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Monday • March 14, 2005

SIOUX FALLS, SOUTH DAKOTA

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TODAY'S BRIEFING

SPORTS



Basketball brackets

▶ Oklahoma State, with Big 12 tournament MVP Joey Graham, will head into the Chicago regional of the NCAA basketball tournament as second seed to the top-ranked No.1 Illinois men. For the women, LSU, Tennessee, North Carolina and Michigan State share the top slots in an evenly matched competition. See the story and brackets, 1, 3-4C.

USD men headed for region finals

► After a 73-68 win over Winona State, the Coyotes will face Metro State on Tuesday for a chance to go to the NCAA Division II Elite 8 tournament. 10



Student art at Falls Park

▶ The Horse Barn Arts Center features a free show packed with 80 pieces from eastern South Dakota high schoolers. The gallery will show the artwork Wednesdays to Sundays from noon to 4 p.m. through April 3, which is awards day. 10

BUSINESS

Get car fixed, shop for comics

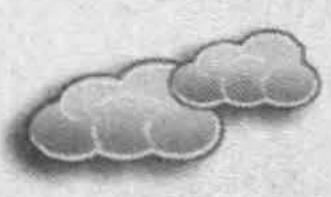
▶ Village Automotive and Dragon's Den will share quarters in the former Sioux Falls Tire and Service building after it's renovated. Both business owners say they'll have more room in the new space. To read about these and other area business changes, see Kelly Hildebrandt's column on page 6C.

NATION & WORLD

▶ PULLBACK: Syria has reportedly withdrawn a third of its troops to its border with Lebanon, with plans for the rest to leave before that country's April elections. 3A

► ENDURANCE TEST: What's the surest way to make a college entrance exam even more draining? Add a 45-minute-long essay, which extended the SAT to four hours for 330,000 college-bound students Saturday. 2A

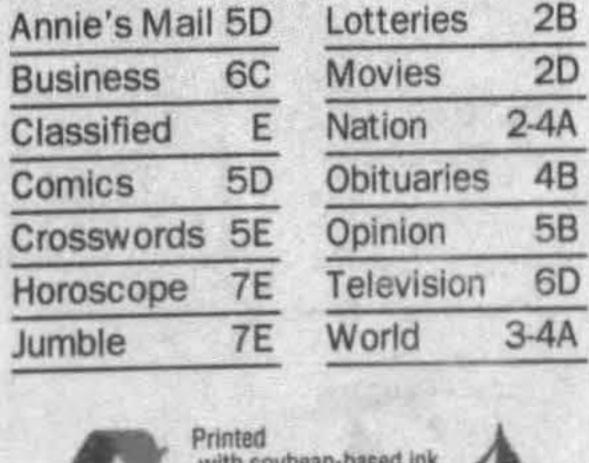
TODAY'S WEATHER



LOW

Cloudy Full report, 2A

INDEX 32 pages Lotteries Movies Nation





Audit spurs council plan to tighten belt

City overspent by \$655,000, dipped into reserves

BY JENNIFER SANDERSON

jsanders@argusleader.com Prompted in part by multimillion-dollar overruns on taxes and Phillips to the Falls and oth- the er big-ticket projects, sup- penny of port is growing for a new city sales city ordinance that would tax. Departtighten spending restric- ment heads helped trim The city of Sioux Falls balthat short-

anced its 2004 budget, but fall to \$655,000 before year's only after dipping into end. reserves for two of its four major funds, a recent audit reveals.

Local leaders had braced for an \$8.6 million deficit in the general fund, the day-to- it's not good enough, espeday operational pool whose cially since the general

revenues come from property

BY PETER HARRIMAN

and NANCY KELSEY

Argus Leader

west states are among those having

binge drink, a recent study shows.

the most comprehensive national

studies of drug and alcohol abuse,

or more drinks at a sitting.

Among the findings:

vious 30 days.

drinking.

Services.

acceptable."

age of such drinking.

the highest percentage of people who

The findings, contained in one of

defines binge drinking as having five

■ 54 million people, 22.8 percent of

persons 12 and older, had participated

in binge use of alcohol within the pre-

North and South Dakota, Iowa,

Minnesota, Nebraska, Wisconsin, Col-

Rhode Island had the highest percent-

South Dakota experts suggest the

"Part of it is social acceptance," says

Gilbert "Gib" Sudbeck, director of the

Abuse for the Department of Human

"Drinking in the Midwest is some-

thing people do," he says. "It's socially

The study, done by the Substance

Its findings have great credibility in

"Those are some of the top national

studies in the country. Those are very

stuff," Jeffrey Simons said. Simons is a

University of South Dakota assistant

See BINGE, page 5A

good sources. They do very good

Abuse and Mental Health Services

Administration of the U.S. Depart-

ment of Health, relied on 136,000

interviews conducted in 2002-03.

the public health field.

state Division of Alcohol and Drug

culture of the region leads to binge

orado, Montana, Massachusetts and

South Dakota and other Upper Mid-

Darrin Smith

City councilors agree the the forecast figure, as well ters. as the fund's \$1.7 million deficit in 2003. But most say

fund's first-penny sales revenues rose 7.5 percent frp, the previous year.

Another crucial fund, this one fed by the secondpenny tax, saw a 7.7 percent increase in sales revenue from 2003 but finished \$6.85 million short. That second-penny money pays for items in the 5-year capital improvements plan, or CIP, and builds city infrastructure from sewer sysnumber vastly improves on tems to community cen-

"Since when did spending nearly \$700,000 more than

See AUDIT, page 6A

S.D. has high rate of those who drink large amounts of alcohol

ONLINE

To view the city's full annual report, visit www.siouxfalls.org online and click on the "Finance" link in the left-hand column.

INSIDE

BY THE NUMBERS: Audit details, including how much revenues have increased and how much the city has in reserves.

CITY COUNCIL: Items on the agenda for tonight's meeting. SEE PAGE 6A

When Duane Jackson bought his acreage in 1992, he couldn't see a southern city light from his side of the

Road debate highlights

city annexation issues

now, he can count hundreds of homes, the newest rippling out beyond 85th Street. Jackson and his wife, Linda, don't mind the new houses going up to the west, either. The day is coming when their country home

won't be in the country any

longer. And then the retired

BY JENNIFER SANDERSON

jsanders@argusleader.com

hill. Standing in his sunroom

Neighborhood

57th St.

PAM Oil manager probably will dabble in real estate, selling off lots.

It's the street itself - the not quite 1,000 feet named

See ROAD, page 6A

Daschle tojoin Dole at law firm

Former senator to advise, lobby

FROM STAFF AND WIRE REPORTS

WASHINGTON - Former South Dakota Sen. Tom Daschle, following a bipartisan path blazed by many prominent exmembers of Congress, is joining Alston & Bird as a special adviser in the law firm's legislative and public policy group.

Daschle, 57, the former Democratic leader in the Senate, told

the Washington Post that he will start work today providing the Atlanta-based firm's corporate clients strategic advice about such issues as energy, health care, financial



services, tax policy, trade and agriculture. After the 2004 election,

Daschle told the Argus Leader that he had no plans to become a lobbyist. He was recruited by another

former Senate leader, Republican Bob Dole, 81, who joined the firm as a special counsel in 2003.

Neither Daschle nor his new employer would discuss how much he will be paid. Other influential former members of Congress have drawn annual compensation packages of as much as \$1 million and higher after making such moves. Dole has been reported to earn \$800,000 to \$1 million annually, a range the Republican called "more or less" accurate in an interview with the Post Friday.

In December, Daschle told the Argus Leader that he would leave the lobbying up to his wife, Linda, leaving him to focus on speaking engagements and writing.

Daschle, whose record of taking on the Bush administration probably cost him support in South Dakota, was denied a fourth term in the Senate when Republican John Thune defeated him Nov. 2. Dole soon sought him out to offer condolences and plant the idea of working at Alston & Bird.

See DASCHLE, page 5A

Police say gunman in church deaths upset about job, sermon

BY JOHN DIEDRICH Milwaukee Journal Sentinel

MILWAUKEE - Armed with a of that service, apparhandgun and two magazines of bul- ently angry over a serlets, Terry Ratzmann walked into a mon. The 44-year-old religious service at a Brookfield hotel Saturday, and without a word spoken, cut down 11 fellow churchgoers in 60 seconds before one parishioner frantically asked him, "Why?"

Ratzmann fired a few more times before squeezing off the 22nd shot the final one - into his head.

With eight people dead, three hospitalized and a 10-year-old girl released Sunday, authorities, friends and fellow churchgoers struggled with the question of why.

Investigators zeroed in on two facts: the end of Ratzmann's job at GE Healthcare in Waukesha County and a church service held Feb. 26 at the

same Sheraton hotel. Ratzmann, a regular at the Living

Church of God's hotel services, stormed out didn't return to a service until Saturday,

this time with a gun. A woman who Terry Ratzmann knew Ratzmann for years described him

as depressed, but authorities said Sunday that they had found no evidence of mental illness. At the two-story home where Ratz-

MORE

ONLINE

To voice your

opinion about the

drinking in South

Dakota and other

Midwest in an

leader.com.

PHOTO ILLUSTRATION BY CHRISTOPHER GANNON / ARGUS LEADER

online forum, log

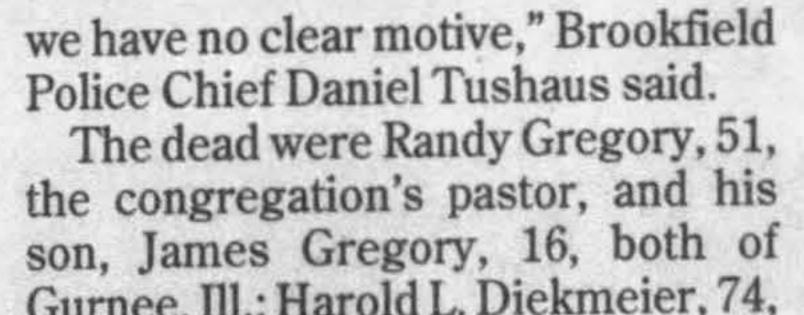
on to www.argus

states in the Upper

prevalence of binge

mann lived with his mother and sister in New Berlin, police found a .22-caliber rifle and a box of bullets that matched those fired, along with three computers that held encrypted files. Detectives were trying to tap those files, hoping for more clues. No suicide note was found.

"At this time in our investigation,



son, James Gregory, 16, both of Gurnee, Ill.; Harold L. Diekmeier, 74, of Delafield; Gloria Critari, 55, of Cudahy; Richard Reeves, 58, of Cudahy; Gerald A. Miller, 44, of Erin; and Bart Oliver, 15, of Waukesha.

Marjean A. Gregory, 52, the pastor's wife, also of Gurnee, was listed in critical condition at Froedtert Lutheran Memorial Hospital. Angel M. Varichak, 19, of Helenville, and Matthew P. Kaulbach, 21, of Pewaukee, both were listed in satisfactory condition at Froedtert. A 10-year-old girl from Cudahy was released from Children's Hospital of Wisconsin, a spokeswoman said late Sunday. Neither police nor Children's would

See **SHOOTING** page 5A



MORRY GASH / AP

Crosses for the seven victims of a shooting stand outside the Sheraton hotel Sunday in Brookfield, Wis., with an eighth cross separated from the rest for the gunman, Terry Ratzmann.

Road: City, business, landowners dispute rights

Continued from 1A

Brande Avenue - that the Jacksons and the Benders and the Schmunks aren't willing to part with. At least not without what they consider a fair split of land or money with Ronning Homes, the company building the houses on the other side of the street.

The property-rights battle has devolved into a three-way contest, with city leaders, businessmen and private owners all trying to work out a solution.

How the city annexes rural lands to provide access for residents and public services has surfaced before, and it will again as Sioux Falls grows. Those involved know the peculiarities of this case might set a precedent for handling disputes.

A year in the unfolding, the cil last month when Mayor Dave Munson sided with private owners, deciding a 4-4 tie against bringing Brande Avenue into the city. Councilor De Knudson later asked to reconsider, and today's agenda includes the item.

But Knudson and others touches current city borders and expect to withdraw the topic at can be serviced with city utilities. the meeting's opening. City Attor- Therefore, he said, it can be ney Gary Colwill isn't convinced annexed under state law - even if the city has its paperwork in it means going against the wishes order. Until it does, he'd rather of adjacent owners. wait than risk creating a loophole for a legal challenge.

Chuck Point, vice president for Ronning Homes, agrees. He said sure the city can assume the role his company has no responsibili- of the public in the right-of-way ty to pay for a road that belongs to dispute. Because Brande Avenue everyone as right-of-way. The isn't within city limits, Jamison road was a price factor in the land thinks either Springdale Townpurchase, and Point said Ronning ship or Lincoln County must won't sacrifice square feet when a make the request. public road already exists.

That amounts to "trying to steal half a street," in Jackson's words. "We're willing to give out half,"

he said, referring to a late Febru- the surveyor who helped them ary request to replat the 66-foot- realign property markers didn't Half of Brande Avenue then would overlap Ronning's lots.

Equitable solution

Jackson called it the most equitable solution because previous owners from his side of the property line donated the land for property, so if he gave land for who lives on a street or highway or Brande Avenue from a larger parent parcel in 1972. The Jacksons and 14 others reaffirmed the platit, you can't annex it, and Ronroad's location and public status with a replatting in 1995.

City leaders are struggling with the facts and the emotions of people who feel ownership for a road they've paid to keep black-topped and free of snow. Knudson voted against annexing the roadway but now thinks she "voted incorrectly from a legal standpoint."

and Kevin Kavanaugh among ing to vacate the roadway. them, see this issue as a private dis-

CITY COUNCIL MEETING

Below are agenda highlights for today's Council meeting at 7 p.m. in Carnegie Town Hall. Meetings are broadcast on CityLink Channel 16. View the full agenda at www.sioux falls.org.

GOLF FEES: The council now sets golf fees for the cityowned courses. This action would repeal city fees, though the council still would have oversight of charges through its contract with Dakota Golf Management. Second reading and likely vote.

JOINT JURISDICTION: A majority of councilors say the city needs to approve a new boundary agreement with Minnehaha

Who decides?

Councilor Bob Jamison isn't so

Jackson and his neighbors

acknowledge they made a mis-

take in the replatting, and they

want the city to right it. They say

costs for curb-and-gutter.

request because the land didn't

While the council already has

added 30 acres west of Brande

Avenue, along with portions of

85th Street and South Western

Avenue bordering the Ronning

development, Jackson and his

originally come from them."

County before the city grows farther east. Land would remain outside city limits until annexed. The county already has agreed to the change. Second reading and likely vote.

EAST SIDE SEWER: Councilors will discuss the need to construct a sanitary sewer system and assess costs to each lot or tract of land benefiting from public works. Property owners and developers would not pay unless they tap into the system.

PAVILION: Leaders at the Washington Pavilion of Arts and Science will recap programming and finances in their 2004 year-end report.

issue came before the City Coun- They and city planners circle back before previous owners donated it to the fact that the street is a pub- for public use. Then a 66-foot-wide lic right-of-way. Regardless of who road could have been platted 33 donated the land or who has paid feet to the west, half on Ronning's upset, he thinks they're displacto maintain the road, the street is a lots and half on the rural land ing their frustration. "There's a public one. Assistant director of removed from public right-of-way. lot of emotion here, and it's that planning Jeffrey Schmitt said It's standard practice for owners emotional issue in the midst of all Brande Avenue meets the test. It on each side to give their share. this that led to that first vote." Rural residents said annexing the road in its present location means Ronning gives nothing to the public benefit.

> "I think what they're really saying is they'd like to be compensated for something someone else did," Point said. "They talk about what's fair and equitable, and we're saying that what's fair is what everyone knows going into something like this."

> Jackson said Ronning's research didn't look far enough and didn't consider where the land came from. "I think they saw the right-of-way and didn't go any further, and they should have," he said.

Potential confusion

City planners see a potentially wide roadway 33 feet to the west. warn them about the possible dangerous line being crossed. study. Both components are needconsequences, and they didn't The two-year statute of limitations ed when landowners themselves know to ask. Failing that, they on road vacations and annexa- aren't petitioning to join a city. want a credit per square foot tions is in place to protect everytoward initial street development one, City Attorney Colwill said.

> "The bottom line is, if an owner "I inherited everything the past can be compensated for someowner did when I bought my thing a predecessor did, anybody that street, I gave land for that section-line road can do the same," street," Jackson said. "If you can't Colwill said. "Where does it end? ning can't make the annexation in front of your house, do you get over," Jamison said. paid? At some point in the past, someone owned that land and contributed it to right-of-way. ... The move the road west. city's concern is that we've eventually got to put our infrastructure under Brande Avenue."

> > Adjacent streets typically are city water and sewer lines. The remedy this?"

spread out among those who use them. In developing areas, the price is built into the lot.

If Brande Avenue becomes part of Sioux Falls, Jackson and his neighbors won't be charged for city sewer or water services until they tap into the system or develop their own property. Their land is a jutting peninsula, with Sioux Falls claiming bordering blocks to the north, west and east.

Incoming planning director Mike Cooper refers to such tracts as growth-area boundaries. "When we as a city develop those areas, developers buy into them as well," he said. "There's a feeling that if everybody is following the same road map, everyone is going to be treated fairly."

Point maintains that the Ronning Homes neighborhood west of Brande Avenue fits that pattern, "which is maybe an advantage for us." He added that while the landowners have a right to be

Jackson pleaded his case to the mayor before Munson cast the deciding vote. Jackson said he thought Munson "saw the inequity in it and that if it's annexed like it is, it takes away our negotiation power."

While the mayor doesn't want to short-shrift neighbors, it's most important from the city's standpoint that there are no more missteps. "I think it had some uncertainty to it," Munson said. "We need to understand the legalities and who has the right-ofway. I just wasn't really clear on it, and it seems like withdrawing it right now is the best thing to do so we can sort out jurisdiction."

Any action most likely will come after the city starts over with its paperwork and an annexation Councilor Kermit Staggers helped defeat the first request and shares Jamison's concern about annexing people who don't want to be.

"The city obviously goofed on the initial pass by not including Brande Avenue, and if they didn't do that properly, I don't think If the city wants to widen the street there's any recourse but to start

Jackson will press forward as well, resubmitting the request to

And if the city, after all this, forces annexation?

"We've talked about a lawsuit, but obviously, we've not made a annexed with new city blocks decision yet," Jackson said. "We neighbors blocked Brande because they've been dedicated think maybe a better solution is to Other councilors, Darrin Smith Avenue from the process by try- to the public right-of-way. They're go to the Legislature and say, access points for owners and for 'This isn't fair. What can we do to

Audit: Reserves fall

Continued from 1A

you took in become reason for a parade?" councilor Darrin Smith asked. "The sales and use fund, certainly a big part of city government, spent nearly \$7 million more. You have to spend rainyday funds in difficult years. That's why you have them. But when revenue is growing this much, it's not raining."

Smith and Councilor Bob Jamison have drafted a measure that would require department directors to notify the council before going forward with work that takes any single project over bud-

The rule aims to prevent afterthe-fact emergency appropriations such as the one the council approved in November. The action was needed to complete the Phillips corridor before Mayor Dave Munson's deadline. Dipping into the second-penny reserves covered roughly \$4 million in unbudgeted costs for that project and a new entrance to Pasley Park.

"What happened in 2004 cannot and will not happen again as long as I'm here," said Eugene Rowenhorst, the city's finance director. Taking money from reserves can't go on indefinitely without serious consequences, he said, and economic growth already is helping rebuild fund balances.

catch-up," he said.

Proponents think the change would demand greater accountefit of knowing the council's full makes up such a large portion of ed. public expenditures.

Councilors aren't suffering any delusions that the ordinance will be foolproof. But supporters say it's a step forward and still offers the mayor flexibility to move money within the budget.

"The mayor is supposed to bring these issues to the council and advise us he's making a fund transfer from within the budget," Jamison said. "If he can't do that, he should have to come to the council, immediately, for a supplement. The council has to know a project is going over budget, and option if there are funds available to cover it."

Certain funds within the city's

sophistication to any

dining room table and

SALE ENDS MARCH 14TH

chairs are also available.

room. Traditional matching

BYTHE NUMBERS

The city of Sioux Fails' 2004 audit gives insight into how local government raises and spends public money.

Below are a few of the key findings. Most are broken down by fund type, because state law restricts money transfers between certain kinds of funds.

\$40.7 MILLION: Increase in total net assets from 2003, for a total of \$809.69 million.

\$8.6 MILLION: Projected shortfall in the general fund, the city's day-to-day operational money from property taxes and the first penny of city sales tax.

\$655,000: Actual general-fund deficit, and the amount transferred from general reserves to balance the budget. \$6.98 MILLION: Total re-

serve money used to cover deficits across all city funds, including the transfers listed above.

\$66.35 MILLION: The city's total cash reserves, including balances listed above.

Spending from the accounts is complex mix come with strings worse than covering checks with attached. State law mandates money from the savings account, how sales tax can be collected said Rowenhorst, who oversees and spent and doesn't allow for the city's complete financial pic- across-the-board transfers. It's ture. "It's dipping into savings illegal for revenue from the secwithout Mom's permission, and ond-or third-penny sales taxes that's what we had to do to play the latter often called the entertainment or "bed-and-booze" tax - to migrate to other funds. That's why none of the \$452,315 ability and give directors the ben- in entertainment-tax surplus could pay down the deficit in daiconfidence backs their decisions. ly operations or CIP construction Vice chairman Andy Howes, who projects. The money could flow leads the council's finance com- in the opposite direction, howevmittee, also backs the idea er, dispersing any general-fund because the second-penny CIP surplus to areas where it's need-

> Rowenhorst said those controls make it difficult and even misleading to total deficits across all funds. Nonetheless, the city has steadily chipped away at its overall cash reserves in the past few years, starting 2002 with \$90.58 million and entering 2005 with \$66.35 million.

> Councilors tend to look primarily at the general fund, but Smith said it's only fair for taxpayers to demand a full accounting.

"You can only spend more than you take in for so many years," Smith said. "If the city can't pay for we should know why. But you it all and continues to operate can't restrict him from having the under deficit spending, we're going to exhaust those finite reserves."

Reach Jennifer Sanderson at 575-3629.



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