

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
April 10, 2003

Pursuant to due call and notice thereof, a special 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 Thursday, April 10, 2003 at 1:15 P.M.

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

Motion was made by Kroeger, seconded by Johnson and carried to authorize staff to submit grant application to Federal Transit Administration for operating and capital funding assistance for the **Rapid Transit System** (No. CC041003-01).

Motion was made by Waugh, seconded by Johnson and carried to declare an emergency and authorize an expenditure of up to \$39,000 to be used by the Department of Fire and Emergency Services to **purchase an air compressor** for back pack air tanks. Motion was made by Johnson, seconded by Waugh and carried to reconsider this item so that the quotes can be read into the record. The following quotes were submitted for the air compressor: 1) Western Fire and Safety \$38,186, plus shipping; and 2) Alex Air Apparatus \$38,552, less a trade-in of \$2,000, plus shipping. Chief Shepherd recommended that the City accept the quote from Alex Air Apparatus. Motion was made by Waugh and seconded by Johnson to declare an emergency and authorize an expenditure of up to \$39,000 to be used by the Department of Fire and Emergency Services to **purchase an air compressor** for back pack air tanks, said compressor to be purchased from Alex Air Apparatus, as outlined above. Upon vote being taken, the motion carried unanimously.

Ordinance 3933 (No. CC041003-02) entitled An Ordinance Amending Section 6.12.035 of Chapter 6.12 of the Rapid City Municipal Code Exempting Certain Areas from the Leash Law Requirement, was introduced. Upon motion made by Kroeger, seconded by Waugh and carried, Ordinance 3933 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 21, 2003.

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

EMERGENCY RESOLUTION CANVASSING VOTE FOR THE ANNUAL
MUNICIPAL ELECTION HELD APRIL 8, 2003

WHEREAS there was held in the City of Rapid City, South Dakota, on Tuesday, the 8th day of April, 2003, the Annual Municipal Election of the City of Rapid City, South Dakota, for the purpose of electing Mayor and five Alderpersons of said City and also for the purpose of voting on a referred measure entitled: "An Ordinance Providing for the Licensing and Regulation of Adult Oriented Businesses and Employees, and Providing for Additional Miscellaneous Regulations for Adult Oriented Businesses, by Adding Chapter 5.70 to Title 5 of the Rapid City Municipal Code"; and an initiated measure entitled, "An Ordinance Establishing a Rate Decrease of the Municipal Retail Occupational Sales and Service Tax from Two Percent to One and One-Half Percent, and Repealing the Existing Code Provisions for the Rapid City Economic Development and Civic Improvements Fund"; and

WHEREAS at said election the total number of votes cast for the Office of Mayor and Alderman were as follows:

FOR THE OFFICE OF MAYOR (TWO-YEAR TERM)

WARD ONE	<u>Munson</u>	<u>Shaw</u>	<u>Hanks</u>	<u>Hadley</u>
Precinct 1	113	182	156	112
Precinct 2	190	232	181	190
Precinct 3	362	454	434	225
Precinct 4	29	60	32	38
WARD TWO				
Precinct 1	115	164	91	99
Precinct 2	44	60	33	34
Precinct 3	128	141	85	91
Precinct 4	186	233	152	115
WARD THREE				
Precinct 1	308	126	125	75
Precinct 2	2	7	6	5
Precinct 3	174	200	273	105
Precinct 4	515	413	453	219
Precinct 5	334	273	362	106
WARD FOUR				
Precinct 1	83	97	37	52
Precinct 2	232	265	111	329
Precinct 3	62	96	53	61
Precinct 4	3	7	4	7
WARD FIVE				
Precinct 1	321	250	223	189
Precinct 2	78	83	57	38
Precinct 3	319	338	301	181
Precinct 4	161	292	169	100
Precinct 5	120	132	81	104
GRAND TOTAL	3879	4105	3419	2475

FOR THE OFFICE OF ALDERMAN FIRST WARD (TWO-YEAR TERM)	1st Precinct	2nd Precinct	3rd Precinct	4th Precinct	Total
Jean French	290	364	689	70	1413
Tom Johnson	217	366	666	83	1332

FOR THE OFFICE OF ALDERMAN SECOND WARD (TWO-YEAR TERM)	1st Precinct	2nd Precinct	3rd Precinct	4th Precinct	Total
Mike Kettering	163	71	169	256	659
Tom Murphy	194	61	184	302	741

FOR THE OFFICE OF ALDERMAN FIFTH WARD (TWO-YEAR TERM)	1st Precinct	2nd Precinct	3rd Precinct	4th Precinct	5th Precinct	Total
Jeff Partridge	534	139	629	407	217	1926
Mel Dreyer	371	106	429	252	166	1324

AND, WHEREAS, at said election the total number of votes cast for and against the referred measure relating to adult oriented businesses were as follows:

<u>WARD/PRECINCT</u>	<u>FOR VOTE</u>	<u>AGAINST VOTE</u>
WARD 1		
Precinct 1-1	402	164
Precinct 1-2	488	308
Precinct 1-3	1013	451
Precinct 1-4	103	54
WARD 2		
Precinct 2-1	276	196
Precinct 2-2	100	71
Precinct 2-3	278	161
Precinct 2-4	410	271
WARD 3		
Precinct 3-1	398	230
Precinct 3-2	12	8
Precinct 3-3	522	226
Precinct 3-4	1010	600
Precinct 3-5	681	396
WARD 4		
Precinct 4-1	176	97
Precinct 4-2	536	401
Precinct 4-3	157	123
Precinct 4-4	8	13
WARD 5		
Precinct 5-1	609	369
Precinct 5-2	165	89
Precinct 5-3	734	402
Precinct 5-4	449	270
Precinct 5-5	253	184
GRAND TOTAL	8780	5084

AND, WHEREAS, at said election the total number of votes cast for and against the initiated measure relating to the Rapid City Economic Development and Civic Improvements Fund were as follows:

<u>WARD/PRECINCT</u>	<u>FOR VOTE</u>	<u>AGAINST VOTE</u>
WARD 1		
Precinct 1-1	89	473
Precinct 1-2	207	580
Precinct 1-3	305	1149
Precinct 1-4	41	116
WARD 2		
Precinct 2-1	160	310
Precinct 2-2	38	134
Precinct 2-3	136	301
Precinct 2-4	217	461

WARD 3

Precinct 3-1	141	488
Precinct 3-2	1	19
Precinct 3-3	94	652
Precinct 3-4	294	1309
Precinct 3-5	168	908

WARD 4

Precinct 4-1	84	184
Precinct 4-2	268	666
Precinct 4-3	79	198
Precinct 4-4	8	12

WARD 5

Precinct 5-1	209	769
Precinct 5-2	57	195
Precinct 5-3	230	898
Precinct 5-4	146	573
Precinct 5-5	126	307

GRAND TOTAL:

3098	10702
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NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City, as follows:

1. Jerry Munson and Jim Shaw, candidates for Mayor, being the two candidates who received the highest number of votes cast for said office but who failed to receive a majority of all votes cast therefore, are hereby declared to be candidates for said office at a secondary election to be held on Tuesday, April 22, 2003, such secondary election to be held at the same polling places, with the same judges and clerks, and shall be conducted, returned, and canvassed and the result declared and entered on the journal of the City in the same manner as the first election.
2. Jean French having received a majority of all votes cast for the office of Alderman for the First Ward, for a term of two years, is hereby declared to be duly elected to the office of Alderman of the City of Rapid City for the First Ward and for the term as hereinabove set forth, and is entitled to qualify for and hold said office as provided by law.
3. Tom Murphy having received a majority of all votes cast for the office of Alderman for the Second Ward, for a term of two years, is hereby declared to be duly elected to the office of Alderman of the City of Rapid City for the Second Ward and for the term as hereinabove set forth, and is entitled to qualify for and hold said office as provided by law.
4. Bill Waugh having been unopposed as a candidate for the office of Alderman for the Third Ward, for a term of two years, is hereby declared to be duly elected to the office of Alderman of the City of Rapid City for the Third Ward, and for the term as hereinabove set forth, and is entitled to qualify for and hold said office as provided by law.
5. Ron Kroeger having been unopposed as a candidate for the office of Alderman for the Fourth Ward, for a term of two years, is hereby declared to be duly elected to the office of Alderman of the City of Rapid City for the Fourth Ward, and for the term as hereinabove set forth, and is entitled to qualify for and hold said office as provided by law.
6. Jeff Partridge having received a majority of all votes cast for the office of Alderman for the Fifth Ward, for a term of two years, is hereby declared to be duly elected to the office of Alderman of the City of Rapid City for the Fifth Ward and for the term as hereinabove set forth, and is entitled to qualify for and hold said office as provided by law.

7. The votes for the referred measure entitled: "An Ordinance Providing for the Licensing and Regulation of Adult Oriented Businesses and Employees, and Providing for Additional Miscellaneous Regulations for Adult Oriented Businesses, by Adding Chapter 5.70 to Title 5 of the Rapid City Municipal Code" having received a majority of all votes cast, it is hereby declared that the referred measure is approved.

8. The votes against the initiated measure entitled: "An Ordinance Establishing a Rate Decrease of the Municipal Retail Occupational Sales and Service Tax from Two Percent to One and One-Half Percent, and Repealing the Existing Code Provisions for the Rapid City Economic Development and Civic Improvement Fund" having received a majority of all votes cast, it is hereby declared that the initiated measure is defeated.

BE IT FURTHER RESOLVED that this resolution is found and determined to be necessary for the immediate preservation of the public peace, health, and safety, and for the support of the municipal government and its existing public institutions, wherefore an emergency exists and this resolution shall take effect immediately upon its passage and publication according to law.

DATED this 10th day of April, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

WARD ONE ALDERMAN
Alan Hanks

WARD ONE ALDERMAN
s/ Tom Johnson

WARD TWO ALDERMAN
s/ Tom Murphy

WARD TWO ALDERMAN
s/ Sam Kooiker

WARD THREE ALDERMAN
Martha Rodriguez

WARD THREE ALDERMAN
s/ Bill Waugh

WARD FOUR ALDERMAN
Ray Hadley

WARD FOUR ALDERMAN
s/ Ron Kroeger

WARD FIVE ALDERMAN
s/ Rick Kriebel

WARD FIVE ALDERMAN
Mel Dreyer

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

As there was no further business to come before the Council at this time, the meeting adjourned at 1:30 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer
(SEAL)