

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
December 1, 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, December 1, 2003 at 7:00 P.M.

The following members were present: Mayor Jim Shaw and the following Alderpersons: Alan Hanks, Jean French, Sam Kooiker, Tom Murphy, Martha Rodriguez, Bill Waugh, Ray Hadley, Ron Kroeger, and Jeff Partridge. The following Alderpersons arrived during the course of the meeting: None; and the following were absent: Rick Kriebel

Staff members present included Finance Officer Jim Preston, Acting Public Works Director Ted Vore, Planning Director Marcia Elkins, City Attorney Jason Green, Police Captain Chris Grant, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon, and Administrative Assistant Jeri Lynn.

Approval of Minutes

Motion was made by Hadley, seconded by Rodriguez and carried to **approve the minutes** of November 17, 2003.

Adoption of Agenda

Mayor Shaw requested that the following items be added to the agenda:

Invitation to Undoing Racism Meeting
National Recognition for Solid Waste Division
Vandalism at the Journey Museum
Special Guests Attending Meeting

Hanks requested that Item No. 137 dealing with Saturday bus service be moved forward to Items from Council Members because of the number of people present for that discussion.

Motion was made by Hadley, seconded by Rodriguez and carried to **approve the agenda**, as modified.

General Public Comment

Marvin Bouska appeared before the Council to discuss a problem with **speeding traffic** on Lance and Arrow streets. He submitted a petition signed by approximately 25 people who live in this area. He explained that this has been a problem for many years and he requested that the Council consider having a stop sign installed at the intersection of Arrow and Mt. View. This intersection does not meet the warrants for a stop sign, however, because of how these streets are configured and traveled, perhaps an exception could be made. Motion was made by Hanks, seconded by Rodriguez and carried to refer this issue to the next Public Works Committee meeting and ask that the Traffic Engineer review this issue.

Bid Opening

The following company submitted a bid for **No. CC120103-01** - 1998 Bomag BC670RB Complete Rebuild for the Solid Waste Operations Division, which was opened on November 20, 2003: 1) Sheehan Mack Sales & Equipment. Staff has reviewed the bid and recommends that it be rejected, with the understanding that staff be authorized to advertise for bids for new

equipment. Motion was made by Rodriguez, seconded by Kooiker and carried to reject all bids to rebuild the 1998 Bomag.

Items from the Mayor

Mayor Shaw presented the **Citizen of the Month Award** to Carol Brown and Sue McCormack and commended them for outstanding volunteer service to the community.

Jerry Wright distributed copies of the **Bio-Solid Magazine** which contains an article on Rapid City's Solid Waste and C-Composting Operations. Wright explained that the City's entire operation is featured in the magazine and the article is very complimentary to the city, staff and everyone involved with this operation.

Captain Chris Grant from the Rapid City Police Department introduced members of his State & Local Government Class from BH State University. They are attending this meeting to see local government in action.

Mayor Shaw explained that there have been several incidents of vandalism over the past several months at The Journey Museum. Severe damage was done to the Star Woman Garden, the main teepee and several smaller items outside the Museum. Shaw asked that anyone with information relative to these events should contact the Police Department.

Shaw also invited all interested persons in the community to attend the Undoing Racism Task Force meeting on Tuesday, December 2, 2003 at 6:30 P.M. in the Alpine Room at the Civic Center.

Project Administrator Rod Johnson briefed the Council on the 2012 Projects currently under construction. Regarding the community centers, the Council previously approved financial participation to put additional bleachers in the gymnasiums. The School District took bids for this project and the City's share of the cost will be approximately \$17,000 which is under the \$20,000 budgeted. There is a storage room in the South Middle School Center that the School District would like tiled. It is currently used for storage and has a concrete floor. Quotes for this project show a cost of \$1,300. Johnson asked if the Council would consider participating in the cost to tile the floor of this storage room. Motion was made by Waugh, and seconded by Hadley to allocate up to \$700 to support **tiling the storage room** at the South Middle School Community Center. Johnson indicated that these costs would be within the original budget for this project. French stated that the School District is very short on funds and she suggested that the City pay for the entire tiling project. Substitute motion was made by French to pay the entire cost of this tiling project. Motion died for lack of a second. Upon vote being taken, the original motion carried unanimously.

Motion was made by Hadley, seconded by Rodriguez and carried to take the issue of **Naming Rights** to the next Legal & Finance Committee meeting for discussion.

Items from Council Members/Liaison Reports

Motion was made by Kooiker and seconded by Waugh to continue **Saturday Public Transportation Service** and take the funding for this service from the Council Contingency Fund effective January 1, 2004 (No. LF112403-03). Partridge asked what the cost for this service would be. Shaw indicated he understands the cost to be approximately \$2,000. Partridge suggested taking these funds from the general fund rather than spending 2004 contingency funds in 2003. It was noted that these funds would not be expended until 2004 and they would provide for transportation services in 2004. Finance Officer Preston noted that the contingency fund is set up to take care of items such as this that were not included in the annual budget. Hadley stated that this cost should be submitted as part of the budget for 2005. Upon vote being taken, the motion carried unanimously.

The next item considered by the Council was **No. CC120103-07**, authorize Mayor and Finance Officer to sign Restrictive Covenants. John Nooney explained that these covenants are a condition of approval for a plat which is on tonight's agenda. There will be limited access to this property from Howard Street to serve the delivery dock. The covenants will require that no access will be allowed from the delivery dock area to the parking lot. City Attorney Green noted that he has reviewed the covenants and they are acceptable. Motion was made by Hanks, seconded by Murphy and carried to authorize the Mayor and Finance Officer to sign the restrictive covenants.

Continued Items Consent Calendar – Items 4-33

The following items were removed:

17. **No. 03PL088** - A request by Dream Design International, Inc. for Sally Broucek for a **Preliminary and Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
22. **No. 03PL105** - A request by John Nooney for Norman or Rod McKie for a **Preliminary and Final Plat** on Lots 1R and 2R of Five Star Subdivision; located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Five Star Subdivision located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90.
29. **No. 03SV036** - A request by Dream Design International, Inc. for Sally Broucek for a **Variance to the Subdivision Regulations to allow lots twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the well access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7, Block 1, and Lots 15, 16 and 17, Block 2, Stoneridge Subdivision, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.

Motion was made by Hadley, seconded by Waugh and carried to continue the following items as noted:

Continue the following items until December 15, 2003:

4. **No. 03AN011** - A request by FMG, Inc. for Bill Freytag for a **Petition for Annexation** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more or less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more or less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more or less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more or less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45

feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

5. **No. 03CA037** - A request by Renner & Sperlich Engineering Company for 16 Plus, LLP for an **Amendment to the Comprehensive Plan to change the future land use designation on an 8.22 acre parcel of land from General Agriculture to General Commercial with a Planned Commercial Development** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; less the east 400 feet, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel contains 8.22 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.
6. **No. 03CA038** - A request by Renner & Sperlich Engineering Company for 16 Plus, LLP for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.78 acre parcel of land from General Commercial to General Commercial with a Planned Commercial Development** on the east 400 feet of a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly

edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 3.78 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.

7. **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.
8. **No. 02PL116** - A request by Dream Design International, Inc. for a **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 Road.
9. **No. 03PL035** - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Layout, Preliminary and Final Plat** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
10. **No. 03PL042** - A request by Renner and Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, and Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the balance of Tract T of

Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located west of the intersection of Pluto Drive and Reservoir Road.

11. **No. 03PL050** - A request by Mark Polenz for Daniel Schoenfelder for a **Preliminary Plat** on Lot A and Lot B of Schoenfelder Subdivision all located in the NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lot 1 of Lot C of Schamber Section 9 NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, located at 3505 Western Avenue.
12. **No. 03PL051** - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive.
13. **No. 03PL052** - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard.
14. **No. 03PL063** - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.
15. **No. 03PL079** - A request by Renner & Sperlich Engineering for Doyle Estes for a **Preliminary and Final Plat** on Lot 2R and Lot BR of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, less Lot H-1 of Lot 1 and 2 of the Washburn Lot, and Lot B of the Washburn Lot, located in Government Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of West Main Street and Jackson Boulevard.
16. **No. 03PL084** - A request by Renner & Sperlich Engineering Co. for Eldene Henderson for a **Preliminary and Final Plat** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along North Haines Avenue.
18. **No. 03PL094** - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Preliminary and Final Plat** on Lot 2, Moon Ridge Subdivision, located in the

NE1/4 of the SE1/4, Section 34, T1N,R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road.

17. **No. 03PL088** - A request by Dream Design International, Inc. for Sally Broucek for a **Preliminary and Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
22. **No. 03PL105** - A request by John Nooney for Norman or Rod McKie for a **Preliminary and Final Plat** on Lots 1R and 2R of Five Star Subdivision; located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 and 2 of Five Star Subdivision located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90.
29. **No. 03SV036** - A request by Dream Design International, Inc. for Sally Broucek for a **Variance to the Subdivision Regulations to allow lots twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the well access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7, Block 1, and Lots 15, 16 and 17, Block 2, Stoneridge Subdivision, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
19. **No. 03PL097** - A request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Preliminary and Final Plat** on Lots 12-21 Block 1, Lots 12-40 Block 2, Lots 1-12 and 21-24 Block 3, and Lots 1, 13, 14, 30 and 31 Block 5 of Auburn Hills Subdivision, located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north and south of Amber Drive.
20. **No. 03PL099** - A request by FMG, Inc. for Bill Freytag for a **Layout, Preliminary and Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
21. **No. 03PL104** - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 13 and Tract A, Block 4; Lots 6 thru 12, Block 16; Lots 1A thru 12A, Lots 1B thru 12B, and Tract B, Block 18; Tract C and Dedicated Streets; Big Sky Subdivision, located in the N1/2 NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less

Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Patricia Street, Aurora Drive and Carl Avenue.

23. **No. 03RZ038** - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Rezoning from No Use District to General Commercial District** on , legally described as a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.
24. **No. 03RZ043** - A request by FMG, Inc. for Bill Freytag for a **Rezoning from No Use District to Low Density Residential II District** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM: Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more

or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

25. **No. 03RZ044** - A request by FMG, Inc. for Bill Freytag for a **Rezoning from Mobile Home District to Low Density Residential II District** on the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
26. **No. 03SV013** - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 3960 Corral Drive.
27. **No. 03SV028** - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Buddy Court off of Degeest Drive.
28. **No. 03SV035** - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the

section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.

30. **No. 03SV039** - A request by Gordon Howie for Galen Steen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, and the Point of Beginning, thence, first course: N90°00'00"E, along the 1/4 line of Section 25, a distance of 396 feet; thence, second course: S00°00'00"W, a distance of 624.43 feet; thence, third course: N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, fourth course: N00°00'00"E, along the 1/4 line of Section 25, a distance of 624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said parcel contains 5.677 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive.
31. **No. 03SV040** - A request by FMG, Inc. for Bill Freytag for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

Continue the following items until January 5, 2004:

32. **No. 03PL045** - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall

Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.

33. **No. 03PL091** - A request by Renner and Sperlich for Doeck, LLC for a **Layout, Preliminary and Final Plat** on Tracts A and B, Auburn Hills Subdivision, located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Chalkstone Drive and Auburn Drive.

End of Continued Items Consent Calendar

The Mayor presented **No. 03PL088**, a request by Dream Design International, Inc. for Sally Broucek for a **Preliminary and Final Plat** on Lots 4 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the preliminary plat with the following stipulations, and continue the final plat until December 15, 2003: 1) Prior to Preliminary Plat approval by the City Council, all changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 2) Prior to Preliminary Plat approval by the City Council, additional drainage information shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the City Council, road construction plans for the well access easement shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 4) Prior to Preliminary Plat approval by the City Council, construction plans for Parkview Drive showing the construction of a four foot wide property line sidewalk and street light conduit shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 5) Prior to Preliminary Plat approval by the City Council, a cost estimate shall be submitted for review and approval; 6) Prior to Preliminary Plat approval by the City Council, the section line highway located along the south lot line shall be improved to City Street Design standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; 7) Prior to Final Plat approval by the City Council, the plat document shall be revised to show non-access easement(s) as per the Street Design Criteria Manual. In particular, the plat document shall be revised to show a non-access easement along the well access easement and Parkview Drive except for approved approach locations; 8) Prior to Final Plat approval by the City Council, the plat title shall be revised to include "the portion lying in Gov. Lot 1, Section 19, T1N, R8E"; 9) Prior to Final Plat approval by the City Council, an alternate road name for East West Collector shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road name; 10) Prior to Preliminary Plat approval by the City Council, a Master Plan shall be submitted for the .84 acre parcel located in the southeast corner of the subject property; 11) Prior to Final Plat approval by the City Council, the plat document shall be revised to include an owners certificate for the property owner located directly south of the section line highway located along the south lot line; 12) Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; and, 13) 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 fees shall be paid.

The Mayor presented **No. 03PL105**, a request by John Nooney for Norman or Rod McKie for a **Preliminary and Final Plat** located west of Haines Avenue and north of Interstate 90. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1R and 2R of Five Star Subdivision, formerly Lot 1 and Lot 2 of Five Star Subdivision, located in NW1/4 of Section 25, T2N, 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 Lots 1R and 2R of Five Star Subdivision, formerly Lot 1 and Lot 2 of Five Star Subdivision, located in NW1/4 of Section 25, T2N, 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 1st day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented **No. 03SV036**, a request by Dream Design International, Inc. for Sally Broucek for a **Variance to the Subdivision Regulations to allow lots twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the well access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7, Block 1, and Lots 15, 16 and 17, Block 2, Stoneridge Subdivision, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive. Motion was made by Kooiker, seconded by Hadley and carried to approve the requested variance with the following stipulation: 1) Prior to City Council approval, the plat document shall be revised to show a non-access easement along the north lot line as it abuts the well access easement.

Alcoholic Beverage License Applications

The Mayor announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. No public comments were received. Motion was made by Hanks, seconded by Rodriguez and carried to close the public hearing.

Motion was made by Hanks, seconded by Hadley and carried to approve the following alcohol license applications:

Off-Sale Liquor License Renewal

34. B & L Inc., dba **Boyd's Liquor Mart**, 909 E St Patrick St , for an Off-Sale Liquor License Renewal
35. B & L Inc., dba **Boyd's Liquor Mart**, 2001 W Main Street, for an Off-Sale Liquor License Renewal
36. Mills Drug Inc., dba **Boyd's Liquor Mart**, 1424 Mt Rushmore Rd , for an Off-Sale Liquor License Renewal
37. Dan's Super Market Inc., dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Liquor License Renewal
38. Flannery Oil Company, dba **Corner Pantry – LaCrosse St**, 2130 LaCrosse Street, for an Off-Sale Liquor License Renewal
39. Sam's West, Inc. dba **Sam's Club No. 6565**, 1020 LaCrosse Street , for an Off-Sale Liquor License Renewal
40. Retsel Corp dba **Ramada Inn (Package Store)**, 1721 N. LaCrosse Street, for an Off-Sale Liquor License Renewal
41. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Liquor License Renewal
42. Merle R. Bach dba **The Hideaway**, 1575 N. LaCrosse Street, for an Off-Sale Liquor License Renewal
43. Patricia Weaver dba **Gas N Snax**, 418 Knollwood Drive, for an Off-Sale Liquor License Renewal

On-Sale Wine License Renewal

44. **The Retired Enlisted Assoc Inc., Chapter 29**, 906 E North Street, for an On-Sale Wine License Renewal
45. Shotgun Willies Inc., dba **Shotgun Willies**, 2808 W Main St , for an On-Sale Wine License Renewal
46. Dan Trieu Ly dba **Golden Fortune**, 1204 E. North Street, for an On-Sale Wine License Renewal
47. Museum Alliance of Rapid City, Inc. dba **The Journey Museum**, 222 New York Street, for an On-Sale Wine License Renewal
48. Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joe Street, for an On-Sale Wine License Renewal
49. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2213 LaCrosse Street, for an On-Sale Wine License Renewal
50. Century Motels, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Sale Wine License Renewal

On-Sale Liquor License Renewal

51. Martom Management Inc., dba **Day's Inn Lounge**, 725 Jackson Blvd, for an On-Sale Liquor License Renewal and Sunday Opening
52. Outback Midwest II LP, dba **Outback Steakhouse**, 665 E Disk Drive, for On-Sale Liquor License Renewal and Sunday Opening
53. **The Retired Enlisted Assoc Inc., Chapter 29**, 1981 E Centre St, for an On-Sale Liquor License Renewal and Sunday Opening
54. Poker Joes Inc., dba **Poker Joes**, 211 Cambell Street, for an On-Sale Liquor License Renewal and Sunday Opening
55. Brinker Restaurant Corp, dba **Chili's Grill & Bar**, 2125 N Haines Ave , for an On-Sale Liquor License Renewal and Sunday Opening
56. Joe N Crawford, dba **Smokin Joe's**, 4302 S Highway 79, for an On-Sale Liquor License Renewal and Sunday Opening
57. Fox Family Enterprises Inc., dba **Rodeway Inn**, 2208 Mt Rushmore Road , for an On-Sale Liquor License Renewal and Sunday Opening
58. Karen J Schumacher, dba **Brass Rail Lounge**, 624 St Joseph Street, for an On-Sale Liquor License Renewal and Sunday Opening

59. Harbry Enterprises Inc., dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
60. Steven C Lester, dba **Quality Inn**, 1902 N LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
61. Rushmore Catering Company Inc., dba **Rushmore Plaza Holiday Inn**, 505 N 5th Street for an On-Sale Liquor License Renewal and Sunday Opening
62. Oasis Lounge, Inc. dba **Oasis Lounge**, 711 Main Street, for an On-Sale Liquor License Renewal
63. Entertainment, Ind. dba **Robbinsdale Lounge**, 801 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
64. Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 W. Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
65. Ron Stevens & Norbert Schoenfelder dba **Hara's**, 2200 N. Maple Avenue, for an On-sale Liquor License Transfer (from corporation to individual)
66. Ron Stevens & Norbert Schoenfelder dba **Hara's**, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal
67. Sports Saloon, Inc. dba **Murphy's Bar**, 510 Ninth Street, for an On-Sale Liquor License Renewal and Sunday Opening
68. Harley's Casino, Inc. dba **Harley's Casino**, 640 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
69. Cowboy Casino, Inc. dba **Woody's**, 826 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
70. Retsel Corp dba **Ramada Inn (Cheers)**, 1721 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
71. Blue Lantern Lounge, Inc. dba **Blue Lantern Lounge**, 1200 E. St Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
72. Western Dakota Gaming, Inc. dba **Valley Sports Bar**, 1865 S. Valley Drive, for an On-Sale Liquor License Renewal and Sunday Opening
73. WR Rapid City Ventures, LP dba **Minerva's Restaurant & Bar**, 2211 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
74. **Loyal Order of Moose**, 841 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
75. Fat Boy's, Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
76. Phatty McGees, Inc. dba **Phatty McGees**, 321 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening
77. Wilburn-Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street, for an On-Sale Liquor License Renewal and Sunday Opening
78. Sanford's Grub & Pub South Dakota, Inc. dba **Sanford's Grub & Pub**, 306 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening
79. **Rapid City Elks Club, Lodge No. 1187**, 3333 E. 39th Street, for an On-Sale Liquor License Renewal and Sunday Opening
80. **VFW, Rushmore Post 1273**, 420 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
81. Restech Partners, Inc. dba **TGI Fridays**, 2205 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
82. Century Motels, Inc. dba **Howard Johnson Express Inn& Suites**, 950 North Street, for an On-Sale Liquor License Renewal

Off-Sale Malt Beverage License Transfer

83. Fresh Start Convenience Stores, Inc. dba **Fresh Start Convenience Store**, 520 Birch Avenue, for an Off-Sale Malt Beverage License Transfer (from Ranch Mart, Inc.)

Upon motion made by Hanks, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, December 15, 2003:

On-Sale Wine License Renewals

1. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Sale Wine License Renewal
2. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Sale Wine License Renewal
3. Faryat, Inc. dba **Botticelli Ristorante**, 523 Main Street, for an On-Sale Wine License Renewal
4. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Sale Wine License Renewal
5. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Sale Wine License Renewal
6. Dos Ermonas, Inc. dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Sale Wine License Renewal
7. Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Sale Wine License Renewal
8. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Sale Wine License Renewal
9. Mai T. Goodsell dba **Saigon Restaurant**, 221 E. North Street, for an On-Sale Wine License Renewal
10. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an On-Sale Wine License Renewal
11. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Sale Wine License Renewal

On-Sale Liquor License Renewal

1. Shiba Investments, Inc. dba Radisson, 445 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
2. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Sale Liquor License Renewal and Sunday Opening
3. Jim Didier, **Hotel Alex Johnson**, 523 Sixth Street, for an On-Sale Liquor License Renewal (inactive)
4. American Legion Home Association dba **American Legion**, 818 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
5. Porter Apple Company, Inc. dba **Applebee's**, 2160 Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
6. RC Boston Company, LLC dba **Boston's Gourmet Pizza Restaurant**, 625 E. Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
7. Derby Advertising, Inc. dba **Canyon Lake Chophouse**, 2720 Chapel Lane, for an On-Sale Liquor License Renewal and Sunday Opening
8. Casa Del Rey, Inc. dba **Casa Del Rey**, 1902 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
9. Colonial House, Inc. dba **Colonial House Restaurant**, 2501 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
10. Hansen Investments, Inc. dba **Diamond Dave's Taco Company**, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
11. Kelly's Sports Lounge II, Inc. dba **Harold's Prime Rib**, 318 East Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
12. Kurylas, Inc. dba **Imperial Inn**, 125 St. Joe Street, for an On-Sale Liquor License Renewal
13. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
14. Meadowood Lounge, Inc. dba **Meadowood Lounge**, 3809 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
15. Beshara Enterprises, Inc. dba **Pirate's Table**, 3550 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening

16. General Mills, Inc. dba **Red Lobster Restaurant**, 120 Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
17. High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
18. Shooters, Inc. dba **Shooters**, 2424 West Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
19. High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joe Street, for an On-Sale Liquor License Renewal and Sunday Opening
20. LaCroix Investments, Inc. dba **Time Out Lounge**, 615 E. North Street, for an On-Sale Liquor License Renewal and Sunday Opening

Off-Sale Liquor License Renewals

1. Albertsons, Inc. dba **Albertsons**, 855 Omaha Street, for an Off-Sale Liquor License Renewal
2. Hotel Management Company, Inc., dba **Hotel Alex Johnson**, 523 Sixth Street, for an Off-Sale Liquor License Renewal
3. LaCroix Investments, Inc. dba **Bus's Bottle Shop**, 615 E. North Street, for an Off-Sale Liquor License Renewal
4. Canyon Lake Liquors, Inc. dba **Canyon Lake Liquors**, 4244 Canyon Lake Drive, for an Off-Sale Liquor License Renewal
5. Derby Advertising, Inc. dba **Canyon Lake Chophouse**, 2720 Chapel Lane, for an Off-Sale Liquor License Renewal
6. Moyle Petroleum Company, dba **Common Cents Food Store**, 2808 Sheridan Lake Road, for an Off-Sale Liquor License Renewal
7. RC Liquor, Inc. dba **Family Thrift Liquors No. 273**, 1516 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
8. H&B, Inc. dba **Hall Inn**, 214 E. St. Joe Street, for an Off-Sale Liquor License Renewal
9. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Liquor License Renewal
10. RC Liquors, Inc. dba **Prairie Bottle Market**, 13 New York Street, for an Off-Sale Liquor License Renewal
11. Sooper Dooper Markets, Inc. dba **Sooper Dooper No. 1**, 913 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
12. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an Off-Sale Liquor License Renewal

Off-Sale Liquor License Renewals

1. Staple and Spice Market, Inc. dba **Staple and Spice Market**, 601 Mt. Rushmore Road, for an Off-Sale Liquor License (New License)

Special Malt Beverage and Wine License

1. Rapid City Area **Chamber of Commerce**, for a Special Malt Beverage and Special Wine License to be used on January 13, 2004 at Security First Bank, 805 Fifth Street
2. Rapid City Area **Chamber of Commerce**, for a Special Malt Beverage and Special Wine License to be used on February 10, 2004 at the Rapid City Public Library, 610 Quincy Street
3. Rapid City Area **Chamber of Commerce**, for a Special Malt Beverage and Special Wine License to be used on March 9, 2004 at Slingsby & Wright Eye Care, 240 Minnesota Street

Consent Calendar Items – 85-117

The following items were removed from the Consent Calendar:

90. Authorize staff to advertise for bids for One (1) New Current Model Year Trash Compactor for Landfill.

91. **No. PW112503-04** - Authorize Mayor and Finance Officer to sign Unsolicited Proposal to Transfer Ownership of Ellsworth Air Force Base 16" Water Service Main to the City of Rapid City.
95. Request Rapid Transit staff to work with Shelly Schock, Western Resources for disabled Independence to come up with ideas to improve the Saturday service and bring forward recommendations to the Legal & Finance Committee.
104. **No. 03TI009** - Approve a request by Dream Design International to consider an application for a **Resolution Creating Tax Increment District No. 42** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Twilight Drive.
105. **No. 03TI010** - Approve a request by Dream Design International to consider an application for a **Tax Increment District No. 42 - Project Plan** on the NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL 4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in

N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Twilight Drive.

111. No. LF112403-17 - Authorize Mayor and Finance Officer to sign Agreement with Humane Society for Animal Control Services.
112. No. LF112403-18 - Authorize Mayor and Finance Officer to sign Agreement with Humane Society for Animal Shelter Services.
115. Approve the following licenses: Central Station Service: Checkpoint Security Systems Group, Inc., Edward Morrissey; SNC, Inc., Butch Neel; Electrical Apprentice: William (Bill) H. Chapman, Jr., Jim Hall, Dale Marti, Thor Soder, Roy Thomas, Larry D. Wiechmann; House Mover: Warner Ghere, Ghere House Moving; O'Neil Company, Inc.; Master Electrician: Gilbert Allen Hatch; Metals and Gems: Douglas L. Kinniburgh, Gun Haven; Pawn Shop: Douglas L. Kinniburgh, Gun Haven; Pigeon Loft: Jacob Miller; Plumbing Contractor: Steve Darling, Plumbing Design & Installation; Second Hand: Mathew J. Batchelder, Batchelder's Plummer Piano & Organ; Thomas J. Haggerty, Haggerty's Inc.; Douglas L. Kinniburgh, Gun Haven; Sewer & Water Installer Journeyman: John R. Page; Sewer & Water Installer Contractor: Vince Finkhouse, Jr., CK Excavating; Sign Contractor: ABC Signs and Vinyl Graphics, Jack Venable; Flat Earth Sign Co., Tim Peterson; Lamar Outdoor Advertising, Doug Rumpca; Pride Neon, Inc., George Menke; Sign Service & Supply, Todd Koehne; Residential Contractor: American Builders, Inc., Joel W. Boylan; Brenneise Homes, Ken H. Brenneise; Contemporary Construction, Lee A. & Terry J. Kenney; E-Z Home Repair, Robert J. Boyer; Ekco Development Company, Gary A. & Dorothy J. Rasmusson; GlenMar Enterprises, Inc., Glen Kane; Gustafson Builders, Wayne & David Gustafson; K 1 Construction, Ken Fuerst; Kangas Construction, Gail Kangas; Lifestyle Homes, Marcy Charlton; Lost Cabin Constructors, Inc., Richard Quinn; Marx Construction, Duane Marx; Oligmueller Incorporated, Brad J. Oligmueller; Olson Services, Jeremy Olson; Radke Construction, Dennis Radke; Specialty Installation LLC, Randy L. Ross; Seco Construction, Inc., Neal A. Schlottman; Site Work Specialists, Inc., Mike Ryan; Sun Rise Construction, Inc., Brian Sykora, Sykora Construction; T & P Builders, Patric Traxinger; Triple R Construction, Randal Ruthford; Mike Tennyson/Greg Brink; United Building Center, Keith Ginter; W D Masonry & Concrete, Inc., Wayne L. & Dale R. Sartorius; Schad Construction, Inc., James A. Schad; Mike Tipton & Sons Const., Kenneth Michael Tipton.

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

Public Works Committee Consent Items

85. Acknowledge the report on the Flat Water Rate Accounts.

- 86. No. PW112503-01 – Approve Change Order No. 01 for Canyon Lake Drive Reconstruction Project No. ST03-817 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$11,854.64.
- 87. No. PW112503-02 – Approve Change Order No. 01(Final) for Centennial Street Reconstruction & Texas Street Reconstruction Project Nos. ST03-919 & ST03-1163 to Hills Materials Company for a decrease of \$375.29.
- 88. No. PW112503-03 – Approve Change Order No. 02 for Miscellaneous Improvements Project No. MIP03-1236 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$4,065.00.
- 89. Table the discussion of subdivision surety issues.
- 92. No. 03TP016 – Approve the Intelligent Transportation System Master Plan for Integration Systems, Final Draft Report.
- 93. No. 03RD009 – Approve the following Resolution for Dan Jennissen for Pennington County naming a 30 foot wide private access easement to Windhaven Drive located 1/2 mile north of East Highway 44 off of Valley Drive.

**RESOLUTION NAMING THE UNNAMED 30 FOOT WIDE
PRIVATE ACCESS EASEMENT WINDHAVEN DRIVE**

BE IT RESOLVED by the City of Rapid City that the unnamed 30 foot wide access easement located adjacent to Lots 1-8 of Lot 4, Marshall Subdivision, Section 5, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located north of Homestead Street and west of North Valley Drive be, and is hereby, named Windhaven Drive.

DATED this 1st day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Legal & Finance Committee Consent Items

- 94. No. LF112403-01 - Authorize Mayor and Finance Officer to sign Release of Right of Way and Quit Claim Deed for 5 Star Real Estate, Inc.
- 96. No. LF112403-04 - Confirm appointment of John Herr to a three year term on Zoning Board of Adjustment.
- 97. No. LF112403-05 - Confirm appointment of Paul Weber and Dennis Hettich to Sign Code Board of Appeals.
- 98. No. LF112403-06 - Confirm appointment of Buzz Hammerquist (Contractor), Milford Kast (Contractor), Duane Lassegard (Propane Supplier) and Steve Malone (Mechanical Engineer) to Mechanical Board; and each to a two year term to expire December 31, 2005.
- 99. No. LF112403-07 - Confirm appointment of George Thompson to fill unexpired term on Mechanical Board representing the natural gas supplier position.
- 100. No. LF112403-08 - Confirm appointment of Louis Schwengler and Bill Lass to fill unexpired terms on Urban Forestry Board.
- 101. No. LF112403-09 - Confirm appointment of Doug Rumpa and reappoint Andrew Hade to Sign Contractor Board.
- 102. No. LF112403-10 - Authorize Mayor and Finance Officer to sign Ground Ambulance Transportation Agreement (Rapid City Regional West Center for Behavioral Health).
- 103. No. LF112403-11 - Authorize staff to apply for and accept monies from State of South Dakota for WMD grant in the approximate amount of \$306,000.

- 106. No. LF112403-19 - Approve an Amendment to the Joint Resolution Establishing Geographic Information System (GIS) Standard Products and Data Pricing List to include pricing for Road Map Books.
- 107. No. 03TP017 - Approve the 2004 Unified Planning Work Program Report.
- 108. No. LF112403-20 - Approve procedures for administrative approval of final plats.
- 109. No. LF112403-13 - Approve Resolution to Establish the Non-Union Position of Accounting and Grants Manager.

**RESOLUTION TO ESTABLISH THE NON-UNION POSITION
OF ACCOUNTING AND GRANTS MANAGER**

WHEREAS, a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the position within the city's compensation plan; and,

WHEREAS, the evaluation established that the duties and responsibilities of the following position justify placing the classification within the named Grade of the Non-Union pay scale;

Job Title	Grade	Salary
Accounting and Grants Manager	20	\$41,662 to \$63,398/yr.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union Pay Plan by adding the above position classification description at the grade recommended in the job evaluation.

Passed this 1ST day of December, 2003

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

- 110. No. LF112403-14 - Approve Resolution to Amend the Non-Union Personnel Policy.

**RESOLUTION TO AMEND THE NON-UNION
PERSONNEL POLICY**

BE IT RESOLVED by the City of Rapid City to amend the Non-Union Personnel Policy as follows until October 31, 2004:

Article 22.01 e. Group health, accident, and life insurance – 100% of the cost of premiums of health insurance and 50% of the cost of premiums of the group life insurance shall be paid for each participating employee. For those employees having their latest date of hire on or before December 31, 1981, the City will pay for dependent coverage. For those employees having their latest date of hire on or after January 1, 1982, the city will pay for 50% of the cost of premiums for dependent coverage. The City is self-insured as the health insurance under a group health insurance plan administered by First Administrators. The City's group life plan is issued by Standard Life Insurance in the amount of \$20,000, with lesser amounts of coverage for spouses and dependents;

Effective January 1, 2004 each employee shall pay a temporary special health insurance assessment of \$15.00 per month per family unit to the special healthcare

trust fund. The temporary special health care assessment shall continue to be paid by the employees until the full amount of the loan actually transferred to the healthcare plan from the City's workman's compensation fund is fully repaid.

Dated this 1st day of December, 2003.

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

CITY COUNCIL
s/ Jim Shaw, Mayor

- 113. No. CC120103-05 - Authorize Mayor and Finance Officer to sign Plan Amendment No. 22 to the Rapid City Healthcare Benefit Plan effective January 1, 2004.
- 114. No. CC120103-06 - Authorize Mayor and Finance Officer to sign Plan Amendment No. 23 to the Rapid City Healthcare Benefit Plan effective January 1, 2004.

Planning Department Consent Items

- 116. No. 03PL089 – Approve the request by Dream Design International, Inc. for Hank Craig for a Preliminary and Final Plat located along the 4200 Block of Parkview Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Craig Estates including Lots 1, 2 & 3 (formerly a portion of Lob B of the N1/2 of Government Lot 4) located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, 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 Craig Estates including Lots 1, 2 & 3 (formerly a portion of Lob B of the N1/2 of Government Lot 4) located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, 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 1st day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 117. No. 03PL090 – Deny Without Prejudice the request by Davis Engineering for Lyle Hendrickson for a Layout, Preliminary and Final Plat on Tract A and Tract B of Henrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated

Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 110 East Watertown Street.

Raffle

118. No. CC120103-03 – Acknowledge notification from Counts of the Cobblestone Car Club of their intent to conduct a raffle on February 15, 2004

END OF CONSENT CALENDAR

Motion was made by Rodriguez and seconded by Murphy to authorize staff to advertise for bids for One (1) New Current Model Year **Trash Compactor** for Landfill. Kooiker asked that staff initiate the process to declare the property surplus that will be traded in. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks, seconded by Kooiker and carried to direct staff to prepare a resolution declaring the equipment to be traded-in surplus.

Motion was made by Kroeger and seconded by Rodriguez to authorize Mayor and Finance Officer to sign Unsolicited Proposal to Transfer Ownership of Ellsworth Air Force Base 16" Water Service Main to the City of Rapid City (**No. PW112503-04**). Hadley asked for a brief explanation on this item. Public Works Director Vore explained that in light of the city's water expansion needs in this area of town, it was suggested that the City submit an unsolicited proposed to Ellsworth Air Force Base to take over the 16" water line that they have along with the repair couplings they have on hand. This will allow the city to utilize that line for use in this area of the community. The meter would be moved to the entrance to the Base. The benefits to the Base would be the city would be able to connect on Elk Vale and provide another line to tie into the base line giving them a better and more secure back-up water supply in case of an outage. Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez, seconded by Hanks and carried to request Rapid Transit staff to work with Shelly Schock, Western Resources for dis-ABLED Independence to come up with ideas to improve the **Saturday service** and bring forward recommendations to the Legal & Finance Committee.

The Mayor presented **No. 03TI009**, a request by Dream Design International for a **Resolution Creating Tax Increment District No. 42**, located east of Elk Vale Road and north of Twilight Drive. The following Resolution was introduced, read and Kroeger moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT #42 – ELK VALE
WATER/TIMMONS BOULEVARD
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:

NE1/4NE1/4 less ROW, GL2, SW1/4NE1/4, N1/2GL3, GL4 less ROW, E1/2SW1/4NW1/4, S1/2GL3 less Big Sky Subdivision, SE1/4NW1/4 less Big Sky Subdivision, W1/2SW1/4NW1/4 including private Drive and less ROW, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Tract A, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot 2 and Lot 8 including ROW, Block 13, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lots 2, 3, 4, and 5 including ROW, Block 14, Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

NE1/4SE1/4, NW1/4SE1/4, SW1/4SE1/4, SE1/4NW1/4, SW1/4NW1/4 less ROW, N1/2SW1/4 less ROW, S1/2SW1/4 less Lot 1 of Neff Subdivision #3 less ROW, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot 1, Neff Subdivision #3, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 in SW1/4NW1/4, Lot H2 in SW1/4NW1/4, Lot H1 in W1/2SW1/4, Lot H2 in N1/2W1/2SW1/4, and Lot H3 in S1/2SW1/4, all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H2 in N1/2 of Government Lot 4, Lot H3 in S1/2 of Government Lot 4, Lot H2 in W1/2SW1/4NW1/4, Lot H1 in NW1/4NW1/4, and Lot H1 in SW1/4NW1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 in E1/2NE1/4, Lot H2 in E1/2NE1/4, Lot H2 in E1/2SE1/4, and Lot H1 in SE1/4, all located in Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Lot H1 in NE1/4, and Lot H2 in Government Lot 1 and the SE1/4NE1/4, all located in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Elk Vale Road right-of-way between SE1/4NE1/4, Section 33, and SW1/4NW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road right-of-way between SE1/4, Section 33 and SW1/4, Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, Elk Vale Road between NE1/4 of Section 4 and NW1/4 of Section 3, all in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and,

Homestead Drive and Degeest Street rights-of-way, located in the NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

is hereby designated as Tax Increment District Number 42, City of Rapid City.

DATED this 1st day of December 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hanks. City Attorney Green stated that it is the opinion of the City Attorney's Office that 25% of the land contained in this proposed tax increment district is not blighted as required by state law. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Partridge; NO: French and Kooiker. The motion carried, 7-2.

The Mayor presented **No. 03TI010**, a request by Dream Design International for a **Tax Increment District No. 42 - Project Plan** located east of Elk Vale Road and north of Twilight Drive. The following Resolution was introduced, read and Hanks moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN
FOR TAX INCREMENT DISTRICT #42 – ELK CREEK WATER/TIMMONS BOULEVARD
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 #42 – Elk Creek Water/Timmons Boulevard; 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 development of a water reservoir and water tower; 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 considered the Project Plan submitted by the Planning Commission and determined that the Project Plan for Tax Increment District #42 – Elk Creek Water/Timmons Boulevard 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 #42 – Elk Creek Water/Timmons Boulevard be, and is hereby, approved as attached hereto.

DATED this 1st day of December 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Hadley. Roll call vote was taken: AYE: Hanks, Murphy, Waugh, Hadley, Kroeger and Partridge; NO: French and Kooiker. The motion carried, 6-2.

Motion was made by Hanks, seconded by Kroeger and carried to authorize Mayor and Finance Officer to sign Agreement with Humane Society for **Animal Control Services** (No. LF112403-17).

Motion was made by Waugh, seconded by French and carried to authorize Mayor and Finance Officer to sign Agreement with Humane Society for **Animal Shelter Services** (No. LF112403-18).

Motion was made by Kroeger, seconded by Rodriguez and carried to **approve the following licenses**: Central Station Service: Checkpoint Security Systems Group, Inc., Edward Morrissey; SNC, Inc., Butch Neel; Electrical Apprentice: William (Bill) H. Chapman, Jr., Jim Hall, Dale Marti, Thor Soder, Roy Thomas, Larry D. Wiechmann; House Mover: Warner Ghere, Ghere House Moving; O'Neil Company, Inc.; Master Electrician: Gilbert Allen Hatch; Metals and Gems: Douglas L. Kinniburgh, Gun Haven; Pawn Shop: Douglas L. Kinniburgh, Gun Haven; Pigeon Loft: Jacob Miller; Plumbing Contractor: Steve Darling, Plumbing Design & Installation; Second Hand: Mathew J. Batchelder, Batchelder's Plummer Piano & Organ; Thomas J. Haggerty, Haggerty's Inc.; Douglas L. Kinniburgh, Gun Haven; Sewer & Water Installer Journeyman: John R. Page; Sewer & Water Installer Contractor: Vince Finkhouse, Jr., CK Excavating; Sign Contractor: ABC Signs and Vinyl Graphics, Jack Venable; Flat Earth Sign Co., Tim Peterson; Lamar Outdoor Advertising, Doug Rumpca; Pride Neon, Inc., George Menke; Sign Service & Supply, Todd Koehne; Residential Contractor: American Builders, Inc., Joel W. Boylan; Brenneise Homes, Ken H. Brenneise; Contemporary Construction, Lee A. & Terry J. Kenney; E-Z Home Repair, Robert J. Boyer; Ekco Development Company, Gary A. & Dorothy J. Rasmusson; GlenMar Enterprises, Inc., Glen Kane; Gustafson Builders, Wayne & David Gustafson; K 1 Construction, Ken Fuerst; Kangas Construction, Gail Kangas; Lifestyle Homes, Marcy Charlton; Lost Cabin Constructors, Inc., Richard Quinn; Marx Construction, Duane Marx; Oligmueller Incorporated, Brad J. Oligmueller; Olson Services, Jeremy Olson; Radke Construction, Dennis Radke; Specialty Installation LLC, Randy L. Ross; Seco Construction, Inc., Neal A. Schlottman; Site Work Specialists, Inc., Mike Ryan; Sun Rise Construction, Inc., Brian Sykora, Sykora Construction; T&P Builders, Patric Traxinger; Triple R Construction, Randal Ruthford; Mike Tennyson/Greg Brink; United Building Center, Keith Ginter; W D Masonry & Concrete, Inc., Wayne L. & Dale R. Sartorius; Schad Construction, Inc., James A. Schad; Mike Tipton & Sons Const., Kenneth Michael Tipton.

Public Hearings

The Mayor announced the meeting was open for hearing on the proposed lease of **LaCroix Links Golf Course** to the Rapid City YMCA (**No. LF102903-12**). City Attorney Green briefed the Council on changes that were recently made to the contract with the YMCA. No additional public comments were made. Motion was made by Rodriguez, seconded by French and carried to close the public hearing on this item. Motion was made by Rodriguez and seconded by Waugh to authorize the Mayor and Finance Officer to sign a lease of the

LaCroix Links Golf Course to the Rapid City YMCA, with the changes outlined by the City Attorney. Upon vote being taken, the motion carried unanimously.

The Mayor announced the meeting was open for consideration of the assessment roll for **Miscellaneous Property Cleanup** (No. CC120103-04). Notice of hearing was published in the Rapid City Journal on November 24, 2003 and mailed to affected property owners on November 4, 2003. No oral or written objections were submitted. Motion was made by Hanks, seconded by Rodriguez and carried to close the public hearing on this item. The following Resolution was introduced, read and Hanks 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 1st day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

Planning Department – Hearings

The Mayor presented **No. 03CA039**, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan to adopt the South Truck Route Drainage Basin Master Plan**. 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 December 1, 2003 to consider an amendment to the Comprehensive Plan to adopt the South Truck Route Drainage Basin Master Plan, 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 1st day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

The Mayor presented **No. 03PD054**, an appeal of the Planning Commission's decision on a request by Chris Connelly for a **Major Amendment to a Planned Residential Development to allow a seven foot side yard setback** on Lots 35 thru 38 of Lot 3 in the NE1/4 NW1/4, Block 2, Schamber Section 9 NE1/4 NW1/4, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1920 and 1930 Monte Vista Drive. Motion was made by Kooiker and seconded by Rodriguez to approve the Major Amendment, with the following stipulations: 1) The applicant shall submit drainage plans drafted by a licensed engineer prior to issuance of a building permit; 2) The applicant shall submit utility plans drafted by a licensed engineer prior to issuance of a building permit; 3) That the building permit be revised to show the construction of the eight balconies; 4) The landscaping shall be constructed as identified on the site plan as submitted and shall be maintained in a live vegetative state; 5) The architectural style of the building will be constructed as shown on the elevations submitted; 6) The lighting will be constructed in a way as to minimize the impacts on surrounding land uses and direct lighting away from adjacent properties; 7) All parking shall be constructed as shown on the site plan as submitted; and, 8) That the stipulations of the Initial and Final Development Plan - Planned Residential Development (03PD014) be continually met; and 9) That the railing for the balconies on the east side be constructed with similar materials to the building siding, that the railings be solid rather than aluminum, and, that the railings comply with the building code and be no less than three feet in height. Troy Lloyd, Elizabeth Shoop, Sarah Wilson and Jean Cowherd, neighboring property owners, spoke against the item before the Council at this time. Allowing balconies on this apartment complex will be very intrusive to the single family home owners adjacent to the project. Lloyd asked that the City Council stand up for the property owners adjacent to this project and that the developer be required to follow the city code and the plans that were initially submitted. Chris Connelly explained that the buildings are already constructed; he is only asking that the decks be allowed to extend into the setback, as allowed by city code. He is not asking for any variance to the city codes. Connelly added that he has gone to great expense and effort to locate two buildings on this lot rather than one so that only four windows overlook the adjoining properties. Hanks noted that when the PRD was approved to allow two buildings on this lot rather than one, the project plans did not identify any decks or balconies which would extend into the setback. Because of that, he cannot support the requested amendment. Substitute motion was made by Hanks and seconded by Waugh to deny the requested Major Amendment. French suggested that this item be continued for two weeks to allow all parties to discuss the issue and try to find a compromise. Second substitute motion was made by French and seconded by Murphy to continue this item for two weeks. Roll call vote was taken: AYE: French and Murphy; NO: Hanks, Kooiker, Rodriguez, Waugh, Hadley, Kroeger and Partridge. Substitute motion failed, 2-7. Roll call vote was taken on the first substitute motion to deny: AYE: Hanks, Kooiker, Waugh, Hadley and Kroeger; NO: French, Murphy, Rodriguez and Partridge. First Substitute motion carried, 5-4 and the item was denied.

The Mayor presented **No. 03SV034**, a request by Davis Engineering for Lyle Hendrickson for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks as per Chapter 16.16 of the Rapid City Municipal Code** on Tract A and Tract B of Hendrickson Addition, located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 9 and 11 thru 20, Block 5 and the north half of vacated East Watertown Street; Lots 3 thru 14 and the vacated alley adjacent to Lots 7 thru 14 in Block 6 and the south half of vacated Watertown Street lying north of the railroad right-of-way, and the vacated portions of Herman Street, East Madison Street and Maple Avenue all in Schnasse Addition; all located in NW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 110 East Watertown Street. Motion was made by Kooiker, seconded by Hadley and carried to deny this item without prejudice, at the applicant's request.

Motion was made by Kooiker, seconded by Waugh and carried to authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for street improvements on the south 395.8 feet of the north 737.7 feet of the unplatted portion of the NW1/4 SE1/4 Section 26, T2N, R7E, BHM, Rapid City, Pennington County South Dakota; and, the east 720 feet of the south 197.9 feet of the north 935.6 feet of the unplatted portion of the NW1/4S E1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1840 Tranquil Trail. (03SV042)

The Mayor presented No. 03SV042, a request by James E. Martin for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Macdonald Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the south 395.8 feet of the north 737.7 feet of the unplatted portion of the NW1/4 SE1/4 Section 26, T2N, R7E, BHM, Rapid City, Pennington County South Dakota; and, the east 720 feet of the south 197.9 feet of the north 935.6 feet of the unplatted portion of the NW1/4S E1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1840 Tranquil Trail. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulations: 1) Upon Preliminary Plat submittal, the plat document shall be revised to show Tranquil Trail as a minimum 52 foot wide right-of-way; 2) Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvements along Tranquil Trail as it abuts the subject property; and, 3) Upon Preliminary Plat submittal, the plat document shall be revised to show Blue Jay Drive as a 66 foot wide private access and public utility easement.

The Mayor presented No. 03VR011, a request by John K. Nooney for a **Vacation of Right-of-Way** located west of Haines Avenue and north of Interstate 90. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the right-of-way on Lots 1 and 2 of Five Star Subdivision located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located west of Haines Avenue and north of Interstate 90 is not needed for public purposes; and

WHEREAS the owner(s) of property adjacent to the above-described property desires said right-of-way to be vacated and released;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the right-of-way heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated; and,

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of right-of-way in regard thereto.

Dated this 1st day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

Ordinances & Resolutions

Ordinance 3913 entitled An Ordinance Amending Section 17.50.280 of Chapter 17.50 of the Rapid City Municipal Code Relating to Storage and Parking of Trucks, Trailers, and Commercial Vehicles (No. 03OA002), having passed the first reading on November 17, 2003, it was moved by Hanks and seconded by Waugh that the title be read the second time. Substitute motion was made by Hadley and seconded by Kooiker to deny second reading of this ordinance without prejudice and send the issue back to the Planning Commission for further discussion. Hanks questioned what would be discussed by the Planning Commission. Planning Director Elkins added that Alderman Kriebel had suggested allowing these vehicles in residential neighborhoods through the Conditional Use procedure. Hanks spoke against using the conditional use procedure for this type of activity. It would put the Council in the position of picking and choosing where these vehicles can be located, based on the number of neighbors who show up at the Council meeting. Partridge added that if the ordinance is approved, it will be on the books but only enforced if there is a complaint. Second substitute motion was made by Partridge and seconded by Hanks to approve second reading of Ordinance 3913. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: French, Kooiker and Hadley. Substitute motion to approve second reading carried, 6-3.

Ordinance 3934 entitled An Ordinance Regulating Storage and Parking of Trucks, Trailers and Commercial Vehicles by Amending Chapter 10.40 of the Rapid City Municipal Code to Include a New Section 10.40.200 (No. LF101503-05) passed the first reading on October 20, 2003. Motion was made by Kooiker and seconded by Hadley to deny this item without prejudice and send it back to the Planning Commission for additional discussion. Planning Director Elkins explained that this is a companion item to Ordinance 3913 which was just approved. She encouraged the Council to take the same action on both of them. Substitute motion was made by Hanks and seconded by Partridge to approve second reading of Ordinance 3934. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Kooiker and Hadley. Substitute motion to approve second reading carried, 6-2.

Ordinance No. 3968 entitled An Ordinance Amending the Fee for Appeals to the Zoning Board of Adjustment by Amending Section 17.54.020(A) of the Rapid City Municipal Code (No. 03OA004), having passed the first reading on August 18, 2003, it was moved by Hanks and seconded by Murphy that the title be read the second time. Kooiker stated that the average fee charged for this appeal by other entities is about \$100. He also expressed

concern about tripling the fee to \$250 as contained in the ordinance before the Council at this time. Substitute motion was made by Kooiker and seconded by Hadley to amend the ordinance to set the appeal fee at \$100. Elkins informed the Council that this fee was raised to \$25 in 1977 and to the current \$75 in 1981. Partridge spoke against the substitute motion. The amount of staff time that goes into these issues far exceeds \$75 or \$100. The \$250 fee will be closer to paying for the costs involved with the appeal process. Hanks asked how staff came up with the \$250 fee. Elkins explained that staff researched this issue when the ordinance was first presented. Based on the amount of staff time, the cost of the appeals ranged from a low of \$267 to a high of \$404. Roll call vote was taken on the substitute motion: AYE: French, Kooiker and Hadley; NO: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Partridge. Substitute motion failed, 3-6. Substitute motion as made by French to amend the ordinance to include a clause to reduce the fee for people who have economic need. Motion died for lack of a second. Kooiker stated that his goal is to slow the rate of increase of this fee. Substitute motion was made by Kooiker and seconded by Hadley to amend the ordinance to set the fee at \$150 and include a three percent cost of living increase to the ordinance fee. Roll call vote was taken: AYE: French, Kooiker and Hadley; NO: Hanks, Murphy, Rodriguez, Kroeger and Partridge. Substitute motion failed, 3-5. Kooiker spoke against the increase in this fee at this time because of the re-organization being done on second floor at City Hall. This fee will discourage people from appealing decisions to the City Council. Partridge stated that the fee contained in this ordinance will more accurately reflect the costs the city incurs when dealing with these issues. Roll call vote was taken on the original motion: AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: French, Kooiker and Hadley. Motion carried, 6-3.

The next item before the Council was No. LF100103-24R, second reading of **Ordinance 3988**, entitled An Ordinance Modifying the Regulation of the Rapid City Economic Development and Civic Improvements Fund by Amending Section 3.16.020 of the Rapid City Municipal Code. Motion was made by Waugh, seconded by Rodriguez and carried to continue this item until after the 2012 public meeting.

The next item before the Council was No. LF100103-18R, second reading of **Ordinance 3993** entitled An Ordinance Amending the Capital Improvements Committee Operating Procedures by Amending Section 3.16.090 of the Rapid City Municipal Code. Motion was made by Hanks and seconded by Waugh to approve second reading of Ordinance 3993. Kooiker stated that he feels all motions made by the CIP Committee should come to the City Council for final approval. Substitute motion was made by Kooiker and seconded by French to amend the ordinance so that the CIP Committee would be a committee of the whole. Rodriguez stated that Legal & Finance and Public Works were committees of the whole and not everyone attended, so they were split with five Council members on each. The only meeting all the Council members attend is the Council meeting. She added that any member of the Council can attend the CIP meeting. It would be a waste of time to make CIP a committee of the whole. Murphy added that 2012 was changed to a committee of the whole and that action created conflict and slowed the process drastically. Murphy expressed concern that the CIP process would be slowed if that committee is also changed to a committee of the whole. Hadley stated that at the least, the report should be made to the City Council and not the Legal & Finance Committee. Kooiker amended his motion so that all motions made in CIP shall come to Council for final approval. Mayor Shaw ruled the motion out of order because it is substantially different from the original amendment. Partridge spoke against making the CIP Committee a committee of the whole. This would politicize the entire process and not be for the good of the community. Regarding notification, the CIP committee meets on the third Friday of each month and any changes to the CIP Plan come to the City Council for action. Substitute motion was made by Partridge and seconded by Kooiker that any Council person attending the CIP Committee shall be a voting member, and a quorum will be six committee members. Partridge stated that the purpose of his motion is to give those who feel they are excluded from the CIP Committee an opportunity to come to the meeting and vote. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh,

Kroeger and Partridge; NO: Hanks, Murphy and Hadley. Motion carried, 6-3. Kroeger explained that the "non-elected" members of the CIP are needed so that the necessary information is available to the committee on various projects (streets, drainage, government buildings, parks and recreation). Periodically, issues come up that need to be taken care of immediately, like roof repairs. Those issues are directed to the CIP Committee who then reviews the plan and projects to find funding. He added that all money spent on CIP projects must be approved by the City Council. Discussion continued on the original motion to approve the Ordinance, as amended. Kooiker stated that feels the best way to open up this process is to require that all motions made at the CIP Committee be submitted to the Council for final approval; it doesn't matter who is on the committee. Second substitute motion was made by Kooiker and seconded by Hadley to amend the ordinance to require that all motions made in CIP will come to Council for final approval. Kroeger stated that there is a big difference between the 2012 Committee and the CIP Committee. The 2012 Committee deals with 5-12 projects. Currently, there are approximately 300 projects pending before the CIP Committee in various five year plans. From time to time water lines break and streets break down and funding must be changed between projects. This is the type of thing the CIP Committee addresses. Mayor Shaw stated that the motion recently approved by the Council, giving all Council Members a vote on the CIP Committee, is in direct conflict with the purpose of the CIP Committee, which was to take politics out of the process. It was designed to be a process with full notification, but without politics. Roll call vote: AYE: French, Kooiker and Hadley; NO: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Partridge. Motion failed, 3-6. Kooiker withdrew his earlier substitute motion to made CIP a committee of the whole. There were no objections. Roll call vote was taken on the original motion to approve second reading of Ordinance 3993, as amended: AYE: NO: Hanks, Kooiker, Hadley and Kroeger; AYE: French, Murphy, Rodriguez, Waugh and Partridge. The motion carried, 5-4, however, six affirmative votes are needed to pass an ordinance. Kroeger gave notice that he intends ask that this item be reconsidered at the next meeting.

The Mayor announced the meeting was open for hearing on No. 03RZ046, second reading of **Ordinance 4002** a request by the City of Rapid City for a **Rezoning from Low Density Residential District to Medium Density Residential District** on the SE1/4 SE1/4 SE1/4 NW1/4 and NW1/4 SE1/4 SE1/4 NW1/4 less Edinborough Subdivision, all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Catron Boulevard and east of U.S. Highway 16. Notice of hearing was published in the Rapid City Journal on November 22 and November 29, 2003. Ordinance 4002, having had the first reading on November 17, 2003, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4002 the second time.

Ordinance No. 4003, Regarding Supplemental Appropriation No. 6 for 2003 (No. LF112403-16), was introduced. Upon motion made by Hanks, seconded by Murphy and carried, Ordinance 4003 was placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, December 15, 2003.

Ordinance 4004 (No. 03RZ047) a request by Centerline for Ken Kirkeby and Larry Lewis for a **Rezoning from Park Forest District to Low Density Residential II District** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sandstone Ridge Apartments and east of Holiday Estates, was introduced. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4004 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, December 15, 2003 at 7:00 P.M.

Ordinance 4005 (No. 03RZ049), a request by Franklin Simpson for a **Rezoning from General Agriculture District to Medium Density Residential District** on the following

property, was introduced: A parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Harmony Heights Lane. Upon motion made by Hanks, seconded by Waugh and carried, Ordinance 4005 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, December 15, 2003 at 7:00 P.M.

Legal & Finance Committee Items

The next item before the Council was No. LF112403-02 - Authorize Mayor and Finance Officer to sign Memorandum of Understanding between City of Rapid City, Rapid City Hospitality Association, and Rapid City Area **Chamber of Commerce**. City Attorney Jason Green stated that if the Council wants to approve this document tonight, he would recommend adding language at the beginning to the effect that it is not a legally binding document. The Council could also continue this item. Motion was made by Hanks, seconded by Waugh and carried to continue this item for two weeks.

The next item before the Council was a recommendation from the Ordinance Review Committee relative to backing **service vehicles** into angled parking spots. Hadley suggested that service vehicles be allowed to occupy more than one parking space so they can parallel park when providing services to business on one-way streets. This would eliminate the problem of pulling into traffic going the wrong direction. Hadley noted that there are also safety concerns for the people getting tools and supplies from the back of the vehicles along these busy streets. Asst. City Attorney Mike Booher outlined the issues taken into account by the Ordinance Review Committee when they discussed this item. That committee recommended denial of any exception for service vehicles because alternatives do exist (existing loading zones, alley parking, etc.). Motion was made by Hanks and seconded by Partridge to accept the recommendation of the Ordinance Review Committee and make no changes to the ordinance. Substitute motion was made by Kooiker and seconded by Hadley to continue this item to the next Legal & Finance Committee meeting. Roll call vote was taken: AYE: Kooiker, Rodriguez, Waugh, Hadley and Partridge; NO: Hanks, French, Murphy and Kroeger. Motion carried, 5-4.

Motion was made by Hanks and seconded by Partridge to accept the recommendation from the Ordinance Review Committee relative to **condemned signs** and make no change in the current ordinance. Upon vote being taken, the motion carried unanimously.

Motion as made by Hanks, and seconded by Murphy to approve No. LF112403-12 - Authorize Mayor and Finance Officer to sign Contractual Agreement with **Sweet Computer Services** for Software Support in the amount of \$2,340. Fire Chief Gary Shepherd asked that this item be continue for two weeks to allow the City Attorney to review the document.

Substitute motion was made by Waugh, seconded by Rodriguez and carried to continue this item until December 15, 2003.

Motion was made by Hanks and seconded by Rodriguez to authorize Mayor and Finance Officer to sign IDPF Agreement and Promissory Note with **Dakota Heartland** (Timmons Boulevard). City Attorney Green submitted a revised legal description for this Agreement. Also, the repayment will be based on square footage rather than front footage. Upon vote being taken, the motion carried unanimously.

The following Resolution was introduced, read and Hanks moved its adoption:

A RESOLUTION AMENDING THE PLAN FOR PROJECTS AND PROGRAMS TO BE FUNDED FROM THE RAPID CITY ECONOMIC DEVELOPMENT AND CIVIC IMPROVEMENTS FUND

WHEREAS on the 17th day of April, 2000, the City of Rapid City adopted a resolution entitled "A Resolution Adopting a Plan for Projects to be Funded from the Rapid City Economic Development and Civic Improvements Fund;" and

WHEREAS the Council has determined to make the following amendments to said plan;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Rapid City Economic Development and Civic Improvements Plan as adopted by the City on April 17, 2000, be amended as follows:

1. Decrease funding for Gyms/Community Centers n the amount of \$12,427 in FY2003.
2. Increase funding for Girls Softball in the amount of \$12,427 in FY2003.

Dated this 1st day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

Public Works Committee Items

Motion was made by Kooiker, seconded by Rodriguez and carried to approve Change Order No. 01F for **Parkview Softball Complex** Phase 2 Project No. PR02-1216 to Simon Contractors of South Dakota for an increase of \$9,721.49 (No. PW102803-04).

Motion was made by Kooiker, seconded by French and carried to approve Change Order No. 01F for **Parkview Softball Complex** Phase 3 Project No. PR03-1293 to Corr Construction Services, Inc. for an increase of \$575.00 (No. PW111203-02).

Motion was made by Kooiker, seconded by Partridge and carried to continue discussion on Fifth Street Funding (No. PW112503-05) to the first Public Works Committee meeting in January, 2004 to allow exploration of various funding options.

Approval of Bills

The following bills having been audited, it was moved by Rodriguez, seconded by Waugh and carried to authorize the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof:

Payroll Paid Ending 11-05-03, Paid 11-21-03	597,636.48
Payroll Paid Ending 11-30-03, Paid 11-26-03	943,849.45
Pioneer Bank, Taxes Paid 11-21-03	142,106.93
Pioneer Bank, Taxes Paid 11-26-03	229,514.98
First Administrators, claims Paid 11-19-03	108,252.09
Pennington County Auditor, PSB construction	36,652.73
Wells Fargo Corporate Card, credit card charges	92.83
US Postmaster, postage	1,100.00
Computer Bill List	<u>1,832,222.76</u>
Total	<u>\$3,891,428.25</u>

Payroll Paid Ending 11-15-03, Paid 11-21-03	2,618.20
Pioneer Bank, Taxes Paid 11-21-03	191.53
City of Rapid City, postage	3.01
Marlin Leasing, copier lease	9.55
Philfleet, gasoline	<u>141.23</u>
Total	<u>\$3,894,391.77</u>

<u>Treasurers Checks</u>	
Simon Contractors, Parkview Softball Complex	<u>9,721.49</u>
Total	<u>\$3,904,113.26</u>

Executive Session

Motion was made by Rodriguez, seconded by Kooiker and carried to go into executive session to discuss personnel matters. The Council came out of executive session, but no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:30 p.m.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)