

Kriebel withdrew his support of the modification to the original motion. Mayor Shaw deemed that the friendly amendment was not accepted by the motion maker. Motion was made by Kooiker and seconded by French to move the previous question and end debate. Upon vote being taken, the motion carried unanimously. Upon vote being taken, the original motion to request that staff draft an appropriate ordinance carried with Murphy voting no.

Motion was made by Hanks, seconded by Waugh and carried to delay action on the following item, until after Agenda Item 108: 71. No. 03PL053 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 5, Block 9 and Dedicated Street, the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the N1/2 NW1/4 SW1/4 less Red Rock Estates and less Countryside Subdivision; E1/2 NE1/4 W1/2 NW1/4 less Red Rock Estates and less right-of-way, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Prestwick Road in Red Rock Estates.

Public Hearings

This was the time for hearing on **Revocation of Housemover License** held by **Ted Pettyjohn** (No. CC080403-08). Motion was made by French and seconded by Hanks to revoke the license. Ted Pettyjohn appeared before the Council on this item. He explained that he obtained the necessary permit to move a house in May, 2003. He paid the city to replace some signs that were cut down, but he was not responsible for changing the route that was used. Police Chief Craig Tieszen gave the Council background on the problems that arose from the move on May 7, 2003. The Police Department is responsible for assisting with this type of project because of the traffic issues that arise. This move was improperly prepared for and improperly planned by Mr. Pettyjohn. In this particular case, there were obstacles that had not been planned for and arrangements were not made for the necessary people to be on site for this move. The result was the house ended up in the middle of the street with traffic blocked and no place to go. This situation happened several times along the moving route. The move was supposed to begin at 5:00 in the morning so that it was through town before the heavy traffic times. Although the move started on time, because of the many obstacles that had not been planned for, the project was behind schedule and took more than seven hours to get through town. It caused serious inconvenience to the public. Hanks stated that he received numerous complaints from merchants in the downtown area because traffic was completely stopped for more than an hour on Main Street. This move tied up traffic to the downtown area for nearly two hours which is unacceptable. Rodriguez asked if the City has had problems with this company in the past. Tieszen stated that we have. Kooiker stated that if this license is revoked, when can he re-apply. Green stated that he would not be able to apply for another license for one year. Pettyjohn stated that it was not his fault that traffic was blocked on Main Street. The major problem was getting the lights moved. The people who were moving the lights were not doing their job fast enough. The house could not be moved through the intersection of Omaha and West Boulevard because of the temporary lights at this location. That was the reason they went to Main Street. Pettyjohn stated that he could have been through town in two hours if he could have gotten the lights moved faster. Hadley asked about the previous problems the City has had with this company. Tieszen stated that he has the information in his files and will provide it to the Council. Substitute motion was made by Hadley and seconded by Waugh to continue this item for two weeks until additional information is presented. Murphy and French spoke against the substitute motion. Sufficient information has been submitted. French expressed concern that Pettyjohn would continue to move houses during this time. Kriebel also spoke against the substitute motion. He stated that it is possible to do one project so horribly that it would justify revocation of the license. Kooiker asked Mr. Pettyjohn if he intends to move any houses within the next two weeks. Pettyjohn stated that he has two projects that he will do as soon as the Sturgis Motorcycle Rally is over. French called the question; second by Murphy. Roll call vote was taken: AYE: Hanks, French, Murphy, Rodriguez, Kriebel and Partridge; NO: Kooiker, Waugh and Hadley.

Motion to call the question carried, 6-3. Upon vote being taken, the following voted AYE: Waugh and Hadley; NO: Hanks, French, Murphy, Kooiker, Rodriguez, Kriebel and Partridge. Motion to continue this item until August 18, 2003 failed, 2-7. Substitute motion was made by Kooiker and seconded by Hadley to direct the Building Official not to issue any moving permits to Ted Pettyjohn for the next two weeks, and bring this issue back before the Council on August 18, 2003. Roll call vote was taken: AYE: Kooiker, Waugh and Hadley; NO: Hanks, French, Murphy, Rodriguez, Kriebel and Partridge. Substitute motion failed, 3-6. The original motion before the Council at this time is to revoke the Housemover license for Ted Pettyjohn. Roll call vote was taken: AYE: Hanks French, Murphy, Rodriguez, Kriebel and partridge; NO: Kooiker, Waugh and Hadley. Motion carried, 6-3.

The Mayor stated that this was the time and place fixed for a public hearing on a proposal made by **Behavior Management Systems, Inc.**, a South Dakota nonprofit corporation (the "Borrower"), pursuant to South Dakota Codified Laws, Chapter 1-24, as amended (the "Joint Powers Act"), as provided in a Joint Powers Agreement to be entered into between the City of Spearfish and the City of Rapid City, and pursuant to South Dakota Codified Laws, Chapter 9-54, as amended (the "Act"), that the City of Spearfish issue its revenue bond (the Bond") to provide financing for a project (the "Project") being undertaken by the Borrower. Portions of the Project are located in the City of Rapid City and are described generally, as follows: (a) the acquisition and construction of a building addition approximately 14,000 square feet in size and related improvements with respect to an existing building (which existing building is approximately 14,000 square feet in size) located at 350 Elk Street, Rapid City, South Dakota; and (b) the refinancing of existing indebtedness of the Borrower incurred in connection with the acquisition and construction of the Borrower's existing facilities located at the following addresses: (1) 515 North First Street, Rapid City, South Dakota (an approximately 16,000 square foot facility); (2) 111 North Street, Rapid City, South Dakota (an approximately 14,000 square foot facility); and (3) 121 North Street, Rapid City, South Dakota (an approximately 7,000 square foot facility) (all collectively referred to as the "Rapid City Project"). Notice of Public Hearing was published in the Rapid City Journal on July 21, 2003.

The Mayor then opened the meeting for the public hearing on the proposal of the Borrower that the City of Spearfish issue the Bond to provide financing, in part, for the Rapid City Project, all pursuant to a Joint Powers Agreement. The purpose of the hearing was explained, the Rapid City Project and the proposed issuance of the Bond were described, and all persons present who desired to do so were afforded an opportunity to express their views with respect to the proposal that the City of Spearfish issue the Bond to finance the Project, in response to which the following persons either appeared, were recognized and made statements, or filed written comments with the Finance Officer before the date set for the hearing, summaries of which appear opposite their respective names: None. The Finance Officer reported that no written comments had been filed in his office before the date of the hearing. After all persons who wished to do so had stated or filed their views on the proposal, the Mayor declared the public hearing to be closed.

The following Resolution was introduced, read and Hanks moved its adoption (No. LF073003-10):

RESOLUTION GIVING HOST APPROVAL TO RAPID CITY PROJECT BEING
UNDERTAKEN BY BEHAVIOR MANAGEMENT SYSTEMS, INC. AND ISSUANCE OF
REVENUE BOND BY CITY OF SPEARFISH TO PROVIDE FINANCING THEREFOR,
PURSUANT TO JOINT POWERS AGREEMENT

WHEREAS, Behavior Management Systems, Inc., a South Dakota nonprofit corporation (the "Borrower"), desires to finance and refinance the acquisition, construction, improvement, rehabilitation, equipping and furnishing of various facilities of the Borrower, including one or more facilities located in Rapid City, South Dakota (as specifically described below, such facilities are referred to as the "Rapid City Project"), and including such facilities located in