

|| City of Sioux Falls Special Council Meeting Agenda |  
|| SPECIALMEETING OFMonday, September 29, 2008at 4:00 p.m. |

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Gerald Beninga  
Vernon Brown  
Pat Costello  
Greg Jamison  
De Knudson  
Bob Litz  
Kermit Staggers  
Kenny Anderson Jr.  
Mayor Dave Munson

PLEDGE OF ALLEGIANCE

NEW BUSINESS

Reconsideration of a Veto:

1. A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

Document: Veto Message Recd 091908

Document: Adoption of Budget Without Amendments

Document: Adoption of Budget With Amendments

Document: Action taken on this item at the 09/15/08 City Council Meeting

[Link to Action Taken at 09/15/08 City Council Meeting - Item 24](#)

ADJOURNMENT

Date: 2008-09-29  
SIRE Meeting ID: 1240  
Meeting Type: Special Council Meeting

YouTube:<https://youtu.be/coXH2E8i-I4>  
Agenda Item: Not Assigned  
Item ID: 54897

The following document(s) are public records obtained from the  
City of Sioux Falls.

## Veto Message

Chairman Litz and members of the Sioux Falls, City Council, I herewith return Resolution Number 0155-08 together with attached amendment entitled "A Resolution Adopting the Budget for the Fiscal Year Ending December 31, 2009". I hereby invoke the power of the Mayor pursuant to Charter provision 3.04 allowing veto of individual appropriation items in the budget. Specifically, I am vetoing the provisions of amendment number one adopted by the City Council which reduced 2008 contracted service agreements with the intent to phase out funding over the next three years for the following organizations: The Glory House, Project CAR, RSVP, Senior Companions, Youth Enrichment Services.

The City of Sioux Falls has awarded subsidies to various community organizations for many years. Subsidy financial information dates back to 1992.

Funding for each of the existing organizations has been virtually frozen at 2006 levels. The 2006 budget contained \$305,300 in subsidies for 24 organizations. The 2007 requests for funding totaled \$576,717, of which \$292,513 was approved for 25 organizations. The 2008 requests totaled \$369,905, but were frozen at 2007 levels totaling \$294.890.

In October 2006, the award letter from my office to each organization included language warning that future funding was not guaranteed. In part, *" . . . it is important for all organizations and agencies funded by the City to recognize that it will be necessary for us to closely review the level of continued support for these programs. I want to assure you that we will work hard to minimize the impact to your organization but also believe it is important that you understand that we cannot guarantee future funding at the current level."*

Similar language went out on August 2, 2007, in a letter informing them of their 2008 award. *"The 2009 budget process will include a needs assessment review. It is important for all organizations seeking funding to recognize the necessity of such a review as future funding is not guaranteed."*

And finally, language was included in letters dated January 29, 2008, asking organizations to request an appointment if they planned to submit a funding request for 2009. *"In August 2007, you were notified by mail that future subsidy funding is not guaranteed and of the City's intent to conduct a needs assessment. The Subsidy Review Committee will meet with you to review your program, your budget, and your subsidy request at that time."*

This winter, a committee of City Directors and Sioux Falls residents reviewed 25 organizations that received funding. The committee considered the following questions:

- a. Is the City mandated by local or state law to provide this service or program?
- b. Is this an essential service or program that the City would be providing on its own if it were not already being provided by this organization?
- c. Where else does this program or service get its funding?
- d. Does this program fit into one or more of the Mayor's initiatives or City Council strategic goals?

From there, the committee recommended continued funding for 13 organizations in the form of a contract with the City to be overseen by designated City departments. The City Council was apprised of our subsidy review at all phases and given multiple opportunities for review and input. The consensus was that the Council supported this administrative approach to subsidy review and the resulting contractual agreements.

I am vetoing the attached amendment because the funding it mandates is neither justified nor fair. During Council discussion of this amendment, it was revealed that the only reason for including phased-out funding for these five organizations was because their representatives chose to address the Council during an opportunity for public input on the 2009 budget. I don't believe that justifies allocating nearly \$24,000 from our general fund. Numerous other worthy organizations were also recommended for elimination which clearly would have preferred a phased-out approach as well. The majority of them accepted the city's position without protest. Simply because they chose to accept the process rather than fight it doesn't mean their mission is less significant. All of these organizations could have benefited financially from phased-out funding. Instead, after looking at how the cuts would impact their overall budgets, we believed they could all sustain themselves without City funding. Keep in mind, these organizations have been put on notice since 2006 that their funding from the City was not guaranteed. I don't believe the City needs to give them until 2011 to determine how to make up this shortfall.

Date: 2008-09-29  
SIRE Meeting ID: 1240  
Meeting Type: Special Council Meeting

YouTube:<https://youtu.be/coXH2E8i-I4>  
Agenda Item: Not Assigned  
Item ID: 54898

The following document(s) are public records obtained from the  
City of Sioux Falls.

Notice of Hearing: \_\_\_\_\_  
Date of Hearing: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING  
DECEMBER 31, 2009.

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

That the Mayor's 2009 Budget as submitted to the City Council is hereby approved.

Date adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

Date: 2008-09-29  
SIRE Meeting ID: 1240  
Meeting Type: Special Council Meeting

YouTube:<https://youtu.be/coXH2E8i-I4>  
Agenda Item: Not Assigned  
Item ID: 54899

The following document(s) are public records obtained from the  
City of Sioux Falls.

Notice of Hearing: \_\_\_\_\_  
Date of Hearing: \_\_\_\_\_  
Date Adopted: \_\_\_\_\_  
Date Published: \_\_\_\_\_  
Date Effective: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING  
DECEMBER 31, 2009.

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

That the Mayor's 2009 Budget submitted to the City Council consisting of documents entitled City of Sioux Falls All Revenue Classifications Anticipated for 2009, All Expense Classifications Request for 2009, and Revenue and Expense Summary 2006 through 2009, is hereby approved including the amendments approved at the City Council Meeting on Monday, September 15, 2008, at 7:00 p.m.

Date adopted: \_\_\_\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk



Date: 2008-09-29  
SIRE Meeting ID: 1240  
Meeting Type: Special Council Meeting

YouTube:<https://youtu.be/coXH2E8i-I4>  
Agenda Item: Not Assigned  
Item ID: 54900

The following document(s) are public records obtained from the  
City of Sioux Falls.

**Action taken at September 19, 2008 City Council Meeting.  
See highlighted sections for amendments that were approved.**

**24. [A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR  
ENDING DECEMBER 31, 2009.](#)**

[Res. 0222](#)

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Resolution 155-08.

A motion was made by Council Member Beninga and seconded by Council Member Costello to amend 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 to be provided by existing funds in the assigned departments, with funding as follows: The Glory House - \$4,917 (Community Development Department); RSVP - \$1,733 (Central Services Department); Senior Companion - \$4,000 (Health Department); Youth Enrichment - \$13,333 (Health Department).

Vote to amend: Roll Call: Yeses, Beninga, Costello, Jamison, Anderson Jr., 4. Noes, Brown, Knudson, Staggers, 3. Litz excused himself from the vote on this item. **Motion Passed.**

[A substitute motion was made by Council Member Litz and seconded by Council Member Jamison to add Project CAR to this amendment \(\\$3,217.00\). \(Central Services\).](#)

Vote on the substitute motion: Roll Call: Yeses, Beninga, Costello, Jamison, Litz, Anderson Jr., 5. Noes, Brown, Knudson, Staggers, 3. **Motion Passed.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Revenue budget by deleting \$1,101,930 in Property Taxes (2.9 % CPI adjustment pursuant to SDCL 10-13-35) and have no property tax increase. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure Budget by deleting \$10,528 from the Parks and Recreation Department, to eliminate the tree inspection program by deleting the team that enforces the trimming of trees on public boulevards. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers and seconded by Council Member Anderson Jr. to amend the 2009 General Fund budget by deleting \$370,000 in revenue, and deleting \$315,000 in expenditures, from the Engineering Department, by eliminating Red Light Camera Violations.

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

A motion was made by Council Member Staggers to amend the 2009 General Fund Revenue budget by deleting \$635,000, by eliminating the Sioux Falls Cable Franchise Fee . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$37,980 from the Human Resources Department, by eliminating Random Drug and Alcohol Testing of City Employees. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by reducing the 2009 organizations receiving contracted service agreements to the amount they received in 2008, with reductions as follows: Children's Inn - \$4,780 (Police Department); Help!Line 211 - \$7,000 (Central Services Department); Multi-Cultural Center - \$20,000 (Attorney Department); Parent Communication Network - \$1,000 (Health Department); Prairie View Prevention - Youth Counseling - \$11,849 (Police Department); Rape and Domestic Abuse Center, Inc. - \$850 (Police Department); Volunteers of America Dakotas - \$20,000 (Parks and Recreation Department); Inter-Lakes Community Action - \$19,259 (General Govt. Services Department) . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$18,000, from the Mayor's Department, by eliminating the Youth Forum . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$67,000, from the Health Department, by eliminating Southeastern Behavioral. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$62,271, from the Human Resources Department, by eliminating the Salary and Benefits Consultant. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$20,000, from the Fire Department, by reducing the amount to relocate the Chiefs and Inspectors offices amount. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers and seconded by Council Member Anderson Jr. to amend the 2009 General Fund Expenditure budget by deleting \$340, from the Planning and Building Services Department, by eliminating membership dues to the Sioux Falls Home Builders Association.

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

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by eliminating all new General Fund positions, with the exception of the five new Police positions, with reductions in the departments as follows: Human Resources - \$40,797; Central Services - \$41,691; Engineering - \$169,742; Public Works Administration - \$33,342; Street - \$113,079; Health - \$74,475; Parks and Recreation - \$39,109 . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$58,280, from the Parks and Recreation Department, by eliminating the Zoo part-time wages. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 Revenue and Expenditure budgets by eliminating the Junior Football Complex, from the Parks and Recreation Department as follows: Culture/Recreation Bond Construction Fund - \$4,179,000 (Quality of Life II Bond); Sales/Use Tax Fund - \$1,480,000 (donation by third party). **Motion dies for lack of a second.**

[Council Members Knudson and Litz withdrew their original motions to adopt Resolution 155-08.](#)

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Resolution 155-08 adopting the budget for the Fiscal Year ending December 31, 2009 - Operating Budget portion only, as amended .

[A substitute motion was made by Council Member Costello and seconded by Council Member Knudson to separate the Resolution 155-08: To adopt the Operating Budget, as amended, for 2009, by the City Council.](#)

[Vote to adopt the substitute motion - Operating Budget, as amended: Roll Call: Yeses, Anderson Jr., Jamison, Knudson, Litz, Brown, Costello, 6. Noes, Staggers, 1. Beninga excused himself from the vote on this item. Motion Passed.](#)

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Resolution 155-08 adopting the budget for the fiscal year ending December 31, 2009, **for the Capital portion only**, as amended .

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

[Document: Proposed Amendments to the Budget](#)

RESOLUTION NO. 155-08

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

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

That the Mayor's 2009 Budget submitted to the City Council consisting of documents entitled City of Sioux Falls All Revenue Classifications Anticipated for 2009, All Expense Classifications Request for 2009, and Revenue and Expense Summary 2006 through 2009, is hereby approved including the amendments approved at the City Council Meeting on Monday, September 15, 2008, at 7:00 p.m.

Date adopted: 09/15/08 .

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Pursuant to the City Charter, Section 3.04, Mayor Dave Munson is considering exercising his option to veto the above resolution; therefore, Mayor Munson did not sign the resolution. During the City Council Meeting, he advised the City Clerk that he would be taking this into consideration.**

Date: 2008-09-29  
SIRE Meeting ID: 1240  
Meeting Type: Special Council Meeting

YouTube:<https://youtu.be/coXH2E8i-I4>  
Agenda Item: Not Assigned  
Item ID: 54901

The following document(s) are public records obtained from the  
City of Sioux Falls.



*City of Sioux Falls Council*  
*Meeting Minutes*  
*Carnegie Town Hall, 235 West Tenth Street*  
**MEETING OF Monday, September 15, 2008, at 7:00 p.m.**

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**ROLL CALL #2**

**MEMBERS PRESENT/ABSENT**

**OFFICIAL AGENDA**

**Members Present:**

**Council Member Beninga**  
**Council Member Brown**  
**Council Member Costello**  
**Council Member Jamison**  
**Council Member Knudson**  
**Council Member Litz**  
**Council Member Staggers**  
**Council Member Anderson Jr.**  
**Mayor Dave Munson**

**Members Absent:**

**None.**

**INVOCATION**

- A. [Dr. Ron Tottingham, Empire Baptist Temple](#)

**PLEDGE OF ALLEGIANCE**

**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, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, Anderson Jr., 8. Noes, 0. **Motion Passed.**

**MINUTES**

A. [Informational Meeting of Monday, September 8, 2008, at 4:00 p.m.](#)

B. [Regular Council Meeting of Monday, September 8, 2008, at 7:00 p.m.](#)

## APPLICATIONS

1. Crestwood United Church, 2415 S. Sherman Ave., for 2007 Property Taxes in the amount of \$1,697.56, for 77 days, for parcel #51583. This parcel had been granted exempt status. The church was sold March 18, 2007. Taxpayer is requesting an abatement for the time they owned the parcel during that year.

## APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Brown 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 21 before Item 2; moving Item 22 before Item 12; and moving Item 23 after Item 12.

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

Vote to approve the Regular Agenda, as amended. Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, Anderson Jr., 8. Noes, 0.

## PUBLIC INPUT

[Scott Ehrisman spoke regarding the Board of Ethics Committee.](#)

[Jim Anderson spoke regarding the 2nd penny sales tax increase.](#)

[Item 21 was heard at this time. See item for action taken.](#)

## PETITIONS

2. [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](#)

A motion was made by Council Member Knudson and seconded by Council Member Jamison to **defer** the revocation to the City Council Meeting on Monday, October 6, 2008, at 7:00 p.m.



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

## **UNFINISHED BUSINESS**

### Memo

A motion was made by Council Member Knudson and seconded by Council Member Costello to approve Items 3 through 9 with one vote.

Vote to approve Items 3 through 9 with one vote: Roll Call: Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggars, Anderson Jr., 8. Noes, 0. **Motion Passed.**

A motion was made by Council Member Knudson and seconded by Council Member Brown to approve Item 10.

Vote to approve Item 10. Roll Call: Yeses, Brown, Costello, Jamison, Knudson, Litz, Staggars, Anderson Jr., 7. Noes, 0. Beninga excused himself from the vote on Item 10. **Motion Passed.**

3. [New 2008 Retail On-Off Sale Wine License for Hy-Vee Food Stores Inc., Hy-Vee Food Store #5, to be operated at 3020 East Tenth Street \(full service restaurant; CUP not required\).](#)
4. [Transfer of a 2008 Retail Liquor License from Timber Lodge Steakhouse Inc., Timber Lodge Steakhouse, 3509 West 41st Street, to Timber Lodge Steakhouse Acquisitions LLC, Timber Lodge Steakhouse, to be operated at 3509 West 41st Street, including Sunday Sales \(full service restaurant; CUP not required\).](#)
5. [Special One-Day Liquor License for Great Bear Recreation Park Inc., Great Bear Recreation Park, to be operated at 5901 East Rice Street, on October 4, 2008, for a wedding reception.](#)
6. [Special One-Day Liquor License requests for SMG to be operated at the Orpheum Theater, 315 North Phillips Avenue, on September 23, 2008, for the Humanitarian Awards, and October 4, 2008, for Viking Varieties.](#)
7. [Special One-Day Liquor License requests for SMG to be operated at the Sioux Falls Arena, 1201 North West Avenue, on December 6, 2008, for the Citibank Holiday Party; February 4, 2009, for the USHL All Star Game; March 31, 2009, for the Central Plains Dairy Expo; all 2008-2009 Home Season Games for the Stampede, all 2008-09 Home Season Games for the Skyforce; including Stampede and Skyforce possible playoff games between April 4 and May 15, 2009.](#)
8. [Special One-Day Liquor License for J&T Services to be operated at the Great](#)

[Plains Zoo and Delbridge Museum, 805 South Kiwanis Avenue, on October 18, 2008, for a wedding reception.](#)

9. [Special One-Day Package Off-Sale Wine License for the Ronald McDonald House Charities of South Dakota Inc., to be operated on Phillips Avenue in the street closure area between 2nd and 6th Streets, on September 20, 2008, for the Taste of South Dakota.](#)
10. [Special One-Day Wine License for Senior Citizens Services Inc., to be operated at the Center for Active Generations, 2300 West 46th Street, on October 23, 2008, for a wine tasting event.](#)

### **INTRODUCTION AND ADOPTION OF ORDINANCES**

11. [2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 15 1/2, FEES.](#)

[Ord. 1055](#)

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt Ordinance 113-08.

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

**Item 22 was heard at this time. See Item for action taken.**

12. [2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY INCREASING THE SALES TAX FROM .92 PERCENT TO 1 PERCENT OF THE GROSS RECEIPTS OF ALL PERSONS ENGAGED IN BUSINESS WITHIN THE JURISDICTION OF THE CITY AND COUNTY.](#)

[Ord. 0157](#)

[090208 CM Item 19](#)

**A recess was taken at 9:34 p.m. The meeting resumed at 9:44 p.m.**

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Ordinance 116-08 .

Vote to adopt: Roll Call: Yeses, Brown, Jamison, Knudson, Litz, 4. Noes, Beninga, Costello, Staggers, Anderson Jr., 4. **Mayor Munson broke the tie with a 'yes' vote. Motion Passes.**

**Item 23 was heard at this time. See Item for action taken.**

13. [2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING A NEW DIVISION 4, WATER DISTRIBUTION PLATTING FEE TO ARTICLE II, CHAPTER 41, UTILITIES.](#)

[Ord. 1061](#)  
[090208 CM Item 20](#)

A motion was made by Council Member Knudson and seconded by Council Member Brown to adopt Ordinance 114-08.  
Vote to adopt: Roll Call: Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Anderson Jr., 7. Noes, Staggers, 1. **Motion Passed.**

14. [2nd Reading: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY ADDING ARTICLE XI AN ARTERIAL STREET PLATTING FEE TO CHAPTER 38, STREETS AND SIDEWALKS.](#)

[Ord. 1062](#)  
[090208 CM Item 21](#)

A motion was made by Council Member Knudson and seconded by Council Member Jamison to adopt Ordinance 115-08.  
Vote to adopt: Roll Call: Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Anderson Jr., 7. Noes, Staggers, 1. **Motion Passed.**

**Set hearing date and 2nd Reading for Monday, October 6, 2008, at 7:00 p.m., on Items 15 through 20:**

A motion was made by Council Member Knudson and seconded by Council Member Litz to set a hearing date and 2nd Reading for Monday, October 6, 2008, at 7:00 p.m., on Items 15 through 20.

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

15. [1st 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.](#)

[Ord. 0001](#)

16. [1st 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.](#)

[Ord. 0104](#)

[PC Staff Report](#)

[PC Exhibits](#)

[PC Minutes - Item 3](#)

17. [1st 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.](#)

[Ord. 0105](#)

[PC Staff Report](#)

[PC Exhibits](#)

[PC Minutes - Item 4](#)

18. [1st 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.](#)

[Ord. 0106](#)

[PC Staff Report](#)

[PC Exhibits](#)

[PC Minutes - Item 14](#)

19. [1st 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.](#)

[Ord. 0107](#)

[PC Staff Report](#)

[PC Exhibits](#)

[PC Minutes - Item 5](#)

20. [1st 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.

Ord. 0108

PC Staff Report

PC Exhibits

PC Minutes - Item 6

## **HEARINGS AND RESOLUTIONS**

21. Deferred Action: A RESOLUTION VACATING E. 73RD ST. FROM A POINT 910' WEST OF THE QUARTER LINE OF SECTION 13-100-50, THEN WEST 872.53' AS SHOWN ON EXHIBIT 'A.'

Res. 0219

Exhibits & Petitions

A motion was made by Council Member Knudson and seconded by Council Member Costello to adopt Resolution 152-08.

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

RESOLUTION NO. 152-08

A RESOLUTION VACATING E. 73RD ST. FROM A POINT 910' WEST OF THE QUARTER LINE OF SECTION 13-100-50, THEN WEST 872.53' AS SHOWN ON EXHIBIT 'A.'

WHEREAS, a petition of the owners of Lots 3 and 4 Tract 1 Shadow Creek Addition; Tract 2A Shadow Creek 2nd Addition; Tract 3 Pike Addition; and Tract 2 Shadow Creek Addition 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 September 8, 2008, 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 not been used for public travel in the last 20 years.

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

That E. 73rd St. from a point 910' west of the quarter line of Section 13-100-50, then west 872.53' as shown on Exhibit 'A' to the City of Sioux Falls, County, South Dakota, be and the same hereby is declared vacated, 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 required or authorized by the City of Sioux Falls except in the area as shown on Exhibit 'A,' 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: 09/15/08.

Dave Munson  
Mayor

ATTEST:  
Debra A. Owen  
City Clerk

22. [A RESOLUTION AMENDING THE 2009-2013 CAPITAL PROGRAM TO INCREASE FUNDING FOR DEVELOPMENT DRIVEN STREETS BY \\$5 MILLION, AS AN ALTERNATIVE FUNDING SOURCE RATHER THAN RAISING THE SECOND PENNY SALES TAX.](#)

[Res. 0131](#)

A motion was made by Council Member Costello and seconded by Council Member Staggers to adopt said Resolution .  
Vote to adopt: Roll Call: Yeses, Beninga, Costello, Staggers, Anderson Jr., 4. Noes, Brown, Jamison, Knudson, Litz, 4. **Mayor Munson broke the tie with a 'no' vote. Motion Fails.**

23. [A RESOLUTION STATING THE OBJECTIVE TO USE THE REVENUE GENERATED FROM THE .08 PERCENT INCREASE IN THE SALES TAX TO EXPAND THE ARTERIAL STREET SYSTEM AND ASSOCIATED IMPROVEMENTS.](#)

[Res. 1513](#)

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Resolution 154-08 .  
Vote to adopt: Roll Call: Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, Anderson Jr., 8. Noes, 0. **Motion Passed.**

RESOLUTION NO. 154-08

A RESOLUTION STATING THE OBJECTIVE TO USE THE REVENUE GENERATED FROM THE .08 PERCENT INCREASE IN THE SALES TAX TO

EXPAND THE ARTERIAL STREET SYSTEM AND ASSOCIATED IMPROVEMENTS.

WHEREAS, in Ordinance No. 116-08, it is the City's desire to increase the sales tax from .92 percent to 1 percent; and

WHEREAS, the City desires to appropriate adequate resources for the underlying framework for the city of Sioux Falls; and

WHEREAS, the City further acknowledges that arterial streets and associated improvements are vital to the quality of life for the citizens of Sioux Falls.

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

That it is the City's objective to use the revenue which is generated by the .08 percent increase in the sales tax to expand the arterial street system and associated improvements.

Date adopted: 09/15/08.

Dave Munson  
Mayor

ATTEST:  
Debra A. Owen  
City Clerk

24. [A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.](#)

[Res. 0222](#)

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Resolution 155-08.

A motion was made by Council Member Beninga and seconded by Council Member Costello to amend 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 to be provided by existing funds in the assigned departments, with funding as follows: The Glory House - \$4,917 (Community Development Department); RSVP - \$1,733 (Central Services Department); Senior Companion - \$4,000 (Health Department); Youth Enrichment - \$13,333 (Health Department).

Vote to amend: Roll Call: Yeses, Beninga, Costello, Jamison, Anderson Jr., 4. Noes, Brown, Knudson, Staggers, 3. Litz excused himself from the vote on this item. **Motion Passed.**

[A substitute motion was made by Council Member Litz and seconded by Council Member Jamison to add Project CAR to this amendment \(\\$3,217.00\). \(Central Services\).](#)

Vote on the substitute motion: Roll Call: Yeses, Beninga, Costello, Jamison, Litz, Anderson Jr., 5. Noes, Brown, Knudson, Staggers, 3. **Motion Passed.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Revenue budget by deleting \$1,101,930 in Property Taxes (2.9 % CPI adjustment pursuant to SDCL 10-13-35) and have no property tax increase. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure Budget by deleting \$10,528 from the Parks and Recreation Department, to eliminate the tree inspection program by deleting the team that enforces the trimming of trees on public boulevards. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers and seconded by Council Member Anderson Jr. to amend the 2009 General Fund budget by deleting \$370,000 in revenue, and deleting \$315,000 in expenditures, from the Engineering Department, by eliminating Red Light Camera Violations.

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

A motion was made by Council Member Staggers to amend the 2009 General Fund Revenue budget by deleting \$635,000, by eliminating the Sioux Falls Cable Franchise Fee . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$37,980 from the Human Resources Department, by eliminating Random Drug and Alcohol Testing of City Employees. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by reducing the 2009 organizations receiving contracted service agreements to the amount they received in 2008, with reductions as follows: Children's Inn - \$4,780 (Police Department); Help!Line 211 - \$7,000 (Central Services Department); Multi-Cultural Center - \$20,000 (Attorney Department); Parent Communication Network - \$1,000 (Health Department); Prairie View Prevention - Youth Counseling - \$11,849 (Police Department); Rape and Domestic Abuse Center, Inc. - \$850 (Police Department); Volunteers of



America Dakotas - \$20,000 (Parks and Recreation Department); Inter-Lakes Community Action - \$19,259 (General Govt. Services Department) . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$18,000, from the Mayor's Department, by eliminating the Youth Forum . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$67,000, from the Health Department, by eliminating Southeastern Behavioral. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$62,271, from the Human Resources Department, by eliminating the Salary and Benefits Consultant. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$20,000, from the Fire Department, by reducing the amount to relocate the Chiefs and Inspectors offices amount. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers and seconded by Council Member Anderson Jr. to amend the 2009 General Fund Expenditure budget by deleting \$340, from the Planning and Building Services Department, by eliminating membership dues to the Sioux Falls Home Builders Association.

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

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by eliminating all new General Fund positions, with the exception of the five new Police positions, with reductions in the departments as follows: Human Resources - \$40,797; Central Services - \$41,691; Engineering - \$169,742; Public Works Administration - \$33,342; Street - \$113,079; Health - \$74,475; Parks and Recreation - \$39,109 . **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 General Fund Expenditure budget by deleting \$58,280, from the Parks and Recreation Department, by eliminating the Zoo part-time wages. **Motion dies for lack of a second.**

A motion was made by Council Member Staggers to amend the 2009 Revenue and Expenditure budgets by eliminating the Junior Football Complex, from the Parks and Recreation Department as follows: Culture/Recreation Bond Construction Fund - \$4,179,000 (Quality of Life II Bond); Sales/Use Tax Fund - \$1,480,000 (donation by third party). **Motion dies for lack of a second.**

[Council Members Knudson and Litz withdrew their original motions to adopt Resolution 155-08.](#)

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Resolution 155-08 adopting the budget for the Fiscal Year ending December 31, 2009 - Operating Budget portion only, as amended .

[A substitute motion was made by Council Member Costello and seconded by Council Member Knudson to separate the Resolution 155-08: To adopt the Operating Budget, as amended, for 2009, by the City Council.](#)

[Vote to adopt the substitute motion - Operating Budget, as amended: Roll Call: Yeses, Anderson Jr., Jamison, Knudson, Litz, Brown, Costello, 6. Noes, Stagers, 1. Beninga excused himself from the vote on this item. Motion Passed.](#)

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt Resolution 155-08 adopting the budget for the fiscal year ending December 31, 2009, **for the Capital portion only**, as amended .

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

[Document: Proposed Amendments to the Budget](#)

RESOLUTION NO. 155-08

A RESOLUTION ADOPTING THE BUDGET FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

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

That the Mayor's 2009 Budget submitted to the City Council consisting of documents entitled City of Sioux Falls All Revenue Classifications Anticipated for 2009, All Expense Classifications Request for 2009, and Revenue and Expense Summary 2006 through 2009, is hereby approved including the amendments approved at the City Council Meeting on Monday, September 15, 2008, at 7:00 p.m.

Date adopted: 09/15/08 .

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**Pursuant to the City Charter, Section 3.04, Mayor Dave Munson is considering exercising his option to veto the above resolution; therefore, Mayor Munson did not sign the resolution. During the City Council Meeting, he advised the City Clerk that he would be taking this into consideration.**

**25. [A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF ELK POINT, TIMBERLAKE, AND EAGLE BUTTE, THREE POLICE VEHICLES.](#)**

[Res. 0225](#)

A motion was made by Council Member Knudson and seconded by Council Member Brown to adopt Resolution 156-08.

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

RESOLUTION NO. **156-08**

A RESOLUTION AUTHORIZING THE CITY OF SIOUX FALLS TO GIFT TO THE CITY OF ELK POINT, TIMBERLAKE, AND EAGLE BUTTE, THREE POLICE VEHICLES.

WHEREAS, the City of Sioux Falls has declared as surplus property the following Police vehicles:

<b>Asset No.</b>	<b>Serial Number</b>	<b>Year/Make/Model</b>
3011254	2FAHP71W86X126861	2006 Crown Victoria
3011183	2FAFP71W15X138159	2005 Crown Victoria
3011251	2FAHP71WX6X126859	2006 Crown Victoria

WHEREAS, the City of Elk Point finds it desirable to acquire for their fleet Asset No. 3011254, Serial Number 2FAHP71W86X126861, a 2006 Crown Victoria, and has expressed an interest in acquiring such Police vehicle; and

WHEREAS, the City of Timberlake finds it desirable to acquire for their fleet Asset No. 3011183, Serial Number 2FAFP71W15X138159, a 2005 Crown Victoria, and has expressed an interest in acquiring such Police vehicle; and

WHEREAS, the City of Eagle Butte finds it desirable to acquire for their fleet Asset No. 3011251, Serial Number 2FAHP71WX6X126859, a 2006 Crown Victoria, and has expressed an interest in acquiring such Police vehicle;

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

That the gifting by the City of Sioux Falls of Police vehicles to the following cities is hereby approved:

City	Asset No.	Serial Number
Elk Point	3011254	2FAHP71W86X126861
Timberlake	3011183	2FAFP71W15X138159
Eagle Butte	3011251	2FAHP71WX6X126859

Date adopted: 09/15/08.

Dave Munson  
Mayor

ATTEST:  
Debra A. Owen  
City Clerk

26. [A RESOLUTION INCLUDING CERTAIN CONTIGUOUS TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF SIOUX FALLS, SOUTH DAKOTA. \(ANNEXATION 2008-08-01 SE CORNER OF 85TH ST. AND MINNESOTA AVE. AKERSON\)](#)

[Res. 1636](#)  
[Staff Report](#)  
[Annexation Map](#)  
[Concept Plan](#)

A motion was made by Council Member Litz and seconded by Council Member Jamison to adopt Resolution 157-08.

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

RESOLUTION NO. 157-08

ANNEXATION 2008-08-01 SE CORNER OF 85TH ST. AND MINNESOTA AVE. AKERSON

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. A 16-inch water main will need to be extended east from the intersection of 85th St. and Minnesota Ave. to provide water service to the development.
  - b. Sanitary sewer for this area is available from the Grand Prairie Estates development to the east. The developer would be responsible for the cost of the sanitary sewer from the Grand Prairie Estates site to the proposed development at 85th St. and Minnesota Ave.
  - c. This site is not located within a regional watershed. A post-construction BMP will be required.
  - d. Access to Minnesota Ave. will need to be approved by the SDDOT. The access will be a right in, right out.
  - e. Access to 85th St. will need a city access permit and will be allowed at approximately 660' from Minnesota Ave.
  - f. 85th St. ultimate build out will be a 4-lane section with a median and a median break at the 660' location. Street assessments will apply to 85th St. A petition for 85th St. improvements has been received.

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.

To be known and platted as "Tract 2 of Akerson's Addition" and including the N. 151.95' of the W. 225' and all adjacent Minnesota Ave. right-of-way all within the NW 1/4 of Section Twenty-Three (23), T100N, R50W of the 5th P.M., Lincoln County, South Dakota, according to the government survey thereof including Lot H-1 contained therein.

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: 09/15/08.

Dave Munson

Mayor

ATTEST:  
Debra A. Owen  
City Clerk

27. [A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 136-08. \(ANNEXATION LEGAL DESCRIPTION CORRECTION 2008-05-13 69TH STREET BETWEEN SYCAMORE AVENUE AND SD HWY. 11—RONNING\)](#)

[Res. 0001](#)  
[Res. 136-08](#)  
[Annexation Map](#)  
[Concept Plan](#)

A motion was made by Council Member Beninga and seconded by Council Member Anderson Jr. to adopt Resolution 153-08 .  
Vote to adopt: Roll Call: Yeses, Anderson Jr., Jamison, Knudson, Litz, Staggers, Beninga, Brown, Costello, 8. Noes, 0. **Motion Passed.**

RESOLUTION NO. 153-08

ANNEXATION LEGAL DESCRIPTION CORRECTION 2008-05-13  
69TH STREET BETWEEN SYCAMORE AVENUE AND SD HWY. 11—  
RONNING

A RESOLUTION OF THE CITY OF SIOUX FALLS, SD, CORRECTING THE LEGAL DESCRIPTION OF ANNEXATION RESOLUTION NO. 136-08.

WHEREAS, on August 4, 2008, the City Council of the City of Sioux Falls adopted Resolution No. 136-08 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 136-08 was not accurate.

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

That the legal description as set forth in Resolution 136-08 hereby is amended to read as follows:

SW1/4 SE1/4 and the SE1/4 SW1/4 and the S1/2 NE1/4 SW1/4 including all adjacent 69th Street right-of-way all of Section 8, Township 100 North, Range 49 West of the 5th P.M., Lincoln County, South Dakota, except the S 386' of the W 349' of the SE1/4 of said Section 8, and except the S 208' of the W 208' of the E 363' of the SE1/4 SW1/4 of said Section 8.

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: 09/15/08.

Dave Munson  
Mayor

ATTEST:  
Debra A. Owen  
City Clerk

### ADJOURNMENT

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adjourn the City Council Meeting at 11:45 p.m.  
Vote to adjourn: Roll Call: Yeses, Beninga, Brown, Costello, Jamison, Knudson, Litz, Staggers, Anderson Jr., 8. Noes, 0. **Motion Passed.**

Tamara M. Jorgensen  
Assistant City Clerk