

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
June 16, 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, June 16, 2003 at 7:00 P.M.

A quorum was determined with the following members answering the roll call: Mayor Jim Shaw and the following Alderpersons: Jean French, Alan Hanks, Sam Kooiker, Tom Murphy, Bill Waugh, Martha Rodriguez, Ray Hadley, Ron Kroeger, Rick Kriebel and Jeff Partridge.

Staff members present included Finance Officer James Preston, Public works Director Dan Bjerke, Asst. Public Works Director Ted Vore, Planning Director Marcia Elkins, Police Chief Craig Tieszen, Fire Chief Gary Shepherd and Administrative Assistant Jeri Lynn.

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Agenda.)

### ***Approval of Minutes***

Motion was made by French, seconded by Rodriguez and carried to **approve the minutes** of June 2, 2003.

### ***Adoption of the Agenda***

Motion was made by Hanks, seconded by Waugh and carried to **approve the agenda**, with the following additions: City Attorney – Executive Session for a contractual matter; and Alderson Items – Street Dept. Safety Meeting, Utility Cut at 437 E. Waterloo and Automated Garbage.

### ***General Public Comment***

George Dunham appeared before the Council to discuss impact fees for his subdivision. He hopes the city is getting close to where this item can be discussed and a decision made.

Shane Talbot also appeared before the Council to discuss his position as a truck driver for the Sanitation Department. He explained that recently he wrote a letter to the editor relative to the automated garbage system. It was not an attack on anyone, it was only asking the public for help. Talbot stated that since he wrote the letter, he hasn't had a fair shake at anything. He was re-assigned last Friday and he would like to get this job back. Hanks stated that it would be appropriate to place this issue on a future committee meeting. Asst. City Attorney Jason Green stated that this appears to be a personnel matter and he recommended that any discussion occur in executive session. Talbot distributed copies of correspondence he has received on this issue and stated that he feels he has been retaliated against. He would just like to get back to his automated garbage truck. No action was taken.

### ***Bid Openings***

The following companies submitted bids for No. CC061603-01, **Parks Miscellaneous Improvements Project** No. PR03-1275 which were opened on June 12, 2003: 1) Patino Construction; 2) Simon Contractors of SD; 3) Stanley Johnsen Concrete; and 4) Corr Construction. Staff has recommended that the bids be referred to committee. Motion was made by Rodriguez, seconded by Kooiker and carried to refer the bids for PR03-1275 to the Public Works Committee for review and recommendation.

Preston reported that no bids were received for One Carrier 80 Ton Condensing Unit and One McQuay Chilled Water Coil, or equivalent, for the existing **Rapid City Public Library Building**. Staff will review options with the Library staff.

### ***Items from the Mayor***

Mayor Shaw presented the **Veteran of the Month** Award to Richard Gowen and commended him for outstanding service to the country.

Shaw also presented a **Certificate of Recognition** to Jerry Gaa from the Street Department and Al Juhala from the Water Department and commended them for 25 years of service to the community.

Motion was made by Rodriguez, seconded by French and carried to approve the Mayor's appointment of the following **Department Heads**: Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Finance Officer Jim Preston, Asst. Finance Officer Coleen Schmidt, Library Director Greta Chapman, Airport Director Tory Richardson and Civic Center Manager Brian Maliske.

### ***Items from Council Members/Liaison Reports***

The next item discussed by the Council was Procedures for allocation of **Capital Improvement Funds**. Kriebel stated that he has been disappointed recently about decisions made by the CIP Committee relative to scheduling projects and determining priorities. Motion was made by Kriebel and seconded by Hadley to submit the CIP Bylaws to the Legal and Finance Committee for review. Kriebel stated that he is looking to make this committee more of a recommending body. Under current procedures, the CIP Committee can move projects around without approval of the City Council. Upon vote being taken, the motion carried unanimously.

Kooiker brought forward the issue of the **East Meade Drainage Channel**. Motion was made by Kooiker and seconded by Hadley to direct staff to make an assessment of the East Meade Drainage Channel and bring forward a recommendation to the next Public Works Committee meeting. Hadley spoke in favor of the motion. He would also like to see a line item in the budget for drainage issues such as these. The City requires drainage elements, but once they are built, there is no funding for maintenance. A plan needs to be implemented that schedules an inspection for these drainage elements. Murphy concurred noting that perhaps the Council is ready to increase rates or implement fees to provide a funding source for drainage issues and the new regulations that will be enacted soon. Upon vote being taken, the motion carried unanimously.

Hadley informed the Council of an issue that was brought to his attention relative to a Safety Meeting held at the **Street Department** on June 13<sup>th</sup>. The employee alleged that the Street Superintendent started the meeting by making political comments relative to certain city council members because the request to purchase trucks was denied. Hadley stated that the city should adopt a policy against this type of activity. Partridge stated that if in fact this did happen at the Street Department safety meeting, he is very disappointed. He added that everyone is trying to make difficult decisions and he requested more respect in the future. Street Superintendent Don Brumbaugh explained that he posted a copy of the City Council minutes on the bulletin board so that Street Department employees would get the facts on this issue. He did not intend to offend anyone and if he did, he apologizes. Finance Officer Preston suggested that any further discussion of this personnel matter be done in executive session. No action was taken.

Motion was made by Hadley and seconded by Kooiker to direct the Street Department to repair utility cut at 437 E. Waterloo in the proper manner within the next ten days. Murphy

spoke against the motion noting that this is micro-managing. Roll call vote was taken: AYE: French, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Kriebel; NO: Hanks, Murphy and Partridge. Motion carried, 7-3.

Motion was made by Hadley and seconded by Waugh that the Council re-visit the issue of Automated Garbage at the next Public Works Committee Meeting. Upon vote being taken, the motion carried with Murphy voting no.

### ***Continued Items Consent Calendar***

The following items were removed from the Continued Items Consent Calendar:

20. No. 03PL027 - A request by Renner & Sperlich Engineering Company for Walgar Development for a **Final Plat** on Lot 2 of Block 1, Terracita Park Subdivision, Minnesota Street Right-of-Way, and Pedestrian Access and Utility Easement of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of 5th Street and Minnesota Street.
23. No. 03PL034 - A request by Renner & Sperlich Engineering Company for Gary Rasmusson for a **Final Plat** on Lots 3 through 6 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way located in the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Minnesota Street along Alta Vista Drive.
31. No. 03PL054 - A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Preliminary and Final Plat** on Lot A and Lot B of Bourne Addition located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane.
33. No. 02PL037 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B of Auburn Hills Subdivision, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue.

Motion was made by Hanks, seconded by Murphy and carried to continue the following items to the dates listed:

### Continue the following items until July 7, 2003:

7. No. 03CA014 - A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for an **Amendment to the Comprehensive Plan to change the future land use designation on a 2.7 acre parcel of land from Industrial to Low Density Residential** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20,

T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane.

8. No. 03SV001 - A request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Subdivision Regulations** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place.
9. 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 at 3960 Corral Drive.
10. No. 03SV016 - A request by FMG, Inc. for Bypass LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and to improve pavement along Elk Vale Road and to waive the requirement to install sidewalk along a portion of East Road, West Road, Seger Drive and Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 9 of Block 1, Lots 1 thru 5 of Block 2, Lots 1 thru 12 of Block 3, Lot 1 of Block 4, Lots 1 thru 6 of Block 5, and Lot 1 of Block 6, Heartland I90 Business Park, located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
11. **No. 03VR001** - A request by TSP Three, Inc. for a **Vacation of Right-of-Way** on Lot 10A, Block 1, Owen Mann Subdivision; Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in a portion of the cul-de-sac along Kinney Court.
12. **No. 03AN007** - A request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Petition for Annexation** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane.
13. **No. 02PL029** - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive.
14. **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.

15. **No. 02PL093** - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road.
16. **No. 02PL116** - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.
17. **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 the 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.
18. **No. 03PL001** - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, C and well lot, Miracle Place Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place.
19. **No. 03PL004** - A request by FMG, Inc. for Williston Basin Interstate Pipeline Co. for a **Preliminary and Final Plat** on the dedicated public right-of-way shown as Disk Drive formerly a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Parcel No. 5 located in the NE1/4 of 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.
21. **No. 03PL028** - A request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2,

Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard.

22. **No. 03PL030** - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 12 thru 20 of Block 13, Lots 25 thru 32 of Block 14, and Lots 20 thru 25 of Block 15, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Mercury Drive, Cabbot Court and Shad Street.
24. 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.
25. 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.
26. No. 03PL044 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Preliminary and Final Plat** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road.
27. 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.
28. 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.
29. 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.

30. **No. 03PL053** - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 5, Block 9 and Dedicated Street, the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Subdivision; E1/2 NE1/4 W1/2 NW1/4 less Red Rock Estates and less right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Prestwick Road in Red Rock Estates.
32. **No. 03PL055** - A request by TSP Three, Inc. for Wellington Heights, LLC for a **Preliminary and Final Plat** on Lots 1 thru 45, Block 1, Wellington Heights Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot B, Cleary Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 6715 Wellington Drive.
34. **No. 03RZ015** – Second Reading, **Ordinance 3932**, a request by DLK Engineering for South Creek Village Limited Partnership for a **Rezoning from Medium Density Residential District to General Commercial District** on a parcel of land described by metes and bounds as beginning at the SE Section Corner of Section 7, T1N, R8E, BHM; thence N89°32'15"W a distance of 639.26 feet more or less; thence N00°00'35"W a distance of 50 feet more or less to the True Point of Beginning; this point is the common corner of the South East corner of Lot 2 Fellowship Addition and the South West corner of the remaining balance of Lot 2 Superpumper Addition; thence N00°00'35"W a distance of 610.83 feet more or less; thence N89°29'15"W a distance of 22.78 feet more or less; thence N00°02'07"E a distance of 330.81 feet more or less; thence S89°37'12"E a distance of 261.89 feet more or less; thence S00°01'35"W a distance of 942.35 feet more or less; thence N89°32'15"W a distance of 239.26 feet more or less to the True Point of Beginning, located northwest of the intersection of Cambell Street and Fairmont Boulevard.
35. No. 03RZ019 - Second Reading, **Ordinance 3947**, a request by Donald Douma for Atonement Lutheran Church for a **Rezoning from Low Density Residential District to Office Commercial District** on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N R7E, BHM, Rapid City, Pennington County, South Dakota, located at 522 Anamosa Street.
36. No. 03RZ022 - Second Reading, **Ordinance 3950**, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Rezoning from No Use District to Low Density Residential District** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane.
37. No. 03PL052 - A request by Dream Design International, Inc. for a **Preliminary and 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.

Continue the following items until July 21, 2003:

38. No. 02SV042 - A request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive.
39. No. 02PL114 - A request by Dream Design International Inc. for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive.
40. No. 02RZ065 – Second Reading, **Ordinance 3884**, a request by Dream Design International Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence

N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive.

Continue to August 4, 2003

41. No. 02PL083 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A.

End of Continued Items Consent Calendar.

The Mayor presented No. 03PL027, a request by Renner & Sperlich Engineering Company for Walgar Development for a **Final Plat** located northwest of the intersection of 5th Street and Minnesota Street. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 2 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 2 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 16<sup>th</sup> day of June, 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. Planning Director Elkins noted that all the information for this plat has been submitted. Walt Lindeman appeared before the Council to request that the plat be approved at this time. Rodriguez and Partridge spoke against the motion because the information was not submitted prior to the Wednesday deadline. Roll call vote was taken: AYE: Hanks, French, Murphy, Kooiker, Kroeger, Hadley and Kriebel; NO: Rodriguez, Waugh and Partridge. Motion to approve the resolution carried, 7-3.

The Mayor presented No. 03PL034, a request by Renner & Sperlich Engineering Company for Gary Rasmuson for a **Final Plat** located north of Minnesota Street along Alta Vista Drive. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 3 through 6 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lots 3 through 6 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 16<sup>th</sup> day of June, 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 French. Rodriguez spoke against the motion because the information was not submitted prior to the Wednesday deadline. Roll call vote was taken: AYE: Hanks, French, Murphy, Kooiker, Kroeger, Hadley and Kriebel; NO: Rodriguez, Waugh and Partridge. The motion to approve carried, 7-3 and said Resolution was declared duly passed and adopted.

The Mayor presented No. 03PL054, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Preliminary and Final Plat** on Lot A and Lot B of Bourne Addition located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane. Motion was made by Murphy and seconded by French to approve the request. Mike Larson requested that this item be continued and heard in conjunction with Agenda Item No. 191. Planning Director Elkins noted that, regardless of the action taken on Item No. 191, this plat is not ready for approval and it should be continue to July 7, 2003. Substitute motion was made by Hanks, seconded by Waugh and carried to continue this item until July 7, 2003.

Second substitute motion was made by Kooiker and seconded by Murphy to continue this item until later in the agenda to be heard at the same time as No. 191. Roll call vote was taken: AYE: Hanks, Murphy, Kooiker, Waugh, Hadley, and Kriebel; NO: Kroeger, Rodriguez, French and Partridge. Motion to continue carried, 6-4.

Mayor Shaw presented No. 02PL037, a request by Dream Design International, Inc. for a **Final** Plat located west of Haines Avenue. The following Resolution was introduced, read and Kroeger moved its adoption with the stipulations noted on the staff report:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Auburn Hills Subdivision including Lots 1-11 of Block 1; Lots 1-11 of Block 2; Lots 1-11 of Block 6; Outlots A, B and C and dedicated Streets, being a subdivision of a portion of the NW1/4 SW1/4 and Lot 6 of the Madison's Subdivision, all located in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Auburn Hills Subdivision including Lots 1-11 of Block 1; Lots 1-11 of Block 2; Lots 1-11 of Block 6; Outlots A, B and C and dedicated Streets, being a subdivision of a portion of the NW1/4 SW1/4 and Lot 6 of the Madison's Subdivision, all located in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the City 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 16<sup>th</sup> day of June, 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 French. Elkins noted that the information required for this plat was submitted after the Wednesday deadline. The following voted AYE: Hanks, French, Murphy, Kooiker, Kroeger, Hadley, and Kriebel; NO: Rodriguez, Partridge and Waugh. Motion carried, 7-3 and said Resolution was declared duly passed and adopted.

**ALCOHOLIC BEVERAGE LICENSE APPLICATIONS**

***Hearings:***

Hanks read items 42-74 into the record. Motion was made by Hanks, seconded by Kroeger and carried to approve the following **Off-Sale Malt Beverage License Renewal** applications:

- 42. Flannery Oil Company dba **Corner Pantry-Deadwood Avenue**, 501 Deadwood Avenue, for an Off-Sale Malt Beverage License Renewal
- 43. Burnell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Renewal

44. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 E. North Street, for an Off-Sale Malt Beverage License Renewal
45. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
46. MG Oil Company dba **Haines Avenue Smoke Shop**, 2601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
47. MG Oil Company dba **Amoco Food Shop No. 8**, 302 E. North Street, for an Off-Sale Malt Beverage License Renewal
48. MG Oil Company dba **Amoco Food Shop No. 9**, 1220 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
49. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
50. Albertson's, Inc. dba **Albertson's Food Center**, 855 Omaha Street, for an Off-Sale Malt Beverage License Renewal
51. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal
52. ETS, Inc. dba **Berry patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Renewal
53. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
54. Ranch-Mart, Inc. dba **Ranch-Mart Downtown Rapid City**, 520 Birch Avenue, for an Off-Sale Malt Beverage License Renewal
55. Nash Finch Company dba **Family Thrift Center No. 253**, 1516 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
56. Moyle Petroleum Company dba **Common Cents No. 107**, 4128 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
57. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Malt Beverage License Renewal
58. Moyle Petroleum Company dba **Common Cents Food Store**, 1129 W. Omaha Street, for an Off-Sale Malt Beverage License Renewal
59. Moyle Petroleum Company dba **Common Cents Food Store**, 2660 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
60. Moyle Petroleum Company dba **Common Cents Food Store**, 1909 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
61. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
62. Robert L. Stiehl dba **Circle S Convenience Market**, 310 E. Fairmont Boulevard, for an Off-Sale Malt Beverage License Renewal
63. Wal-Mart Stores, Inc. dba **Walt-Mart Supercenter No. 1604**, 1200 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
64. Big D Oil Company dba **Big D Oil Company Store No. 41**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
65. Big D Oil Company dba **Big D Oil Company Store No. 42**, 850 E. North Street, for an Off-Sale Malt Beverage License Renewal
66. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Malt Beverage License Renewal
67. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
68. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
69. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
70. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
71. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal

- 72. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
- 73. Superpumper, Inc. dba **Superpumper No. 16**, 3275 Highway 79 South, for an Off-Sale Malt Beverage License Renewal
- 74. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue, for an Off-Sale Malt Beverage License Renewal

Items 74-94 were read into the record. Motion was made by Hanks, seconded by Kroeger and carried to approve the following ***On-Off Sale Malt Beverage License Renewals (No Video Lottery)***.

- 74. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
- 76. NPC International, Inc. dba **Pizza Hut No. 2778**, 705 E. North Street, for an On-Off Sale Malt Beverage License Renewal
- 77. NPC International, Inc. dba **Pizza Hut No. 2776**, 2604 West Main Street, for an On-Off Sale Malt Beverage License Renewal
- 78. Dan Trieu Ly dba **Golden Fortune**, 1204 E. North Street, for an On-Off Sale Malt Beverage License Renewal
- 79. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
- 80. Century Motels, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Off Sale Malt Beverage License Renewal
- 81. China Buffet Express, Inc. dba **China Buffet**, 740 Mt. View Road, for an On-Off Sale Malt Beverage License Renewal
- 82. Dakota Fresh-Mex, LLC dba **Qdoba Mexican Grill**, 741 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal
- 83. GF Pizza, Inc. dba **Godfather's Pizza**, 110 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
- 84. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal
- 85. Faryat, Inc. dba **Botticelli's Ristorante**, 523 Main Street, for an On-Off Sale Malt Beverage License Renewal
- 86. Dos Ermonas dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
- 87. Central States Fair, Inc. dba **Central States Fair**, 800 San Francisco Street, for an On-Off Sale Malt Beverage License Renewal
- 88. Hog Wild, LLC dba **Black Hills Harley Davidson**, 3030 Lange Ranch Road, for an On-Off Sale Malt Beverage License Renewal
- 89. Northcott Company dba **Perkins Restaurant & Bakery**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
- 90. Northcott Company dba **Perkins Restaurant & Bakery**, 1715 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
- 91. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
- 92. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Off Sale Malt Beverage License Renewal
- 93. Mai T. Goodsell dba **Saigon Restaurant**, 221 E. North Street, for an On-Off Sale Malt Beverage License Renewal
- 94. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Off Sale Malt Beverage License Renewal

Items 95-98 were read into the record. It was noted that the applications for these establishments have not been submitted. Motion was made by Hanks, seconded by Kroeger and carried to continue the following hearings until July 7, 2003:

95. Arts Smoke House Barbecue, Inc. dba **Art's Smoke House Barbecue**, 609 Main Street, for an On-Off Sale Malt Beverage License Renewal
96. Rapid City Softball Association dba **Star of the West Softball Complex**, 1515 Sedivy Lane, for an On-Off Sale Malt Beverage License Renewal
97. Keith Watson and Rory Schoenheider dba **Red's Savoy Pizza**, 510 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
98. Mary Jane Freimark dba **The Embers**, 5412 S. Highway 16, for an On-Off Sale Malt Beverage License Renewal

Items 99-145 were read into the record. Motion was made by Hanks, seconded by Kroeger and carried to approve the following ***On/Off Sale Malt Beverage License Renewals***:

99. South Dakota Vending, Inc. dba **Happy Jack's Far West** (inactive), 1925 West Main Street, Suite 2, for an On/Off Sale Malt Beverage License Renewal
100. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
101. Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
102. United Foods, Inc. dba **Toby's Casino**, 720 E. North Street, for an On-Off Sale Malt Beverage License Renewal
103. United Foods, Inc. dba **Toby's Casino**, 710 Cleveland Street, for an On-Off Sale Malt Beverage License Renewal
104. Lybecks Twenty-First Century, Inc. dba **Shenanigan's Casino**, 3788 East Highway 44, for an On-Off Sale Malt Beverage License Renewal
105. Dean'O's Casino, Inc. dba **Dean'O's Casino**, 903 E. North Street, for an On-Off Sale Malt Beverage License Renewal
106. MG Oil Company dba **Warehouse Bar & Casino**, 200 E. Main Street, for an On-Off Sale Malt Beverage License Renewal
107. MG Oil Company dba **#2 East North Casino**, 230 E. North Street, for an On-Off Sale Malt Beverage License Renewal
108. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
109. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
110. MG Oil Company dba **LaCrosse Street Casino No. 1**, 720 N. LaCrosse Street Suite A, for an On-Off Sale Malt Beverage License Renewal
111. MG Oil Company dba **LaCrosse Street Casino No. 2**, 720 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
112. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
113. MG Oil Company dba **BP Casino**, 609 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Renewal
114. Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West Boulevard, for an On-Off Sale Malt Beverage License Renewal
115. M&B Investments, Inc. dba **Hideaway Casino**, 1575 LaCrosse Street, Suite D, for an On-Off Sale Malt Beverage License Transfer (from Merle Bach)
116. M&B Investments, Inc. dba **Hideaway Casino**, 1575 LaCrosse Street, Suite D, for an On-Off Sale Malt Beverage License Renewal
117. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
118. Wyngard Pot-O-Gold Casino, Inc. dba **Pot-O-Gold Casino**, 1300 Centre Street, for an On-Off Sale Malt Beverage License Renewal
119. Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 West Main Street, for an On-Off Sale Malt Beverage License Renewal
120. Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal

121. Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
122. Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
123. Continental Leisure, Inc. dba **Carousel Casino**, 2050 West Main Street, for an On-Off Sale Malt Beverage License Renewal
124. The Retired Enlisted Association, Chapter 29 (**Northgate Bingo**), 905 E. North Street, for an Off-Sale Malt Beverage License Renewal
125. South Dakota Vending, Inc. dba **Happy Jack's, Too**, 909 St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
126. South Dakota Vending, Inc. dba **Happy Jack's West**, 1925 West Main Street, Suite 1, for an On-Off Sale Malt Beverage License Renewal
127. South Dakota Vending, Inc. dba **Happy Jack's Downtown**, 713 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
128. South Dakota Vending, Inc. dba **Happy Jack's Cambell**, 1601 Cambell Street, Suite 3, for an On-Off Sale Malt Beverage License Renewal
129. South Dakota Vending, Inc. dba **Happy Jack's East**, 909 E. St. Patrick Street, Suite 20, for an On-Off Sale Malt Beverage License Renewal
130. Omaha Players Company dba **Happy Jacks-Omaha**, 1117 West Omaha Street, for an On-Off Sale Malt Beverage License Renewal
131. Western Dakota Gaming, Inc. dba **Valley Sports Casino**, 1865 South Valley Drive, for an On-Off Sale Malt Beverage License Renewal
132. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
133. Black Hills Food Services, Inc. dba **Fuddruckers**, 2106 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal
134. Shooters, Inc. dba **Shooters**, 2424 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
135. D&S Time Square, Inc. dba **Time Square Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Renewal
136. Rapid City **Elks Lodge** No. 1187, 3333 E. 39<sup>th</sup> Street, for an On-Off Sale Malt Beverage License Renewal
137. Nifty Fifties, Inc. dba **parkway Restaurant**, 312 East Boulevard North, for an On-Off Sale Malt Beverage License Renewal
138. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
139. Angie's Inc. dba **Angie's**, 1028 E. North Street, for an On-Off Sale Malt Beverage License Renewal
140. Fox Family Enterprises, Inc. **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
141. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
142. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
143. James Berendes dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Renewal
144. High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
145. Rapid Bowl, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal

### ***Set for Hearing***

Motion was made by Hanks and seconded by Kroeger to direct the Finance Officer to publish notice of hearing on the application of Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Sale Wine License (New License – No Video Lottery), said

hearing to be held on Monday, July 7, 2003. Waugh abstained from discussion or voting on this item. Upon vote being taken, the motion carried unanimously.

Upon motion made by Hanks, seconded by Kroeger and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, July 7, 2003:

147. Kelly's Sports Lounge II, Inc. dba **Harold's Prime Rib/Kelly's Sports Lounge**, 318-320 East Boulevard, for an On Sale Liquor License Transfer (from Harold's Prime Rib, Inc.).
148. Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Malt Beverage License to be used on July 12, 2003.
149. Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Wine License to be used on July 12, 2003.
150. Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Malt Beverage License to be used on July 25, 2003.
151. Rapid City Fine Arts Council, Inc. dba **Dahl Fine Arts Center**, 713 Seventh Street, for a Special Wine License to be used on July 25, 2003.

### ***Consent Calendar Items – 152-184***

The following items were removed from the Consent Calendar:

155. Request staff to proceed with the right-of-way acquisition for the West Chicago and 44<sup>th</sup> Street project.
157. Approve the delivery route status of Sheridan Lake Road ; and request staff to review the speed limit on Sheridan Lake Road for trucks and bring forward a recommendation.
160. Approve the appointment of a five person committee (Leonard Swanson, Aldermen Kooiker and Rodriguez, and two to be named during the Council meeting) to review the consultant selection process.
164. Request the Police Department to begin keeping statistics on rapes, molestations, incest, etc., and take this to the AOB committee for their review and recommendation.
172. Refer the issue of liability insurance for organizations using the City Bandshell (i.e. Music in the Park) to the Insurance Committee for review and recommendation.
181. No. 03AN006 - A request by Russell Engesser for G&G Investments, WREA for a Petition for Annexation on the SW1/4 NW1/4 less Lots H1 and H2 & ROW; and, SE1/4 NW1/4; and, N1/2 SW1/4 less Lots H1 and H2 and ROW; and, N1/2 SE1/4; all located in Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, S1/2 SW1/4 less Lots H1 and H3 and ROW and less Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, the N1/2 GL3 and N1/2 GL4 less Lots H1 and H2, all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located east of Elk Vale Road, west of Reservoir Road, north of Twilight Drive and south of Interstate 90 Exit 61.

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

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

152. Request the Public Works Department staff to work with Phil Gehrels to inventory and determine what ramps are usable; and take the bike park project to the Parks and Recreation Committee to identify a site for a proposed bike park; and bring forth a recommendation at the July 1, 2003 Public Works Committee meeting.

- 153. Refer the ordinance relating to signs in the right-of-way to the Ordinance Review Committee for their recommendation on real estate signs and political signs in the right-of-way; and bring forth a recommendation as soon as possible.
- 154. Request staff to look at the railroad crossing on East New York Street and bring back a recommendation at the July 1, 2003 Public Works Committee meeting on the cost to repair the crossing.
- 156. No. PW061003-01 – Authorize Mayor and Finance Officer to sign an agreement with Black Hills Power, Inc. to replace an existing guy wire in Tract I, Rapid City Greenway Tracts SW1/4, Section 9, T1N, R7E, BHM, Pennington, South Dakota; and request the City Attorney’s Office to prepare the formal agreement.
- 158. No. PW061003-02 – Approve the Resolution Setting the time and place for hearing (July 21, 2003) on Assessment Roll for ST02-1214, Block 11 (South Park Addition) Alley Paving project.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR BLOCK 11 (SOUTH PARK ADDITION)  
ALLEY PAVING PROJECT NO. ST02-1214

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

- 1. The assessment roll for Block 11 Alley Paving (South Park Addition) Project ST02-1214 was submitted to the Finance Office on the 16<sup>th</sup> day of June, 2003. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, July 21, 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 16<sup>th</sup> day of June, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 159. Request staff to research and bring forward a recommendation in thirty (30) days to the Public Works Committee on the procedures for street/infrastructure utility repairs.
- 161. Request staff to prepare the ordinances to implement the reorganization plan.

**Legal & Finance Committee Consent Items**

- 162. No. LF061103-01 - Approve Appointment of Dennis Bendt to the RSVP Advisory Council for a Three Year Term.

163. Request that the Mayor review the makeup of the current AOB committee and bring forward additional or new members; and reappoint new members as necessary.
165. No. LF061103-02 – Authorize Mayor to Sign Department of the Air Force Amendment No. 3 to License No. USAF-ACC-FXBM-3-00-493.
166. No. LF061103-03 – Approve Travel Request for Chief Shepherd to Attend International Association of Fire Chiefs Conference in Dallas , TX , August 22-25, 2003 , in the Sum of \$1,755.75.
167. No. LF061103-04 – Authorize Mayor and Finance Officer to Sign Agreement for Paramedic Intercept Services with the Hot Springs Volunteer Ambulance Service.
168. No. LF-61103-05 – Authorize Mayor and Finance Officer to Sign Contract for Primary Education Course with Mountain Plains Health Consortium
169. No. LF061103-06 – Approve Amendment to Joint Resolution Establishing Geographic Information System (GIS) Standard Products and Data Pricing List.
170. No. LF061103-07 – Approve the Land Information (LIS) Task Force Bylaws Revisions.
171. No. LF061103-08 – Approve the GIS/IMS Master Plan Update Implementation Plan.
173. No. LF061103-09 – Approve Renewal of Contract with Employer Reinsurance.
174. No. LF061103-10 – Authorize Mayor and Finance Officer to Sign EDA Grant Application and Grant Award for Construction of the Business Accelerator in Rapid City (No City Funds Involved).
175. No. LF061103-19 – 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 or trade-in on new equipment:

##### Cemetery

1993 Ingersol Rand air compressor, SN 219027UJC315, Inv. No. 16083  
 1979 Ford ¾ Ton Truck, SN F25HPDEO795  
 1989 Jacobsen Mower, SN 2651  
 1978 Jacobsen Truckster, SN 88027-2321  
 JR Ryan Sod Cutter

##### Parks Division

1979 Ford F600, SN F60CVEJ2307  
 1978 Ford 4x4, SN F14BLBJ3414  
 1986 Caravan, SN 2B4FK41GR774013  
 1980 Dodge, SN D14JNAS141358  
 1983 Nissan, SN JN6FD06S1DW00435  
 1987 Ford F250, SN 3B7KF26Z32M2889  
 1972 Cushman Truck, SN 1CUMH2224GL001259  
 1982 Dodge Van, SN 2B5WB31P2CK127765  
 Robbinsdale Park Grading & Seeding, Inv. No. 00072  
 South Junior High School Tennis Court Overlay, Inv. No. 17409

##### Engineering Division

Panasonic Copier, Inv. No. 13881  
 HP Deskjet printer, Inc. No. 17083  
 HP Scanner, Inv. No. 15436  
 Computer, Inv. No. 15020  
 Satellite III typewriter, Inv. No. 4558

1991 Ford Taurus, SN 1FACP5OU4MA151454

Street Division

1991 Ford F250, SN

1985 Dodge ½ Ton 4x4

Caterpillar Front End Loader, SN 3HD00107 (trade-in)

Caterpillar Grader, SN 726410 (trade-in)

Airport

1987 Ford Topaz, SN: 1MEBM36S1HK645410

1991 Chevrolet Lumina, SN: 2GIWL54R4M9196004

1986 Dodge Aries, SN 1B3BD36K7GF289314

Fire Department

Reel to Reel Magnasync/Moviola tape recorder, Inv. No. 7817

1991 Jeep Cherokee, SN 1J4FJ28S5ML605607

Civic Center

1976 Chevy 4x4, SN CKU246F353841

Building Inspection

DTC with Racking rails and Thinlan connection, Inv. No. 14692

DTC with Racking rails and Thinlan connection, Inv. No. 14693

Rapid Transit System

1994 Ford Econoline E350, SN 93849 (trade-in)

1994 Ford Econoline E350 SN 93846 (trade-in)

7.3 Drop-in Engine, Inv. No. 020397

Library

Selfcheck Machine – 3M, Inv. No. 18587

Selfcheck Machine – 3M, Inv. No. 17363

CD ROM Tower, Inv. No. 17345

Water Reclamation Facility

Motor Generator Building (dismantled), Inv. No. 00070

Bar Screen and Sludge Boiler (replaced), Inv. No. 00128

Camera, Sewerline TV, Inv. No. 09267

Meadowbrook Golf Course

Heat & air system (discarded), Inv. No. 18133

City Planning

HP Designjet 650C Plotter, SN ESB574367 (transferred to School District)

Golf Division

Cushman Greens Aerator, SN 93520351

Cushman Truckster, SN 0552580

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 16<sup>th</sup> day of June, 2003.

ATTEST:

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

s/ James F. Preston  
Finance Officer  
(SEAL)

- 176. No. LF061103-14 – Authorize Mayor and Finance Officer to Sign 2003 Lobbyist Employer Expense Report Form.
- 177. No. LF061103-15 – Authorize Mayor and Finance Officer to Sign Sublease with Gikling and Wilson, Inc. dba Black Hills Harley-Davidson.
- 178. Approve the Following Licenses: Mechanical Contractor: Roland W. Fielder dba Mike’s Mobile Home Service; Dan L. Meyer, Meyer Mechanical; Mechanical Installer: Greg Cyriacks; Mechanical Apprentice: Kalvin Christensen; Plumber: Brian Boock; Kenny Ryman.

**Raffle Consent Items**

- 179. **No. CC061603-02** – Notification from Zonta Club of the Black Hills of their intent to conduct a raffle, drawing to be held on October 2, 2003.

**Planning Department Consent Items**

- 180. No. 03AN005 – Approve the request by Doeck LLC for a **Petition for Annexation** located northwest of Haines Avenue and Viking Drive.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths in value of the within described territory, contiguous to the City of Rapid City, has been filed with the City of Rapid City; and,

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the City that the within described territory be included within the corporate limits of the City and annexed thereto;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 80 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, containing 80 acres, more or less.

Dated this 16th day of June 2003.

ATTEST:  
s/ James F. Preston  
(SEAL)

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 182. No. 02PL107 – Approve the request by Williams and Associates for Black Hills Surgery Center, LLP for a **Layout, Preliminary and Final Plat** located west of 5th Street along Anamaria Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 32R and Lot 33R of Block 18, Robbinsdale Addition No. 10 (formerly Lot 32, and Lot 33 of Block 18 of Robbinsdale Addition No. 10) located in the

SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 32R and Lot 33R of Block 18, Robbinsdale Addition No. 10 (formerly Lot 32, and Lot 33 of Block 18 of Robbinsdale Addition No. 10) located in the SE1/4 of the NW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved, and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 16<sup>th</sup> day of June, 2003.

ATTEST: CITY OF RAPID CITY  
s/ James F. Preston s/ Jim Shaw, Mayor  
Finance Officer  
(SEAL)

- 183. No. 03PL025 – Approve the request by Sean Casey for a **Preliminary and Final Plat** located at 1183 Woodridge Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 29 Revised of Woodridge Subdivision (formerly Lots 29, 30 and 31 of Woodridge Subdivision) located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 29 Revised of Woodridge Subdivision (formerly Lots 29, 30 and 31 of Woodridge Subdivision) located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 16<sup>th</sup> day of June, 2003.

ATTEST: CITY OF RAPID CITY  
s/ James F. Preston s/ Jim Shaw, Mayor  
Finance Officer  
(SEAL)

- 184. No. 03PL049 – Approve the request by Dream Design International, Inc. for a **Preliminary and Final Plat** located east of North Elk Vale Road on Columbia Boulevard.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Heartland Retail Center, Lots 1 thru 3, Block 1; Lots 1 thru 2, Block 2; and dedicated streets located in a portion of the SW1/4 SW1/4 of Section 27 and a portion of the NW1/4 NW1/4 of Section 34, all in T2N, R8E, BHM, City of Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Heartland Retail Center, Lots 1 thru 3, Block 1; Lots 1 thru 2, Block 2; and dedicated streets located in a portion of the SW1/4 SW1/4 of Section 27 and a portion of the NW1/4 NW1/4 of Section 34, all in T2N, R8E, BHM, City of 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 16<sup>th</sup> day of June, 2003.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

**END OF CONSENT CALENDAR**

Motion was made by Rodriguez, seconded by Kroeger and carried to request staff to proceed with the right-of-way acquisition for the **West Chicago and 44<sup>th</sup> Street** project. Partridge asked for details on the City's plans for the intersection, including the time frame for each item. Engineering Division Manager Randy Nelson explained that the city will need to obtain an appraisal and complete negotiations to obtain the needed right-of-way for this project. Staff will come back to Council with the costs involved with acquiring this property. Nelson also explained that approximately two years ago, a five-legged intersection was proposed for this location. This option was chosen because of the constraint of improving the intersection without further right-of-way acquisition. In the preliminary design stage, safety issues were identified with the five-legged option which lead staff to believe that the intersection would not be improved with the proposed design. The design contract was amended to look at other alternatives, primarily a four-legged intersection. This is the design the city would pursue with the right-of-way acquisition. In terms of timing, the City would like the right-of-way issues settled and design completed in 2003. Bids would be let and construction started early in 2004. Given the magnitude of the project, the cost is estimated at approximately \$1.2 million. Partridge asked if any interim measures can be taken to improve the intersection right away. Nelson explained that the intersection currently stops the north/south traffic and the predominant east/west traffic goes through. A four-way stop is not a good option for unbalanced intersections such as this. Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez and seconded by Waugh to approve the **delivery route status** of Sheridan Lake Road; and request that staff review the speed limit on Sheridan Lake Road for trucks and bring forward a recommendation. Nelson explained that the truck route consists of roads used by trucks traversing outside the city. The delivery routes are designated roads within the truck route system that get the driver closer to his destination. Waugh noted that Sheridan Lake Road is currently on the Delivery Route. Staff has been requested to review the speed limit for trucks when using Sheridan Lake Road to delivery products. Upon vote being taken, the motion carried unanimously.

Mayor Shaw presented the following names for membership on a five person committee which would be charged with reviewing the **consultant selection process**: Leonard Swanson, Kenroy Jansen, Jim Bell, Sam Kooiker and Martha Rodriguez. Shaw indicated he hopes this committee can have a recommendation back to the city within sixty days. Motion was made by Waugh, seconded by Hanks and carried to approve the Mayor's appointment of the above-named committee.

The next item discussed by the Council was a request that the Police Department begin keeping **statistics on rapes**, molestations, incest, etc., and take this to the AOB committee for their review and recommendation. Asst. City Attorney Jason Green explained that the recommendation from the Legal & Finance Committee was that this matter be referred in its entirety to the AOB Committee and that the Police Department not begin collecting statistics until that Committee has a recommendation on this issue. Motion was made by Kooiker, seconded by Waugh and carried to refer this issue to the AOB Committee for recommendation.

Motion was made by Rodriguez and seconded by Murphy to refer the issue of **liability insurance** for organizations using the City Bandshell (i.e. Music in the Park) to the Insurance Committee for review and recommendation. Kooiker asked what will be done with organizations using the bandshell while this issue is being reviewed. Asst. City Attorney Jason Green explained that he will submit the recommendation of the Insurance Committee if this action is approved by the Council. Upon vote being taken, the motion carried unanimously.

Green reported that the recommendation of the **Insurance Committee** is not to purchase insurance for groups using the bandshell. Essentially, this would be providing insurance to private organizations. The city's insurance will cover any claims made against the city arising from the bandshell. Kooiker asked if the organizations will be required to provide insurance. Green explained that the Committee also recommended that no additional insurance be required of the users of the bandshell. Motion was made by Kooiker and seconded by Rodriguez to accept the recommendation of the Insurance Committee on this issue. Shaw asked if there was any objection to adding this issue to the agenda. No objections were noted and the item was allowed. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 03AN006, a request by Russell Engesser, G&G Investments and WREA for an Annexation located east of Elk Vale Road, west of Reservoir Road, north of Twilight Drive and south of Interstate 90 Exit 61. The following Resolution was introduced, read and Rodriguez moved its adoption, with the stipulation that any payment due to the Rapid Valley Fire District be made by the City of Rapid City upon annexation:

#### A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths in value of the within described territory, contiguous to the City of Rapid City, has been filed with the City of Rapid City;  
and,

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the City that the within described territory be included within the corporate limits of the City and annexed thereto;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 347.86 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

SW1/4 NW1/4 less Lots H1 and H2 & ROW; and, SE1/4 NW1/4; and, N1/2 SW1/4 less Lots H1 and H2 and ROW; and, N1/2 SE1/4; all located in Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, S1/2 SW1/4 less Lots H1 and H3 and ROW and less Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and Lot 1 of Neff's Subdivision #3, Section 34, T2N, R8E, BHM, Pennington County, South Dakota; and, the N1/2 GL3 and N1/2 GL4 less Lots H1 and H2, all located in Section 3, T1N, R8E, BHM, Pennington County, South Dakota, containing 347.86 acres, more or less.

Dated this 16<sup>th</sup> day of June 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 Kroeger. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

***Public Hearing***

Mayor Shaw announced that the meeting was open for consideration of No. CC061603-03, a **proposed lease** with Hubbard Feeds, Inc. No oral or written objections were received. Public Works Director Dan Bjerke explained that the discussion on the proposal to lease additional property to Hubbard Mill is part of the right-of-way process that Hubbard Mill and Con Agra are currently in with the SD DOT. In order to do that, they need an indication from the city that, if a right-of-way agreement is approved, the city will allow them to use additional land in order to provide a safe access for vehicles that enter and leave the mill at Third Street. The proposed lease will be submitted in the future, once the right-of-way agreement is approved. Bjerke added that the use of this property will be permanent, not just during the Omaha Street widening project. Motion was made by Hanks and seconded by Rodriguez to close the public hearing and direct staff to prepare a lease for consideration by the City Council. Upon vote being taken, the motion carried with Kriebel voting no.

Public Comment on Items 187-192

Mike Larson requested that the city approve the requested Variance to the subdivision regulations which would allow him to access property from Hidden Valley Road (Agenda Item No. 191). He added that neither he nor his engineer can find a way to access the proposed lot from any other alternative route. He also requested a variance to the paving requirements for Hidden Valley Lane which is a dead-end road.

**Planning Department - Hearings**

The Mayor presented No. 03CA013, a request by FMG Inc. for Bypass LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 16.42 acre parcel of land from Light Industrial to General Commercial with a Planned Commercial Development** located northwest of I-90 and Elk Vale Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN  
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 16<sup>th</sup> day of June, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 16.42 acre parcel of land from Light Industrial to General Commercial with a Planned Commercial Development, on that part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1588.06 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 276.57 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S60°29'01"W, 1167.82 feet to a point; thence S74°51'58"W, 321.14 feet to an aluminum survey cap at the center of Section 28 at the point of beginning 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 16<sup>th</sup> day of June, 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, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03SE001, a request by City of Rapid City for a **Special Exception to the Floodplain Building District Ordinance** on Tract 1, Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in Canyon Lake Park, 4501 Jackson Boulevard. Planning Director Elkins explained that this request is to replace five existing street light poles on the road going through Canyon Lake Park. The poles will be located in the hydraulic floodway. Public Works Director Bjerke explained that the existing light poles have been damaged over the years and now present safety concerns. He added that he does not feel the light poles will generate any rise in the level of the floodway. Hanks questioned the need to process a special exception for light poles. Elkins explained that typically, the city tries to keep these items out of the hydraulic floodway, however, that is not always possible. Elkins explained that the regulations require that all structures must have a floodplain development permit. When they cannot comply with the regulations, the exception process is triggered. It is up the Council to balance the impact of the structure in the floodway with the benefit to the community. Motion was made by Rodriguez and seconded by Waugh to approve the requested exception, with the following

stipulations: 1) No fill material shall be placed for construction of the new light poles; and 2) The new poles are installed with electrical components that automatically disconnect power to the fixture in case of catastrophic loss of the fixture (i.e. impact to pole from flood debris, etc.). Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 03SV018, a request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulations: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment for the improvements.

The Mayor presented No. 03SV019, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the point being the intersection of the south line of said NW1/4 NW1/4 of Section 34 and the easterly right-of-way line of N. Elk Vale Road, thence N00°01'02"W, 847.24 feet to the True Point of Beginning; Thence continuing along said easterly right-of-way line, N00°01'02"W, 653.99 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 462.78 feet; thence S89°51'35"E, 50.67 feet; thence S00°08'25"W, 100.00 feet; thence N89°51'35"W, 293.71 feet; thence S00°08'25"W, 326.18 feet; thence S89°58'58"W, 460.92 feet to the True Point of Beginning, located east of North Elk Vale Road on Columbia Boulevard. Motion was made by Kooiker, seconded by French and carried to approve the requested Variance.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for street improvements (03SV020).

The Mayor presented No. 03SV020, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane. Motion was made by Kriebel and seconded by Waugh to approve the requested Variance. Kriebel noted that properties on both sides of the subject property have received permits to access from Hidden Valley Road, however, since they are not replatting, they do not have to go by the City's subdivision regulations. Since the subject property is being replatted, it must be annexed and all city rules followed. French asked for a brief history on this item. Vicki Fisher from the Planning Department explained that the Planning Commission has recommended that the variance for all street improvements along Hidden Valley Road and Hidden Valley Lane be approved, with the exception of the pavement for Hidden Valley Lane. In consideration of that, they have identified that Hidden Valley Road would obtain no access since it is a principal arterial street and that Hidden Valley Road would be allowed to remain even though the grade is not acceptable according

to city standards. Fisher added that Hidden Valley Road was constructed by landowners without permits or approval from the City or the County. It is important that the integrity of the principal arterial roads be safeguarded by limiting access to the greatest degree possible. Fisher also pointed out to the Council that a letter was submitted by Pete Lien who has a quarry operation in this area. Lien expressed concern that this road was constructed to serve as a hauling road and now it has access points along it. He also was concerned about further residential development in this area which could create safety concerns. Kooiker stated that he visited this site and feels it would be difficult to turn this road into a principal arterial street. He spoke in favor of approving the variance without stipulations. Substitute motion was made by Partridge and seconded by Rodriguez to approve the requested Variance, with the following stipulations: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements; 2) A special exception is here by granted to allow Hidden Valley Road, a cul-de-sac street, to be in excess of 500 feet in length and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet; 3) A special exception is hereby granted to allow Hidden Valley Road, a principal arterial street, to have a 14% gradient in lieu of the maximum allowed 10% gradient; 4) The special exception to allow access from Hidden Valley Road, a principal arterial street, in lieu of a lesser order street as required by the Street Design Criteria Manual, is hereby approved; and 5) Prior to City Council approval the applicant shall submit construction plans to show a hard surface fire apparatus turnaround at the end of the cul-de-sac. Elkins added that it is the request of the petitioner that the pavement to the north also be waived, however, that is not the recommendation of the Planning Commission. Motion was made by Kriebel and seconded by Hadley to amend the substitute motion to delete the requirement to pave Hidden Valley Lane. Elkins explained that there is asphalt paving to the east along Hidden Valley Lane at the present time. Kooiker moved the previous question; second by Rodriguez. Upon vote being taken, the motion carried with Hanks voting no and debate ended. The following vote was recorded on the motion to amend the substitute motion: AYE: Kooiker, Hadley and Kriebel; NO: Hanks, French, Murphy, Rodriguez, Waugh, Kroeger and Partridge. Motion to amend failed, 3-7. Upon vote being taken, the Substitute motion carried with French voting no.

The Mayor presented No. 03PL054, a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Preliminary and Final Plat** on Lot A and Lot B of Bourne Addition located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until July 7, 2003.

The Mayor presented No. 03VR003, a request by Doug Sperlich for Jeff Stone for a **Vacation of Right of Way** located at the current terminus of Broadmoor Drive. 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 public 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, more generally described as being located at the current terminus of Broadmoor Drive 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 16th day of June, 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, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

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

**Ordinance 3943** (No. LF052803-08) entitled An Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Mechanical Contractor's License by Amending Section 15.26.017 of the Rapid City Municipal Code, having had the first reading on June 2, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3943 was declared duly passed upon its second reading.

**Ordinance 3944** (No. LF052803-09) entitled an Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Residential Contractor's License by Amending Section 15.13.015 of the Rapid City Municipal Code, having had the first reading on June 2, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3944 was declared duly passed upon its second reading.

**Ordinance 3945** (No. LF052803-10) entitled An Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Sewer and Water and Trenching Contractor's License by Amending Section 13.10.050 of the Rapid City Municipal Code, having had the first reading on June 2, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3945 was declared duly passed upon its second reading.

**Ordinance 3946** (No. LF052803-11) entitled An Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Sign Contractor's License by Amending Section 15.18.015 of the Rapid City Municipal Code, having had the first reading on June 2, 2003, it was moved by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor

declared the motion passed and Ordinance 3946 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 03RZ020, second reading of **Ordinance 3948**, a request by Doeck LLC for a **Rezoning from No Use District to Low Density Residential District** on the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Haines Avenue and Viking Drive. Notice of hearing was published in the Rapid City Journal on June 7 and June 14, 2003. Ordinance 3948, having had the first reading on June 2, 2003, it was made by Hanks and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3948 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ021, second reading of **Ordinance 3949**, a request by FMG Inc. for Bypass LLC for a **Rezoning from General Agriculture District to General Commercial District** on the following property: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1588.06 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 276.57 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located northwest of I-90 and Elk Vale Road. Notice of hearing was published in the Rapid City Journal on June 7 and June 14, 2003. Ordinance 3949, having had the first reading on June 2, 2003, it was made by Hanks and seconded by Kroeger that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3949 the second time.

**Ordinance 3951** (No. LF061103-13) entitled An Ordinance Modifying the Regulation of Signs within the City of Rapid City by Amending Sections 15.28.050, 15.28.060, 15.28.080, 15.28.120, 15.28.160, 15.28.250, and 15.28.270 of the Rapid City Municipal Code, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, 3951 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 7, 2003.

**Ordinance 3938** (No. 03RZ017) a request by FMG, Inc. for Bypass LLC for a **Rezoning from General Agriculture District to General Commercial District** on the following property, was introduced: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28; thence S00°01'17"E, 1106.92 feet to a point along the east section line of Section 28; thence S89°58'15"W, 399.77 feet to a point; thence N00°01'45"W, 1107.46 feet to a point; thence S89°57'07"E, 399.92 feet to a point along the east section line of Section 28, said point being 607.94 feet south of the NE corner of Section 28 at the point of beginning, located north and west of the intersection of I-90 and Elk Vale Road. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3938 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, July 7, 2003 at 7:00 P.M.

**Ordinance 3952**, (No. 03RZ023) a request by Robert Stiehl for a **Rezoning from Neighborhood Commercial District to General Commercial District** on Lots 1 and 2 of Tract A; the balance of Tract A; and Tract B, all located in Robbinsdale #7 Subdivision,

Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 402 E. Fairmont Boulevard, was introduced. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 3952 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, July 7, 2003 at 7:00 P.M.

Public Comment on Items 202-206

George Dunham requested a copy of the Attorney’s opinion generated by Day, Morris & Schreiber relative to impact fees. He noted that this matter is not in litigation at this time.

**Legal & Finance Committee Items**

Motion was made by Hanks and seconded by Rodriguez to request that staff prepare a resolution requesting that the Council members submit to the Council leadership a list of department budgets they would be interested in doing an in-depth review of and have that list to the Council leadership by Monday night. Council leadership will make assignments to assure that all parts of the budget are reviewed (No. LF061103-17). Upon vote being taken, the motion carried with Kriebel voting no.

The following Resolution as introduced, read and Hanks moved its adoption, with the understanding that funding will come from the Council Contingency Fund in the amount of \$140,000:

**RESOLUTION TO ESTABLISH FUNDING  
FOR CITY OF RAPID CITY HEALTHCARE PLAN**

WHEREAS, an analysis of projected claims, stop loss coverage, and administrative fees indicates a need to adjust contribution levels within the Healthcare Plan; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to establish the following monthly contribution rates effective on the dates indicated:

| Coverage  | Current Rates<br>Total | Individual | Effective<br>July 1, 2003<br>Total | Individual's<br>Share |
|---|------------------------|------------|------------------------------------|-----------------------|
| Single  | 202.86                 | -0-        | 233.29                             | -0-                   |
| Family  | 619.99                 | 208.57     | 712.99                             | 239.85                |
| Two Party   | 405.72                 | 101.43     | 466.58                             | 116.64                |
| Minor Dependent(s)<br>(For two City employees<br>in the same Family unit) | 619.99                 | 101.43     | 712.99                             | 116.64                |
| Cobra/Retiree + Dependent<br>(Spouse or 1 Minor Dependent)                | 202.86                 | 202.86     | 233.29                             | 233.29                |
| Cobra/Retiree Family<br>(Family less Retiree rate)                        | 619.99                 | 417.13     | 712.99                             | 479.70                |
| Cobra/Retiree Medicare  | 178.77                 | 178.77     | 205.59                             | 205.59                |
| Cobra/Retiree 2 Medicare  | 357.54                 | 357.54     | 411.17                             | 411.17                |
| Cobra/Medicare and Single<br>(Spouse or 1 Minor Dependent)                | 381.63                 | 381.63     | 438.87                             | 438.87                |

BE IT FURTHER RESOLVED that effective January 1, 1997, part-time benefited employees shall be required to share a pro-rata amount of the individual and City cost, based on their budgeted percentage of full-time equivalent (FTE); however, part-time benefited employees shall be allowed to decline health plan coverage in lieu of such contributions.

Passed this 16<sup>th</sup> day of June, 2003.

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

CITY COUNCIL  
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. Partridge expressed concern that the city was going right to the council contingency to fund this issue without considering other options. It is only the middle of the year and this action would take the balance of the contingency fund to zero. Finance Officer Preston explained that the city's portion of this increase is approximately \$187,000. \$140,000 from the contingency fund would cover most of the general fund portion of this proposal. He added that the purpose of the contingency fund is for unknown expenses that come up throughout the year and he recommended that this issue be taken care of using that funding source. Substitute motion was made by Kooiker and seconded by Partridge to continue this item to the next Legal & Finance Committee meeting for further discussion and a full and complete presentation. Preston requested that this issue not be continued. Based on the projections and recent history of the plan, the balance in the health insurance fund is depleting quickly. If the increase is implemented by July 1, 2003, we might make it to the end of the year. If it is delayed, it just puts the plan further in the hole. Kooiker stated that we need to take care of our employees, but where do we go from here? Preston explained that no changes can be made in the health insurance plans until January 1, 2003 because of existing contracts and the requirement for negotiations. The rate increase before the Council at this time is a bandaid fix that was agreed to by both city administration and union representatives. He added that city staff and representatives from the unions will begin meeting in two weeks to come up with changes to the plan which can be implemented January 1, 2004 to solve these problems. Tony Harris and Ritchie Nordstrom, union representatives, agreed that the bandaid fix is needed at this time. All parties will meet in the near future to come up with long-range solutions to the health insurance problem. Kooiker and Partridge withdrew the substitute motion and there were no objections. Roll call vote was taken: AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger and Hadley; NO: Partridge and Kriebel. Motion carried, 8-2 and the Resolution was declared duly passed and adopted.

Motion was made by Hanks and seconded by Murphy to approve **payment of legal fees** in the sum of \$7,257.40 to Day, Morris & Schreiber for an opinion relative to impact fees, funding to come from the Council contingency fund, as recommended by the Legal & Finance Committee. Kooiker spoke against the motion because the opinion that we received, basically informed us that the waivers that were done were fact based waivers and because of an absence of facts, they couldn't determine for sure what took place. He added that he believes this has been a long running situation where we have asked the Public Works Director for the information and what took place with the fees. Kooiker suggested that the Public Works Director consider paying these fees himself. Roll call vote was taken: AYE: Hanks, French, Murphy, Rodriguez, Waugh and Kroeger; NO: Kooiker, Hadley and Kriebel. Motion carried, 6-3.

Motion was made by Hanks, seconded by Rodriguez and carried to authorize Mayor and Finance Officer to Sign Agreement with Dr. Jeff Bendt for **Public Improvements on Catron Boulevard** (No. LF061103-11).

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

RESOLUTION TO AMEND THE  
AFSCME UNION COMPENSATION WAGE PLAN  
TO ESTABLISH THE POSITION OF  
ASSISTANT GOLF PROFESSIONAL

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 following position justify placing the classification within the named Grade of the AFSCME Union pay scale:

Assistant Golf Professional          Grade 9          \$24,356 to \$37,065/year; and

WHEREAS when the incumbent in the position is giving golf lessons, the employee shall be paid a flat fee of \$25 per hour;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Union Pay Plan effective July 1, 2003, by adding the above position classification description at the grade recommended in the job evaluation.

Passed this 16<sup>th</sup> day of June, 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, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

**Public Works Committee Items**

The next item discussed by the Council was No. CC061603-05 - **Heidiway Lane Sanitary Sewer Extension**. Engineering Division Manager Randy Nelson requested authorization to fund, via a supplemental tap fee, up to \$26,250 for off-site improvements for sewer on Heidiway Lane. Nelson presented a map of this area and outlined the proposed project. He explained that the six properties along Heidiway Lane would pay their fee immediately and the remainder of the service area would pay when and if the sewer was extended into their area. Motion was made by Hanks, seconded by Rodriguez and carried to authorize staff to fund this project with a supplemental tap fee, up to \$26,250 for off-site improvements for sewer on Heidiway Lane.

**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 05-31-03, Paid 06-06-03

618,717.24

|  |                     |
|--|---------------------|
| Payroll Paid Ending 05-31-03, Paid 06-06-03            | 1,483.78            |
| Pioneer Bank, Taxes Paid 06-06-03                      | 156.94              |
| Pioneer Bank, Taxes Paid 06-06-03                      | 107.38              |
| Berkley Risk Administrators, claims administration fee | 1,100.00            |
| Berkley Risk Administrators, May claims                | 19,059.38           |
| First Administrators, claims Paid 6-04-03              | 50,457.57           |
| First Administrators, claims Paid 6-11-03              | 72,762.32           |
| US Postmaster, billing postage                         | 2,200.00            |
| Computer Bill List                                     | <u>3,841,905.69</u> |
| Total  | \$4,607,950.30      |

|   |                |
|---|----------------|
| Payroll Paid Ending 05-31-03, Paid 06-06-03 | 2,585.82       |
| Pioneer Bank, Taxes Paid 06-06-03           | 169.89         |
| City of Rapid City, health insurance        | 608.56         |
| City of Rapid City, postage                 | 6.75           |
| Dakota Business Center, copier usage        | 3.81           |
| First Administrators, Section 125 Fee       | 3.25           |
| Simpson's Printing, newsletter              | 79.50          |
| SD Retirement System, pension               | 276.30         |
| Standard Life, insurance                    | <u>7.92</u>    |
| Total                                       | \$4,611,692.10 |

**Executive Session**

Motion was made by Hanks, seconded by Rodriguez and carried to go into executive session to discuss contractual matters.

The Council came out of executive session at 11:00 P.M. but no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:00 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

(SEAL)