



# *City of Sioux Falls Council Meeting Minutes*

*Carnegie Town Hall, 235 West Tenth Street*

**REGULAR MEETING OF Tuesday, September 3, 2002, at 7:00 p.m.**

The City Council of the City of Sioux Falls, Minnehaha and Lincoln Counties, South Dakota, met in Regular session at the Carnegie Hall, Sioux Falls, South Dakota, on Tuesday, September 3, 2002, at 7:00 p.m., pursuant to law, with the following members present at roll call: Council Members Kenyon Gleason, De Knudson, Curtis Rust, Gerald Beninga, Darrin Smith, Kevin Kavanaugh, Kermit L. Staggers, Andy Howes, and Mayor Dave Munson. All members present.

## **CONSENT AGENDA ITEMS**

At this time, Council Member Kermit Staggers introduced his parents, Kermit and Christine Staggers, to the Council.

### **APPROVAL OF CONSENT AGENDA**

A motion was made by Council Member Gleason and seconded by Council Member Beninga to approve the items on the Consent Agenda with one vote as follows. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

### **MINUTES**

- ◆ Informational Meeting of Monday, August 19, 2002, at 4:00 p.m.
- ◆ Joint City Council/Minnehaha County Meeting of Monday, August 19, 2002, at 5:00 p.m.
- ◆ Regular Council Meeting of Monday, August 19, 2002, at 7:00 p.m.
- ◆ Briefing Meeting of Monday, August 26, 2002 at 4:00 p.m.
- ◆ Informational Meeting of Monday, August 26, 2002 at 4:20 p.m.

### **COMMUNICATIONS**

1. Communication received from the 2003 Roosevelt High School Senior Class Party Committee, 1619 South Aberdeen Circle, stating their intent to conduct 50/50 Raffle at Roosevelt High School events during the 2002-2003 school year. They are also going to conduct a raffle for four (4) seats on a Mall of America Jackrabbit Lines Bus Trip. The winner for the trip will be drawn on November 1<sup>st</sup>. The proceeds of these raffles will be used to cover the expenses of the 2003 Roosevelt High School Senior Class Party.

### **APPLICATIONS**

The following abatements were recommended for approval by the Director of Equalization and the State's Attorney's Office for Minnehaha County; and recommended for approval by the City Attorney for the City of Sioux Falls.

2. Reid Christopherson, 3124 E. Dudley, for Property Tax in 1999 in the amount of \$176.43; 2000 in the amount of \$155.38; 2001 in the amount of \$164.49. Property was assessed with a finished basement when there is none. Property Owner requesting abatement for this difference.
3. Citibank (South Dakota), N.A. – Parcel #46836 for Property Tax in 2000 in the amount of \$4,695.02; Tract 8A, Sioux Empire Development Park Two for Property Tax in 2001 in the amount of \$5,613.09. Parcel was replatted for 2000 taxes payable 2001 into other parcels. No land is remaining in the original parcel which has not been voided. Property Owner requesting abatement for this difference.
4. Dorothy Newcomb/City of Sioux Falls – Parcel #67506 for Property Tax in 2001 in the amount of \$21.37. Recording mistaking regarding correct owner of the property. Property Owner requesting abatement for this difference.
5. Hope (Donovan) Bader – 608 W. 8<sup>th</sup> Street for Property Tax in 2001 in the amount of \$55.50; 2000 in the amount of \$47.82; 1999 in the amount of \$46.17. Taxpayer being assessed for a garage when there was none. Property Owner requesting abatement for this difference.

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## **REGULAR AGENDA ITEMS**

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### **APPROVAL OF REGULAR AGENDA**

A motion was made by Council Member Gleason and seconded by Council Member Beninga to approve the Regular Agenda, with the amended language changes in Items #8, #9 and #12 which changed from Ag-Agricultural District to Unzoned District.

**Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

### **UNFINISHED BUSINESS**

6. A Public Hearing for public input into the City's 2003 budget was held on this date, prior to the adoption of a proposed Resolution adopting the budget for the fiscal year ending December 31, 2003.
  - **A presentation was given by Gordon Brown regarding budget input for the YMCA.**
7. A motion was made by Council Member Gleason and seconded by Council Member Howes to approve an amendment to a Special One-Day Malt Beverage License for the Sister Cities Association of Sioux Falls to be operated in the 300 Block of South Phillips Avenue, for the GermanFest on Saturday, September 14, 2002, adding the 200 Block of South Phillips Avenue to the licensed area. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

**INTRODUCTION AND ADOPTION OF ORDINANCES**

8. This was the date set for a hearing and second reading on Ordinance No. 61-02 of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at West 57<sup>th</sup> Street South and Galway Avenue, from the Unzoned District to RS-2-Residential District, to allow single family development, with the Planning Commission recommending approval, which was given its first and second readings, and a motion was made by Council Member Kavanaugh and seconded by Council Member Gleason to adopt said ordinance. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**
9. This was the date set for a hearing and second reading on Ordinance No. 62-02 of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at West 57<sup>th</sup> Street South and Galway Avenue, from the Unzoned District to RS-2-Residential District, for single family residential development, with the Planning Commission recommending approval, which was given its first and second readings, and a motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to adopt said ordinance. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**
10. This was the date set for a hearing and second reading on an Ordinance of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at East 10<sup>th</sup> Street between 4812 E. 10<sup>th</sup> Street and Foss Avenue, from Unzoned Land to C-2-General Commercial District, for future development and to conform with existing zoning of properties surrounding said land with the Planning Commission recommending approval, which was given its first and second readings and a motion was made by Council Member Gleason and seconded by Council Member Smith to defer action to Monday, September 16, 2002 at 7:00 p.m. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**
11. This was the date set for a hearing and second reading on Ordinance No. 63-02 of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at 1604 & 1700 East 18<sup>th</sup> Street, from RC-Recreation Conservation District to I-1-Light Industrial District, to bring parcel land uses into conformance with zoning, with the Planning Commission recommending approval, which was given its first and second readings, and a motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to adopt said ordinance. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

**8:19 p.m. At this time, Mayor Munson absented himself from the meeting.**

**Council Member Kenyon Gleason presided as Chair of the meeting.**

**8:23 p.m. At this time, Mayor Munson returned to the meeting.**

12. This was the date set for a hearing and second reading on an Ordinance of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at West 85<sup>th</sup> Street South and South Western Avenue, from the Unzoned District to the Heather Ridge Planned Development District, to allow for mixed use development, with the Planning Commission recommending approval, which was given its first and second readings and a
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motion was made by Council Member Kavanaugh and seconded by Council Member Howes to adopt the Ordinance.

A substitute motion was made by Council Member Gleason and seconded by Council Member Howes to defer action to Monday, October 7, 2002 at 7:00 p.m. **Roll Call: Yeses, Gleason, Rust, Beninga, Smith, Kavanaugh, Howes, 6. Noes, Knudson, Staggers, 2.**

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- **A motion was made by Council Member Gleason and seconded by Council Member Howes for a 5-minute break at 9:25 p.m. The meeting reconvened at 9:30 p.m. Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**
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13. This was the date set for a hearing and second reading on an Ordinance of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at 1212 South Southeastern Drive, from RS-2-Residential District to RA-1-Residential District, to allow multi-family townhouse development, with the Planning Commission recommending denial, which was given its first and second readings and a motion was made by Council Member Kavanaugh and seconded by Council Member Beninga to defer action to Monday, September 16, 2002 at 7:00 p.m. **Roll Call: Yeses, Gleason, Knudson, Beninga, Smith, Kavanaugh, Staggers, 6. None. Noes, None.**

**At this time, Council Member Smith left the meeting.**

14. This was the date set for a hearing and second reading on Ordinance No. 64-02 of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at proposed West 34<sup>th</sup> Street North and North Career Avenue, from AG-Agricultural District to O-Office, RA-1-Residential, and RD-Residential Districts, to allow development with the Planning Commission recommending approval, which was given its first and second readings, and a motion was made by Council Member Kavanaugh and seconded by Council Member Beninga to adopt said ordinance. **Roll Call: Yeses, Gleason, Knudson, Beninga, Kavanaugh, Staggers, 5. Noes, None.**

**At this time, Council Member Rust returned to the meeting.**

**At this time, Council Member Smith returned to the meeting.**

**A motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to reconsider the vote. Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, 7. Noes, None.**

**At this time, Council Member Howes returned to the meeting.**

15. This was the date set for a hearing and second reading on Ordinance No. 65-02 of the City of Sioux Falls, SD, amending the Code of Ordinances of said City by rezoning property at proposed North Career Drive and Markey Avenue, from I-1-Light Industrial District to the Flynn Heights Planned Development District, to allow mixed use development including

commercial, office, multi-family, and light industrial, with the Planning Commission recommending approval, which was given its first and second readings, and a motion was made by Council Member Gleason and seconded by Council Member Howes to adopt said ordinance. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

16. A motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to adopt Ordinance No. 66-02 of the City of Sioux Falls, SD, amending the Revised Ordinances of the City by providing supplemental appropriations, (1999 Sales Tax Construction Fund & Park), which was given its first and second readings. **Roll Call: Yeses, Gleason, Rust, Beninga, Smith, Kavanaugh, Howes, 6. Noes, Knudson, Staggers, 2.**
17. A motion was made by Council Member Gleason and seconded by Council Member Kavanaugh to adopt Ordinance No. 67-02 of the City of Sioux Falls, SD, amending the Revised Ordinances of the City by providing supplemental appropriations, (Public Works, Park, Police), which was given its first and second readings. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**
18. A motion was made by Council Member Kavanaugh and seconded by Council Member Rust to adopt Ordinance No. 68-02 of the City of Sioux Falls, SD, amending the Revised Ordinances of the City by changing the Council's Order of Business, which was given its first and second readings. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None**

### **HEARINGS AND RESOLUTIONS**

19. This was the date set for a Public Hearing for public input on the proposed issuance of economic development revenue bonds to finance a project for Rummel Memorial Home, Inc. (Dow Rummel Village). **There was no public input received, the Mayor declared the hearing closed.**
20. A motion was made by Council Member Staggers and seconded by Council Member Howes to adopt a Resolution declaring the official intent of the City of Sioux Falls, Minnehaha County, South Dakota, and calling a public hearing regarding a Senior Residential Rental Project Proposed by Rummel Memorial Home, Inc. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

#### RESOLUTION NO. 98-02

A RESOLUTION DECLARING THE OFFICIAL INTENT OF THE CITY OF SIOUX FALLS, MINNEHAHA COUNTY, SOUTH DAKOTA, AND CALLING A PUBLIC HEARING REGARDING A SENIOR RESIDENTIAL RENTAL PROJECT PROPOSED BY RUMMEL MEMORIAL HOME, INC.

WHEREAS, the City of Sioux Falls (the "City") is a municipality chartered under the South Dakota constitution; and

WHEREAS, pursuant to Chapter 9-54, South Dakota Codified Laws and related statutes (the "Act"), the City may issue bonds for the purpose of financing "economic development projects" (as defined in the Act); and

WHEREAS, the Rummel Memorial Home, Inc. (or an affiliate thereof, the "Corporation") has proposed to undertake an economic development project to be located on its present site and adjacent land (collectively, the "Project Site") which will consist of (a) the construction of approximately 60 new independent senior living units, 35 new assisted living rental units and 14 assisted living rental units for Alzheimer's patients to be owned and operated by the Corporation, (b) the renovation of approximately 75 existing residential rental units owned and operated by the Corporation and (c) the construction of a Village Center to be owned and operated by the Corporation consisting of a wellness center with aquatic and fitness facilities, a new dining room, administrative offices, computer laboratories, examination rooms for use by various visiting physicians, a main street museum and various retail shops for provision of services to residents (such as banking, gift shop, general store, beauty shop, etc) (collectively, the "Project"); and

WHEREAS, the Project is to be located on the Project Site which includes the Corporation's present campus with a street address of 1000 North Lake Avenue, and certain adjacent land all of which is generally described as bounded on the North by Bailey Street, on the East by Covell Avenue, on the South by Madison Street and on the West by West Avenue, all in the City; and

WHEREAS, the City intends to issue its economic revenue bonds in an amount not to exceed \$35,000,000 (the "Bonds") for the purpose of paying all or a portion of the costs of the Project, refinancing certain indebtedness of the Corporation, paying related costs such as financing costs, funding of a debt service reserve fund and paying related costs (collectively, the "Project Costs"); and

WHEREAS, the financing of the Project is expected to advance the goals of the Act, including the provision of housing and health services to the elderly and advance economic development and employment in the City; and

WHEREAS, it is intended that this Resolution shall constitute a declaration of intent to reimburse any expenditures for the Project made prior to the issuance of the Bonds from the proceeds of the Bonds (if and when issued) within the meaning of Treasury Regulation Section 1.150-2; and

WHEREAS, the City currently expects that the proceeds of the Bonds will be applied to so reimburse the City and/or the Corporation not later than 18 months after the later of (a) the date the original expenditure is paid, or (b) the date the Project is placed in service, but in no event more than three (3) years after the original expenditure is paid; and

WHEREAS, prior to the issuance of the Bonds, the City is required to hold a public hearing with respect thereto and take into consideration any comments received in connection therewith, and the City Council has previously designated September 3, 2002 as the date of such hearing, and publication of notice of such hearing was made at least prior 14 days prior to said hearing in accordance with the Treasury Regulations; and

WHEREAS, such hearing has been held on this date,

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

Section 1. The above recitals are incorporated herein and made a part hereof.

Section 2. The City intends to issue the Bonds for the purpose of financing the Project and paying the Project Costs. Based upon representations of the Corporation, the total principal amount of Bonds which the City currently intends to issue for the Project will not exceed \$35,000,000.

Section 3. Certain costs will be incurred by the Corporation in connection with the Project prior to the issuance of the Bonds. The City reasonably expects to reimburse such costs with proceeds of the Bonds.

Section 4. This Resolution constitutes a declaration of official intent under Treasury Regulation Section 1.150-2.

Section 5. To the extent that any resolution, rule, or order, or part thereof, is in conflict with the provisions of this Resolution, the provisions of this Resolution shall control. If any section, paragraph, clause or provision of this Resolution shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this Resolution.

Date adopted: 9/3/02

Dave Munson  
Mayor

ATTEST:

Dianne Metli  
City Clerk

21. A motion was made by Council Member Gleason and seconded by Council Member Howes to adopt a Resolution on a **Preliminary Subdivision Plan (2002-05-31)** at West 57<sup>th</sup> Street South and Galway Avenue, for Galway Park Addition, with the Planning Commission recommending approval. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Stagers, Howes, 8. Noes, None.**

RESOLUTION NO. 99-02

BE IT RESOLVED BY THE CITY OF SIOUX FALLS, SD, that the preliminary plan of Galway Park Addition to the City of Sioux Falls, Lincoln County, SD, is hereby approved and the City Clerk of the City of Sioux Falls is hereby directed to endorse on such plan a copy of this resolution and certify the same thereon.

Date adopted: 9/3/02.

Dave Munson  
Mayor

ATTEST:

Dianne Metli  
City Clerk

22. A motion was made by Council Member Knudson and seconded by Council Member Smith to approve a historical marker on city property and the following Resolution was adopted.

**Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

RESOLUTION NO. 100-02

A RESOLUTION TO APPROVE A HISTORICAL MARKER ON CITY PROPERTY.

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

That it approves the placement of the following historical marker on city property by the Minnehaha County Historical Society:

Historical Marker  
Human Timeline

Location  
Falls Park

Date adopted: 9/3/02.

Dave Munson  
Mayor

ATTEST:

Dianne Metli  
City Clerk

23. A motion was made by Council Member Beninga and seconded by Council Member Gleason supporting the tax-exempt status of the Commemorative Air Force, and the following Resolution was adopted. **Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.**

RESOLUTION NO. 101-02

A RESOLUTION SUPPORTING THE TAX-EXEMPT STATUS OF THE COMMEMORATIVE AIR FORCE.

WHEREAS, the Commemorative Air Force has, at considerable time, expense, and trouble, placed two historically significant aircraft on public display at Joe Foss Field, a public air field, during the period August 5-12, 2002:

- a) B-29 Superfortress ("Fifi")
- b) B-24/LB "Liberator" ("Diamond Lil"); and



WHEREAS, several hundred South Dakota citizens have paid a public admission charge for entry into the display and historic site, the proceeds being dedicated wholly to the ongoing expense of operating the display; and

WHEREAS, the Commemorative Air Force is legally organized and federally recognized as a 501(c)(3) nonprofit, tax-exempt organization; and

WHEREAS, South Dakota law [SDCL 10-45-13(2)] provides an exemption from the South Dakota retail sales and service tax for admissions to nonprofit historic sites operated by nonprofit organizations; and

WHEREAS, the display of historic aircraft, in recognition of the sacrifices made by our military patriots during World War II, is a function that the City of Sioux Falls wishes to acknowledge and commend;

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

That it is supportive of the Commemorative Air Force seeking a favorable tax determination from the South Dakota Department of Revenue for the Commemorative Air Force during the month of August in the State of South Dakota.

Date adopted: 9/3/02.

Dave Munson  
Mayor

ATTEST:

Dianne Metli  
City Clerk

### REPORT OF OFFICERS/BOARDS/COMMITTEES

24. The Department of Legislative Audit accepted City of Sioux Falls audit report for the year ending December 31, 2001, was received and filed.

### PUBLIC INPUT

- Ms. Kathy Brechtelsbauer asked the City Council to reconsider the one-penny city tax on groceries.
- Ms. Melanie Bliss discussed the one-penny city tax on groceries.

### ADJOURNMENT

A motion was made by Council Member Gleason and seconded by Council Member Smith to adjourn at 10:15 p.m. Roll Call: Yeses, Gleason, Knudson, Rust, Beninga, Smith, Kavanaugh, Staggers, Howes, 8. Noes, None.

  
City Clerk