

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
January 20, 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, January 20, 2003 at 7:00 P.M.

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

Motion was made by Waugh, seconded by Kroeger and carried to correct the minutes of December 2, 2002 to show the \$4,700 in funding for lights at the Skateboard Park will come from the 2002 CIP Contingency, not 2003; Correct the minutes of December 16, 2002 to show the correct amount for the contract with Glen Barber & Associates for WRF02-1173 as \$52,692.25; correct the minutes of December 27, 2002 to show that Dreyer did not vote on the Lifeways Contract; and **approve the minutes** of January 6, 2003.

### ***Bid Openings***

The following vendors submitted bids for 65 Leased **Golf Cars** for Meadowbrook, Executive and LaCroix Links Golf Courses (No. CC012003-01): 1) E-Z-GO Textron and 2) Golf Cars West. A representative of E-Z-GO Textron admitted that they made a mistake on the bid document they submitted. They requested that the City not accept the bid of \$6,605.95 per year. Preston explained that the options available to the Council at this time are to reject all bids and re-advertise, or accept the bid from Golf Cars West. Staff has review the bids and recommends that the bid be awarded to Golf Cars West. Motion was made by Johnson and seconded by Waugh to award the bid for golf cars to Golf Cars West, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$40,797.90. Butch Holec, the local dealer for E-Z GO, requested that the council reject all bids and start over with this project. Upon vote being taken, the motion to award the bid carried unanimously.

The following vendors submitted bids for two new 2003 ADA Accessible Raised Floor **Paratransit Vehicles** (No. CC012003-01) which were opened at 2:00: 1) Grande American Bus Sales and 2) Harlow's Bus Sales, Inc. Staff has reviewed the bids and recommends award to Grande American Bus Sales. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for 2003 ADA Paratransit Vehicles to Grande American Bus Sales, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$95,586.

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

Mayor Munson presented the **Veteran of the Month Award** to Richard McDonald and commended him for outstanding volunteer service to the community and the country.

Munson also presented a **Certificate of Appreciation** to Don Williams for his outstanding work and service to the community at the Civic Center.

Mayor Munson presented a **Certificate of Recognition** to Gary Mann and commended him for over 25 years of service at the Police Department. Mann will be retiring from the Department in the near future.

Munson also presented a **Certificate of Recognition** to Harold McConkey, Jr. and commended him for 25 years of service to the community.

Munson presented the following Joint Resolution for the Council's consideration. Motion was made by Johnson and seconded by Rodriguez to approve the following Resolution:

**Joint Resolution**  
City Council of Rapid City, South Dakota  
Pennington County Commission

Whereas: the Homestake Mine, as designated by the State of South Dakota as the South Dakota Business of the Century, has been a valued employer and great corporate citizen in the State of South Dakota for 126 years; and

Whereas: The State of South Dakota has experienced a tremendous working relationship with Homestake that involved increasing Homestake taxes during the depression and in times of agricultural crisis; and

Whereas: The Homestake Mine has shut down and the National Science Foundation is looking for a site for their neutrino project; and

Whereas: We submit and support that the Homestake Mine is the most logical and cost efficient site due to its depth, manpower and expertise available plus the fact that neutrino experiments have been held in the Mine since the 1970's.

Now therefore be it resolved, that the City Council of Rapid City and the Pennington County Commissioners request the State of South Dakota to work with the National Science Foundation to select the Homestake Mine as the neutrino site as the opportunity for jobs, scientific advancement and economic development is too great an opportunity to pass up.

Dated this 20th day of January, 2003

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

s/ Alan Hanks, Ward 1  
s/ Sam Kooiker, Ward 2  
s/ Martha Rodriguez, Ward 3  
s/ Ray Hadley, Ward 4  
s/ Mel Dreyer, Ward 5

s/ Tom Johnson, Ward 1  
s/ Tom Murphy, Ward 2  
s/ Bill Waugh, Ward 3  
s/ Ron Kroeger, Ward 4  
s/ Rick Kriebel, Ward 5

The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

***Aldersperson Items***

Kriebel stated that the issue of options for legal counsel for the Alderspersons has been discussed by members of the City Council at different times for several years. State law gives the Council the latitude to pursue hiring an attorney, however, the City Code will have to be modified to accomplish this. If the Council is the policy and law making body for the City and the Mayor's Office is the enforcement branch, then the law making body should have legal representation. Dreyer urged the Council to look into options for legal counsel that would report to the City Council rather than the Mayor. Kooiker stated that he would like all options presented for consideration, including hiring another attorney. There have been a number of times when the Council has not received the representation or the information that it should

from the City Attorney's Office. Motion was made by Kooiker and seconded by Kriebel to direct Council leadership to retain outside legal counsel, to advise on the options for change in city ordinances regarding legal counsel; Council leadership shall also form a committee of council members to review the options and bring back a recommendation to Legal & Finance in thirty days. Johnson spoke against hiring outside counsel to accomplish this when it can be done by the City's current staff. Kooiker accepted this as an amendment to his motion and restated the motion as follows: Direct the City Attorney's Office to advise on the options and bring back ordinances for change regarding legal counsel; and that council leadership form a committee of council members to review the options and bring back a recommendation to Legal & Finance on February 26th. Kooiker stated that some of the options might be 1) city attorney shall be hired by and employed at the will of the council and ensure that the Mayor's Office has appropriate legal counsel pursuant to SDCL 9-14-23; 2) city attorney shall provide opinions on municipal issues to the Mayor and individual council members pursuant to SDCL 9-14-22; and 3) the city attorney shall draft ordinances or resolutions at the request of the Mayor, City Council President or a majority of the Council pursuant to existing state law. Upon vote being taken, the motion carried unanimously.

Johnson stated that the city is considering annexing an area east of town to the airport which contains agricultural land. Some of the city's ordinances do not lend well to an agricultural setting. Motion was made by Johnson and seconded by Waugh to direct the City Attorney's Office to **draft ordinance changes** that deal with electric fencing and hunting of predators that kill livestock. Upon vote being taken, the motion carried unanimously.

Hadley stated that the City will begin **automated garbage collection** in the near future. Currently, if there is garbage sitting next to the garbage cans, it is picked up and put in the truck. If the City intends to provide the same level of service and garbage is left outside the can, the truck driver will have to get out of the truck to collect the excess waste. Motion was made by Hadley and seconded by Waugh to direct staff to draft an ordinance that garbage needs to be inside the container or it will not be picked up. Johnson suggested that the city adopt a wait and see attitude on this issue. If the problem materializes, we can address it at that time. There are three different sizes of containers and if they are properly fitted to the residence, excess garbage should not be a problem. Hadley withdrew his motion but indicated that if this problem comes up, he will bring it back up. Kriebel stated that other communities have bags that are marked with the City's name and they pay an additional charge for this extra bag. There are other ways that this issue can be addressed.

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

Herman Jones requested that the Council consider his appeal from the Sign Code board of Appeals. This issue was tabled at the January 6, 2003 meeting. Motion was made by Dreyer, seconded by Johnson and carried to take this item off the table. Motion was made by Dreyer and seconded by Rodriguez to continue this item to the next Council meeting to allow for proper notification of surrounding property owners. Johnson stated that he feels the item should go to committee for discussion. Dreyer amended his motion to refer this appeal to the Legal & Finance Committee for consideration. Rodriguez concurred. Upon vote being taken, the motion carried unanimously.

### **Alcoholic Beverage License Applications**

This was the time set for hearing on the application of Rushmore Soccer Club, Inc. dba **Rushmore Soccer Club**, for a special malt beverage license to be used at the Knights of Columbus Hall, 910 Fifth Street, on Friday, February 1, 2003. Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Dreyer and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, February 3, 2003:

5. Big D Oil Company dba **Big D Oil Store No. 41**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage license transfer (from Cenex Petroleum Company)
6. Big D Oil Company dba **Big D Oil Store No. 42**, 850 E. North Street, for an Off-Sale Malt Beverage license transfer (from Cenex Petroleum Company)

### ***Consent Calendar***

The following items were removed from the Consent Calendar:

19. No. LF011503-01 - Authorize Police Department to purchase one Dodge Durango 4x4 from Wegner Auto, under State Contract No. 13773, at a cost of \$21,152.
36. No. CC012003-04 – Approve the Resolution of Intent to Enter into Lease of Land with Friendship House, Inc. and set a public hearing on this issue for February 3, 2003.
38. No. LF011503-19 - Authorize Mayor and Finance Officer to sign Agreement between City and Lazy P-6, relative to a public road previously opened on property located in the section line right-of-way between Section 19, T1N, R8E, BHM, and Section 24, T1N, R7E, BHM, Pennington County, South Dakota.
41. No. 02SR013 - Override the Planning Commission's Action on an 11-6-19 SDCL review to construct a street within a section line highway requested by Centerline, Inc. for Lazy P-6 Properties.

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 Items***

7. No. PW011403-01 – Approve Change Order No. 01F for LF02-1230, Landfill Fencing Project with Dave Garrett for an increase of \$850.
8. No. PW011403-02 – Authorize staff to advertise for bids for ST03-1252, Cathedral Drive Pedestrian Signals Project.
9. No. PW011403-03 – Authorize staff to advertise for bids for PR03-1273, Canyon Lake Park Improvements Project.
10. No. PW011403-04 – Authorize staff to advertise for bids for New Aerial Lift with Utility Body for Traffic Division.
11. No. PW121002-12 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with McLaughlin Water Engineers, Ltd. for Design of WRF02-1174, Co-Compost Facility Construction Phase Services Project for an amount not to exceed \$80,000; contingent upon approval of the South Dakota Department of Environment and Natural Resources.
12. No. PW011403-05 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with CETEC Engineering Services, Inc. for Design of ST01-973, Tower Road Slide Area Reconstruction Project for an amount not to exceed \$2,199.20.
13. No. PW011403-06 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Ferber Engineering Company to Prepare Preliminary Design Report for SSW02-1258, Deadwood Avenue North Utility Infrastructure Study for an amount not to exceed \$6,375.
14. No. PW011403-07 – Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Agreement for IM 090-2(00)55 PCEM 107N, East Side of Exit 55, Service Road Relocation (Lange Road) grading, surfacing and right-of-way.
15. No. PW011403-08 – Authorize Mayor and Finance Officer to sign a Permanent Storm Sewer Easement with Broadmoor Association, Inc.
16. No. PW011403-09 – Approve the City Energy Policy.

- 17. No. PW011403-10 – Approve the purchase of one (1) new current model F350, 4x2 regular cab truck chassis from Lamb Motors of Onida under State Contract No. 13770 in the amount of \$21,822 for the Street Division.
- 18. No. PW011403-11 – Approve the purchase of one (1) new current model ¾ton, 4x4 regular cab pickup from Lamb Motors of Onida under State Contract No. 13769 in the amount of \$18,518 for the Street Division.

**Legal & Finance Committee**

- 20. No. LF011503-20 - Authorize Mayor and Finance Officer to sign Maintenance and Support Agreement with Motorola.
- 21. No. LF011503-02 - Authorize expenditure of an additional \$5,140 on Sweet Billing and Field Data Software for Ambulance Enterprise.
- 22. Authorize Mayor and Finance Officer to sign Licensing Agreement and Software Support Agreement for Sweet Billing and Field Data Software.
- 23. No. LF011503-03 - Authorize Mayor and Finance Officer to sign Contracts with Pennington and Meade County Volunteer Ambulance Services (Keystone) to Provide ALS Intercept Services.
- 24. No. LF011503-04 - Authorize Mayor and Finance Officer to sign Contracts with Pennington and Meade County Volunteer Ambulance Services (Wall, New Underwood, Hill City and Piedmont) to Provide ALS Intercept Services.
- 25. No. LF011503-05 - Authorize Mayor and Finance Office to sign Contract with USD School of Nursing to Provide Ambulance Clinical Rotations for Nursing Students.
- 26. No. LF011503-06 - Approve adoption of the Amended Citizen Participation Plan for the City of Rapid City.
- 27. No. 892 - Approve the Resolution Dissolving Tax Increment District No. 22 (Block 1, less Lots 1 and 2, South Creek Industrial Park and Lots H-1 and H-2 of South Creek Industrial Park #2 all located in the W1/2 of Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 79 and west of Creek Drive.)

**A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT  
NUMBER TWENTY-TWO**

WHEREAS the City of Rapid City created Tax Increment District Number Twenty-Two on August 17, 1992; and,

WHEREAS all expenditures have been made in accordance with the adopted amended project plan for Tax Increment District Number Twenty-Two adopted on September 2, 1992; and,

WHEREAS the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Twenty-Two be, and the same hereby is, dissolved.

BE IT FURTHER RESOLVED that any funds which have accrued to the Tax Increment District Number Twenty-Two, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 20th day of January, 2003.

ATTEST:  
s/ James F. Preston

THE CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

Finance Officer  
(SEAL)

- 28. No. LF011503-07 - Authorize Mayor and Finance Officer to sign a Nonexclusive Agreement for Collection of Delinquent Accounts with the Credit Collections Bureau.
- 29. No. LF011503-08 - Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

**RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR PROPERTY CLEANUP**

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

- 1. The assessment roll for Property Cleanup was filed in the Finance Office on the 20th day of January, 2003. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, February 17, 2003 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
- 2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
- 3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 20th day of January, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 30. No. LF011503-09 - Approve Resolution Declaring Property Surplus.

**RESOLUTION DECLARING PROPERTY SURPLUS**

WHEREAS the below-described property is no longer necessary, useful or suitable for municipal purposes

NOW, THEREFORE, BE IT RESOLVED that the following property be declared surplus and disposed of according to state statutes, including disposal, sale, transfer to other government agency, or trade-in on new equipment:

Police Departments  
 1966 Chevrolet Step Van, SN P2556F174717  
 2001 Police Interceptor, SN 2FAFP71W41X193411  
 2001 Police Interceptor, SN 2FAFP71W31X164742  
 2001 Police Interceptor, SN 2FAFP71W11X164738

1999 Police Interceptor, SN 2FAFP71W5XX173239

Water Department

John Deere Backhoe, SN 192411T #318

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 20th day of January, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 31. No. LF011503-10 - Authorize staff to advertise for bid for one mower reel sharpener and mower bedknife grinder.
- 32. Authorize staff to request bids for the repair of the clubhouse at Executive Golf Course.
- 33. No. LF011503-21 - Approve Resolution Establishing 2003 Golf Course Fees.

RESOLUTION ESTABLISHING 2003 GOLF COURSE FEES

**BE IT RESOLVED** by the City of Rapid City that the following fees are established for use at the Rapid City Municipal Golf Courses, to be effective from **January 1, 2003, through December 31, 2003.**

(1) Meadowbrook Golf Course Daily Green Fees (Includes sales tax and development fee)

	<u>2002</u>	<u>2003</u>
9 - Hole Weekday	\$14.50	\$15.25
9 - Hole Weekend/Holiday	\$17.25	\$18.00
9 - Hole Jr./Sr. Weekday	\$10.75	\$11.25
18 - Hole Weekday	\$25.50	\$26.75
18 - Hole Weekend/Holiday	\$28.50	\$29.75
18 - Hole Jr./Sr. Weekday	\$20.50	\$21.50

(2) Meadowbrook Golf Course Season Passes / Punch Cards / Range Passes (Season Passes do not include development fee or sales tax.) (Punch Cards include sales tax.)

	<u>2002</u>	<u>2003</u>
Adult Single	\$475.00	\$495.00
Adult Couple	\$760.00	\$790.00
Senior Single (Weekdays Only)	\$405.00	N/A
Senior Single (Anytime)	\$425.00	\$445.00
Senior Couple	\$660.00	\$690.00
Each Additional Family Member	\$ 75.00	N/A
City Employee Season Pass	\$145.00	\$245.00
Child (14 & Under)	\$ 90.00	\$ 90.00
Junior (15-18)	\$145.00	\$150.00
School Team	\$ 55.00	\$ 60.00
Driving Range Unlimited (25 Lg Bags)	\$175.00*	N/A

Driving Range Unlimited (With Pass)	\$110.00*	NA
Range Balls (Small Bag)	\$ 2.50*	\$ 4.00*
Range Balls (Large Bag)	\$ 4.00*	\$ 6.00*
Range Balls (25 Punch Card)	NA	\$125.00 (a)
25-9 Hole Punch Card	\$330.00*	\$330.00* (a)
All City Pass	\$ 65.00	\$ 60.00

\* includes sales tax

(3) Meadowbrook Golf Course Cart Storage / Cart Rental / Trail Fees / Lockers

	<u>2002</u>	<u>2003</u>
Gas Cart Storage	\$275.00**	\$290.00**(b)
Electric Cart Storage	\$295.00**	\$310.00**(b)
Trail Fee Annual	\$180.00**	\$185.00**
Trail Fee Daily	\$ 12.00*	\$ 12.00
Cart Rental (9 Hole)	\$ 14.00*	\$ 14.00* (c)
Cart Rental (18 Hole)	\$ 24.00*	\$ 25.00* (c)
Yearly Cart Rental	\$525.00**	\$600.00** (c)
Lockers	\$ 40.00**	\$40.00**

\* includes sales tax

\*\* does not include sales tax

(4) Executive and LaCroix Links Daily Green Fees (Includes sales tax and development fees)

<u>Executive</u>	<u>2002</u>	<u>2003</u>
9 – Hole Weekday	\$9.00	\$9.50
9 – Hole Weekend	\$9.00	\$9.50
Child (14 & Under)	NA	\$5.00

  

<u>LaCroix Links</u>	<u>2002</u>	<u>2003</u>
9 – Hole Weekday	\$8.00	\$8.50
9 – Hole Weekend	\$8.00	\$8.50
Child (14 & Under)	NA	\$5.00

(5) Executive and LaCroix Links Season Passes / Punch Cards / Cart Rentals

	<u>2002</u>	<u>2003</u>
12 – 9 Hole Punch Card	\$ 85.00*	\$ 90.00* (a)
25 – 9 Hole Punch Card	\$150.00*	\$155.00* (a)
50 – 9 Hole Punch Card	\$275.00*	\$285.00* (a)
Adult Single	NA	\$440.00**
Adult Couple	NA	\$565.00**
Senior Single	\$375.00**	\$390.00**
Senior Couple	\$500.00**	\$520.00**
Junior (15-18)	\$125.00**	\$125.00**
Child (14 & Under)	\$ 80.00**	\$ 80.00**
Cart Rental (Per 9–Hole)	\$ 8.00*	\$ 7.00*

\* includes sales tax

\*\* does not include sales tax

BE IT FURTHER RESOLVED by the City of Rapid City that the following Development Fees are established for use at the Rapid City Municipal Golf Courses, effective from January 1, 2003, through December 31, 2003:

Development Fees: (Do Not include tax)

	<u>2002</u>	<u>2003</u>
Meadowbrook (9 Hole):	\$0.93	\$0.93
Meadowbrook (18 Hole)	\$1.86	\$1.86
Executive/LaCroix (9 Hole)	\$0.47	\$0.47

The development fee is included in the daily green fees. The development fee is NOT included in the punch card or the season pass fee and will be charged to all season pass holders and punch card holders at tee time. This fee will be used for course improvements only.

**BE IT FURTHER RESOLVED** that as used in this Resolution,

1. Child passes shall be good weekdays only and include play on weekdays at Executive and LaCroix Links.
2. Junior Passes shall be for persons 15-18 years old or area students living at home to age 23. Junior passes are good at all three courses.
3. "All City" passes are available for Meadowbrook Season Pass Holders. An additional \$65.00 per person fee allows the pass holder to play at all three municipal golf courses and applies to the following season pass holders: Adult Single; Adult Couple; Senior Single and Senior Couple.
4. Cart usage is limited to two (2) carts per group.

**BE IT FURTHER RESOLVED** that the golf pro is hereby authorized to offer special rates for play on Meadowbrook, Executive and LaCroix Links as he shall determine to be appropriate for the purpose of encouraging play on said courses.

Footnotes:

- (a) Punch cards will be good for current year only.
- (b) Cart storage will be granted only to golf season pass holders
- (c) Sharing of carts will be allowed at no additional cost.

DATED this 20th day of January, 2003.

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

34. No. LF011503-12 - Approve Resolution to Establish the Position of Civic Center Tradespersons I and II.

**RESOLUTION TO ESTABLISH THE POSITION  
OF CIVIC CENTER TRADESPERSONS I and II**

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

WHEREAS, the evaluation established that the duties and responsibilities of the described position of Civic Center Tradesperson I justify placing this classification in Grade 12 of the American Federation of State County and Municipal Employees Union AFL-CIO pay scale; and

WHEREAS, the existing position title of Civic Center Tradesperson shall become Civic Center Tradesperson II, with no change in classification or compensation;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Pay Plan by adding this position classification description at the Grade 12 as recommended in the job evaluation.

Passed this 20th day of January, 2003

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

- 35. No. LF011503-14 - Approve Resolution to Establish the Position of Computer Operations Technician within the Agreement between the Fraternal Order of Police and the City of Rapid City.

RESOLUTION TO ESTABLISH THE POSITION  
OF COMPUTER OPERATIONS TECHNICIAN WITHIN THE AGREEMENT  
BETWEEN THE FRATERNAL ORDER OF POLICE AND  
THE CITY OF RAPID CITY

WHEREAS, the position of Computer Operator Technician position is currently within the City of Rapid City pay scale, and

WHEREAS, a technology audit has been completed and confirms the addition of the position of Computer Operator Technician to the Police Department workforce and the position is to be represented by the Fraternal Order of Police;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Fraternal Order of Police Contract Pay Plan by adding the position classification description of Computer Operator Technician to Grade 16 as recommended.

Passed this 20th day of January, 2003

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

- 37. No. LF011503-16 - Approve the parking policies adopted by the City Attorneys' Office, but instead of people receiving one courtesy dismissal for not having their tag displayed (handicapped or otherwise) they will receive three courtesy dismissals.

RESOLUTION ESTABLISHING PARKING TICKET POLICY  
FOR THE ADMINISTRATION OF PARKING TICKETS

WHEREAS the City of Rapid City intends to establish the following parking ticket policy for the fair and consistent application of the Rapid City Municipal Code, Sections 10-40 and 10-44;

WHEREAS this parking policy is designed for the equitable enforcement of the parking ordinance for the benefit of Rapid City citizens, businesses and visitors;

BE IT RESOLVED by the City of Rapid City that the following parking ticket policy is hereby established:

1. The City Attorney's Office does not dismiss parking tickets that violate the Rapid City Municipal Code; and
2. That an individual is given three (3) courtesy dismissals per year for not visibly displaying his/her permit in leased parking areas; and
3. That an individual is given three (3) courtesy dismissals for not visibly displaying his/her handicap parking permit; and
4. That the City Attorney's Office shall fix a time not less than twice per week to hear individual disputes regarding parking violations; and
5. That before a vehicle is immobilized (booted), meter personnel will verify with the City Attorney's Office or Cashier's Office that no recent payments have been made.

DATED this 20th day of January, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

39. Approve the following licenses: Central Station Service: International Dispatch Center, Curtis E. Quady; Commercial Refuse: Porta Storage, Inc.; Fish Garbage Services, Inc., Cliff & George Fish; Sanders Sanitation Services, Inc., Timothy J. Sanders; Gas Fitter: Donald L. Herman, Michele Seaman; Gas Fitting Apprentice: Josh Yeager; Gas Contractor: Cody Champion, Champion Home Service & Supply, Inc.; Rick Salyers, Dependable Transport; Lee Seaman, L & M Appliance Specialists, Inc.; House Mover: Douglas "Butch" Davis, SD Housing Development Authority; Kitty L. Johnson, The Royal Company SD, Inc.; O'Neil Company, Inc.; Ted W. Pettyjohn, Ted Pettyjohn Housemoving; Mechanical Apprentice: Patrick McMahan, Donald K. Muller; Mechanical Contractor: Rick W. Salyers, Dependable Transport; Mobile Home Court: Ash Avenue Mobile Home Park, Jennie Rosenkranz; Eastbrooke Mobile Home Park, Robert R. Batchelder; Meadowlark Hill Mobile Estate, NW Engineering Company; Wheel Estates Mobile Court, Kirk Simet, Mike Cooper; Plumbing Apprentice: William C. Jennings, Cory Williamson, Derrick Williamson; Plumber: Jerome W. Bryant; Residential Contractor: Mark S. Bradsky, Canyon Development; Dan Canaday, Jerry L. Sowards, Strait Line Builders; David Erickson, Dave's Remodeling; Kent Hagg, Brian Hagg & Rex Hagg, Hagg Development LLC; Jared Hansen, J & J Construction; Hansen Construction, Robert Hansen, Phil Harvey, Phil Harvey Construction; Robert Stanfiel, Baker Construction, Inc.; Michael Swenson, DAZ Construction; Clyde Scott & Myrna Kay Smallwood, S & K Construction; Pawn Shop: The Gun Shop, John Stone, Fair Deal, Inc.; The Pawn Shop, John Stone, Fair Deal, Inc.; Second Hand: St. Joe

Antiques Mall, Doris M. Epperson; Software, etc., Troy Lee Kruse; Security Business: Highlander Security, Inc., James L. Hansen; Sign Contractor: Barney Signs, Barney Jorensen; French's Upholstery, Gary French; Sign Express, Gene & Roxy Hunter; Signworks, Mikal Lewis; Stump Sign Company, Craig Stump; Unique Signs, Inc., Lesley Rutter; Taxi: A-1 City Cab, Inc., Jeffrey K. Winchester; Rapid Taxi, Inc., Bryan V. Leui; Wheelchair Services of the Black Hills, Michael E. & Leanne T. Weideman.

- 40. No. LF011503-18 – Deny the request by the South Dakota State Historical Society to support the nomination of the entire length of the Bennett Ditch, the control gate and the lake to the National Register of Historic Places, and authorize the Mayor to sign a letter to the State indicating there are concerns about the impact on the residences in the area and that the residents may not fully understand the implications of being listed.

**Raffle**

- 42. No. CC012003-02 – Request from Children’s Miracle Network for the 14th Annual Great Black Hills Duck Race to be held on Sunday, July 27, 2003

**End of Consent Calendar**

Motion was made by Kroeger and seconded by Johnson to authorize the Police Department to **purchase one Dodge Durango** 4x4 from Wegner Auto, under State Contract No. 13773, at a cost of \$21,152 (No. LF011503-01). Kooiker expressed concern about funding available for expansion of the Public Safety Building. Substitute motion was made by Kooiker and seconded by Hanks to continue this item to the February 26, 2003 Legal & Finance Committee meeting. Roll call vote was taken: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Kooiker. Substitute motion failed 1-9. Upon vote being taken, the original motion carried unanimously.

The Mayor presented No. CC012003-04, a Resolution of Intent to Enter into Lease of Land with **Friendship House, Inc.** and set a public hearing on this issue for February 3, 2003. The following Resolution was introduced, read and Hanks moved its adoption:

A RESOLUTION OF INTENT TO ENTER INTO LEASE OF LAND  
WITH FRIENDSHIP HOUSE, INC.  
PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City of Rapid City that the City of Rapid City intends to enter into a lease of real property for a half-way house for recovering alcoholics with Friendship House, Inc. which property is located in Tract Eighteen (18) of Rapid City Greenway Tracts, located in the Northeast Quarter of the Southeast Quarter (NE $\frac{1}{4}$ SE $\frac{1}{4}$ ) of Section Thirty-five (35), Township Two North (T2N), Range Seven East (R7E), Black Hills Meridian, Pennington County, South Dakota; and

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock, p.m., on the 3<sup>rd</sup> day of February, 2003, or as soon thereafter as the item may come on for hearing at said meeting; and

BE IT FURTHER RESOLVED that following the hearing the City Council may adopt a resolution authorizing a lease upon the terms and conditions as it shall determine in said resolution.

Dated this 20th day of January, 2003.

ATTEST:

CITY COUNCIL  
s/ Jerry Munson, Mayor

s/ James F. Preston  
Finance Officer  
(SEAL)

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

The Mayor presented No. LF011503-19, a proposed agreement between City and Lazy P-6, relative to a **public road** previously opened on property located in the section line right-of-way between Section 19, T1N, R8E, BHM, and Section 24, T1N, R7E, BHM, Pennington County, South Dakota. Motion was made by Kroeger and seconded by Johnson to authorize the Mayor and Finance Officer to sign the Agreement. Pat Hahn and Harvey Paulson stated that this project has created a large dust problem. Also, the surrounding property owners in this area received no notice of the project. Substitute motion was made by Kooiker and seconded by Hadley to continue this item to the Legal & Finance Committee on January 29, 2003. Dreyer stated that he feels this developer should build the road to city standards before he constructs any additional storage units. Rodriguez called the question and there were no objections. Upon vote being taken, the substitute motion carried unanimously.

The next item before the Council was No. 02SR013, a request by Lazy P-6 to override the Planning Commission's Action on an 11-6-19 SDCL review to **construct a street** within a section line highway requested by Centerline, Inc. for Lazy P-6 Properties. Motion was made by Johnson and seconded by Waugh to continue this item to the Legal & Finance Committee meeting on January 29, 2003. Substitute motion was made by Kooiker to deny the request. Motion died for lack of a second. Upon vote being taken, the motion to continue carried unanimously.

### ***Public Hearing***

The Mayor announced that the meeting was open for consideration of No. CC012003-03, A Resolution Levying Assessment for Block 17 Alley Paving Project (Wise Addition) ST02-2003. Notice of hearing was mailed to the affected property owners on December 18, 2002 and published in the Rapid City Journal on January 13, 2003. No oral or written objections were submitted. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR  
BLOCK 17 ALLEY PAVING (WISE ADDITION)  
PROJECT ST02-1142

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 alley paving project is the amount stated in the proposed assessment roll.
2. The assessment roll for Block 17 Alley Paving (Wise Addition) Project ST02-1142 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 ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 20th day of January, 2003.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

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

**Planning Department Consent Items**

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

- 44. No. 02AN010 - A request by the City of Rapid City and the South Dakota Department of Transportation for a **Petition for Annexation** on the Balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Orchard Lane in the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located south of SD Highway 44 East and South Valley Drive. (DENIED)
- 45. No. 02PL006 - A request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition and Lot 19R3 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. (DENY WITHOUT PREJUDICE)
- 46. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO FEBRUARY 3, 2003)
- 47. No. 02PL080 - A request by Davis Engineering, Inc. for Robert and Donald Grimm for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive Right-of-Way all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Highway 44 and east of Cambell Street at Creek Drive. (CONTINUE TO FEBRUARY 3, 2003)

48. No. 02PL102 - 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. (CONTINUE TO FEBRUARY 3, 2003)
49. No. 02PL107 – Approve the request by Williams and Associates for Black Hills Surgery Center, LLP for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of 5th Street along Anamaria Drive.
50. No. 02PL110 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 2 thru 13 and Lots 16 thru 24, Block 8 of Northbrook Village Subdivision, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Country Road and Nike Road. (CONTINUE TO FEBRUARY 3, 2003)
51. No. 02PL116 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, SD, located east of the intersection of Homestead Street and Elk Vale Road. (CONTINUE TO FEBRUARY 3, 2003)
52. No. 02PL119 - A request by Kevin Conway for Norman or Rod McKie for a **Preliminary and Final Plat** on Lots 1 and 2 of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90. (CONTINUE TO FEBRUARY 3, 2003)
53. No. 02PL122 - A request by Dennis Dressen for a **Layout Plat** on Lot 2A and Lot 2B, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 6015 Nameless Cave Road. (CONTINUE TO FEBRUARY 3, 2003)
54. No. 02PL125 - A request by Renner & Sperlich Engineering for Dennis Zandstra for a **Layout, Preliminary and Final Plat** on Lots 6R, 7R, 8R, 9 and 10 of Block 10 of Elks Country Estates, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 6, 7 and 8 of Block 10 of Elks Country Estates, and a portion of Tract 1 of the E1/2 of Section 16 located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota,

located along Willowbend Road between Winged Foot Court and Padre Drive.  
(CONTINUE TO FEBRUARY 3, 2003)

55. No. 02PL126 - A request by Renner & Sperlich for Dean Kelly for a **Layout Plat** on Lots B thru E of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 6 of Miracle Pines Subdivision located in the NW1/4 Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive. (CONTINUE TO FEBRUARY 3, 2003)
56. No. 02PL127 - A request by Precision Surveying for Bill Marx for a **Layout Plat** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4730 Cliff Drive. (CONTINUE TO FEBRUARY 3, 2003)
57. No. 02PL128 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 12 and Outlots 1 thru 4 of Heartland Retail Center located in the S1/2 of SW1/4 of Section 27, T2N, R8E and the N1/2 of the NW1/4 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of the S1/2 of Section 27, T2N, R8E and a portion of the N1/2 of Section 34, T2N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Eglin Street and Elk Vale Road. (CONTINUE TO FEBRUARY 3, 2003)
58. No. 02PL129 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots B1, B2 and B3, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Preakness Street between Field View Drive and the Truck Bypass. (CONTINUE TO FEBRUARY 17, 2003)

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## END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL070, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 16 Block 8, and Lots 1 through 7 Block 9, Lot 1 Block 10, Meadows Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County South Dakota, legally described as Tract 1 of Parcel C of MJK Subdivision located in the E1/4 of The SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until February 3, 2003.

### ***Planning Department – Hearings***

The Mayor presented No. 02SV006, a request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street** on Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Rodriguez, seconded by Hanks and carried to deny this item without prejudice at the applicant's request.

The Mayor presented No. 02SV044, a request by Doug Sperlich for 16 Plus, LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan, to waive the requirement to install curb, gutter, sidewalks and street light conduit on U.S. Highway 16 and to waive the requirement to install sidewalk and street light conduit on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until February 3, 2003.

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

The Mayor presented No. 02VR005, a request by Doug Sperlich for Jeff Stone for a **Vacation of Right-of-Way** 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. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until February 3, 2003.

The Mayor presented No. 02VR007, a request by Dream Design International, Inc. for a **Vacation of a portion of the section line right-of-way** located in Lot B of Lot 1 in the NE1/4, Section 22, T1N, R8E, BHM, Rapid City, Pennington County, SD, located the west end of Fox Drive. Motion was made by Rodriguez, seconded by Waugh and carried to deny the requested vacation.

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

**Ordinance 3893** (No. LF111302-09R(1)) entitled An Ordinance Establishing a Municipal Recreation Board by adding Chapter 2.88 to the Rapid City Municipal Code, having passed the first reading on December 2, 2002, it was moved by Hadley and seconded by Murphy that the title be read the second time. Roll call vote was taken: AYE: Hadley, Kriebel, Kroeger, Dreyer, Hanks, Murphy and Rodriguez; NO: Johnson and Waugh. Motion carried, 7-2.

**Ordinance 3900** (No. LF123002-09) entitled An Ordinance Amending Chapter 1.16 of Title 1 of the Rapid City Municipal Code by Changing the Title and by Establishing the Official Election Date for Municipal Elections by Adding Section 1.16.020, having passed the first reading on January 6, 2003, it was moved by Hadley and seconded by Dreyer that the title be read the second time. Johnson spoke against changing the election date to April. Roll call vote was taken: AYE: Murphy, Hanks, Dreyer, Kroeger, Waugh, Kriebel and Hadley; NO: Rodriguez and Johnson. Motion carried, 7-2.

**Ordinance 3901** (No. CC010603-03) entitled An Ordinance Amending Section 12.20.030 of Chapter 12.20 of the Rapid City Municipal Code Relating to Structures in the Right-of-Way. Motion was made by Hadley and seconded by Murphy to approve second reading. There was discussion about changing the wording in Section D to require either 1 or 2. Altman

stated that the wording should be changed to make the meaning clear for items 1 and 2 as well as 3 and 4. Substitute motion was made by Johnson, seconded by Dreyer and carried to continue second reading of Ordinance 3901 to February 3, 2003. This will give the City Attorney adequate time to make the necessary revisions.

**Ordinance 3902** (No. LF011503-15) entitled An Ordinance Reclassifying the Department of Golf as the Division of Golf within the Recreation Department by Amending Sections 2.86.010, 2.86.020, and 2.48.080 of the Rapid City Municipal Code, was introduced. Motion was made by Hadley and seconded by Hanks to approve first reading and set second reading for Monday, February 3, 2003. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kooiker and Hadley; NO: Johnson, Kriebel and Waugh. Motion carried, 6-3.

**Ordinance 3903** (No. 03RZ001) a request by Henriksen, Inc. for TREA Northgate Bingo for a **Rezoning from Light Industrial District to General Commercial District** on Tract A of SW1/4 NE1/4 and NW1/4 SE1/4 located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1981 East Centre Street, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3903 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, said hearing to be held on Monday, February 3, 2003.

**Ordinance 3904** (No. 03RZ002) a request by Pine Lawn Memorial Park, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E<sup>2</sup>SW<sup>4</sup>14-1-7 and less Lot H1-Lot B SW<sup>4</sup>14-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4301 Tower Road, was introduced. Motion was made by Hadley and seconded by Dreyer to approve first reading and set second reading for Monday, February 3, 2003. Hanks stated that he has received a number of phone calls on this issue. Because of the size of the lots in this neighborhood, only one property owner was notified of the requested zoning change. He suggested that additional notification be done to the property owners in this area. Johnson requested that staff notify the surrounding property owners of this action, by regular mail. Hadley included this requirement in his motion to approve first reading. Elkins stated that all property owners within 250' of the boundary are being notified under the current requirements. Hanks suggested notifying owners who live on Tower Road and in Skyline Ranch Subdivision. Elkins questioned how far north on Tower Road. Hanks suggested 1000'. Roll call vote was taken: AYE: Rodriguez, Murphy, Waugh, Johnson, Hadley and Kroeger; NO: Hanks, Dreyer, Kooiker and Kriebel; Motion carried, 6-4.

**Ordinance 3906** (No. CC012003-07) entitled An Ordinance To Establish the Division of Parks Within the Department of Public Works as the Unit Responsible for Operation of Public Parks and Cemeteries by Amending Section 2.48.090 of the Rapid City Municipal Code and by Repealing Chapter 2.44 of the Rapid City Municipal Code, was introduced. Motion was made by Hadley and seconded by Hanks to approve first reading and set second reading for February 3, 2003. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Kriebel, Kooiker and Hadley; NO: Waugh and Johnson. Motion carried, 8-2.

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

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

#### RESOLUTION TO ESTABLISH THE POSITION OF DIRECTOR OF GOLF

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

WHEREAS, the evaluation established that the duties and responsibilities of the described position of Director of Golf justify placing this classification in Grade 21 of the Non-Union pay scale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union Pay Plan by adding this position classification description at the Grade 21 as recommended in the job evaluation.

Passed this 20th day of January, 2003

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

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

Motion was made by Rodriguez and seconded by Johnson to approve a **travel request** for Adam Altman to attend the IMLA Conference to be held in Guadalajara, Mexico, from February 15, 2003, through February 20, 2003, in an approximate amount of \$2,578. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Dreyer, Kroeger, Waugh, Johnson, Kriebel and Hadley; NO: Kooiker. Motion carried, 9-1.

***Public Works Committee Items***

Motion was made by Rodriguez and seconded by Hanks to direct staff to prepare a new policy for the Building Inspection Division requiring **preliminary inspections of improvements** on property prior to commenting on Conditional Use Permit or zoning changes (No. PW011403-12). Johnson spoke against the motion noting that he feels this action will leave the city open for litigation. Altman stated that generally speaking, the City Attorney's Office does not like this type of action. The City is assuming an additional and not required area of responsibility and as such we are opening the city up to some sorts of exposure. Kriebel and Kooiker spoke in support of the motion noting that more information will be made available to the public through this process. It is a pre-inspection and is by no means meant to be exhaustive in nature. Dreyer spoke against the issue stating that there are firms in the private sector that provide this service. Planning Director Elkins stated that the Planning & Fire Department staff currently provide this service. This is an informal review process where staff can flag issues upfront and identify that there are issues on a site. Bjerke stated that the city's staff currently does provide information on these issues. The new policy would require that staff go on-site and do a physical inspection to identify areas where changes would need to be made to the structure. This is a service that the city has not provided in the past because there are professional individuals who do this type of work. Kooiker noted that this motion only requests that the policy be drafted. It will be brought back to the Council for additional consideration. Hanks called the question and there were no objections. Roll call vote was taken: AYE: Rodriguez, Hanks, Kroeger, Waugh, Kriebel, Kooiker and Hadley; NO: Murphy, Dreyer and Johnson. Motion carried, 7-3.

***Finance Officer***

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

**RESOLUTION ESTABLISHING ENCUMBRANCES**

WHEREAS there are existing bills due and payable relating to Calendar Year 2002 operations of the City of Rapid City totaling \$6,395,697.38, and

WHEREAS it is desirable that these bills be charged to the 2002 appropriation;

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Rapid City does hereby request that the Rapid City Finance Officer encumber appropriate balances of December 31, 2002, in the amount of \$6,395,697.38.

**GENERAL FUND 0101**

0101 MAYOR & COUNCIL	1,609.32	
0104 FINANCE	28,261.09	
0105 GIS MAPPING	42,031.20	
0106 ATTORNEY	1,102.80	
0108 PUBLIC WORKS ADMINISTRATION	12,702.20	
0109 GENERAL GOVERNMENT BUILDINGS	31,673.30	
0111 PERSONNEL	2,057.77	
0201 POLICE	60,742.78	
0202 FIRE	104,060.18	
0203 CORRECTIONS	1,666.67	
0204 INSPECTION	2,013.48	
0207 CONSTRUCTION SERVICE CENTER	21.26	
0301 STREETS & HIGHWAYS	120,675.98	
0501 HEALTH	15,393.83	
0601 RECREATION	1,503.59	
0603 Ice Arena	5,227.92	
0609 LIBRARY	44,508.38	
0610 LIBRARY RURAL	39,416.77	
0612 SWIMMING POOL	194.98	
0618 PUBLIC TRANSPORTATION	10,732.16	
0705 PLANNING & ZONING	27,709.13	
0706 TRANSPORTATION PLANNING	11,831.84	
0707 HISTORIC PRESERVATION	0.65	
0708 AIR QUALITY	2,148.98	
0711 CODE ENFORCEMENT	(1,179.69)	
0712 WEED & SEED GRANT	1,940.74	
9202 HAZARDOUS MATERIALS	908.40	
9206 Juvenile Accountability Grant	36.09	568,991.80

**2012 FUND 0107**

0123 VISITOR INFORMATION CTR (2012)	40,000.00	
0125 Recreation Enhancements	647,136.48	
0128 Fire Station Construction	361,934.21	
0132 Special Projects	980,684.26	2,029,754.95

**PARKS FUND 0208**

0607 PARK DEPARTMENT		33,545.63
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<b>2002 CONSOLIDATED 0250</b>		
0965 2002 CONSOLIDATED		4,280.59
<b>2001 CONSOLIDATED 0305</b>		
0751 2001 Consolidated		100.00
<b>AIRPORT CONSTRUCTION FUND 0501</b>		
0903 AIRPORT CONSTRUCTION		108,701.80
<b>New Markets Initiative 0503</b>		
0902 New Markets Initiative		74,531.37
<b>CONSOLIDATED CONSTRUCTN FUND 0505</b>		
0910 CONSOLIDATED CONSTRUCTION		435,720.16
<b>COMMUNITY DEVELOPMENT FUND 0510</b>		
0930 COMMUNITY DEVELOPMENT		(2,229.83)
<b>WATER ENTERPRISE FUND 0602</b>		
0810 WATER OPERATIONS	19,892.08	
0933 WATER CONSTRUCTION	77,936.09	97,828.17
<b>WASTEWATER ENTERPRISE FUND 0604</b>		
0830 WASTEWATER OPERATIONS	19,988.34	
0833 WASTEWATER CONSTRUCTION	1,299,496.46	1,319,484.80
<b>AIRPORT ENTERPRISE FUND 0606</b>		
0850 AIRPORT OPERATIONS		36,732.55
<b>CEMETERY ENTERPRISE FUND 0607</b>		
0860 CEMETERY		3,539.22
<b>TRANSPORTATION CENTER FUND 0608</b>		
0840 TRANSPORTATION TERMINAL		966.35
<b>PARKING LOT &amp; AREA FUND 0610</b>		
0870 PARKING LOT & AREA		1,238.55
<b>SOLID WASTE ENTERPRISE FUND 0612</b>		
7101 WASTE COLLECTION		187,050.57
<b>GOLF ENTERPRISE FUND 0613</b>		
0604 GOLF ENTERPRISE		4,912.42

**EXECUTIVE GOLF COURSE FUND 0614**

0605 EXECUTIVE GOLF OPERATIONS	266.71	
0606 LACROIX LINKS GOLF COURSE	547.94	814.65
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**SOLID WASTE DISPOSAL FUND 0615**

7102 WASTE DISPOSAL		569,829.55
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**SOLID WASTE/MRF COMPOST FUND 0616**

7103 SOLID WASTE MRF/COMPOST FUND		640,147.07
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**PAYROLL WITHHOLDING FUND 0702**

0922 PAYROLL WITHHOLDING		135,611.94
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**CIVIC CENTER ENTERPRISE FUND 0775**

0911 CIVIC CENTER CONCESSION	620.31	
0913 CIVIC CENTER OPERATIONS	4,463.93	
0917 CIVIC CENTER TICKET OFFICE	1,418.54	6,502.78
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**CIVIC CENTER CAPITAL OUTLAY 0776**

0915 CIVIC CENTER CAPITAL OUTLAY		124,405.70
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**ENERGY PLANT REVOLVING FUND 0777**

0914 ENERGY PLANT		9,177.78
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**Passenger Facility Charge #2 0782**

0939 Passenger Facility Charge #2		4,271.96
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**RSVP FUND 0785**

0928 RSVP		(225.82)
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**GROUP INSURANCE FUND 0789**

0963 GROUP INSURANCE		12.67
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**G R A N D T O T A L**

**6,395,697.38**

AND BE IT FURTHER RESOLVELD that this Resolution is necessary for the immediate preservation of the public peace, health, safety and support of the municipal government and its existing public institutions, and shall take effect upon the passage and publication thereof.

Dated this 20th day of January, 2003.

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

CITY OF RAPIDCITY  
s/ Jerry Munson, Mayor

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

**Ordinance 3905** (No. CC012003-06) Supplemental Appropriation No. 3 for 2003, was introduced. Upon motion made by Rodriguez, seconded by Murphy and carried, Ordinance 3905 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 3, 2003.

**Bills**

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

Payroll Paid Ending 1-26-02, Paid 2-1-02 correction	(240.65)
Payroll Paid Ending 12/-31-02, Paid 12-31-02	894,042.08
Payroll Paid Ending 12-28-02, Paid 1-3-03	559,550.13
Payroll Paid Ending 1-11-03, Paid 1-17-03	562,264.17
Payroll Paid Ending 12-28-02, Paid 1-3-03	915.84
Payroll Paid Ending 1-11-03, Paid 1-17-03	941.96
Pioneer Bank, Taxes Paid 12-31-02	226,296.64
Pioneer Bank, Taxes Paid 1-3-03	135,118.06
Pioneer Bank, Taxes Paid 1-17-03	140,334.37
Pioneer Bank, Taxes Paid 1-3-03	63.94
Pioneer Bank, Taxes Paid 1-17-03	65.67
First Administrators, Claims Paid 12-31-02	42,740.51
First Administrators, Claims Paid 1-8-03	65,514.88
First Administrators, Claims Paid 1-15-03	98,441.61
Berkley Risk Administrators, Claims Paid 1-6-03	10,847.86
1st National Bank-Sioux Falls, SRF 12-31-02 Payment	192,975.98
SD Department of Labor, Benefits Paid 1-10-03	9,075.68
SD State Treasurer, unclaimed property	516.57
Wells Fargo, supplies	1,248.73
US Postmaster	2,200.00
Computer Bill List	4,600,593.83
Total	<u>\$7,543,507.86</u>

Payroll Paid Ending 12-28-02, Paid 1-3-03	1,785.11
Payroll Paid Ending 1-11-03, Paid 1-17-03	1,735.86
Pioneer Bank, Taxes Paid 1-3-03	135.88
Pioneer Bank, Taxes Paid 1-17-03	131.90
City of Rapid City, postage	0.42
Dakota Business Center, copier use	2.84
K-Mart, supplies	49.66
SD Retirement System, pension	269.56
Angelique Weeks, mileage	83.76
City of Rapid City, postage	3.81
City of Rapid City, health insurance	608.56
Standard Life, insurance	3.50
Total	<u>\$7,548,318.72</u>

<u>Treasurers Check:</u>	
Dave Garrett	850.00
Total	<u>\$7,549,168.72</u>

**City Attorney**

Motion was made by Rodriguez, seconded by Kroeger and carried to approve technical changes to **Lease Agreement** between Safety Plaza and City of Rapid City for Ambulance Service.

Altman requested that the Council reconsider Item No. 3 relative to legal counsel. Motion was made by Kriebel, seconded by Rodriguez and carried to reconsider the action taken on Agenda Item No. 3.

Altman stated that Rule 1.7 of the Rules of Professional Conduct reads as follows: A lawyer shall not represent the client if the representation of that client may be materially limited by the lawyer's own interests, unless 1) the lawyer reasonably believes the representation will not be adversely affected, and 2) the Client consents after consultation. He also read a portion of the comments dealing with this rule. Altman advised the Council that he believes he is able to represent this council effectively and he does not see it as a conflict of interest on his part. He stated that he will be able to give the council neutral advice. If he finds in preparing the options that he is unable to give neutral advice, he will inform the council and withdraw from the issue. Altman requested that the Council give its consent to his working on the issue of preparing options for legal counsel for the City Council. Motion was made by Kriebel and seconded by Dreyer to direct the City Attorney's Office to advise on the options and bring back ordinances for change regarding legal counsel; and that council leadership form a committee of council members to review the options and bring back a recommendation to Legal & Finance on February 26th, noting that they have been informed about the Rules of Professional Conduct by the City Attorney. Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez, seconded by Kroeger and carried to go into Executive Session to discuss pending litigation. The Council came out of executive session at 9:55 P.M.

Motion was made by Waugh, seconded by Rodriguez and carried to authorize the City Attorney's Office to file an appeal of the Administrative Law Judge's ruling that was handed down on Friday in the matter of **Hutto vs. City of Rapid City**.

Motion was made by Hadley and seconded by Rodriguez to send the matter of a potential resolution in the matter of **Phil Olson vs. City of Rapid City** to the January 28, 2003 Public Works Committee for consideration. Dreyer abstained. Upon vote being taken, the motion carried unanimously.

Motion was made by Waugh, seconded by Rodriguez and carried to enter into a contract with Terry Rathbun.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:00 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_ Mayor

\_\_\_\_\_  
Finance Officer  
(SEAL)