

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
November 17, 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, November 17, 2003 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, Acting Public Works Director Ted Vore, Growth Management Director Marcia Elkins, Acting City Attorney Jason Green, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon, and Administrative Assistant Maggie Paul.

Approval of Minutes

Motion was made by Hanks, seconded by French and carried to **approve the minutes** of November 3, 2003, and November 12, 2003.

Adoption of the Agenda

The following modifications were made to the agenda:

- Add under Items from Council Members Sharon Stephens sewer line failure
- Invitation from the Mayor to attend Undoing Racism Task Force Meeting
- Reminder that the next Legal and Finance Committee meeting will be held on Monday, November 24, 2003 at 1:15 p.m.

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

General Public Comment:

George Wallace requested that item No. 95 be moved to the beginning of the agenda in order to facilitate discussion. Hanks moved to place item No. 95 at the beginning of the agenda. Second by Waugh. Motion carried.

Mr. Wallace asked the Council to consider termination of further consideration of the lease back proposal. He said that no one in a leadership position has come forward and indicated the economic impact of this proposal on Rapid City. He said it has been indicated that Rapid City will receive \$7 million. The lease back serves no purpose other than to give Allco a huge tax shelter. By allowing this lease back, the Council would be allowing and abetting a tax-avoided scheme. He said Allco's sole purpose in entering into this lease back is to avoid paying taxes. He thanked Kooiker, Hadley, and Kriebel for demonstrating superb leadership quality. Roland Grosshans spoke against the lease back proposal. He spent three days reviewing the draft of the contract. There is a \$77 million tax benefit to Allco over the life of the contract. He found nothing friendly to the City in the contract, and he asked the Council to tell Allco to take their business elsewhere. French said Allco's proposal seemed very reasonable at the time. They portrayed that there would be basically no risk to the City. She said she could not trust these people now. Kooiker moved to cease negotiations and consideration of the lease back proposal and notify all appropriate parties. Second by French. Murphy said he would not support the motion because there is an investor group

that wants to come and invest in Rapid City. This sends a message to anyone that wants to come to Rapid City not to come because we are unfriendly. This will add to the economic growth of the City, and he thinks the Council should listen and base their decision on all the facts. Hadley said the Council is dealing with taxpayers' money. He does not support the lease back proposal. Partridge said there are pluses and there are concerns and risks. This comes from an executive order, it comes from Congress, it comes from the IRS, and it comes from the EPA so it is hard to argue that it is not legal. He thinks it is premature for the Council to cease all negotiations and discussion. He would like to continue consideration of this lease back proposal. Kooiker said we should be proactive and end this tonight. Kriebel said just because this is legal doesn't mean it is the right thing to do. A roll call vote was taken with Hanks, French, Kooiker, Waugh, Hadley, Kroeger, and Kriebel voting "yes" and Murphy, Rodriguez, and Partridge voting "no."

Items from the Mayor

Mayor Shaw presented the Citizen of the Month Award to Leonard Carr and commended him for outstanding volunteer service to the community.

Mayor Shaw presented the Veteran of the Month Award to Nels Jensen and commended him for his outstanding service to the community and his country.

Mayor Shaw presented a Distinguished Service Award to Fred Eisenbraun. Chief Tieszen commended him for his 25 years of commitment and dedication to public service.

Shaw handed out to the Council an outline of what the downtown revitalization program is attempting to do. The five points being discussed at this time are: a) aesthetics in downtown Rapid City, including creativity in business signs, encouraging outdoor cafes or merchandise displays in warm months, and a more people-focused atmosphere; b) parking issues, including the location of free parking, placement of timed parking meters, customer and employee parking, possibility of trolleys and buses; c) redevelopment of city-owned parking lots; d) historic preservation of facades; and e) public art, including the City of Presidents effort, other public art work, and the concept of murals and alley art. He extended an invitation to the public to bring forward informal proposals. The task force would then take a look at these ideas and see if they are worthy of pursuing.

Mayor Shaw invited everyone to attend the Undoing Racism Task Force meeting on December 2, 2003, at 6:30 p.m. in the Alpine Room of the Civic Center.

Items from Council Members/Liaison Reports

Ron Kroeger asked Dan Coon to give the Council some background information on the sewer line problem with Sharon Stephens. Coon said staff is requesting the Council to authorize the Mayor and Finance Officer to sign the Memorandum of Understanding with Sharon Stephens that will allow staff to issue a spot repair permit for the sanitary sewer line. The sewer line failed last week. It is in service now but is not working at the level it needs to. The line runs out of the back of her house into an alley that is located between Franklin Street and St. Charles Street. It runs into a common, private sanitary sewer that also services three other houses. The City is trying to eliminate these common, private sewer lines. There is a sanitary sewer line running in front of her house. Under the terms of the Memorandum of Understanding, Ms. Stephens will have one year to either hook onto the sanitary sewer main in front of her house, or in conjunction with the other private parties, construct a private sewer main in the alley. Rodriguez moved to authorize Mayor and Finance Officer to sign Memorandum of Understanding with Sharon Stephens. Second by Partridge. Ms. Stephens said in the event she is not able to access the sewer main in front of her house and her neighbors decide that they don't want to construct the private sewer main in the alley, she knows she cannot bear the cost of this alone. Coon said it is his opinion that the less

expensive option for Ms. Stephens would be to go to the front of the house but there is a concern with that because of the gravity feed from the basement. At some point the common line that is shared by the neighbors in the alley will have to be upgraded or repaired. Jason Green said the Memorandum of Understanding is necessary because there is a City ordinance that requires immediate construction and there is not a provision that allows spot repair. This is a time accommodation to Ms. Stephens. Coon said there is money set aside for projects like this where a group of neighbors come together that has a common, private service line and requests to get rid of the service line, the City will do a 60/40 split to cover the costs of replacing that common, private line. A substitute motion was made by Hadley and seconded by Rodriguez to authorize the spot repair permit and direct staff to come back with a recommendation for a permanent solution to the second Public Works Committee meeting in December. A second substitute motion was made by Hanks and seconded by French to authorize the Mayor and Finance Officer to sign the Memorandum of Understanding and to bring back an amendment to that agreement if necessary. A vote was taken on the motion with Hanks, French, Kooiker, Murphy, Kroeger, Kriebel, and Partridge voting "yes" and Rodriguez, Waugh, and Hadley voting "no."

Continued Items Consent Calendar – Items 5-26

Rodriguez moved, Hanks seconded, and motion carried to approve the following continued items consent calendar:

Continue the following items until December 1, 2003:

5. 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.
6. No. 02PL116 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.
7. 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.
8. 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.

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

15. No. 03PL089 - A request by Dream Design International, Inc. for Hank Craig for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Craig Estates, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of the N1/2 of Government Lot 4, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the 4200 block of Parkview Drive.
16. No. 03PL094 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Preliminary and Final Plat** on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road.
17. No. 03PL097 - A request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Preliminary and Final Plat** on Lots 12-21 Block 1, Lots 12-40 Block 2, Lots 1-12 and 21-24 Block 3, and Lots 1, 13, 14, 30 and 31 Block 5 of Auburn Hills Subdivision, located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north and south of Amber Drive.
18. No. 03PL104 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 13 and Tract A, Block 4; Lots 6 thru 12, Block 16; Lots 1A thru 12A, Lots 1B thru 12B, and Tract B, Block 18; Tract C and Dedicated Streets; Big Sky Subdivision, located in the N1/2 NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Patricia Street, Aurora Drive and Carl Avenue.
19. 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.
20. No. 03SV028 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Buddy Court off of Degeest Drive.
21. No. 03SV035 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Variance to the Subdivision Regulations to waive the requirement to**

install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the intersection of U.S. Highway 16 and Moon Meadows Road.

22. No. 03SV036 - A request by Dream Design International, Inc. for Sally Broucek for a **Variance to the Subdivision Regulations to allow lots twice as long as wide and to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement along the well access easement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7, Block 1, and Lots 15, 16 and 17, Block 2, Stoneridge Subdivision, located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
23. No. 03SV039 - A request by Gordon Howie for Galen Steen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, and the Point of Beginning, thence, first course: N90°00'00"E, along the 1/4 line of Section 25, a distance of 396 feet; thence, second course: S00°00'00"W, a distance of 624.43 feet; thence, third course: N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, fourth course: N00°00'00"E, along the 1/4 line of Section 25, a distance of 624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said

parcel contains 5.677 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive.

24. No. 03SV042 - A request by James E. Martin for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement and waive the requirement to dedicate right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 and 2, Macdonald Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the south 395.8 feet of the north 737.7 feet of the unplatted portion of the NW1/4 SE1/4 Section 26, T2N, R7E, BHM, Rapid City, Pennington County South Dakota; and, the east 720 feet of the south 197.9 feet of the north 935.6 feet of the unplatted portion of the NW1/4S E1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1840 Tranquil Trail.

Continue the following items until December 15, 2003:

25. 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.
26. 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.

End of Continued Items Consent Calendar

Alcoholic Beverage License Applications

This was the time and place set for hearing on the application of the Rapid City Fine Arts Council, Inc. for a Special Malt Beverage License to be used at the **Dahl Arts Center**, 713 Seventh Street, on December 5, 2003. Upon motion made by Hanks, seconded by French and carried, the Council approved the application.

This was the time and place set for hearing on the application of the Rapid City Fine Arts Council, Inc. for a Special Wine License to be used at the **Dahl Arts Center**, 713 Seventh Street, on December 5, 2003. Upon motion made by Hanks, seconded by French and carried, the Council approved the application.

This was the time and place set for hearing on the application of the Rapid City Fine Arts Council, Inc. for a Special Wine License to be used at the **Dahl Arts Center**, 713 Seventh Street, on December 4, 2003. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time and place set for hearing on the application of the **Arrowhead Country Club**, 3675 Sheridan Lake Road, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time and place set for hearing on the application of the **City of Rapid City**, for an On-Sale Liquor License Renewal and Sunday Opening, said license to be used at the Rapid City Regional Airport (Rural Route 2, Box 6335) and the Rushmore Plaza Civic Center, 444 Mt. Rushmore Road. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time and place set for hearing on the application of Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Sale Wine License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time and place set for hearing on the application of Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Liquor License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time and place set for hearing on the application of **Fraternal Order of Eagles**, Rapid City Aerie No. 3555, 1410 Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time and place set for hearing on the application of Robert W. Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Sale Wine License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time and place set for hearing on the application of Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Sale Wine License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time and place set for hearing on the application of **United Downtown Association**, for a special malt beverage license and a special wine license to be used November 20 and November 21, 2003, at 516 Seventh Street. Upon motion made by Hanks, seconded by Rodriguez and carried, the Council approved the application.

Alcoholic Beverage License Applications

Upon motion made by Hanks, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, December 1, 2003:

Off-Sale Liquor License Renewal

1. B & L Inc., DBA **Boyd's Liquor Mart**, 909 E St Patrick St , for an Off-Sale Liquor License Renewal
2. B & L Inc., DBA **Boyd's Liquor Mart**, 2001 W Main Street, for an Off-Sale Liquor License Renewal
3. Mills Drug Inc., DBA **Boyd's Liquor Mart**, 1424 Mt Rushmore Rd , for an Off-Sale Liquor License Renewal
4. Dan's Super Market Inc., DBA **Dan's Super Market**, 333 Third Street, for an Off-Sale Liquor License Renewal
5. Flannery Oil Company, DBA **Corner Pantry – LaCrosse St**, 2130 LaCrosse Street, for an Off-Sale Liquor License Renewal
6. Sam's West, Inc. dba Sam's Club No. 6565, 1020 LaCrosse Street , for an Off-Sale Liquor License Renewal

7. Retsel Corp dba **Ramada Inn (Package Store)**, 1721 N. LaCrosse Street, for an Off-Sale Liquor License Renewal
8. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Liquor License Renewal
9. Merle R. Bach dba **The Hideaway**, 1575 N. LaCrosse Street, for an Off-Sale Liquor License Renewal
10. Patricia Weaver dba **Gas N Snax**, 418 Knollwood Drive, for an Off-Sale Liquor License Renewal

On-Sale Wine License Renewal

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

On-Sale Liquor License Renewal

1. Martom Management Inc., DBA **Day's Inn Lounge**, 725 Jackson Blvd, for an On-Sale Liquor License Renewal and Sunday Opening
2. Outback Midwest II LP, DBA **Outback Steakhouse**, 665 E Disk Drive, for On-Sale Liquor License Renewal and Sunday Opening
3. **The Retired Enlisted Assoc Inc., Chapter 29**, 1981 E Centre St, for an On-Sale Liquor License Renewal and Sunday Opening
4. Poker Joes Inc., DBA **Poker Joes**, 211 Cambell Street, for an On-Sale Liquor License Renewal and Sunday Opening
5. Brinker Restaurant Corp, DBA **Chili's Grill & Bar**, 2125 N Haines Ave , for an On-Sale Liquor License Renewal and Sunday Opening
6. Joe N Crawford, DBA **Smokin Joe's**, 4302 S Highway 79, for an On-Sale Liquor License Renewal and Sunday Opening
7. Fox Family Enterprises Inc., DBA **Rodeway Inn**, 2208 Mt Rushmore Road , for an On-Sale Liquor License Renewal and Sunday Opening
8. Karen J Schumacher, DBA **Brass Rail Lounge**, 624 St Joseph Street, for an On-Sale Liquor License Renewal and Sunday Opening
9. Harbry Enterprises Inc., DBA **Buck-N-Gator**, 4095 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
10. Steven C Lester, DBA **Quality Inn**, 1902 N LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
11. Rushmore Catering Company Inc., DBA **Rushmore Plaza Holiday Inn**, 505 N 5th Street for an On-Sale Liquor License Renewal and Sunday Opening
12. Oasis Lounge, Inc. DBA **Oasis Lounge**, 711 Main Street, for an On-Sale Liquor License Renewal
13. Entertainment, Ind. Dba **Robbinsdale Lounge**, 801 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
14. Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 W. Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
15. Ron Stevens & Norbert Schoenfelder dba **Hara's**, 2200 N. Maple Avenue, for an On-sale Liquor License Transfer (from corporation to individual)

16. Ron Stevens & Norbert Schoenfelder dba **Hara's**, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal
17. Sports Saloon, Inc. dba **Murphy's Bar**, 510 Ninth Street, for an On-Sale Liquor License Renewal and Sunday Opening
18. Harley's Casino, Inc. dba **Harley's Casino**, 640 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
19. Cowboy Casino, Inc. dba **Woody's**, 826 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
20. Retsel Corp dba **Ramada Inn (Cheers)**, 1721 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
21. Blue Lantern Lounge, Inc. dba **Blue Lantern Lounge**, 1200 E. St Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
22. Western Dakota Gaming, Inc. dba **Valley Sorts Bar**, 1865 S. Valley Drive, for an On-Sale Liquor License Renewal and Sunday Opening
23. WR Rapid City Ventures, LP dba **Minerva's Restaurant & Bar**, 2211 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
24. **Loyal Order of Moose**, 841 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
25. Fat Boy's, Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
26. Phatty McGees, Inc. dba **Phatty McGees**, 321 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening
27. Wilburn-Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street, for an On-Sale Liquor License Renewal and Sunday Opening
28. Sanford's Grub & Pub South Dakota, Inc. dba **Sanford's Grub & Pub**, 306 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening
29. **Rapid City Elks Club**, Lodge No. 1187, 3333 E. 39th Street, for an On-Sale Liquor License Renewal and Sunday Opening
30. VFW, Rushmore Post 1273, 420 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
31. Restech Partners, Inc. dba **TGI Fridays**, 2205 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
32. Century Motels, Inc. dba **Howard Johnson Express Inn& Suites**, 950 North Street, for an On-Sale Liquor License Renewal

Off-Sale Malt Beverage License Transfer

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

Consent Calendar Items – 39-77

The following items were removed from the Consent Calendar:

40. Request the Mayor to reconvene the Utility Services Outside Rapid City Task Force.
41. Request Building Inspection staff to mail all material relevant to filing a setback variance; and all filing and certified mailing fees be paid from the Planning Department budget for Dennis Brant, 1701 Lodge.
56. No. PW111203-16 – Request staff to prepare an agreement requiring the affected property owner to reimburse the City for the proposed contract changes for the Parkview Drive Extension Project No. ST03-1006.
60. Confirm appointment of Jason Green as City Attorney.
61. Confirm appointment of Kathryn Henning to the Planning Commission (filling an unexpired term from Ward 2).
65. No. LF111203-04 – Approve Resolution to Amend the City of Rapid City Healthcare Benefit Plan.

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

39. Acknowledge the report on the Standard Specifications for Public Works Construction Update by George Dunham.
42. No. CC110303-01 – Approve the bid award of the Portable Generator for Utility Maintenance to lowest responsible bidder meeting specifications, Cummins Great Plains, Inc. for the low unit price bid for a total contract amount of \$26,747.74.
43. No. PW111203-03 – Approve Change Order No. 02F for Hawthorne Avenue Street & Utilities Reconstruction Phase 1 Project No. SS98-806 to Heavy Constructors, Inc. for an increase of \$30,541.61.
44. No. PW111203-04 – Approve Change Order No. 04F for Water Reclamation Facility Improvements – Administration Building Project No. WRF01-1132 to Scull Construction Service, inc. for an increase of \$13,572.00; contingent upon approval from the South Dakota Department of Environment and Natural Resources.
45. No. PW111203-05 – Approve Change Order No. 04 for Co-Compost Facility Project No. SW00-1168 to R.C.S. Construction, Inc. for an increase of \$20,155.00.
46. No. PW111203-06 – Approve Change Order No. 02F for North LaCrosse/East Anamosa Intersection Improvements Project No. ST02-1189 to Heavy Constructors, Inc. for a decrease of \$13,024.79.
47. No. PW111203-07 – Approve Change Order No. 01 for Miscellaneous Improvements Project No. MIP03-1236 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$2,587.00.
48. No. PW111203-08 – Approve Change Order No. 01F for 2003 Roadway Marking Contract Project No. PM03-1304 to United Rentals Highway Technologies for adjustment of installed quantities (no cost).
49. No. PW111203-09 – Approve Change Order No. 01F for North Seventh Street Emergency Water Main Reconstruction Project No. W03-1327 to R.C. S. Construction, Inc. for a decrease of \$15,898.75.
50. No. PW111203-10 – Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Amendment No. 01 to Maintenance and Financial Agreement No. 612901 for Project 0164-452 PCEM 1684 East North & Cambell Pedestrian Pole Replacement Project No. ST03-1298.
51. No. PW111203-11 – Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Agreement for Federal-Aid Enhancement Project P OENH(131 PCN H107 Memorial Park).
52. No. PW111203-12 – Authorize Mayor and Finance Officer to sign Agreement with The Church of God of Prophecy, 1501 Minuteman Drive for Temporary Construction Easement on LaCrosse Street/East Anamosa Street Intersection Improvement Project No. ST02-1189.
53. No. PW111203-13 – Authorize Mayor and Finance Officer to sign Agreement with Red Rock Development Company, LLC for underground irrigation system.
54. No. PW111203-14 – Approve Out-of-the-Dust funds in the amount of \$4,000 to pave a portion of an alley in Block 10, Blakes Addition located East Philadelphia and East New York from Milwaukee to Waterloo.
55. No. PW111203-15 – Request staff to seek Requests for Proposals for Catron Boulevard Sewer Extension from Hwy 79 to 5th Street Project No. SS01-1052.
57. No. PW111203-17 – Approve a request for transfer of tax deed property (Lot 1, Block 14, Robbinsdale Addition No. 10) from Pennington County (existing detention facility).

Legal & Finance Committee Consent Items

58. No. LF111203-01 – Approve Travel Request for Rapid City Weed & Seed to Attend Annual Retreat to be held at the Rapid City Quality Inn November 24, 2003, in the approximate sum of \$630.

- 59. No. LF111203-02 – Confirm appointment of Craig Stump to the Downtown Historic Sign Review Committee.
- 62. Request that Jim Preston, Rodell Grosz, and Doug Aldrich review the pros and cons of videotaping the Public Works and Legal and Finance Committee meetings, and bring a recommendation to the January 28, 2004, Legal and Finance Committee meeting.
- 63. Approve Travel Request for four employees from the Police Department to attend CALEA Conference (accreditation) in Colorado Springs, Colorado, from November 18-23, 2003, in the amount of \$3,487.
- 64. No. LF111203-03 – Approve Resolution Amending the Plan for Projects and Programs to be Funded from the Rapid City Economic Development and Civic Improvements Fund.

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

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

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

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

- 1. Fifth Street Project: Add funding in the amount of \$2,500,000 in FY2003.
- 2. Catron Boulevard Project: Add funding in the amount of \$514,500 in FY2003.
- 3. Wastewater Treatment Plant: Delete funding in the amount of \$514,500 in FY2003.

Dated this 17th day of November, 2003.

CITY OF RAPID CITY
S/ Jim Shaw, Mayor

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

- 66. Authorize staff to go out with request for proposals for third party administrator, network provider, healthcare management provider, pharmacy plan manager, and stop loss coverage with regard to the City's healthcare plan.
- 67. No. LF111203-05 – Approve Resolution Authorizing Fund Transfer.

RESOLUTION AUTHORIZING FUND TRANSFER

WHEREAS, the City of Rapid City has been a partially self-insured group healthcare entity since September, 1984; and

WHEREAS, it has become necessary to authorize a loan to the self-insured group healthcare fund in order to insure the solvency of the plan; and

WHEREAS, the collective bargaining units and management realize the urgency of preserving the solvency of the plan

NOW THEREFORE BE IT RESOLVED that an interfund loan not to exceed \$500,000 is hereby authorized from the Workers' Compensation Fund to the Group Health Insurance Fund

BE IT FURTHER RESOLVED that effective January 1, 2004 the employee and retiree health insurance rate be increased by \$15 per month and that the City's contribution be increased \$45 per family unit until this loan is repaid.

Dated this 17th day of November, 2003.

CITY OF RAPID CITY
S/ Jim Shaw, Mayor

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

- 68. No. LF111203-06 – Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Department of Fire & Emergency Services

30- complete MSA Self Contained Breathing Apparatus (SCBA) Condition from good to poor.

6- extra 2216 psi SCBA bottles

45- SCBA face pieces, assorted sizes

4- partial SCBA harnesses for parts

1- SCBA portable bench tester

Several boxes of assorted pieces, parts, & accessories

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 17th day of November, 2003.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

- 69. No. LF111203-08 – Authorize Mayor and Finance Officer to sign Memorandums of Understanding with unions regarding Health Care.

70. No. LF111203-07 – Authorize Mayor and Finance Officer to Sign Roosevelt Ice Arena Ice Rental Contract with Rushmore Curling Club.
71. No. CC111703-04 - Approve Resolution Establishing 2004 Golf Course Rates.

RESOLUTION ESTABLISHING 1004 GOLF COURSE FEES

BE IT RESOLVED by the City of Rapid City that the following fees are established for use at the Rapid City Municipal Golf Courses, to be effective from January 1, 2004, through December 31, 2004.

- (1) Meadowbrook Golf Course Daily Green Fees (Includes development fee but not sales tax.)

	2003	2004
9 – Hole Weekday	\$15.25	\$15.25
9 – Hole Weekend/Holiday	\$18.00	\$18.00
9 – Hole Jr./Sr. Weekday	\$11.25	\$11.25
18 – Hole Weekday	\$26.75	\$26.75
18 – Hole Weekend/Holiday	\$29.75	\$29.75
18 – Hole Jr./Sr. Weekday	\$21.50	\$21.50

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

	2003	2004
Adult Single	\$495.00	\$520.00
Adult Couple	\$790.00	\$830.00
Senior Single (Weekdays Only)	N/A	N/A
Senior Single	\$445.00	\$465.00
Senior Couple	\$690.00	\$725.00
Each Additional Family Member	N/A	N/A
City Employee Season Pass	\$245.00	\$390.00
Child (14 & Under)	\$ 90.00	\$ 95.00
Junior (15-18)	\$150.00	\$155.00
College Student	N/A	\$200.00
School Team	\$ 60.00	\$ 65.00
Driving Range Unlimited (25 Lg Bags)	N/A	N/A
Driving Range Unlimited (With Pass)	N/A	N/A
Range Balls (Small Bag)	\$ 4.00*	\$ 4.00*
Range Balls (Large Bag)	\$ 6.00*	\$ 6.00*
Range Balls (25 Punch Card)	\$125.00 (a)	\$125.00 (a)
10-9 Hole Punch Card	N/A	\$140.00
25-9 Hole Punch Card	\$330.00*(a)	\$345.00*(a)
All City Pass	\$ 60.00	\$ 60.00

* includes sales tax

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

	2003	With Purchase of Pass	2004 With Purchase of Punch Card	No Additional Purchase
Gas Cart Storage	\$290.00**	\$305.00**	\$325.00**	\$350.00**
Electric Cart Storage	\$310.00**	\$325.00**	\$345.00**	\$370.00**
Trail Fee Annual	\$185.00**	\$195.00**	\$195.00**	\$195.00**
Trail Fee Daily	\$12.00*	\$12.00*	\$12.00*	\$12.00*
Cart Rental (9 Hole)	\$14.00*	\$ 14.00*	\$ 14.00*	\$ 14.00*
Cart Rental (18 Hole)	\$25.00*	\$ 25.00*	\$ 25.00*	\$ 25.00*
Singe Rider (9 Hole)	N/A	\$ 10.00*	\$ 10.00*	\$ 10.00*
Single Rider (18 Hole)	N/A	\$ 18.00*	\$ 18.00*	\$ 18.00*
Yearly Cart Rental	\$600.00**	\$630.00**	\$630.00**	\$630.00**
Lockers	\$40.00**	\$40.00**	\$40.00**	\$40.00**

* includes sales tax

** does not include sales tax

(4) Executive Daily Green Fees (Includes development fees but not sales tax.)

	2003	2004
9 – Hole Weekday	\$9.50	\$ 9.00
9 – Hole Weekend	\$9.50	\$10.00
Child (14 & Under)	\$5.00	\$ 5.00

(5) Executive Season Passes / Punch Cards / Cart Rentals

	2003	2004
10 – 9 Hole Punch Card	\$ 90.00* (a)	\$ 75.00* (a)
25 – 9 Hole Punch Card	\$155.00* (a)	\$ 155.00* (a)
Adult Single	\$440.00**	\$290.00**
Adult Couple	\$565.00**	\$375.00**
Senior Single	\$390.00**	\$260.00**
Senior Couple	\$520.00**	\$350.00**
Junior (15-18)	\$125.00**	\$130.00**
Child (14 & Under)	\$ 80.00**	\$ 85.00**
Cart Rental (Per 9–Hole)	\$ 7.00*	\$ 10.00**
Cart Rental (Per 9-Holes)	N/A	\$ 5.00**
Handicapped		
Trail Fees – Annual	N/A	\$100.00**

* includes sales tax

** does not include sales tax

BE IT FURTHER RESOLVED by the City of Rapid City that the following Development Fees are established for use at the Rapid City Municipal Golf Courses, effective from **January 1, 2004, through December 31, 2004:**

Development Fees: (Do Not include tax)

	2003	2004
Meadowbrook (9 Hole):	\$0.93	\$0.93

Meadowbrook (18 Hole)	\$1.86	\$1.86
Executive (9 Hole)	\$0.47	\$0.47

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

BE IT FURTHER RESOLVED that as used in this Resolution:

1. Child passes shall be good weekdays only and include play on weekdays at Executive Golf Course.
2. Junior Passes shall be for persons 15-18 years old or area students living at home to age 23. Junior passes are good at both courses.
3. College Student Passes shall be for persons up to 23 years of age with valid college identification.
4. "All City" passes are available for Meadowbrook Season Pass Holders. An additional \$60.00 per person fee allows the pass holder to play at both municipal golf courses and applies to the following season pass holders: Adult Single; Adult Couple; Senior Single and Senior Couple.
5. Cart usage is limited to two (2) carts per group.

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

Footnotes:

- (a) Punch cards will be good for current year only.

DATED this 17th day of November, 2003.

THE CITY COUNCIL
s/ Jim Preston, Mayor

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

71A. Approve the following licenses: Metals and Gems: Brown and Associates, Ray Brown; House Mover: Dakota Hills Housemoving, Geoff Hooper; Pawn Shop: First Stop Gun & Coin, Mark L. Blote; First Stop Pawn Shop, Mark L. Blote; Pawn-Derosa-Pawn, Carol Allison; Pawn With Us, Robert M. Tschetter; Residential Contractor: Bickett Construction, Jim Bickett; Clement Construction, Marshall L. Clement; Hills Materials Company, Lynn Kading; Legacy Homes, LLC, Michael P. Derry & Dell Voth; Olsen Development Company, Inc., Phillip S. Olsen; Oxner Construction, Rick Oxner; Rushmore Companies, Inc., Gale Davis; T. O. Construction, Terry Oyler; Willmschen Construction, Jason Willmschen; Second Hand: Mick's Scuba Center, Michael L. Gerhard; Scheels All Sports, Karen Jones; Security Business: Jack A. Werner, Ace Security, Inc.; Taxi: Bryan V. Leui, Rapid Taxi, Inc.

Planning Department Consent Items

- 72. No. 03PL088 – Approve the request by Dream Design International, Inc. for Sally Broucek for a Preliminary and Final Plat, located at the end of Parkview.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Stoneridge Subdivision including Lots 1, 2, & 3 of Block 1 (formerly a portion of the W1/2 of the S1/2 of Government Lot 4) located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, 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 Stoneridge Subdivision including Lots 1, 2, & 3 of Block 1 (formerly a portion of the W1/2 of the S1/2 of Government Lot 4) located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, 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 17th day of November, 2003.

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

CITY OF RAPID CITY
 s/ Jim Shaw, Mayor

- 73. No. 03PL093 – Approve the request by Renner & Sperlich Engineering Company for Walgar Development Company for a Final Plat located northwest of the intersection of Wisconsin Avenue and Minnesota Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 20 of Block 6, and dedicated Right-of-Way of Wisconsin Avenue, Robbinsdale Addition No. 10 (formerly a portion of the NW1/4 of the SE1/4 of Section 13) located in 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 20 of Block 6, and dedicated Right-of-Way of Wisconsin Avenue, Robbinsdale Addition No. 10 (formerly a portion of the NW1/4 of the SE1/4 of Section 13) located in 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 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 17th day of November, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

74. No. 03PL100 – A request by Wyss Associates, Inc. for Hart Ranch Development Co. for a Layout Plat on a portion of Hart Ranch Golf Course Parcel less Village on the Green Subdivision and less Village on the Green #2 Subdivision (also in Section 12 and 13), Hart Ranch Development, Section 11, T1S, R7E, BHM, Pennington County, South Dakota, located in the Hart Ranch Development between Mulligan Mile and Arena Drive. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, a complete grading plan shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3) Upon submittal of the Preliminary Plat, a stormwater management plan shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, the plat document shall be revised to clearly delineate the floodplain; 5) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In addition, information shall be submitted demonstrating that the existing lagoon can accommodate increased loading. A copy of the most recent Operation and Management inspection by the South Dakota Department of Environment and Natural Resources for the facility shall be submitted to determine the condition of the facility. In addition, utility easements shall also be provided as needed; 6) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, utility easements shall be provided as needed; 7) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways. In addition, soil testing and design calculations for pavement design shall be submitted for review and approval; 8) Upon submittal of the Preliminary Plat, the plat document shall be revised to show the connection of Mulligan Mile to Arena Drive. In addition, construction plans for Mulligan Mile as a sub-collector street with a minimum right-of-way width of 49 feet and a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 9) Upon submittal of the Preliminary Plat, the plat document shall be revised to show the proposed private drives as public rights-of-way or a Special Exception to the Street Design Criteria Manual shall be obtained to allow a private easement to serve more than four residential units. In addition, construction plans for proposed private drives as a lane place street with a minimum 49 foot right-of-way and a minimum 22 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. The construction plans shall also show a turnaround at the end of all of the proposed lane place streets; 10) Upon submittal of the Preliminary Plat, the plat document shall be revised to provide on-street visitor parking or off-street visitor parking at a ratio of one space per residential unit located within 300 feet of the residence shall be provided; 11) Prior to Preliminary Plat

approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 12) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 13) All Uniform Fire Codes shall be continually met; 14) Prior to Preliminary Plat approval by the City Council, an approach permit to allow the connection of Mulligan Mile to Arena Drive shall be obtained; 15) Prior to Final Plat approval by the City Council, road names for the lane place streets shall be submitted for review and approval. In addition, the plat document shall be revised to show the approved road names; 16) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 17) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

75. No. 03PL102 - A request by Wasteline, Inc. for Century Resources, Inc. for a Layout Plat on Lot 4 of Block 1, Menard Subdivision, located in the SE1/4 of NW1/4 and NE1/4 of SW1/4 Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the SE1/4 of NW1/4 and a portion of the unplatted balance of the NE1/4 of SW1/4, all in Section 32, located in the SE1/4 of NW1/4 and NE1/4 of SW1/4 Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1705 East Anamosa Street. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, a field topographic survey shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In particular, the drainage plan shall demonstrate that the proposed plat is in compliance with the Perrine Drainage Basin Design Plan. The drainage plan shall also show the location of the existing storm sewer on the subject property. In addition, the plat document shall be revised to show drainage easements as needed; 3) Upon submittal of a Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 4) Upon submittal of a Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, a 12 inch water main shall be provided in the Creek Drive right-of-way. Any oversize costs beyond the water improvements needed for the proposed subdivision shall be the City's responsibility; 5) Upon submittal of a Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent roadways; 6) Upon submittal of a Preliminary Plat, the plat document shall be revised to show the dedication of a 100 foot wide right-of-way for Creek Drive along the northwest lot line. In addition, road construction plans showing the construction of Creek Drive as three 12 foot wide paved sections with curb, gutter, sidewalk, street light conduit, water and sewer shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained; 7) Upon submittal of a Preliminary Plat, the plat document shall be revised to show a non-access easement along Creek Drive except for approved approach location(s). In addition, a non-access easement shall be shown along all of East Anamosa Street; 8) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 9) Upon submittal of a Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 10) Upon submittal of a Preliminary Plat, a permit to work in the right-of-way for work already completed shall be obtained; 11) Upon submittal of a Preliminary Plat, the V-ditch now in place shall be modified to a 15 foot flat bottom ditch; 12) Upon submittal of a Preliminary Plat, a structure shall be provided to drain the ditch created by the extension of the 30

inch cross pipe located along E. North Street; 13) Upon submittal of a Preliminary Plat, the plat document shall be revised to show Anamosa Street as "E. Anamosa Street"; and, 14) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

76. No. 03PL103 - A request by James E. Martin for a Layout Plat on Lots 1 and 2, Macdonald Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the south 395.8 feet of the north 737.7 feet of the unplatted portion of the NW1/4 SE1/4 Section 26, T2N, R7E, BHM, Rapid City, Pennington County South Dakota; and, the east 720 feet of the south 197.9 feet of the north 935.6 feet of the unplatted portion of the NW1/4 SE1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1840 Tranquil Trail. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, detailed topographic information shall be submitted for review and approval; 2) Upon submittal of the Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show drainage easements as needed; 3) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be submitted for review and approval. In addition, the plat document shall be revised to show the location of the on-site well. If the well is to be used as a community water source for the two proposed lots, then a well agreement shall be submitted for review and approval and the applicant shall demonstrate that the well provides adequate domestic water flows; 4) Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show a drainfield easement for the existing and proposed drainfield and a reserve drainfield easement for the future location of a replacement drainfield on each lot; 5) Upon submittal of the Preliminary Plat, road construction plans for Tranquil Trail shall be submitted for review and approval. In particular, Tranquil Trail, an existing 66 foot wide public access easement, shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show Tranquil Trail as a minimum 52 foot wide right-of-way, or a Special Exception shall be obtained to allow an easement to serve more than four lots; 6) Upon submittal of the Preliminary Plat, road construction plans for Blue Jay Drive shall be submitted for review and approval. In particular, Blue Jay Drive, an existing 66 foot wide private access easement, shall be constructed with a minimum 24 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show Blue Jay Drive as a 66 foot wide private access and public utility easement; 7) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 8) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 9) All Uniform Fire Codes shall be continually met; 10) Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture to Park Forest District; 11) Upon submittal of the Preliminary Plat, the plat document shall be revised increasing the size of proposed Lot 2 from 43,500 square feet to a minimum of three acres in order to meet the minimum lot size requirement of the Park Forest District; 12) Upon submittal of the Preliminary Plat, a structural site plan showing all existing development including the location of the well and wastewater system shall be submitted for review and approval; and, 13) Prior to Final Plat approval by the City Council, surety for any

required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

- 77. No. 03VE013 – Approve a request by Jason Renken for a Vacation of Utility Easement, located at 2709 Eden Lane.

RESOLUTION OF VACATION OF UTILITY EASEMENT

WHEREAS it appears that a portion of the utility easement on Lot 12, Eden Gardens Addition, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 2709 Eden Lane is not needed for public purpose; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the utility easement heretofore described, and as shown on Exhibit "A", attached hereto, be and the same is hereby vacated.

Dated this 17th day of November, 2003.

CITY OF RAPID CITY
s/Jim Shaw, Mayor

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

END OF CONSENT CALENDAR

Motion was made by Rodriguez, seconded by Kroeger, and carried to request the Mayor to reconvene the Utility Services Outside Rapid City Task Force.

Motion was made by Kroeger and seconded by Waugh to request Building Inspection staff to mail all material relevant to filing a setback variance; and all filing and certified mailing fees be paid from the Planning Department budget for Dennis Brant, 1701 Lodge. Hanks said he has concerns about spending tax dollars on one individual case. A roll call vote was taken with Kooiker, Waugh, Kroeger, Kriebel, and Partridge voting "yes" and Hanks, Murphy, Rodriguez, and Hadley voting "no." Motion failed. A motion was made by Waugh and seconded by Partridge to reconsider. Hanks said he thinks this is inappropriate. If the Council members want to do this, he would be the first to offer his share out of his pocket. A vote was taken on the motion to reconsider with Hanks voting "no." Motion was made by French and seconded by Waugh to request Building Inspection staff to mail all material relevant to filing a setback variance; and all filing and certified mailing fees be paid from the Planning Department budget for Dennis Brant, 1701 Lodge. French said it is poor government telling a guy in a wheelchair that he can't have a ramp. The fee couldn't be waived so this is the next best thing. She thinks this is the right thing to do. Kooiker believes the City needs to allow for reasonable accommodation and reasonable access for this gentleman to his home because of his disability. Hanks said staff's recommendation to the variance board will have to be for denial of this variance because it is not a self-imposed hardship and there is a remedy. The Council does not have the ability to override the variance board. A roll call vote was taken with French, Kooiker, Waugh, Kroeger, and Kriebel voting "yes" and Hanks, Murphy, Rodriguez, Hadley, and Partridge voting "no." Motion failed.

No. PW111203-16 - Motion was made by Kriebel, seconded by Waugh, and carried to request staff to prepare an agreement requiring the affected property owner to reimburse the City for the proposed contract changes for the Parkview Drive Extension Project No. ST03-1006.

Kooiker moved to confirm appointment of Jason Green as City Attorney. Second by Waugh. Motion carried.

Murphy moved to confirm appointment of Kathryn Henning to the Planning Commission (filling an unexpired term from Ward 2). Second by Kooiker. Motion carried.

No. LF111203-04 – Kriebel moved to approve Resolution to Amend the City of Rapid City Healthcare Benefit Plan. Second by Partridge. Motion carried.

Public Hearing

The Mayor announced that the meeting was open for consideration of the Assessment for Block 7 Alley Paving (Boulevard Addition) Project No. ST03-1269 (CC111703-01). Notice of hearing was published in the Rapid City Journal on October 10, 2003, and mailed to affected property owners on October 28, 2003. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
BLOCK 7 ALLEY PAVING (BOULEVARD ADDITION)
PROJECT NO. ST03-1269

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the alley paving is the amount stated in the proposed assessment roll.
2. The assessment roll for ST03-1269 Block 7 Alley Paving (Boulevard Addition) is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 17th day of November, 2003.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

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.

The Mayor announced that the meeting was open for consideration of the Assessment for Block 16 Alley Paving (Wise Addition) Project No. ST03-1278 (CC111703-02). Notice of hearing was published in the Rapid City Journal on October 10, 2003, and mailed to affected property owners on October 29, 2003. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
BLOCK 16 ALLEY PAVING (WISE ADDITION)
PROJECT NO. ST03-1278

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the alley paving is the amount stated in the proposed assessment roll.
2. The assessment roll for ST03-1278 Block 16 Alley Paving (Wise Addition) is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 17th day of November, 2003.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

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.

Planning Department – Hearings

The Mayor presented No. 03CA036, a request by Cindy Guthrie and Ken Kirkeby for Lutheran Social Services for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.98 acre parcel of land from Residential to Office Commercial with a Planned Commercial Development**, located at 1010 Soo San Drive. 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 17th day of November, 2003 to consider an amendment to the Comprehensive Plan to change the future land use

designation on a 0.98 acre parcel of land from Residential to Office Commercial with a Planned Commercial Development, on Lot A of Lot 3 of the SE1/4 NE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefor

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

Dated this 17th day of November, 2003.

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

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

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.

The Mayor presented No. 03SV041, a request by Renner & Sperlich Engineering Company for Walgar Development Company for a **Variance to the Subdivision Regulations to waive the requirements to dedicate an additional 10 feet of right of way along Minnesota Street as per Chapter 16.16 of the Rapid City Municipal Code** on legally described as a portion of the NW1/4 of the SE1/4 located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at northeasterly corner of Lot 19 of Block 6 of Robbinsdale Addition No. 10, common to a point on the southerly boundary of Lot 18 of Block 6 of Robbinsdale Addition No. 10, and the point of beginning; Thence first course: N69°41'00"E, along the southerly boundary of said Lot 18, a distance of 200.00 feet, to the southeasterly corner of said Lot 18; Thence second course: S19°41'41"E, a distance of 35.68 feet to a point of curve; Thence third course: curving to the left on a curve with a radius of 296.12 feet, a delta angle of 18°18'43", a length of 94.64 feet, a chord bearing of S28°50'29"E, and a chord distance of 94.24 feet, to a point on the northerly edge of right-of-way of Minnesota Street; Thence fourth course: curving to the left, along the northerly edge of right-of-way of said Minnesota Street, on a curve with a radius of 1343.10 feet, a delta angle of 00°14'20", a length of 5.60 feet, a chord bearing of S50°40'10"W, and a chord distance of 5.60 feet, to a point of curve; Thence fifth course: S50°33'00"W, along the northerly edge of right-of-way of said Minnesota Street, a distance of 97.98 feet, to a point of curve; Thence sixth course: curving to the right, along the northerly edge of right-of-way of said Minnesota Street, on a curve with a radius of 524.52 feet, a delta angle of 12°58'56", a distance of 118.85 feet, a chord bearing of S57°02'28"W, and a chord distance of 118.59 feet, to the southeast corner of said Lot 19; Thence seventh course: N20°19'00"W, along the easterly boundary of said Lot 19, a distance of 188.77 feet, to the northwesterly corner of said Lot 19, and the point of beginning; said parcel contains 0.769 acres more or less, located northwest of the intersection of Wisconsin Avenue and Minnesota Street. Motion was made by Kooiker, seconded by Waugh and carried to approve the requested variance.

Ordinances & Resolutions

The Mayor presented No. 03OA002, first reading of **Ordinance 3913** entitled An Ordinance Amending Section 17.50.280 of Chapter 17.50 of the Rapid City Municipal Code Relating to Storage and Parking of Trucks, Trailers, and Commercial Vehicles. Motion was made by

Hanks and seconded by Rodriguez to approve first reading. A substitute motion was made by Kriebel and seconded by Kooiker to continue this to the November 24, 2003, Legal and Finance Committee meeting. Kriebel withdrew his motion. A roll call vote was taken on the original motion with Hanks, Murphy, Rodriguez, Waugh, Kroeger, and Partridge voting "yes" and French, Kooiker, Hadley, and Kriebel voting "no."

The Mayor presented No. LF100103-24R, first reading of **Ordinance 3988**, entitled An Ordinance Modifying the Regulation of the Rapid City Economic Development and Civic Improvements Fund by Amending Section 3.16.020 of the Rapid City Municipal Code. Motion was made by Hanks and seconded by Murphy to approve first reading with the changes recommended by the Mayor's task force. Jim McKeown, President and CEO of the Rapid City Chamber of Commerce, said he believes the reconstruction of this ordinance is too constrictive and can be misinterpreted. The emphasis put on the infrastructure portion also concerns him. The concept of packaging or bundling is very important to the success of the 2012 project, and he told the Council that the Rapid City Chamber of Commerce would like to be involved in the dialogue because the 2012 Program is a great program and very important to the community. Haven Stuck, member of the Board of the Rapid City Chamber of Commerce, said the Chamber would like to continue to be involved in the process. Qusi Al-Haj, member of the Board of the Rapid City Chamber of Commerce, said the wording is confusing. The 2012 projects have added to the quality of life in Rapid City, and there is a chance now to fix the process. Kooiker asked the Mayor if first reading could be approved tonight and continue second reading until January to allow the Mayor to appoint a task force to include people from a cross section of the community to make recommendations on second reading. The Mayor said he would welcome the opportunity for input from the public. Kriebel said this ordinance makes him think the City is going to be acting as landlords, and it could enable a new business to put an existing business out of business. Hanks said he thinks the Council needs to go out for public comment, hold a 2012 meeting to explain whatever guidelines are being proposed and get public input. He does not want to exclude anybody or give anybody a preference. He said if the Chamber is involved, Economic Development and anybody else who has an interest in 2012 should also be involved. He said the proposed spending guidelines have nothing to do with the procedures of how 2012 works. This ordinance amendment identifies what some of the funding can be spent on. Murphy said he thinks this is a good start, and he will support approval of first reading. He said the percentages are more restrictive. Kriebel asked if first reading needs to be passed at this time. He would like to hear the recommendations from the public first and then have first reading. Partridge said that bundling the projects helps get universal acceptance. He said perhaps we should look at a revised task force to include community members from a wide cross section to identify projects. Hanks said the Council needs to adopt first reading so that there is something to take to a public hearing. Rodriguez called the question. A roll call vote was taken with Hanks, French, Kooiker, Murphy, Rodriguez, Waugh, and Hadley voting "yes" and Kroeger, Kriebel, and Partridge voting "no."

Kooiker moved to request the 2012 Chairman to schedule a public hearing of the 2012. Second by Rodriguez. Kroeger said he put a committee together to look at ways to redo the 2012 Program. It was his understanding that this committee was going to go out to the public and get their opinion on 2012 and what they would like to see get done. Rodriguez made a substitute motion to take this back to the task force instead of to the full 2012 Committee for public input. Second by Waugh. A second substitute motion was made by Partridge that either the Mayor or Council president form a task force to go to the public to include public input and bring forth the history and structure of 2012 and continue second reading until that process has been completed. Second by Kooiker. A roll call vote was taken with Kooiker, Murphy, Rodriguez, Waugh, Hadley, and Kroeger voting "yes" and Hanks, French, and Kriebel voting "no."

The Mayor presented No. LF100103-18R, first reading, **Ordinance 3993** entitled An Ordinance Amending the Capital Improvements Committee Operating Procedures by

Amending Section 3.16.090 of the Rapid City Municipal Code. Motion was made by Hanks and seconded by Partridge to approve first reading. Kriebel said if all motions from the CIP Committee came before the Council, all of his questions and concerns with regard to the CIP would disappear. He said if, in fact, the CIP Committee doesn't make decisions, then why would he have to read the minutes? A substitute motion was made by Kooiker to continue this ordinance to allow the City Attorney to amend the ordinance to require that all motions from CIP shall come before the Council for approval. Second by Kriebel. A second substitute motion was made by Partridge and seconded by Rodriguez to pass first reading and work on the language between first and second reading. This motion was ruled out of order. Rodriguez moved to call the previous question. Second by Partridge. A roll call vote was taken with French, Kooiker, Hadley, and Kriebel voting "yes" and Hanks, Murphy, Rodriguez, Waugh, Kroeger, and Partridge voting "no." Green said if it is the desire of the Council to have motions from the CIP go to Council, it should be written into the ordinance. Waugh called the question. A vote was taken on the original motion with Hanks, Murphy, Rodriguez, Waugh, Kroeger, and Partridge voting "yes" and French, Kooiker, Hadley, and Kriebel voting "no."

Ordinance 3999 entitled An Ordinance Adopting the 2003 Uniform Plumbing Code with Amendments by Amending Chapter 15.24 of the Rapid City Municipal Code (No. LF102903-08) having passed the first reading on September 3, 2003, it was moved by Hanks and seconded by Murphy 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 3999 the second time.

Ordinance 4000 entitled An Ordinance Clarifying the Prohibition on Discharging Firearms within the City of Rapid City by Amending Section 9.28.050 of the Rapid City Municipal Code. (No. LF102903-09) having passed the first reading on September 3, 2003, it was moved by Hanks and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 4000 the second time.

The Mayor announced the meeting was open for hearing on No. 03RZ045, second reading of **Ordinance 4001**, a request by Cindy Guthrie and Ken Kirkeby for Lutheran Social Services for a **Rezoning from No Use District to Office Commercial District** on Lot A of Lot 3 of the SE1/4 NE1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1010 Soo San Drive. Notice of hearing was published in the Rapid City Journal on November 8 and November 15, 2003. Ordinance 4001, having had the first reading on November 3, 2003, it was moved by Hanks and seconded by Murphy 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 4001 the second time.

Ordinance 4002 (No. 03RZ046) a request by the City of Rapid City for a **Rezoning from Low Density Residential District to Medium Density Residential District** on the following property, was introduced: The SE1/4 SE1/4 SE1/4 NW1/4 and NW1/4 SE1/4 SE1/4 NW1/4 less Edinborough Subdivision, all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Catron Boulevard and east of U.S. Highway 16. Upon motion made by Hanks, seconded by Murphy and carried, Ordinance 4002 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 1, 2003, at 7:00 P.M.

Legal & Finance Committee Items

Motion was made by Hanks, seconded by Murphy and carried to table authorization for Mayor and Finance Officer to sign Agreement with Pennington County Regarding Payment for **Animal Control and Animal Shelter Services**.

Motion was made by Hanks, seconded by Waugh, and carried to continue authorization for Mayor and Finance Officer to sign Agreements with Humane Society for **Animal Control and Animal Shelter Services** (No. LF102903-11R) to the December 1, 2003, Council meeting.

The next item on the agenda was request by the City Council to set a public hearing to discuss the Contract with Rapid City YMCA for the **Lease of LaCroix Golf Course** (No. LF102903-12). The following resolution was introduced and Hanks moved its adoption:

A RESOLUTION OF INTENT TO ENTER INTO LEASE OF LAND
WITH THE RAPID CITY YMCA
PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City Council that the City of Rapid City intends to enter into a lease of real property to be used as a golf course, with the Rapid City YMCA, which property is legally described as Lots Thirty-eight (38) and Thirty-nine (39), Block Eleven (11), Robbinsdale No. 8 Addition to the City of Rapid City, Pennington County, South Dakota; and

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock, p.m., on the 1st day of December, 2003, or as soon thereafter as the item may come on for hearing at said meeting; and

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

Dated this 17th day of November, 2003.

CITY COUNCIL
s/ Jim Shaw, Mayor

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

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.

Hanks moved to approve construction of the **Meadowbrook Golf Course** cart barn without a sprinkler system. Second by Waugh. Jim Preston said the estimated cost of the structure is \$62,000. A sprinkler system would cost approximately \$18,000. Bill Knight of the Fire Department strongly recommended that a sprinkler system be installed. A roll call vote was taken with Hanks, Waugh, Hadley, Kroeger, and Partridge voting "yes" and French, Kooiker, Murphy, and Kriebel voting "no."

Hanks moved to confirm the Mayor's appointment of Scott Nash to the **Planning Commission**. Second by Murphy. Motion carried.

Public Works Committee Items

No. PW111203-01 – Kooiker moved to continue proposal to **re-vegetate Robbinsdale Park** adjacent to Un-Named Tributary, Roger G. Peterson, Gandolf Group, LLC to the November 26, 2003, Public Works Committee meeting to allow the Public Works staff to take another look at the proposal. Second by Partridge. Motion carried.

Bills

The following bills having been audited, it was moved by French, 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 11-01-03, Paid 11-07-03	604,552.93
Payroll Paid Ending 11-01-03, Paid 11-07-03	64.45
Pioneer Bank, Taxes Paid 11-07-03	143,620.09
Pioneer Bank, Taxes Paid 11-07-03	4.93
First Administrators, claims Paid 11-05-03	77,813.83
First Administrators, claims Paid 11-12-03	95,592.86
BH Power & Light, electricity	9,852.56
Berkley Risk Administrators, October claims	27,930.92
Tessco, grant	542.36
Chris Supply, splitter cables	59.85
Radioshack Corp., speakers	280.44
Computer Bill List	<u>4,416,021.92</u>
Total	<u>\$5,376,337.14</u>

Payroll Paid Ending 11-01-03, Paid 11-07-03	2,658.40
Pioneer Bank, Taxes Paid 11-07-03	194.87
City of Rapid City, health insurance	699.88
City of Rapid City, postage	7.14
First Administrators, Section 125 Fee	4.25
SD Retirement System, pension	280.42
SD School of Mines, telephone	52.41
Standard Life, insurance	7.92
Angie Weeks, mileage	<u>60.00</u>
Total	<u>\$5,380,302.43</u>

<u>Treasurer's Check</u>	
Stanley Johnson Concrete	<u>2,587.00</u>
Total	<u>\$5,382,889.43</u>

City Attorney's Report

Motion was made by Kooiker, seconded by Hadley and carried to go into Executive Session to discuss pending litigation. The Council came out of Executive Session at 10:45 P.M.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:45 P.M.

CITY OF RAPID CITY

ATTEST:

_____ Mayor

Finance Officer
(SEAL)