

Upon motion made by Edwards, seconded by Steinburg and carried the Finance Officer was directed to publish notice of hearing on the application of Louis Shelton dba Meadowbrook Restaurant, 3625 Jackson Boulevard, for a retail (on-off sale) 3.2 beer license renewal, said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Upon motion made by Edwards, seconded by Steinburg and carried, the Finance Officer was directed to publish notice of hearing on the application of Godfather's Pizza of the Dakota, Inc. dba Godfather's Pizza, 109 New York Street, for a retail (on-off sale) 3.2 beer license renewal, said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Upon motion made by Edwards, seconded by Steinburg and carried, the Finance Officer was directed to publish notice of hearing on the application of Allied Supermarket, Inc. dba K-Mart Foods, 1003 E. North Street, for a retail (on-off sale) beer license renewal, said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Upon motion made by Edwards, seconded by Steinburg and carried the Finance Officer was directed to publish notice of hearing on the application of Kock Marketing Company dba Hudson Oil Co. of Delaware #818, 2308 West Main, for a package (off-sale) 3.2 beer license renewal, said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Upon motion made by Edwards, seconded by Steinburg and carried, the Finance Officer was directed to publish notice of hearing on the application of Family Thrift Center, 1516 E. St. Patrick Street, for a package (off-sale) 3.2 beer license renewal, said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Upon motion made by Edwards, seconded by Steinburg and carried the Finance Officer was directed to publish notice of hearing on the application of Family Thrift Center, 3333 W. Chicago St., for a package (off-sale) 3.2 beer license renewal, said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Upon motion made by Edwards, seconded by Steinburg and carried, the Finance Officer was directed to publish notice of hearing on the application of Piggly Wiggly, Inc. dba Piggly Wiggly 351, Baken Park Shopping Center, for a package (off-sale) 3.2 beer license renewal, said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Upon motion made by Edwards, seconded by Steinburg and carried, the Finance Officer was directed to publish notice of hearing on the application of M.G. Oil Company dba Gas-Food Mart #2, 230 East North, for a package (off-sale) 3.2 beer license (new license), said hearing to be held Monday, June 6, 1983 at 7:30 P.M.

Motion was made by McKay, seconded by Steinburg and carried to continue the hearing on Ordinance 2187, An Ordinance Amending Subsection C of Section 3 of Article IV of Appendix A of the Revised Ordinances of the City of Rapid City be Amended by Adding Retail Businesses Conducted in Apartment Buildings as a Use Permitted on Review in the Medium Density Residential Zoning District, said hearing to be continued to Monday, June 6, 1983 at 7:30 P.M.

Motion was made by McKay, seconded by Steinburg and carried to continue the hearing on a use on review for a garage in the floodway on the following described property: Lot 5, Block 1, Woodland Hills Addition, located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 18, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; said hearing to be continued to June 6, 1983 at 7:30 P.M.

The Mayor presented a petition to allow a use on review for a kennel to be located on the following described property: Lot 17, Block 3, Riverside Addition located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota. Planning Director Knudson explained that in Light Industrial zoning the ordinance requires a use on review for a kennel. He explained that the subject property is right south of the existing Common Cents store on Omaha. He said actually the request is for a dog grooming business. Knudson said notification was done properly and no protests were filed. Knudson said the Planning Commission wishes to add the stipulation that the off-street parking and circulation be paved and further that there be no outdoor storage of the animals or animal runs. Motion was made by McKay, seconded by Steinburg and carried to approve the aforementioned request for a use on review provided that the off-street parking and circulation are paved and that there be no outside storage of animals or animal runs. Knudson pointed out that the petitioner has agreed to both of these stipulations.

Motion was made by McKay, seconded by Steinburg and carried to deny without prejudice a request to vacate that portion of the alley located between Lots 1 thru 4 and Lots 17 thru 20 of Block 9 of Schnasse Addition as shown on the plat in the Steel File at the Pennington County Register of Deed Office, and as shown within, located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota.

The following resolution was introduced, read and Holbrook moved its adoption:

A RESOLUTION TO REQUIRE THE ANNEXATION OF CONTIGUOUS LAND BEFORE PLATTING

WHEREAS the design, construction, and maintenance of public roads constitutes a considerable investment on the part of private developers and local government, and

WHEREAS the health, safety and welfare of local citizens depends on the proper design construction and maintenance of dedicated public roads, and

WHEREAS scarce resources have caused the reduction of miles of dedicated roads that are maintained outside the city, and

WHEREAS the new residential subdivision outside the City are not being accepted for maintenance, and

WHEREAS the coordination of zoning, platting, Capital Improvements Programming, Comprehensive Planning and Building Inspection are important to the orderly growth and development of Rapid City, and

WHEREAS a Uniform Building Code is at present not in force outside the City Limits, and

WHEREAS orderly growth and development requires sufficient building regulations and comprehensive planning, and

WHEREAS the City of Rapid City has extended its platting jurisdiction into the Three Mile Area surrounding the corporate limites of the City, and

WHEREAS appropriate inspection of subdivision improvements to determine if materials and design are in accordance with quality planning principles or standards is lacking outside the City Limits, and

WHEREAS private and public dollars may be wasted in the absence of proper inspection and maintenance,

NOW, THEREFORE BE IT RESOLVED that the Area 2000 Plan adopted by the City Council on June 24, 1980 be amended by adding Sub-Goal C to Chapter III, Goals & SubGoals III on page 50 to state that any area which is contiguous to Rapid City which the owner desires to have platted into tracts, lots, or blocks shall be first annexed to Rapid City previous to the approval of the Preliminary Plat and after the approval of the Layout Plat.

COMMON COUNCIL

Mayor

ATTEST:

Finance Officer

(SEAL)

Motion for the adoption of the foregoing resolution was seconded by Owens. Planning Director Knudson reminded the Council that this has been looked at at several meetings. He said it has also been looked at during several Planning Commission meetings, public hearings and some study sessions. He said the Council saw this at subcommittee and heard a presentation by the Mayor concerning this question and also rural service districts. Knudson said this resolution is in response to isolated instances around our community dealing with the annexation of lands being platted that are contiguous to the City. He said this is an outgrowth of six or eight months of discussion and consideration and testimony and hearings. Knudson said he feels the resolution states factual information and it essentially says that in order to plat land that is contiguous to the City it would need to be annexed between the layout and preliminary stages. Knudson said that this is an amendment to the Comprehensive Plan and you need to understand that the Comprehensive Plan is not a statute or an ordinance and therefore is not a law. He said this gives the Council and the Planning Commission the opportunity to look at each piece of land on its own merits. Knudson said this is just a policy guideline which gives the council the ability to announce to the public this is the City's stated policy. Knudson told the Council that the City is working on its overall annexation policy and they will have before them a summarization of all the actions previous Councils have taken on the issue of annexation in the past. He said they will be brought a statement of what Planning believes is an acceptable overall policy and they feel this is the first step in the overall policy. Knudson said that Planning Commission unanimously supports this resolution. He said it is his strong recommendation that this be adopted by the Council. Roy Barnhart from the audience asked if anyone could tell him if a certain Senate Bill concerning annexation had been adopted. Knudson responded that that Bill had failed. Roy Davis asked if this means that someone with land a quarter of a mile out of the City limits would have to annex. Knudson said that this affects only those lands which are contiguous and only those lands considered on an individual basis that will be for urban development and not ag land. Wordeman asked if land that already has a business was annexed into the City and that business needs to be licensed in the City, would that license be automatically guaranteed. City Attorney Woodsend said that if Wordeman is talking about the firework stands, they would not be allowed to sell within the City limits or within one mile thereof period. He said that is against the law to do that in the City or within one mile. Woodsend said, however, that most businesses do not need licenses to operate in Rapid City. Carlyle said he supports this resolution, but he asked where we are with rural service districts in relation to this resolution. Woodsend said this does not have anything to do with rural service districts because even if you had one created, as soon as the land is platted it comes out of the rural service district. He said by definition we are dealing with property that would not qualify as rural. Carlyle asked if a rural service district would not protect someone like the man who was at Legal and Finance who has the big rock that he does not want annexed because he does not want to pay the City mill levy. Woodsend said not necessarily. Knudson

explained that that person has 1.7 acres of land with a house on the north part and his intention is to put a house on the south part. He said if divide that land in half you are down to about .8 acres and that does not fit into the definition of a rural service district under the statutory definition. Carlyle asked where the rural service district comes into play and Woodsend responded it applies when you have truly ag land that is assessed and taxed as ag land and used for agricultural purposes. Thomsen asked what this resolution would do to ag land as far as taxation that would be annexed into the City. Woodsend said it would be just like the ag land that we now have inside the City. He said it would be taxed the full rate. Woodsend said they tried to get something done about the rural service districts this year in the legislature but were not successful. Thomsen said she feels she should vote against this because the question of taxation of rural service district is not settled and she feels there will be times when ag land is annexed into the City. Woodsend said that will not happen under this resolution because this has only to do with platted land and if land is platted it no longer comes under the rural service district. Gilbertson said that one of the benefits of this being a resolution is that it is not binding and the Council will be allowed to make acceptations in some cases. Thomsen said she feels the taxation of ag land is something that needs to be addressed and a vote against this resolution would say that we should do something. Edwards commented that one of the reasons Commissioner Hamm was opposed to the bill in the legislature dealing with rural service districts was because he did not think it was necessary because he feels the City can already tax ag land at a different mill levy. Edwards said he feels that bill was an honest attempt on the part of the City to quell the fears an ag land owner might have about being brought into the City. Gilbertson said although most of the people on the Council sympathize with what Thomsen is saying, this resolution is a different issue.

WillardLage from the audience told the Council that he has property contiguous to the City south of Carriage Hills. He said part of this is already developed and he asked for guidelines before it was ever developed. He said at the time he was told the City limits would never be out that far and he made the lots quite large. Lage said now he has some four or five acre lots that will go into the City. He asked if this is taxed as a building site, or as a building site plus unusable land. He said taxes would be terrible on a five acre lot. Woodsend said it makes no difference whether it is inside or outside of the City limits, it should be taxed the same. Gilbertson told Lage that the land is assessed by the same individual now as it would be later if the property were in the City. He said the way the land is assessed is not going to change. Lage said he still has about 100 acres that are undeveloped. He asked if this land would all have to be platted and taken into the City at the same time. Knudson said it would not need to be brought in at one time. Lage said according to this resolution the property would have to be annexed before he platted and he asked what would happen if the property were annexed and then the plat was not approved. Knudson said that we assume that by the time a person reaches the layout stage of platting that the final plat is pretty much assured assuming that certain conditions such as surety requirements are met. He said all the problems should be worked out by that stage, so as long as the developer meets all the requirements there should not be a problem with the plat being approved. Knudson said that problems such as drainage and those types of things should not be too difficult to work out. Woodsend interjected that if the plat was not approved the property would probably be subject to a petition for deannexation because it would not be divided into lots. Lage asked how ag land would be taxed if the City limits was built around it. Knudson said it would be assessed and taxed as ag land. Thomsen said as she understands it if ag land is inside the City limits they pay the same mill levy as City residents. Gilbertson said the owner would pay the City mill levy, but the land would be assessed as ag land, not as developed land. McKay said that ag land would still be assessed by the assessor's office like it is now and the only difference is that they would pay the City mill levy. Thomsen said what bothers her is that ag land in the City is paying the full mill levy, not just for police and fire protection, which is the only services that would be required. McKay responded that they tried to take care of that in the legislature this year, but were unsuccessful. She said this is not the place to take care of that. Carlyle said he understands what they are doing here and he supports it and understands it is a guideline for future growth. He said the thing he does not like to see is some people being jeopardized by paying higher taxes than what they should. He said he thinks that is the point Thomsen is trying to make. Delores Coffing said that when you are talking about agricultural land, the taxes would only raise about \$42.00 a year on 100 acres of land if it were brought into the City and taxed at the City mill levy. Upon vote being taken on the resolution the following voted AYE: Carlyle, Edwards, Holbrook, McKay, Owens, Steinburg, Weiland and Wordeman; NO: Thomsen, whereupon said resolution was declared duly passed and adopted.

Ordinance 2192 entitled An Ordinance Amending Article V of Appendix A of the Revised Ordinances of the City of Rapid City by Adding a New Section Thereto Which Defines Garage Sales, having passed the first reading on May 2, 1983, it was moved by Holbrook and supported by Steinburg that the title of said Ordinance 2192 be read the second time. Upon vote being taken the following voted AYE: Carlyle, Edwards, Holbrook, McKay, Owens, Steinburg, Thomsen, Weiland and Wordeman; NO: None, whereupon the Mayor declared the motion passed and Ordinance 2192 was declared duly passed upon its second reading.

The following resolution was introduced, read and Thomsen moved its adoption:

A RESOLUTION OPPOSING THE REZONING OF THE WITHIN DESCRIBED PROPERTY TO HEAVY INDUSTRIAL FROM GENERAL AGRICULTURE BY THE PENNINGTON COUNTY PLANNING AND ZONING COMMISSION.

WHEREAS a Petition for Rezoning has been presented to the Planning and Zoning Commission of Pennington County, which proposes to rezone the S½ of the NE¼ except the east 750' thereof; the S½ of the N½ of the NE¼ except the east 750' thereof; and the SE¼ of the NW¼, all in Section 19, Township 1 North, Range 8 East of the Black Hills Meridian, Pennington County, South Dakota, from General Agriculture to Heavy Industrial; and