

	City of Sioux Falls Council Meeting Minutes	
	Carnegie Town Hall, 235 West Tenth Street	
	REGULAR MEETING OF Tuesday, September 2, 2008 at 7:00 p.m.	

MEMBERS PRESENT/ABSENT OFFICIAL AGENDA
ROLL CALL #8

Members Present:	Members Absent:
Council Member Anderson Jr.	Council Member Staggers
Council Member Beninga	Council Member Costello
Council Member Brown	Council Member Knudson
Council Member Jamison	
Council Member Litz	
Mayor Dave Munson	

INVOCATION

A. Council Member Gerald Beninga

PLEDGE OF ALLEGIANCE

APPROVAL OF CONSENT AGENDA

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

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga,
5. Noes, 0.
Motion Passed

MINUTES

A. INFORMATIONAL MEETING OF MONDAY, AUGUST 18, 2008, AT 4:00 P.M.

B. JOINT CITY COUNCIL/MINNEHAHA COUNTY MEETING OF MONDAY, AUGUST 18, 2008, AT
5:00 P.M.

C. REGULAR COUNCIL MEETING OF MONDAY, AUGUST 18, 2008, AT 7:00 P.M.

D. INFORMATIONAL MEETING OF MONDAY, AUGUST 25, 2008, AT 4:00 P.M.

E. CLOSED EXECUTIVE SESSION ON MONDAY, AUGUST 25, 2008, AT 5:25 P.M.

COMMUNICATIONS

1. A COMMUNICATION WAS RECEIVED FROM DELTA KAPPA GAMMA MU CHAPTER STATING ITS INTENT TO SELL RAFFLE TICKETS FROM SEPTEMBER 11, 2008 TO MAY 2009 FOR A THREE QUILTS (VALUED AT \$100, \$150, AND \$400). TICKETS WILL BE SOLD AT 1 FOR \$5, 3 FOR \$10, AND 5 FOR \$20. THE PROCEEDS ARE TO BE USED FOR BUILDING A SCHOOL IN SUDAN.
2. A COMMUNICATION WAS RECEIVED FROM WASHINGTON HIGH SCHOOL MARCHING BAND STATING ITS INTENT TO SELL RAFFLE TICKETS FROM SEPTEMBER 15, 2008 TO OCTOBER 27, 2008 FOR VARIOUS PRIZES. TICKETS WILL BE SOLD AT 1 FOR \$5 OR 3 FOR \$10. THE PROCEEDS WILL BE USED FOR BAND PROGRAMS AND TRIPS.
3. A COMMUNICATION WAS RECEIVED FROM WASHINGTON HIGH SCHOOL CLASS OF 2009 STATING ITS INTENT TO SELL RAFFLE TICKETS FROM SEPTEMBER 15, 2008 TO MARCH 31, 2009 DURING WHS GAMES AND EVENTS. HALF THE MONEY RAISED AT EACH 50/50 RAFFLE WILL BE AWARDED AS A PRIZE WITH THE OTHER HALF BEING USED FOR THE 2009 SENIOR CLASS PARTY HELD IN MAY AFTER GRADUATION.
4. A COMMUNICATION WAS RECEIVED FROM TASTE OF SOUTH DAKOTA STATING ITS INTENT TO SELL RAFFLE TICKETS ON SATURDAY, SEPTEMBER 20, 2008 FROM 11:00 A.M. UNTIL 10:00 P.M. FOR VARIOUS PRIZES. TICKETS WILL BE SOLD FOR \$1.00. THE PROCEEDS WILL BE GIVEN TO THE RONALD MCDONALD HOUSE CHARITIES OF SD INC.
5. A COMMUNICATION WAS RECEIVED FROM SIOUX FALLS CHAPTER OF DUCKS UNLIMITED STATING ITS INTENT TO CONDUCT MULTIPLE RAFFLES, A SILENT AUCTION AND A LIVE AUCTION ON SEPTEMBER 25, 2008. THE PRIZES WILL BE VARIOUS HUNTING ACCESSORIES, ARTWORK, HUNTING EXCURSIONS, DECOYS AND FIREARMS WITH A VALUE RANGE OF \$5 TO \$500. THE TICKET COST WILL RANGE FROM \$1 TO \$20 EACH.
6. A COMMUNICATION WAS RECEIVED FROM MR. AND MRS. TIMOTHY SORENSON REQUESTING PERMISSION TO CONSUME, BUT NOT SELL, WINE, WINE COOLERS, AND BEER AT THE OLD COURTHOUSE MUSEUM, 200 WEST SIXTH ST., ON SATURDAY, OCTOBER 4, 2008, FROM 6:00 P.M. TO 12:00 A.M. FOR THE PURPOSE OF WEDDING RECEPTION.

NOTICE OF HEARINGS

Set hearing date for Monday, September 15, 2008, at 7:00 p.m. on Items 7 through 14:

DOC: ITEMS 7-14

7. 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).
8. 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).

9. 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.
10. 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.
11. 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.
12. 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.
13. 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.
14. 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.

APPROVAL OF REGULAR AGENDA

A motion was made by Council Member Litz and seconded by Council Member Jamison to approve the Regular Agenda.

Vote to approve: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Beninga, 5. Noes, 0.

Motion Passed

PUBLIC INPUT

Cathy Brechtelsbauer asked for clarification on Public Input versus speaking to an agenda Item.

Council Member Knudson arrived at this time.

Carol Flower spoke regarding the proposed sales tax increase.

Frank Hansen spoke regarding Project Car and the Mayor s Budget.

Bill Pattison spoke regarding the Spirit of the West Festival.

Reynold Nesiba spoke regarding the proposed sales tax increase and the budget.

APPLICATIONS

15. DEFERRED ACTION: USA ARMY RESERVES, 4400 N. NORTHVIEW AVE., FOR 2007 DRAINAGE FEES LEVIED IN THE AMOUNT OF \$562.50. THE USA ARMY RESERVES IN A TAX EXEMPT ENTITY AND DOES NOT PAY TAXES AND THEY ARE NOW REQUESTING AN ABATEMENT.

A motion was made by Council Member Knudson and seconded by Council Member Litz to defer Item 15 to the City Council meeting on Tuesday, October 14, 2008at 7:00 p.m.

Vote to defer: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, 6. Noes, 0.

Motion Passed

INTRODUCTION AND ADOPTION OF ORDINANCES

16. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY FOR PARKING REDUCTIONS.

Proposed Ord0241

Staff Report

A motion was made by Council Member Litz and seconded by Council Member Anderson Jr. to adopt said Ordinance 108-08.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, 6. Noes, 0.

Motion Passed

17. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, A MAJOR AMENDMENT, PETITION NO.2008-07-04 TO CHAPTER 15.45.070, PLANNED DEVELOPMENT DISTRICTS, AT 5108 S. WESTERN AVE. ALLOWING CHANGES IN LAND USE AS REFLECTED IN THE REVISED SUBAREA REGULATIONS AND AMENDING THE WESTERN AVE. AND RALPH ROGERS RD. PLANNED DEVELOPMENT DISTRICT SUBAREA REGULATIONS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0245

PC Exhibits

Staff Report

PC Minutes - Item 5

A motion was made by Council Member Knudson and seconded by Council Member Litz to adopt said Ordinance 109-08.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, 6. Noes, 0.

Motion Passed

18. 2ND READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, REZONING PROPERTY AT E. 73RD ST. AND S. CLIFF AVE. FROM THE RS-2, RESIDENTIAL DISTRICT TO THE DIAMOND VILLAGE PLANNED DEVELOPMENT DISTRICT, PETITION NO. 2008-07-05, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF SIOUX FALLS. THE PLANNING COMMISSION RECOMMENDS APPROVAL.

Proposed Ord0247

Staff Report

PC Exhibits

PC Minutes - Item 3

A motion was made by Council Member Litz and seconded by Council Member Beninga to adopt said Ordinance 110-08.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, 6. Noes, 0.

Motion Passed

Set a hearing date and second reading for Monday, September 8, 2008 at 7:00 p.m. for Items 19 through 21:

Council Member Stagers arrived at this time.

19. 1ST 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

Proposed Ord0157

20. 1ST 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.

Proposed Ord1061

21. 1ST 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.

Proposed Ord1062

A motion was made by Council Member Knudson and seconded by Council Member Litz to set a hearing date and second reading for Monday, September 8, 2008 at 7:00 p.m. for Items 19 through 21.

A substitute motion was made by Council Member Beninga and seconded by Council Member Staggers to set the hearing date and second reading for Monday, September 15, 2008 at 7:00 p.m. for Items 19 through 21.

Vote on substitute motion: Roll Call: Yeses, Anderson Jr., Beninga, Brown, Jamison, Knudson, Litz, 6. Noes, Staggers, 1. Motion Passed.

Set a hearing date and second reading for Monday, September 15, 2008 at 7:00 p.m. for Item 22:

22. 1ST READING: AN ORDINANCE OF THE CITY OF SIOUX FALLS, SD, AMENDING THE REVISED ORDINANCES OF THE CITY BY REVISING CHAPTER 15 1/2, FEES.

Proposed Ord1055

A motion was made by Council Member Brown and seconded by Council Member Anderson Jr. to set a hearing date and second reading for Monday, September 15, 2008 for Item 22.

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

HEARINGS AND RESOLUTIONS

23. PUBLIC HEARING FOR PUBLIC INPUT FOR RESOLUTION ADOPTING THE BUDGET FOR THE

FISCAL YEAR ENDING DECEMBER 31, 2009.

Proposed Res0222

Attachment

24. A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A WATER WELL PURCHASE AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF BRANDON.

Proposed Res0224

A motion was made by Council Member Knudson and seconded by Council Member Beninga to adopt said Resolution 145-08.

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

Motion Passed

RESOLUTION NO. 145-08

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A WATER WELL PURCHASE AGREEMENT BETWEEN THE CITY OF SIOUX FALLS AND THE CITY OF BRANDON.

If there aren't any "WHEREAS" phrases, skip "NOW, THEREFORE" and begin with just "BE IT RESOLVED..."

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

That the document attached to and made part of this resolution entitled Agreement to Purchase Water Well is hereby approved.

That the Mayor is authorized to sign such agreement after it is ratified and executed by the City of Brandon.

Date adopted: 09/02/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

25. A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

Proposed Resp008

A motion was made by Council Member Brown and seconded by Council Member Knudson to adopt said Resolution 146-08.

Vote to adopt: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Beninga, 6. Noes Staggers, 1.

Motion Passed

RESOLUTION NO. 146-08

A RESOLUTION DECLARING IT NECESSARY TO LEVY AND LEVYING A FRONTAGE ASSESSMENT AGAINST THE LOTS, TRACTS, AND PARCELS OF LAND FRONTING AND ABUTTING UPON 21ST ST. FROM PHILLIPS AVE. TO SEVENTH AVE. IN THE CITY OF SIOUX FALLS FOR THE PURPOSE OF MAINTAINING, PLANTING, AND OTHERWISE IMPROVING AND CARING FOR THE CENTER PARKWAYS AND BOULEVARD THEREON.

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

Section 1. It is necessary to levy and there shall be levied a frontage assessment upon each and every lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls for the purpose of creating a fund to be used in maintaining, planting, and otherwise improving and caring for the center parkways and boulevard on 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls.

Section 2. There shall be an assessment against each lot, tract, and parcel of land abutting and fronting upon 21st St. from Phillips Ave. to Seventh Ave. in the city of Sioux Falls, the sum of eighty-five cents (\$.85) per front foot for the year 2009.

Section 3. That the City Clerk's Office shall certify such frontage assessments to the County Auditor of Minnehaha County, South Dakota, and the same shall be collected in and as municipal taxes for general purposes.

Date adopted: 09/02/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

NEW BUSINESS/ITEMS ADDED AFTER AGENDA DEADLINE

Resolution

26. A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE LINCOLN COUNTY RURAL WATER SYSTEM, INC. (LINCOLN COUNTY RWS) SETTLEMENT AGREEMENT AND AMENDED AND RESTATED WATER DELIVERY AGREEMENT WITH LINCOLN COUNTY RWS AND WATER PURCHASE AGREEMENT WITH LEWIS & CLARK REGIONAL WATER SYSTEM, INC. (LEWIS & CLARK)

Proposed Res1635

Appendix A pgs 1-10

Appendix A pgs 11-22

Exhibit A

Exhibit A1

Exhibit B

Exhibit C

Exhibit D

Exhibit E

Exhibit F

Exhibit G

Appendix B

Appendix C

A motion was made by Council Member Brown and seconded by Council Member Beninga to adopt said Resolution 147-08.

A motion was made by Council Member Litz and seconded by Council Member Beninga to amend the main motion by adding to the end of Section 2 the words "according to the terms and conditions set forth in such agreements".

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

Motion Passed

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

RESOLUTION NO. 147-08

A RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE LINCOLN COUNTY RURAL WATER SYSTEM, INC. (LINCOLN COUNTY RWS) SETTLEMENT AGREEMENT AND AMENDED AND RESTATED WATER DELIVERY AGREEMENT WITH LINCOLN COUNTY RWS AND WATER PURCHASE AGREEMENT WITH LEWIS & CLARK REGIONAL WATER SYSTEM, INC. (LEWIS & CLARK).

WHEREAS, disputes have arisen between the City of Sioux Falls and Lincoln County RWS regarding: (1) water to be delivered pursuant to an existing Water Delivery Agreement, and (2) which entity would provide water service to various customers in the City's 2025 growth area which resulted in a lawsuit between the City of Sioux Falls and Lincoln County RWS in Federal District Court Civ. No. 07-4103; and

WHEREAS, the City has negotiated a Settlement Agreement with Lincoln County RWS conveying to Sioux Falls a portion of the alleged Lincoln County RWS service area that falls within the City's projected 2025 growth area, a copy of which is attached as Appendix A hereto;

WHEREAS, as part of the Settlement Agreement, the City and Lincoln County RWS have agreed to enter into an Amended and Restated Water Delivery Agreement, a copy of which is attached hereto as Appendix B; and

WHEREAS, as part of the Settlement Agreement, the City and Lewis and Clark have agreed to enter into a Water Purchase Agreement, a copy of which is attached hereto as Appendix C.

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

Section 1. That the documents attached to and part of this resolution entitled Lincoln County Rural Water System, Inc. Settlement Agreement and Release, Amended and Restated Water Delivery Agreement with Lincoln County RWS, and Water Purchase Agreement with Lewis & Clark are hereby approved.

Section 2. That the Mayor is authorized to sign the same on behalf of the City after it has been signed by Lincoln County Rural Water System, Inc., according to the terms and conditions set forth in such agreements.

Date adopted: 09/02/08.

Dave

Munson

Mayor

ATTEST:

Debra A. Owen

City Clerk

Copies of all related documents are available for inspection at the City Clerk's Office.

ADJOURNMENT

A motion was made by Council Member Knudson and seconded by Council Member Anderson Jr. to adjourn at 9:12 p.m.

Vote to adjourn: Roll Call: Yeses, Jamison, Litz, Anderson Jr., Brown, Knudson, Stagers, Beninga, 7. Noes, 0.

Motion Passed

Jamie L. Palmer
Assistant City Clerk