

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.

ROLL CALL #2

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA

Members Present:	Members Absent:
Council Member Beninga	None.
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	

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

UNFINISHED BUSINESS

DOC: 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, Staggers, 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, Staggers, 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, Knudson, Litz, Staggars, Anderson Jr., Beninga, Brown, Costello, Jamison, 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, Staggars, 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, Knudson, Litz, Anderson Jr., Beninga, Brown, Costello, Jamison, 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, Knudson, Litz, Anderson Jr., Beninga, Brown, Costello, Jamison, 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, Knudson, Litz, Staggers, Anderson Jr., Beninga, Brown, Costello, Jamison, 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, Knudson, Litz, Anderson Jr., Beninga, Brown, Costello, Jamison, 7. Noes, 0. Staggers was excused from the meeting and the vote on this item.

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 up on 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, Knudson, Litz, Staggers, Anderson Jr., Beninga, Brown, Costello, Jamison, 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

Document: Proposed Amendments to the Budget

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. Since there is no second, the motion is not before this meeting.

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. Since there is no second, the motion is not before this meeting.

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 Knudson, Litz, Anderson Jr., Beninga, Brown, Costello, Jamison, 7.

Motion Failed

A motion was made by Council Member Staggers and seconded by to amend the 2009 General Fund Revenue budget by deleting \$635,000, by eliminating the Sioux Falls Cable Franchise Fee .

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. Since there is no second, the motion is not before this meeting

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) . Since there is no second, the motion is not before this meeting

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 . Since there is no second, the motion is not before this meeting.

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. Since there is no second, the motion is not before this meeting.

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. Since there is no second, the motion is not before this meeting.

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. Since there is no second, the motion is not before this meeting.

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 Knudson, Litz, Anderson Jr., Beninga, Brown, Costello, Jamison, 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 . Since there is no second, the motion is not before this meeting.

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. Since there is no second, the motion is not before this meeting.

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). Since there is no second, the motion is not before this meeting.

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, Knudson, Litz, Anderson Jr., Beninga, Brown, Costello, Jamison, 7. Noes Staggers, 1.
Motion Passed

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 documen

ts 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, Knudson, Litz, Staggers, Anderson Jr., Beninga, Brown, Costello, Jamison, 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:

Asset No.	Serial Number	Year/Make/Model
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 As

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

RESOLUTION NO. 157-08

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

SON

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

Motion Passed

Tamara M. Jorgensen
Assistant City Clerk