

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
April 21, 2003

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, April 21, 2003 at 7:00 P.M.

Mayor Jerry Munson, Asst. Finance Officer Coleen Schmidt, and the following Alderpersons were present: Tom Johnson, Alan Hanks, Sam Kooiker, Tom Murphy, Bill Waugh, Martha Rodriguez, Ray Hadley, Ron Kroeger, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: None.

Motion was made by Hanks, seconded by Rodriguez and carried to **approve the minutes** of April 10, 2003.

***Bid Openings***

The following companies submitted bids for **Park Drive Reconstruction Project** ST03-1030 (No. CC042103-01) which were opened on April 17, 2003: 1) RCS Construction; 2) Spearfish Excavating; 3) Mainline Contracting; 4) Hills Materials Company; and 5) Heavy Constructors. Staff has reviewed the bids and recommends award to Heavy Constructors. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for ST03-1030 to Heavy Constructors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$942,004.02.

The following companies submitted bids for **Cathedral Drive Pedestrian Signals Project** ST03-1252 (No. CC042103-01) which were opened on April 17, 2003: 1) Checker Electric. Staff has reviewed the bid and recommends award to Checker Electric. Asst. Finance Officer Schmidt reported that the funding source for this project is the CIP Contingency Fund. Motion was made by Hanks, seconded by Johnson and carried to award the bid for ST03-1252 to Checker Electric, the only bidder, based on their low unit prices bid, for a total contract amount of \$89,447.94.

The following companies submitted bids for **Roadway Marking Contract** Project PM03-1304 (No. CC042103-010) which were opened on April 17, 2003: 1) United Rentals Highway Technologies. Staff has reviewed the bid and recommends award to United Rentals. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for PM03-1304 to United Rentals Highway Technologies, the only bidder, based on their low unit prices bid, for a total contract amount of \$70,000.

The following companies submitted bids for Field **FT-IR Spectrometer** for the Rapid City Department of Fire and Emergency Services (No. CC042103-01) which were opened on April 21, 2003: 1) Haz-Matters, Inc. and 2) Sensir Technologies. Staff has reviewed the bids and recommends award to Sensir Technologies. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for Spectrometer to Sensir Technologies, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$43,240.

The following companies submitted bids for **Audio/Video and Integrated Systems Replacement Project** GB02-1277 for the Council Chambers (No. CC042103-01), which were opened on April 17, 2003: 1) KT Connections, Inc. and 2) Audio Video Solutions. Staff has reviewed the bids and recommends award to KT Connections. Motion was made by Rodriguez and seconded by Waugh to award the bid for GB02-1277 to KT Connections, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total

contract amount of \$294,495; contingent upon approval of the Rapid City School Board. Upon vote being taken, the motion carried with Kooiker voting no.

### ***Bid Award***

Asst. Finance Officer Schmidt reported that eight bids were received for **Fire Station No. 3 Project FD03-1266** and read into the record on April 7, 2003. The bids were submitted to the CIP Committee for review, and the recommendation is to award the bid, plus alternates, to Gustafson Builders. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for FD03-1266 to Gustafson Builders, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$929,700.

### ***Mayor's Items***

Police Chief Craig Tieszen commended the members of the Police Department's **Honor Guard** for presenting the colors at the beginning of the meeting: Officer Marcos Glass; Senior Officer Rich Holt; Officer Matt Hower and Officer Jim Ganzer. Tieszen also noted that the Honor Guard is available for public functions.

Mayor Munson presented a Certificate of Recognition to **Doug Pavel** and commended him for 24 years of service in the Police Department. Pavel is retiring from the Department, however, he intends to take over administration duties for the Joint Dispatch Center.

Munson also presented a Certificate of Recognition to **Ed Graham** and commended him for 25 years of service to the community.

### ***Aldersperson Items***

Hadley reported that he has received several complaints about trucks working on the ASA Softball fields at 4:30 A.M and as late at 9:00 P.M. He suggested that the City consider establishing guidelines to address this issue and to prevent it from happening again.

Hadley also expressed concern about the Knollwood Metering Dam. This area was cleaned out, but it has now turned into a pond. Motion was made by Hadley, seconded by Kroeger and carried to put this issue on the next Public Works Committee agenda for discussion.

Motion was made by Hadley, seconded by Kooiker and carried to put the following item on the Legal & Finance Committee agenda for May 14, 2003: Discussion of Public Access Channel.

Motion was made by Hadley and seconded by Kroeger to put the following item on the next Legal & Finance Committee agenda for discussion: Insurance required by Music in the Park to use the bandshell. Johnson stated that as policy makers, the Council should discuss all programs, not just Music in the Park. Hadley concurred noting that any organization can speak to the issue. Upon vote being taken, the motion carried with Johnson voting no.

Hadley explained that he requested information from the Public Works Department at the last meeting, but he has not received it. Motion was made by Hadley to move no confidence in the Public Works Director. Second by Kooiker. Substitute motion was made by Murphy and seconded by Kroeger to table this item. Roll call vote was taken: AYE: Hanks, Johnson, Murphy, Waugh, Rodriguez, Kroeger, and Dreyer; NO: Hadley, Kriebel and Kooiker. Motion to table carried, 7-3.

### ***Special Items and Items from Visitors***

Pat Gill and Steve Duffy presented information to the Council relative to **lighting on West Boulevard**. Gill explained that several years ago, West Boulevard residents worked with the City to select lighting for the reconstruction of West Boulevard. An agreement was made between the Boulevard Association and the City that historic style lamps could be used if the Association would raise funds to cover the cost difference between the "cobra" style lights and the desired historic style lights. The turn-of-the-century acorn style globe fixture was selected for its aesthetic charm and as a continuation of the period lighting in Wilson Park. However, no one anticipated the intense glare that results from putting unshielded high intensity bulbs inside these globes. An enormous amount of light ends up in the sky and in the windows of nearby homes. This is a bigger issue for two-story homes because the second story is closer to the height of the globe. The intense glare can be a hazard to drivers and this problem intensifies when it rains or snows. Gill requested that the next phase of construction be done with a bulb designed to control "light trespass" and glare. This can be done using the same style of fixtures as the last two phases. The lighting industry has designed a better system to be placed inside the globes. Engineering Division Manager Randy Nelson suggested that an alternate be included for the next phase of the West Boulevard construction project. This will give the city a cost associated with the change and the Council can then make a decision on how to proceed and where funding for the retrofit will come from. Johnson suggested that the cost of the retrofit for the existing lighting be shared between the City and the Boulevard Association. Kriebel stated that the city does not have a policy on "light pollution" or "light trespass". He noted that this type of consideration should be given to all lighting projects throughout the community. Motion was made by Kriebel and seconded by Johnson to refer this issue to the next Public Works Committee for discussion. Substitute motion was made by Hanks, seconded by Murphy and carried to allow staff to include an alternate for lighting in the West Boulevard reconstruction project bid documents.

Helen Pich appeared before the Council to request an **exception to the Street Design Criteria Manual** to allow an approach on Haines Avenue within 122' of the intersection instead of 230' and for an exception to allow an approach on Lindberg Avenue within 210' of the intersection instead of 230'. Pich noted that she has worked with city staff extensively on this issue and they support the request. Public Works Director Dan Bjerke concurred with the request. Motion was made by Hanks, seconded by Rodriguez and carried to approve the requested exceptions to the Street Design Criteria Manual as outlined above.

### ***Alcoholic Beverage License Applications***

Upon motion made by Hadley, seconded by Kriebel and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, May 5, 2003:

7. United Downtown Association, Special Malt Beverage License to be used on June 20, 2003, on 6<sup>th</sup> Street between Rapid Street and Main Street
8. Jim Didier dba Jefferson Bar (Hotel Alex Johnson), 523 6<sup>th</sup> Street, for an On-Sale Liquor License Transfer (from Sherri Ashley)

The Mayor presented No. 03UR001, an **Appeal of the Planning Commission's denial of a Conditional Use Permit to allow an On-Sale Liquor Establishment** on Lot 11R of Lot K-3 of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1715 North LaCrosse Street. Motion was made by Hadley and seconded by Dreyer to continue this item until May 5, 2003. Rich Huffman, Attorney representing Northcott Company, stated that this issue is not going to change by May 5<sup>th</sup>. All information has been submitted. Murphy encouraged the Council to take action on this item tonight, based on the volume of testimony that has already been presented. Kriebel spoke in

favor of the motion to continue so that the public can speak on the issue. Substitute motion was made by Dreyer and seconded by Rodriguez to over rule the Planning Commission's denial, and approve the issuance of the Conditional Use Permit with the following stipulations: 1) A screening fence shall be installed in a manner that does not obstruct or divert drainage from the west; 2) The structure shall be maintained in compliance with all applicable Fire Codes at all times; 3) The fire sprinkler system shall be in compliance with all applicable code requirements at all times; 4) All systems shall be maintained in compliance at all times; 5) The applicant shall submit a revised site plan showing a screening fence abutting all residential zoning districts for review and approval prior to Planning Commission. The fence shall be installed prior to the initiation of the on-sale liquor use or the applicant shall obtain a variance waiving the screening requirement; and 6) The On-Sale Liquor Establishment shall be operated in conjunction with a full service restaurant. Kriebel encouraged the Council to review the public comment included with the agenda. Kooiker encouraged the Council to defeat the motion and allow the public to speak on this issue. Roll call vote was taken: AYE: Rodriguez, Murphy, Dreyer, Kroeger, Waugh and Johnson; NO: Hanks, Kriebel, Kooiker and Hadley. Motion carried, 6-4.

This was the time set for hearing on the application of Northcott Company dba **Perkins Restaurant and Bakery**, 1715 LaCrosse Street, for an On-Sale Malt Beverage License (New License – No Video Lottery). Motion was made by Hadley and seconded by Kooiker to continue this item until May 5, 2003. Substitute motion was made by Rodriguez and seconded by Dreyer to approve the application. Roll call vote was taken: AYE: Rodriguez, Murphy, Dreyer, Kroeger, Waugh and Johnson; NO: Hanks, Kriebel, Kooiker and Hadley. Motion carried, 6-4.

This was the time set for hearing on the application of **Black Hills Heritage Festival, Inc.** for a Special Malt Beverage License to be used in Memorial Park on July 3, 4 and 5, 2003. Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

Motion was made by Hadley, seconded by Hanks and carried to continue the public hearing on the Recommendation to the SD Department of Revenue for revocation of On-Sale Liquor License No. 5871 held by Sheri Ashley dba **Uptown Grill**, 615 Main Street, until May 5, 2003.

### **Consent Calendar**

The following items were removed from the Consent Calendar:

24. No. PW041503-12 – Authorize Mayor and Finance Officer to Sign Professional Service Agreement with Alliance of Architects and Engineers and HDR Engineering, Inc. to Design and provide Construction Services for W03-1184, Red Rock Water Storage Reservoir Project and an amount not to exceed \$275,100.
30. Approve a request by Jim Raysor, South Dakota Department of Corrections to use City property for a minimum security housing facility; and direct the City Attorney's Office to prepare a lease agreement to be presented at the April 30, 2003 Legal & Finance Committee meeting.
38. No. 03TI003 - Approve request by Charles Barker for A/R Group for a **Resolution Creating Tax Increment District #39** on Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 of Lot 3 & Lot H3 of Lot 3 all of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section

- 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H7 of the S1/2NW1/4 located south and east of the highway excepting therefrom Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H8 and the balance of Lot H5 all located in the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Tract A of the SE1/4NW1/4 and SW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 of the NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot "Z" showing a tract of land to be abandoned in a portion of Lot H3 in the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 in the N1/2NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60.
39. No. 03TI004 - Approve request by Charles Barker for A/R Group for a **Tax Increment District #39 - Project Plan** on Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H2 of Lot 3 & Lot H3 of Lot 3 all of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots H3 and H4 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H7 of the S1/2NW1/4 located south and east of the highway excepting therefrom Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H8 and the balance of Lot H5 all located in the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 of Tract A of the SE1/4NW1/4 and SW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 and Lot H2 of the NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot "Z" showing a tract of land to be abandoned in a portion of Lot H3 in the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H3 in the N1/2NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60.
54. Approve all Future Waivers, Negotiations and Reductions in Impact Fees Being Approved by the City Council With a Special Exception that Would Allow the Public Works Director and/or the City Attorney to Make an Exception on the Spot with the Knowledge that the Individual that is Asking for that Request has to Realize that it Must be Submitted to the City Council at their Next Scheduled Meeting for Final Approval; and that it is Temporary Until Approved by the City Council.
57. No. LF041603-17 – Direct the City Attorney's Office to submit the following question now to the Attorney General's office for an opinion: "Does SDCL 9-14-23 provide an exception to 9-14-13 relating to the City Attorney's office", and to bring the remainder of the questions for review at the Informational Meeting scheduled for April 23, 2003.
60. No. LF041603-20 - County Commissioners – Deny Request from the Pennington County Board of Commissioners for Waiver of Two Hour Parking Restrictions and the Parking Meter Requirement on St. Joseph Street between 1<sup>st</sup> and 5<sup>th</sup> Street.

Motion was made by Hanks, seconded by Johnson and carried to approve the following items as they appear on the Consent Calendar:

**Public Works Committee Items**

13. No. PW041503-01 – Approve Change Order No. 03F for GC00-1016, Meadowbrook Golf Course Clubhouse Project to RCS Construction for a decrease of \$1,829.04.
14. No. PW041503-02 - Authorize staff to advertise for bids for Transportation Natural Gas for City of Rapid City/Rapid City Area Schools.
15. Authorize staff to advertise for bids for Floor Mats and Dust Mop Service for Various City Departments.
16. No. PW041503-03 - Authorize staff to advertise for bids for PR03-1265, Black Hills Polo & Soccer Grounds Parking and Sidewalk Project.
17. No. PW041503-04 - Authorize staff to advertise for bids for PR03-1293, Parkview Softball Complex Phase 3 Project.
18. No. PW041503-05 – Authorize staff to advertise for bids for STCM03-1294, Sheridan Lake Road Joint Seal and Panel Replacement Project.
19. No. PW041503-06 – Authorize staff to advertise for bids for STCM03-1296, 2003 Joint Sealing Project.
20. No. PW041503-08 - Authorize Mayor and Finance Officer to Sign Black Hills Power, Inc. Right-Of-Way Permit -- OH/UG Corporation for Lot C of the SE1/4NW1/4, Section 25 T2N, R7E, Pennington County, BHM, South Dakota (Disk Drive Street).
21. No. PW041503-09 - Authorize Mayor and Finance Officer to Sign Permanent Utility Easement Agreement with H. L. Shelton in association with W00-947, Sheridan Lake Road and Sunset Vista Water Main Extension Project.
22. No. PW041503-10 - Authorize Mayor and Finance Officer to Sign Permanent Utility Easement Agreement with Patrick Tlustos in association with W00-947, Sheridan Lake Road and Sunset Vista Water Main Extension Project.
23. No. PW041503-11 – Authorize Mayor and Finance Officer to Sign Amendment to extend contract to April 2006 with Lighting Maintenance Company for ST01-1148, Street Light Maintenance Contract Agreement.
25. No. PW041503-15 - Approve Policy Statement No. 2-03, Engineer's Estimates and Inspection Fees for Private Developments.
26. No. PW041503-19 – Approve Policy Statement No. 1-03, Gas, Electric and Telephone Distribution Plan for New Subdivision.
27. No. PW041503-16 – Authorize staff to prepare a resolution imposing Supplemental Tap Fees for Property Benefiting by Dyess Avenue Water Main Extension Project W99-845. (Secretary's Note: Resolution approved later in this meeting)
28. Authorize the reallocation of \$475,000 from the Infrastructure Development Partnership Fund (IDPF) for construction of the Dyess Avenue Water Main Extension Project W99-845, with the balance of project costs to be funded from the Water Enterprise Fund; and refunding the allocated funds from the tap fees.
29. No. PW041503-17 - Approve the purchase of one (1) new current model ¾ ton, 4x4 pickup from Lamb Motors of Onida under State Contract No. 13769 in the amount of \$18,268 for the Solid Waste Division.
31. Approve a Variance for sidewalk and curb along parking lot and public right-of-way at 2209 West Omaha Street (United Blood Services).
32. No. PW041503-18 – Approve Rapid City Community Development Corp. Impact Fee Waiver for Northbrook Village, Block 8, Lot 27 (117 Bengal Drive).
33. Approve Black Hills Area Habitat for Humanity Impact Fee Waiver for Dakota Subdivision No. 1, Lot 11 (521 Crazy Horse Street).
34. No. 03RD003 – Approve a Resolution for a Road Name Change for Dream Design International, Inc. to change Viking Drive to Titan Drive, located north of Country Road and west of Nike Road.

**RESOLUTION CHANGING THE ROAD NAMED  
VIKING DRIVE TO TITAN DRIVE**

BE IT RESOLVED by the City of Rapid City that the road named Viking Drive on Lot 16, Block 2, Lot 6, Block 3, Lots 1 and 14, Block 8, of Northbrook Village Subdivision, located in the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Country Road and west of Nike Road, and is hereby renamed to Titan Drive.

Date this 21st day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

***Legal & Finance Committee***

35. No. LF041603-01 - Approve Travel Request for Police Department Command Staff Meeting April 24-25, 2003, in Deadwood, SD.
36. No. LF041603-02 - Authorize Mayor and Finance Officer to Sign Memorandum of Understanding for Extended Test Period for Modified Work Schedule.
37. Authorize Mayor and Finance Officer to Sign Paramedic Intercept Contracts with Bennett County and Philip, SD.
40. Approve procedure of sending future Waivers of Right to Protest directly to the Council agenda without going through committee first.
41. No. LF041603-05 – Authorize the Mayor and Finance Office to sign a Waiver of Right to Protest a Future Assessment for street improvements.
42. No. LF041603-06 – Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment of Street Improvements – Moon Ridge Subdivision.
43. No. LF041603-07 – Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment of Street Improvements – Canyon Lake Heights Subdivision.
44. No. LF041603-08 – Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment of Street Improvements – Big Sky Subdivision.
45. No. LF041603-09 – Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment of Street Improvements – Springbrook Acres Addition.
46. No. LF041603-10 – Authorize Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment of Street Improvements – Forest Park Estates Subdivision.
47. No. LF041603-24 – Allocate up to \$10,000 from the 2003 CIP Contingency Fund for Partial Funding to Replace the Air Conditioning Unit at the Rapid City Public Library.
48. Authorize Finance Office to Establish a Separate Bank Account to Hold Educational and Governmental (EG) Funds.
49. Approve transfer of \$10,000 from Council Contingency to the EG Account.
50. No. LF041603-11 – Authorize Finance Office to Request \$5,000 from TCI Cable Vision for the EG Account as per Ordinance No. 3267.
51. No. LF041603-12 – Authorize Finance Officer to Request \$5,000 from Black Hills FiberCom for the EG Account as per Ordinance No. 3458.
52. No. LF041603-13 – Authorize Expenditure of \$800 from EG Account for Two New VCR's and Two Interface Units and Transfer Units to Support the Government Access Cable Television.
53. No. LF041603-14 - Award Restaurant Lease for City Golf Courses to Dick and Waneta Ragels.
55. No. LF041603-15 – Approve the Resolution to Amend the City of Rapid City Healthcare Benefit Plan (Plan Amendment No. 20).

56. Direct that the unleased spaces of the City parking lots at Fifth and St. Joseph Street and next to the Stockgrowers building be utilized by County employees who work at the courthouse complex during the construction phase.
58. No. LF041603-18 – Authorize Mayor and Finance Officer to Sign Development Agreement with Heartland Retail, LLC for Tax Increment District No. 38.
59. Approve the Following Licenses: Pawn Shop: First Security Pawn, Shawn Sheridan Tobin; Second Hand: First Security Pawn, Shawn Sheridan Tobin; Precious Metals & Gems: First Security Pawn, Shawn Sheridan Tobin.
61. No. LF041603-21 - Historic Preservation – Authorize Mayor and Finance Officer to Sign Amendment #3 to State of South Dakota Historical Preservation Allocation Award between State Historical Preservation Office, Office of History and Rapid City Historic Preservation Commission Project 46-02-021 for a No Cost Time Extension to July 31, 2003.
62. No. LF041603-22 - Approve Request from the Black Hills Figure Skating Club to Use Roosevelt Park Ice Arena's Parking Lot for One Day Yard Sale on May 3, 2003.
63. No. LF041603-23 - Approve Appointment of Rob Schlimgen to Serve as Alternate on the Zoning Board of Adjustments for a Three Year Term (Expires on December 31, 2005).
64. Approve Rate Structure for Director of Golf and Assistants - \$50 Per Hour for Director of Golf and \$45 for Assistant Professionals.
65. No. LF041603-25 – Authorize Mayor and Finance Officer to Sign Contract with Rapid City Window and Glass in the Amount of \$1,581.
66. No. LF041603-26 – Authorize Mayor and Finance Officer to Sign Contract with J & J Asphalt in the Amount of \$5,156.64 for Construction Removal and Addition of Curb in Front of Meadowbrook Club House.

#### End of Consent Calendar

The next item discussed by the Council was No. PW041503-12, authorize Mayor and Finance Officer to Sign Professional Service Agreement with Alliance of Architects and Engineers and HDR Engineering, Inc. to Design and provide Construction Services for W03-1184, **Red Rock Water Storage Reservoir Project** and an amount not to exceed \$275,100. Motion was made by Kroeger and seconded by Waugh to approve. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Kroeger, Waugh and Kriebel; NO: Kooiker and Hadley. Motion carried 6-2.

The next item before the Council was approval of a request by Jim Raysor, South Dakota Department of Corrections to use City property for a **minimum security housing facility**; and direct the City Attorney's Office to prepare a lease agreement to be presented at the April 30, 2003 Legal & Finance Committee meeting. Motion was made by Johnson and seconded by Kooiker and carried to direct the City Attorney to prepare a Resolution of Intent to lease publicly owned property for consideration on May 5, 2003.

The Mayor presented No. 03TI003, a request by Charles Barker for A/R Group for a **Resolution Creating Tax Increment District #39** located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60. The following Resolution was introduced, read and Kroeger moved its adoption:

#### A RESOLUTION CREATING TAX INCREMENT DISTRICT NUMBER THIRTY-NINE CITY OF RAPID CITY

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in

effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

Tract 1 of Century "21" Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lots H2 and Lot H3 of Lot 3 of the SW1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lots H3 and H4 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 of Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H2 of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 of the S1/2NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H7 of the S1/2NW1/4 located south and east of the highway excepting therefrom Lot A of the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H8 and the balance of Lot H5 all located in the SE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 of Tract A of the SE1/4NW1/4 and SW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 and Lot H2 of the NE1/4NW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H2 of the N1/2NE1/4 as recorded on Plat of Lot H1 of the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H2 in the NW1/4NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot "Z" showing a tract of land to be abandoned in a portion of Lot H3 in the N1/2NE1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H3 in the N1/2NE1/4 of Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

is hereby designated as Tax Increment District Number Thirty-Nine, City of Rapid City.

Dated this 21st day of April 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. Asst. City Attorney Jason Green stated that it is the opinion of the City Attorney's Office that the land proposed for inclusion in this Tax Increment District is not 25% blighted as required by statute. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03TI004, a request by Charles Barker for A/R Group for a **Tax Increment District #39 - Project Plan** located east of Century Road, north and west of E. North Street and south of the railroad right-of-way and I-90 Exit 60. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER THIRTY-NINE AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District Number Thirty-Nine; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Project Plan submitted helps make this development feasible by assisting with the costs of water and sanitary sewer extensions, relocating the Western Area Power Administration power lines, traffic signals and turn lanes on East North Street; and,

WHEREAS the Project Plan submitted will assist with the oversizing costs to the City for the construction of Anamosa Street, including the cost of acquiring the right-of-way; and,

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes this improvement; and,

WHEREAS the Council has determined that the Project Plan for Tax Increment District Thirty-Nine is economically feasible; and,

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan for Tax Increment District Number Thirty-Nine be, and is hereby, approved as submitted by the Rapid City Planning Commission.

Dated this 21<sup>st</sup> day of April 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kroeger and seconded by Rodriguez to approve all Future Waivers, Negotiations and Reductions in Impact Fees Being Approved by the City Council With a Special Exception that Would Allow the Public Works Director and/or the City Attorney to Make an Exception on the Spot with the Knowledge that the Individual that is Asking for that Request has to Realize that it Must be Submitted to the City Council at their Next Scheduled Meeting for Final Approval; and that it is Temporary Until Approved by the City Council. Upon vote being taken, the motion carried with Murphy voting no.

The next item before the Council was No. LF041603-17 – Direct the City Attorney’s Office to submit the following question now to the Attorney General’s office for an opinion: “Does SDCL 9-14-23 provide an exception to 9-14-13 relating to the City Attorney’s office”, and to bring the remainder of the questions for review at the Informational Meeting scheduled for April 23, 2003. Asst. City Attorney Jason Green submitted a draft of the letter to the Council for consideration. He noted that the wording has been slightly revised. Motion was made by Hanks and seconded by Dreyer to approve the draft letter as submitted by the City Attorney’s Office, and to bring the remainder of the questions for review at the Informational Meeting scheduled for April 23, 2003. Upon vote being taken, the motion carried with Murphy and Johnson voting no.

Motion was made by Johnson and seconded by Murphy to deny the request from the Pennington County Board of Commissioners for Waiver of Two Hour Parking Restrictions and the Parking Meter Requirement on St. Joseph Street between 1<sup>st</sup> and 5<sup>th</sup> Street. Police Chief Tieszen explained that the Building Committee has decided to wait and look for other alternatives for parking during the courthouse construction project. If necessary, the issue can be re-visited in the future. Upon vote being taken, the motion to deny carried unanimously.

**Public Hearing**

The Mayor announced the meeting was open for consideration of No. CC042103-02, a Resolution Levying Assessment for Miscellaneous Property Cleanup. Notice of Hearing was published in the Rapid City Journal on April 14, 2003 and mailed to affected property owners on March 26, 2003. No objections were submitted. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR  
CLEANUP OF MISCELLANEOUS PROPERTIES

BE IT RESOLVED by the City Council of the City of Rapid City, South Dakota, as follows:

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property clean-up is the amount stated in the proposed assessment roll.
2. The assessment roll for Miscellaneous Property Cleanup is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 21<sup>st</sup> day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Murphy. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None whereupon said Resolution was declared duly passed and adopted.

***Planning Department Consent Items***

Motion was made by Rodriguez, seconded by Johnson and carried to approve the following items in accordance with the recommendation contained in the Council packet:

68. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located in the southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO MAY 5, 2003)
69. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street. (CONTINUE TO MAY 5, 2003)
70. No. 02PL051 – Approve the request by CSU Properties, LLC for a **Preliminary and Final Plat** located in the southeast corner of the intersection of 5th Street and North Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 1 of Professional Plaza Subdivision, formerly Lot RU-9A, Lots 1 thru 4 of Block 6, and Adjacent Vacated 4<sup>th</sup> Street ROW and ½ vacated adjacent alley in Original Townsite of Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 1 of Professional Plaza Subdivision, formerly Lot RU-9A, Lots 1 thru 4 of Block 6, and Adjacent Vacated 4<sup>th</sup> Street ROW and ½ vacated adjacent alley in Original Townsite of Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 21<sup>st</sup> day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 71. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (CONTINUE TO MAY 5, 2003)
- 72. No. 02PL095 - A request by Doug Sperlich for 16 Plus, LLC for a **Preliminary and Final Plat** on Lot 3, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. (CONTINUE TO MAY 5, 2003)
- 73. No. 02PL107 - A request by Williams and Associates for Black Hills Surgery Center, LLP for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of 5th Street along Anamaria Drive. (CONTINUE TO MAY 5, 2003)
- 75. No. 02PL129 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 23, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18,

T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Preakness Street between Field View Drive and the Truck Bypass. (CONTINUE TO MAY 19, 2003)

- 76. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, C and well lot, Miracle Place Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. (CONTINUE TO MAY 5, 2003)
- 77. No. 03PL002 – Approve the request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** located east of Fairway Hills and Sandstone Ridge Subdivision.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hills PRD (formerly all of Lot 19R2 of Fairway Hills PRD and all of Tract SB of Springbrook Acres) located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hills PRD (formerly all of Lot 19R2 of Fairway Hills PRD and all of Tract SB of Springbrook Acres) located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 21<sup>st</sup> day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 78. No. 03PL016 - A request by Fisk Land Surveying & Consulting Engineering for Allen Nelson for a **Preliminary and Final Plat** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the north 200 feet of the south 940 feet of the west 450 feet of Tract A, all in Section

16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. (CONTINUE TO MAY 5, 2003)

- 79. No. 03PL023 – Approve the request by Kent Snow for a **Preliminary and Final Plat** located at 639 Enchantment Road.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 37R, 38R and 39R – Enchanted Hills Subdivision No. 4, a replat of Lots 37, 38 and 39 of Plat of Lots 1 through 39 Enchanted Hills Subdivision No. 4, located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 37R, 38R and 39R – Enchanted Hills Subdivision No. 4, a replat of Lots 37, 38 and 39 of Plat of Lots 1 through 39 Enchanted Hills Subdivision No. 4, located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 21st day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 80. No. 03PL025 - A request by Sean Casey for a **Preliminary and Final Plat** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31, Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. (CONTINUE TO MAY 5, 2003)
- 81. No. 03PL026 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Pro Street. (CONTINUE TO MAY 5, 2003)
- 83. No. 03PL028 - A request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard. (CONTINUE TO MAY 5, 2003)

---

**END OF PLANNING CONSENT CALENDAR**

The Mayor presented No. 02PL116, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until May 5, 2003.

The Mayor presented No. 03PL027, a request by Renner & Sperlich Engineering Company for Walgar Development for a **Layout, Preliminary and Final Plat** on Lot 2 of Block 1, Terracita Park Subdivision, Minnesota Street Right-of-Way, and Pedestrian Access and Utility Easement of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of 5th Street and Minnesota Street. Motion was made by Rodriguez, seconded by Kroeger and carried to approve the Layout and Preliminary Plat with the following stipulations, and continue the final plat until May 5, 2003: 1) Prior to Final Plat approval by the City Council, a) the plat shall be revised to identify Minnesota Street right of way and a pedestrian access and utility easement to Alta Vista Drive, or the Layout, Preliminary, Final Plat request for the adjacent property to the west (03PL034) shall be approved by City Council in conjunction with this plat request; b) A non-access easement along Minnesota Street and Alta Vista Drive shall be identified on the plat as per the Street Design Criteria Manual prior to Final Plat approval; 2) Prior to Preliminary Plat approval by the City Council, the applicant shall revise engineering plans and the plat according to the redline comments for review and approval; and, the redline comments shall be returned to Engineering Staff; 3) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 4) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid, and 5) Minnesota Street shall be constructed in its entirety in accordance with the approved plans. Phasing limits shall not be accepted or approved to stop the Minnesota Street connection from extending to the Alta Vista intersection.

The Mayor presented No. 02PL037, a request by Dream Design International, Inc. for a **Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B of Auburn Hills Subdivision, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until May 5, 2003.

**Planning Department – Hearings**

The Mayor presented No. 03CA004, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on an 11.9873 acre parcel of land from Residential to General Commercial** located north of E. St. Patrick Street and south of SD Highway 44. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of April, 2003 to consider an amendment to the Comprehensive Plan by changing the future land use designation on an 11.9873 acre parcel of land from Residential to General Commercial, on Lot O Revised of Tract A and Lot U Revised of Tract A, all of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots P, Q, R, T, V, W, X, Y, Z and Lots 1 and 2 of Lot S, all of Tract A, Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R, T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 21st day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA005, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on a 24.4962 acre parcel of land from Residential to Light Industrial** located north of E. St. Patrick Street and south of SD Highway 44. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 21st day of April, 2003 to consider an amendment to the Comprehensive Plan by changing the future land use designation on a 24.4962 acre parcel of land from Residential to Light Industrial, on Tract B of the E1/2 SE1/4 and Tract C of the SE1/4 SE1/4, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots E, F, G, H, I, J, K, L, M and N of Tract A of Schlottman Addition of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot

E. St. Charles Street right-of-way lying north of Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots E, F, G and H, all of Tract A in Schlottman Addition of SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the north 33 foot of the E. St. Andrew Street right-of-way lying south of Lots I, J, K, L, M and N, all of Tract A of Schlottman Addition, located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 21st day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA006, a request by Dream Design International, Inc. for Delores Catron for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.44 acre parcel of land from Residential to Office Commercial with a Planned Development Designation** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2700 Jackson Boulevard. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until May 5, 2003.

The Mayor presented No. 03CA007, a request by DLK Engineering for South Creek Village Limited Partnership for an **Amendment to the Comprehensive Plan to change the future land use designation on a 12.896 acres parcel of land from Residential to General Commercial** on property described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the South East corner of Lot 2 Fellowship Addition and the South West corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S89°37'12"E a distance of 211.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 189.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until May 5, 2003.

The Mayor presented No. 02SV044, a request by Doug Sperlich for 16 Plus, LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan, to waive the requirement to install curb, gutter, sidewalks and street light conduit on U.S. Highway 16 and to waive the requirement to install sidewalk and street light conduit on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until May 5, 2003.

The Mayor presented No. 02SV049, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water on Elk Vale Road** on a portion of the SW1/4 NW1/4 and the S1/2 of Government Lot 4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until May 5, 2003.

The Mayor presented No. 03SV001, a request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Subdivision Regulations** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until May 5, 2003.

The Mayor presented No. 03SV005, a request by Centerline for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to waive all street improvements as per Chapter 16.16 of the Subdivision Regulations** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of Tract SB of Springbrook Acres Addition and all of Lot 19R2 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion as made by Rodriguez, seconded by Waugh and carried to approve the requested Variance with the following stipulations: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements; and, 2) Upon submittal of an Initial and Final Planned Residential Development, road construction plans shall be submitted for review and approval.

The Mayor presented No. 03SV007, a request by Fisk Land Surveying & Consulting Engineering for Allen Nelson for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement along Starlite Drive and an access easement and to allow sidewalk on one side of Forest Park Circle as per Chapter 16.12 of the Subdivision Regulations** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the north 200 feet of the south 940 feet of the west 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until May 5, 2003.

The Mayor presented No. 03SV011, a request by Sean Casey for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks along Woodridge Drive and Pine Knoll Place** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots

29, 30 and 31 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until May 5, 2003.

The Mayor presented No. 03SV012, a request by Kent Snow for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as regulated by Chapter 16.12 of the Municipal Code** on Lots 37R, 38R and 39R, Enchanted Hills No. 4 Subdivision, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 37, 38 and 39, Enchanted Hills No. 4, located in the S1/2 NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 639 Enchantment Road. Motion was made by Rodriguez, seconded by Waugh and carried to approve the requested Variance.

### ***Ordinances & Resolutions***

**Ordinance 3909**, entitled An Ordinance Adopting the 1997 Uniform Fire Code with Amendments (No. LF040203-12), having had the first reading on April 7, 2003, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3909 was declared duly passed upon its second reading.

**Ordinance 3920**, entitled An Ordinance to Establish a Procedure for the Municipal Planning Commission to Make Recommendations for the Amendment of the Comprehensive Plan for Development in the City of Rapid City by Amending Section 2.60.160 of the Rapid City Municipal Code (No. 02OA018), having had the first reading on March 17, 2003, it was moved by Hanks and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: Johnson, whereupon the Mayor declared the motion passed and Ordinance 3920 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **Ordinance 3922** (No. 03RZ007) a request by the City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the south 33 foot of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lots P, Q, R and T and Lots 1 and 2 of Lot S, all of Tract A of Schlottman Addition, all located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Notice of hearing was published in the Rapid City Journal on March 22 and March 29, 2003. Ordinance 3922, having had the first reading on March 17, 2003, it was moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and read the title of 3922 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3923** (No. 03RZ008) a request by the City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on the following property: The north 33 foot of the E. St. Andrew Street right-of-way lying south of Lots I, J, K, L, M and N, all of Tract A of Schlottman Addition, located in the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the 50 foot E. St. Charles Street right-of-way lying north of Lots A, C and D of Tract A of the SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the 50 foot E. St. Charles Street right-of-way lying north of Lots E, F, G and H, all of Tract A in Schlottman Addition of SE1/4 SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Notice of hearing was published in the Rapid City Journal on March 22 and March 29, 2003. Ordinance 3923, having had the first reading on March 17, 2003, it was

moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and read the title of 3922 the second time.

**Ordinance 3925** (No. LF040203-14) entitled An Ordinance Modifying the Regulation of Security Guards by Amending Sections 5.52.090, 5.52.100, 5.52.110, 5.52.130, 5.52.170, and 5.52.180 of Chapter 5.52 of Title 5 of the Rapid City Municipal Code, having passed the first reading on April 7, 2003, it was moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: Johnson; whereupon the Mayor declared the motion passed and Ordinance 3925 was declared duly passed upon its second reading.

**Ordinance 3926** (No. LF041603-16) entitled An Ordinance Amending Section 15.32.240 of Chapter 15.32 of the Rapid City Municipal Code Relating to Application for Special Exceptions to the Flood Area Construction Regulations, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3926 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 5, 2003.

The Mayor announced the meeting was open for hearing on **Ordinance 3927** (No. 03RZ010) a request by Centerline for Lazy P-6 Land Company, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on the south 662.71 feet of Government Lot 2 of the SW1/4 of the NW1/4 less Highway 16B right-of-way of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on April 12, and April 19, 2003. Ordinance 3927, having had the first reading on April 7, 2003, it was moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3927 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3928** (No. 03RZ011) a request by Centerline for Lazy P-6 Land Company, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on the north 662.71 feet of Government Lot 2 of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on April 12, and April 19, 2003. Ordinance 3928, having had the first reading on April 7, 2003, it was moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3928 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3929** (No. 03RZ012) a request by Centerline for Lazy P-6 Land Company, Inc. for a **Rezoning from General Agriculture District to Medium Density Residential District** on the south 662.71 feet of Government Lot 1 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on April 12, and April 19, 2003. Ordinance 3929, having had the first reading on April 7, 2003, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3929 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3930** (No. 03RZ013) a request by Centerline for Lazy P-6 Land Company, Inc. for a **Rezoning from General Agriculture District to Low Density Residential II District** on the north 662.71 feet of Government Lot 1 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast quadrant of the future intersection of 5th Street and Catron Boulevard. Notice of hearing was published in the Rapid City Journal on April 12, and April 19, 2003. Ordinance 3930, having had the first reading on April 7, 2003, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3930 the second time.

The Mayor presented No. 03RZ014, second reading of **Ordinance 3931** a request by Dream Design International, Inc. for Delores Catron for a **Rezoning from Medium Density Residential District to Office Commercial District** on Parcel A, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2700 Jackson Boulevard. Motion was made by Hadley, seconded by Hanks and carried to continue this hearing until May 5, 2003.

The Mayor presented No. 03RZ015, second reading of **Ordinance 3932**, a request by DLK Engineering for South Creek Village Limited Partnership for a **Rezoning from Medium Density Residential District to General Commercial District** on the following property: A parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the Southeast corner of Lot 2 Fellowship Addition and the Southwest corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S°89°37'12"E a distance of 171.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 149.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard. Motion was made by Hadley, seconded by Rodriguez and carried to continue this hearing until May 5, 2003.

**Ordinance 3933** (No. CC041003-02) entitled An Ordinance Amending Section 6.12.035 of Chapter 6.12 of the Rapid City Municipal Code Exempting Certain Areas from the Leash Law Requirement, having passed the first reading on April 10, 2003, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3933 was declared duly passed upon its second reading.

**Ordinance 3935** (No. CC042103-06) entitled An Ordinance to Adopt, With Amendments, the 2002 National Electric Code By Repealing in its Entirety, Chapter 15.16 of the Rapid City Municipal Code, entitled Electrical Code, and Adopting a New Chapter 15.16, Entitled Electrical Code, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3935 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 5, 2003.

**Ordinance 3936** (No. CC042103-03) entitled An Ordinance to Establish a Uniform Fee for Building, Plumbing, and Mechanical Permits by Amending Sections 15.12.05, 15.20.070 and 15.24.100 of the Rapid City Municipal Code, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading of Ordinance 3936. Upon vote being taken, the motion carried with Kooiker voting No; and second reading was set for Monday, May 5, 2003.

**Ordinance 3937** (No. 03RZ016) a request by FMG, Inc. for Bypass LLC for a **Rezoning from General Agriculture District to Light Industrial District** on the following property, was introduced: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the East Section Line of Section 28; thence N00°01'17"W, 607.94 feet to a 5/8" rebar with an illegible survey cap at the NE Corner of Section 28; thence N89°57'07"W, 2651.99 feet to a point at the North 1/4 Corner of Section 28; thence S00°01'17"E, 33.00 feet to a rebar with survey cap marked "1019"; thence S00°01'17"E, 2617.83 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3937 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, May 5, 2003 at 7:00 P.M.

**Ordinance 3938** (No. 03RZ017) a request by FMG, Inc. for Bypass LLC for a **Rezoning from General Agriculture District to General Commercial District** on the following property, was introduced: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following metes and bounds description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1188.29 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28; thence S00°01'17"E, 1383.49 feet to a point along the east section line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the south 1/16 corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3938 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, May 5, 2003 at 7:00 P.M.

### ***Legal & Finance Committee Items***

Motion was made by Hadley and seconded by Waugh to table the **East Anamosa - Airport Annexation Item** (No. LF040203-05). Upon vote being taken, the motion carried unanimously.

Motion was made by Hadley and seconded by Rodriguez to approve the request to Waive Building Fees (No. LF041603-19) at the **Courthouse Complex Building Project**. Motion was made by Kriebel that this item be continued until May 19, 2003 so that the City can finalize the annexation issues. Second by Hadley. Johnson asked what fees are included in the request. Inspection Division Manager Jim Clark explained the request from the County was to waive the building permit fees for the construction inspections. He added that there are no water impact fees or drainage basin fees required for this project. Public Works Director Bjerke added the County has agreed to pay for the inspection fees on the same schedule as the School District. If inspections are required, the City would charge a fee of \$42 per hour which is the same arrangement we have with the School District. Johnson stated that if the fees are waived, the total project cost would be reduced which would reduce the City's share of the costs as well. Bjerke concurred noting that the taxpayers are the ones who will benefit from this issue. Substitute motion was made by Hanks and seconded by Murphy to approve the request to waive fees for the Courthouse Complex Building Project, as per the adopted policy between the City and the County. The policy states that the City will

waive the fees, except for out-of-pocket expenses. Bjerke added that the County waived the building inspection fees for the City's Wastewater Expansion Project. Kriebel stated that he is in favor of waiving the fees and his earlier motion to continue was symbolic. Dreyer agreed noting that the County needs to consider what type of services they are providing to urban areas. Upon vote being taken, the motion carried unanimously.

Motion was made by Murphy and seconded by Rodriguez to accept the Ordinance Review Committee's recommendation to deny the request by Jim Didier, Alex Johnson Hotel, regarding **parking in Loading Zone** in Front of Alex Johnson Hotel. Didier stated that a loading zone has been designated in front of the Hotel for years. He recently received a notice that he was in violation of the City's ordinance by parking the hotel van in the loading zone without the flashers on. He suggested some changes to the Code to make it legal for the Hotel's van to park in the loading zone. Asst. City Attorney Mike Booher stated that because an illegal use has been allowed for a number of years is not a reason to change the ordinance to make it legal. The ordinance relative to loading zones is very clear. These zones are to be used for loading or unloading freight or people. To allow an exception in this case would essentially change the ordinance to specifically allow Mr. Didier to park their hotel van in the loading zone. The bottom line is the justification submitted by Mr. Didier is convenience. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Kroeger and Waugh; NO: Dreyer, Johnson, Kriebel, Kooiker and Hadley. Motion failed due to a tie vote. Rodriguez noted that parking in the downtown area is terrible and enforcement is difficult. No specific business should be given special treatment. Motion was made by Kriebel, seconded by Hanks and carried to allow discussion on this issue for five more minutes. Asst. City Attorney Green noted that any exception to this part of the City code would have to be in the form of an ordinance. Motion was made by Rodriguez and seconded by Murphy to discuss proposed ordinance changes regarding parking in loading zones at the next Legal & Finance Committee meeting. Johnson encouraged staff to bring recommendations and options to the Committee meeting for review. Upon vote being taken, the motion carried unanimously.

The next item before the Council was the request by George Dunham for **Impact Fee Exemption**. Motion was made by Johnson and seconded by Murphy to table discussion on this item. Roll call vote was taken: AYE: Johnson and Murphy; NO: Hadley, Kooiker, Kriebel, Hanks, Waugh, Kroeger, Dreyer, Hanks and Rodriguez. Motion failed, 2-8. Motion was made by Hadley, seconded by Rodriguez and carried to defer any action on this item until after the executive session later in the meeting.

### ***Public Works Committee Items***

Motion was made by Rodriguez and seconded by Waugh to approve No. PW041503-07, Authorize Mayor and Finance Officer to Sign Professional Service Agreement with American Engineering Testing, Inc. to Perform **2003 Environmental Monitoring at Landfill** for an amount not to exceed \$48,550.30. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Rodriguez and seconded by Murphy to approve No. PW041503-13 - Authorize Mayor and Finance Officer to Sign Amendment No. 02 to Professional Service Agreement with Ferber Engineering Company to Design SSW02-1258, **Deadwood Avenue North Utility Infrastructure** Phase 2 for an amount not to exceed \$32,765. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh, Johnson and Kriebel; NO: Kooiker and Hadley. Motion carried, 8-2.

Motion was made by Rodriguez and seconded by Murphy to approve No. PW041503-14 - Authorize Mayor and Finance Officer to Sign Professional Service Agreement with Kadrmas, Lee & Jackson, Inc. for a Preliminary Design Report for SS03-1292, **East Eglin Lift Station and Force Main Project** for an amount not to exceed \$29,668. Upon vote being taken, the motion carried with Kooiker voting no.

**Bills**

The following bills having been audited, it was moved by Rodriguez and seconded by Murphy to direct the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof. Upon vote being taken, the motion carried with Johnson and Kooiker voting no.

Payroll Paid Ending 04-05-03, Paid 04-11-03	631,069.50
Payroll Paid Ending 04-05-03, Paid 04-11-03	948.48
Pioneer Bank, Taxes Paid 04-11-03	154,167.66
Pioneer Bank, Taxes Paid 03-28-03	66.44
First Administrators, Claims Paid 04-09-03	114,673.53
First Administrators, Claims Paid 04-16-03	88,642.91
First National Bank, bond payments	294,996.14
SD Municipal League, District 9 Meeting registration	100.00
SD Department of Revenue, sales tax	16,516.22
SD Department of Revenue, sales tax	28,931.41
US Postmaster, billing postage	3,300.00
Computer Bill List	<u>4,885,879.85</u>
Total	\$6,189,292.14

Payroll Paid Ending 04-05-03, Paid 04-11-03	2,608.80
Pioneer Bank, Taxes Paid 04-11-03	191.65
City of Rapid City, health insurance	608.56
City of Rapid City, postage	5.36
First Administrators, 125 fees	3.25
SD Retirement System, pension	269.02
Standard Life, insurance	7.92
Angelique Weeks, travel	<u>157.00</u>
Total	\$6,193,143.70

**Public Works Director**

Bjerke submitted a copy of an e-mail that was sent by Doug Adelman, the City's Traffic Engineer, on April 8, 2003, in response to traffic related questions asked by Ray Hadley and Rick Kriebel.

**City Attorney**

Motion was made by Kroeger, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to Sign **Agreement with Arlene Ham** (No. CC042103-04).

The following Resolution (No. CC042103-05) was introduced, read and Hanks moved its adoption:

RESOLUTION

WHEREAS, Rapid City Municipal Code Section 13.04.095 allows the Common Council to impose supplemental tap fees for connection to the water utility in certain areas; and

WHEREAS, the Director of Public Works has recommended to the Common Council that such supplemental tap fees in the amount of \$15,029.06 be adopted in the areas shown on Exhibit A, attached hereto and incorporated herein by reference (more particularly described as Unplatted Portion of the East One-Half (E 1/2) of the Northwest Quarter (NW 1/4 ) of the Southeast Quarter (SE 1/4) of Section Twenty-two (22), Township One (1) North, Range

Seven (7) East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota); and

WHEREAS, the Common Council finds that such supplemental tap fees are appropriate and in the best interests of the City, community, and the water utility.

NOW, THEREFORE, be it resolved that a supplemental tap fees in the amount of \$15,030.00 for all new utility connections to the City's water utility in the area shown in Exhibit A hereto be and hereby is adopted; and

BE IT FURTHER RESOLVED that the incidence of such supplemental tap fee shall fall on the legal owner of the real property benefited by the connection as of the date of application for a building permit; and

BE IT FURTHER RESOLVED that such supplemental tap fee shall be due and payable prior to the issuance of any building permit or any other permit allowing connection of a service line to the City waterworks system; and

BE IT FURTHER RESOLVED that such supplemental tap fee shall remain in effect until completely satisfied, at which time this Resolution and the supplemental tap fee shall automatically expire; and

Dated this 21st day of April, 2003.

ATTEST:  
s/ James F. Preston  
Finance Officer  
(SEAL)

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kroeger, seconded by Waugh and carried to hear the report from the Development Appeals Review board prior to the executive session.

George Dunham, Chairman of the Development Appeals and Review Board, stated that the Board met last week on several issues which the Council has already acted on.

Johnson stated that based on the fact that George Dunham has sued the city, regardless of the issue, and is an adversary of the City at this time, and based on the fact that a development being done by Mr. Dunham violated a stop order to put down asphalt, he is uncomfortable having Mr. Dunham sit on or be the chairman of the Development Appeals and Review Board. He encouraged the City Council to discuss the removal of Mr. Dunham from the DARB Board until the legal issue is resolved. Kooiker stated that the City would not be in this position if the Mayor had not sent out e-mail on this issue. Asst. City Attorney Green stated that there is pending litigation on this matter and any discussion should occur in executive session.

***Executive Session***

Motion was made by Rodriguez and seconded by Murphy to go into executive session to discuss contractual matters. Upon vote being taken, the motion carried with Kooiker and Kriebel voting no. The Council came out of executive session at 9:50 with all members present except Johnson.

Motion was made by Dreyer, seconded by Kroeger and carried to authorize the City Attorney's Office to **hire outside counsel** to seek a legal opinion for the Council on the matter of the request for waiver of impact fees by George Dunham, and that the City Attorney be the designated contact person.

Motion was made by Waugh, seconded by Murphy and carried to continue the request by George Dunham for an impact fee exemption until May 5, 2003.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:50 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_

Mayor

\_\_\_\_\_

Finance Officer

(SEAL)