVED BY THE COMMISSION

Robert Kolbe

Michael J. O'Connor

John Pekas

Carol Twedt

James Zweep

ATTEST:

Jody Hilmoe

Deputy Auditor

#### NEW BUSINESS

Ken McFarland, Administrative Assistant, presented and read a letter to the City Council from the County Commission in response to a proposed lease, prepared by the City, between the County and the Multi-Cultural Center (MCC) for the Recreation Center. The letter states that the County has made it clear on numerous occasions that the Recreation Center property is needed for County building and parking needs, and that the MCC has been made aware for some time that they must find a new location. Discussion followed between the Commission and the Council, and both reaffirmed their support of the MCC and offered their assistance in finding a new location for it. Qadir Aware, MCC's Director, and Dr. Jerry Walton, who is on its board of directors, stated that they have been looking for an alternative location, and Dr. Walton asked that the County give them a timeline as to when they will be expected to vacate.

MOTION by Twedt, seconded by O'Connor to adjourn until the regular Commission Meeting at 9:00 a.m. on February 26, 2002. 5 ayes.

Jody Hilmoe, Deputy Auditor