

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

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

Motion was made by Hanks, seconded by Rodriguez and carried to **approve the minutes** of February 3, 2003.

The following companies submitted bids for No. CC021703-03, Spin Type Mower Reel **Sharpener and Bed Knife Grinder** for Golf Course Operations: 1) LL Johnson Distributing; 2) Sun Turf, Inc. and 3) Midwest Turf & Irrigation. Staff has reviewed the bids and recommends award to Midwest Turf. Motion was made by Waugh, seconded by Johnson and carried to award the bid for the sharpener and bedknife grinder to Midwest Turf & Irrigation, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$25,490.

Mayor's Items

Council President Kroeger presented the **Veteran of the Month Award** to Ken Moss and commended him for outstanding service to the country.

Kroeger also presented a **Certificate of Recognition** to Capt. Ed Hofkamp of the Rapid City Police Department and commended him for 25 years of service to the community.

Kroeger recognized members from Boy Scout Troop 44 and Troop 55 who were attending the Council meeting and working on the citizenship in the community merit badge.

Special Items and Items from Visitors

Fire Chief Gary Shepherd explained that the Department of Fire & Emergency Services recently agreed to a contract with Rapid City Regional Hospital to provide ground transport services for Regional Lifeflight. This will require the department to dedicate one ambulance to that facility. He requested authorization from the Council to solicit bids for a used ambulance for this purpose. Motion was made by Johnson, seconded by Waugh and carried to authorize staff to **advertise for bids** for one used ambulance for the Department of Fire & Emergency Services.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Dan T. Ly dba **The Golden Fortune**, 1204 E. North Street, for an On-Sale Wine License Renewal (No Video Lottery). Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Dreyer, seconded by Johnson and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, March 3, 2003:

3. Northcott Company dba **Perkins Restaurant and Bakery**, 1715 LaCrosse Street, for an On-Sale Malt Beverage License (New License – No Video Lottery)
4. Northcott Company dba **Perkins Restaurant and Bakery**, 2305 Mt. Rushmore Road, for an On-Sale Malt Beverage License (New License – No Video Lottery)
5. City of Rapid City dba **Rapid City Public Library**, 610 Quincy Street, for a Special Wine License to be used on April 12, 2003
6. Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Sale Malt Beverage License Transfer (from SSDH, Inc.)

Consent Calendar Items

The following items were removed from the Consent Calendar:

15. No. PW021203-07 – Authorize Mayor and Finance Officer to sign Amendment No. 03 to Professional Service Agreement with FMG, Inc. to Design ST01-1047, Catron Blvd. Improvement Project for an amount not to exceed \$10,527.50.
27. No. LF021302-18 – Approve for public display and comment the Proposed Projects for Fiscal Year 2003 Community Development Block Grant.
39. No. LF021203-08 - Approve Appointment of Peter Neumann for a Three Year Term on the Sign Board of Appeals.
41. No. LF021203-10 - Approve Appointment of Peter Neumann, Vernon Osterloo and Gary Sabers (alternate) for a Three Year Term to the Zoning Board of Adjustments.

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

Public Works Committee Items

7. No. PW021203-01 – Refer the bid award of PR02-1201, Canyon Lake Northshore Improvements Project to the Capital Improvements Committee for review and recommendation, and call a Special Council meeting on Tuesday, February 25, 2003 to award the project.
8. No. PW021203-02 – Approve Change Order No. 03 for PR01-1051, Community Centers at South and West Middle Schools to J. Scull Construction Services for an increase of \$3,907.36.
9. No. PW021203-03 – Authorize staff to advertise for bids for SSW98-817, Canyon Lake Drive Reconstruction Project.
10. No. PW021203-04 – Authorize staff to advertise for bids for ST03-1251, Fairmont Blvd./Mt. Rushmore Road Intersection Improvements Project.
11. No. PW021203-05 – Authorize staff to advertise for bids for One (1) New Current Model Year Gas Powered Stump Grinder for the Parks Division.
12. No. PW021203-06 – Authorize staff to advertise for bids for One (1) New Current Model Year Wheel Loader for the Streets Division.
13. Authorize staff to advertise for bids for Fluoride for the Water Division.
14. Authorize staff to advertise for bids for Liquid Chlorine for the Water Division and Swimming Pools.
16. No. PW021203-08 – Direct staff to prepare an agreement with Dr. Bendt for the purchase of right-of-way.
17. No. PW021203-09 – Approve an Initial Resolution Setting Time and Place for Hearing on March 17, 2003 for SS01-1052, East Catron Boulevard Sanitary Sewer Extension Project – Highway 79 to Fifth Street.

INITIAL RESOLUTION FOR
E. CATRON BOULEVARD SANITARY SEWER EXTENSION
HIGHWAY 79 TO 5TH STREET
PROJECT NO. SS01-1052

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

1. This Council deems it necessary to improve by extending a sanitary sewer main along the south side of E. Catron Boulevard ROW from Highway 79 to the future 5th Street extension, as outlined in the proposed Resolution of Necessity for E. Catron Boulevard Sanitary Sewer Extension Highway 79 to 5th Street Project SS01-1052, which is on file with the Finance Officer. Approximately \$280,476 will be assessed to the affected property owners on an acreage basis.
2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 17th day of March, 2003 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 17th day of February, 2003.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

18. No. PW021203-11 – Approve the purchase of one (1) new current model 4x4 utility vehicle from Wegner Auto Company, Inc. of Pierre under State Contract No. 13774 in the amount of \$24,385 for the Public Works Department.
19. No. PW021203-12 – Approve Sewer Reimbursement Resolution.

A RESOLUTION ESTABLISHING A POLICY WHEREBY THE CITY OF RAPID CITY SHALL REIMBURSE OWNERS OF THE COST OF COMMERCIAL CLEANING OF PROPERTY DAMAGED BY SEWER BACKUPS AND ESTABLISHING LIMITS THEREON.

WHEREAS, from time to time a blockage of a portion of the City's sewer system causes sewage to backflow into private buildings without fault on the part of the City; and

WHEREAS the City has no legal liability for such events not occasioned by negligence on the part of the City; and

WHEREAS homeowner's insurance typically does not cover the damage for such events; and

WHEREAS the City finds that the public health, safety, and interest would be served by having property damaged by sewer backup flows cleaned by commercial cleaners

NOW THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby declares the following policy:

1. The City shall reimburse the owner or occupant of a private building which is damaged by the backflow of sewage from the City sewer system into such building for

the cost of commercial cleaning or the cost of rental of commercial cleaning equipment made reasonably necessary by such event.

2. The amount of such reimbursement shall not exceed Three Dollars (\$3.00) per "affected" square foot per event and shall be limited to the cost of commercial cleaning only, with no payment for loss damage, or replacement of real or personal property. Any reimbursement above Five Thousand Dollars (\$5,000) requires Council approval. Alternatively, the City shall reimburse such owner or occupant for the cost of rental of cleaning equipment, not to exceed Two Hundred Dollars (\$200).

3. No reimbursement shall be made if the Public Works Director shall determine that the obstruction occurred in the service line of the building or was otherwise caused by the action of the owner, occupant, or guest.

4. As a pre-condition for such reimbursement, the owner or occupant shall execute a full release and hold harmless agreement releasing and indemnifying the City from any liability arising from the event.

5. If the owner or occupant shall file any claim, other than for reimbursement under this policy, the amount to be reimbursed shall be reduced by the amount of the expense incurred by the City, including insurance adjuster's charges.

6. No agent of the City is authorized to make any representation regarding the City's policy, except to provide copies of this resolution.

7. The City and its agents shall not recommend any particular commercial cleaner; however, the Public Works Department may provide a list of commercial cleaners who have expressed willingness to do such cleanup work.

8. Any reimbursement under this policy shall be made only to the owner or occupant and shall, in no event, be made directly to a commercial cleaner.

9. The City Council of the City of Rapid City shall, in any event, be the authority in determine any interpretation, exception, appeal, or other issues relating to this policy or the operation of the sewer system.

10. For more information on filing a claim, please contact Utility Maintenance at (605) 394-4163.

Dated this 17th day of February, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

20. Direct Council President Kroeger to appoint a Council committee to research Contracting out the Plan Review Process. (Kroeger appointed Kriebel, Kooiker and Murphy to this Committee.)

Legal & Finance Committee

21. No. LF021203-01 - Authorize Mayor and Finance Officer to Sign Agreement with Medical Waste Transport, Inc.
22. No. LF021203-02 - Authorize Mayor and Finance Officer to Sign Intergovernmental Agreement for Hazardous Material Emergency Assistance with the Following Entities:

- Custer County, Meade County, Fall River County, Butte County, Harding County, Lawrence County, and Hughes County.
23. No. LF021203-11 - Authorize Mayor and Finance Officer to Sign Agreement for Linen Service with Servall Uniform and Linen.
 24. No. LF021203-13 - Approve 2003 Ambulance Rates as Recommended by the EMS Oversight Committee.
 25. No. LF021203-15 - Approve Change Order for Self-Contained Breathing Apparatus Equipment Contract with Metro Fire (Increase of \$8,750 for Addition of Integrated Control Module on 50 Units).
 26. Authorize Fire Dept. to hire 10 additional firefighter medics plus 1 administrative secretary for the EMS system.
 28. No. LF021203-03 - Approve Resolution Writing Off Uncollectible Accounts Receivable Accounts.

RESOLUTION WRITING OFF UNCOLLECTIBLE
ACCOUNTS RECEIVABLE ACCOUNTS

WHEREAS the City Finance Office has determined that certain accounts receivable accounts, shown on Appendix A, and totaling \$8,735.13 are uncollectible, and

WHEREAS it is necessary to relieve the accounts receivable of the City of Rapid City for these accounts

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts of the City, said accounts being detailed in the official files of the Finance Office.

Dated this 17th day of February, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

29. Approve City License for the Rapid City Department of Fire and Emergency Service to Operate an Ambulance Service in the City of Rapid City.
30. Authorize Staff to Seek Proposals to Lease the Restaurant at Meadowbrook Golf Course (lease to include all food and beverage sales).
31. No. LF021203-14 - Approve Resolution Approving and Authorizing the Execution of a Lease Purchase Agreement Thereto and Related Documents and Certificates (for ambulance only).

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION
OF A LEASE PURCHASE AGREEMENT THERETO AND RELATED
DOCUMENTS AND CERTIFICATES

WHEREAS, the City of Rapid City has recently taken over providing ambulance service for the City; and

WHEREAS, it is necessary to acquire ambulances in order to provide that service;

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

1) The Lease-Purchase Agreement ("the Agreement") and supplements thereto are hereby approved substantially in the form presented to this board and on file in the Finance Office.

2) The Mayor is hereby authorized to execute the Agreement and to execute such other certificates and documents as may be necessary and appropriate to effectuate the transactions contemplated by the Agreement. The Agreement and the related documents may contain such necessary and appropriate variations, omissions and insertions as the Council shall determine to be necessary, and the execution thereof by the Mayor shall be conclusive evidence of such determination and its approval by the Council.

3) Lessee reasonably anticipates that it will issue tax-exempt obligations (not including "private activity bonds" as defined in Section 141 of the Internal Revenue Code of 1986, as amended) in an aggregate amount in excess of \$10 million during the calendar year in which the Lease commences. The lease is not designated as a qualified tax-exempt obligation for purposes of Section 265(b)(c) of the Internal Revenue Code of 1986, as amended, relating to deductibility of interest by financial institutions.

4) This Lease-Purchase Agreement is for the purchase of seven (7) ambulances.

Dated this 17th day of February, 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

32. No. LF021203-05 - Authorize Mayor and Finance Officer to Sign Business Associate Agreement as Required by the Health Insurance Portability and Accountability Act of 1996.
33. No. LF021203-07 - Authorize Mayor and Finance Officer to Sign Lease with Friendship House, Inc.
34. No. LF021203-17 - Approve the following licenses: Mechanical Apprentice: Jeff Adam, Lynn Amick, Kevin Bad Wound, Justin Burke, Garry Colasardo, Greg Cyriacks, Daniel V. Dejong, Todd Dietrich, Darrin Esser, Jeff Gorr, Daniel I. Hartman, Tim Hillestad, Todd Johnson, Mark Krolikowski, Catherine Little, Mark Little, Matthew Little, Dan Michael, Wayne Sartorius, John Shook, Dan Smith, Jordan Thomas, Jeremy Walla, Nick Williams, James Witte; Mechanical Installer: Michael P. Anderson, Steven S. Armour, D Mike Austin, Dave A. Bell, Brian Beman, Mark Bradley, Robert Caswell, Todd Chase, Mark L. Chilstrom, Jerry P. Christensen, David T. Del Soldato, David Eccleston, Josh Eccleston, Kent Eccleston, James H. Everton, Alphonse Fleck, Robert Fleming, Theodore L. Foskett, Roger Friedrichsen, Carl J. Hyatt, Stephen P. Hyk, Jr., Kenneth Kenitzer, Jef Mattern, Corey L. Merrill, Clyde Miller, John B. Miller, Randi L. Miller, Kevin Morris, Troy Nayman, Michael J. Ogren, Philip G. Pulse, Johnny Reede, Lonny Ryman, Shannon J. Sailer, Ralph Schad, Tim Scholl, Christy M. Simons, Bret D. Sullivan, Mark R. Thomas, George Thompson, Donald P. Tischler, Jr., Joseph A. Trusty, Nick Walenta, Allan Weinand, William E. Willard, David J. Wipf; Mechanical Contractor: A to Z Maint & Repair, Chino Caekaert; Accu Temp Heating & A/C, Scott E. Larson; Accurate Plumbing & Heating, Gerald G. Cook; Anderson Heating & A/C, S.R. Anderson; B & H Heating, Charles "Buzz" Hammerquist; Black Hawk Plumbing, Steve E. Prestjohn; Black Hills Heating & Cooling, Stuart A. Nelson; Black Hills Power, Keith Gade, Richard D. Trapp; D & R Service, Ron Ryman; Gutzmer Mechanical, Wayne D. Gutzmer; Iseman Mobile Homes, William N. Scoular, Kenneth L. Ward; K &

K Sheet Metal, Milford E. Kast; MDU, Quentin E. Kubas; Olson Plumbing & Heating, Larry L. Olson; Rudd Plumbing, Alvin S. Rudd, Jr.; Skinny's Sheet Metal, Everett L. Smith; Star Sheet Metal, Stanley Little; Street Heating & Sheet Metal, Steven M. Street; Wieman Plumbing, Curt Wieman; Wolff's Plumbing & Heating, Inc., Irvin Hartman; Wyo-Dak Plumbing & Heating, Wayne Piebenga; House Mover: Warner Ghare, Ghare House Moving; Security Business: Discovery Investigation Services, Michael J. Jacob; Peace Keeper Security, Inc., Ryan R. Schuler; S&K Security Specialists, Inc., Steve L. Dary; Residential Contractor: Lipp Construction, Inc., David P. Lipp, Kenneth J. Lipp; Olsen Development Company, Inc., Phillip S. & Iris M. Olsen; Taxi Business: RC Cab, Inc., Charles Ward Jager.

35. No. LF021203-16 - Authorize Mayor, Finance Officer and Project Manager to execute Amendment #2 Award of Allocation for Historical Preservation by Rapid City, Project Number #46-02-021, in the amount of \$2,500.00 for the Restoration Project of the First Baptist Church window and interior entry door.
36. Approve recommendation of the Subsidy Committee and allocate \$29,355 from the Council Contingency Fund for the Subsidy Committee; \$14,677.50 to be used for Quality of Life organizations and \$14,677.50 to be used for Human Needs organizations.
37. No. LF021203-12 - Direct the City Attorney's Office to put the recommendations of the Security License Committee into ordinance form and bring that document back for introduction and first reading.
38. No. LF021203-08 - Approve Appointment of Jim Jackson to the Sign Board of Appeals for a Three Year Term.
40. No. LF021203-09 - Approve Appointment of Eric Farrar, Gene Hunter and John Lipp for a One Year Term to the Sign Contractor Board.

Raffle

42. No. CC021703-01 – Notification from Youth & Family Services to conduct a raffle from March 1, 2003, drawing to be held on April 7, 2003.

End of Consent Calendar

Motion was made by Rodriguez and seconded by Murphy to approve No. PW021203-07 – Authorize Mayor and Finance Officer to sign Amendment No. 03 to Professional Service Agreement with FMG, Inc. to **Design ST01-1047**, Catron Blvd. Improvement Project for an amount not to exceed \$10,527.50. Kooiker questioned why the amount of this Agreement keeps going up. Engineering Division Manager Randy Nelson explained that the proposed increase for this contract is for changes to the plans that were originally prepared by FMG, Inc. This change is the result of extending the limits of the project which was agreed to during right-of-way negotiations with property owners. The plan documents have been prepared, but they need to be adjusted because of those negotiations. Roll call vote was taken: AYE: Rodriguez, Murphy, Hanks, Kroeger, Waugh, Johnson and Kriebel; NO: Dreyer, Hadley and Kooiker. Motion carried, 7-3.

The next item discussed by the Council was No. LF021302-18 – Approve for public display and comment the Proposed Projects for **Fiscal Year 2003 Community Development Block Grant**. Bob DeMersseman from the Economic Development Office spoke on behalf of the business incubator project. A consortium of economic development groups submitted an application for CDBG funding, but the project was not included in the list of projects being submitted for public comment. Motion was made by Hanks and seconded by Waugh to refer this item to Legal & Finance for further review. Anderson stated that this program is on a very tight timeline. She went through the hearing process and indicated that the issue will be voted on again by the Council before it is formally submitted. Hanks modified his motion to read as follows: Authorize staff to submit the projects for public display and request that information about the projects be submitted to the next Legal & Finance Committee for review and

information. Trish Anderson noted that the City Council will vote on the final submittal to HUD at the May 5, 2003 meeting. Upon vote being taken, the motion carried unanimously.

Motion was made by Kriebel, seconded by Kooiker and carried to refer No. LF021203-08 - Approve Appointment of Peter Neumann for a Three Year Term on the Sign Board of Appeals back to the Legal & Finance Committee for recommendation.

Motion was made by Kriebel, seconded by Kooiker and carried to refer No. LF021203-10 - Approve Appointment of Peter Neumann, Vernon Osterloo and Gary Sabers (alternate) for a Three Year Term to the Zoning Board of Adjustments back to the Legal & Finance Committee for recommendation.

Public Hearing

The next item before the Council was No. CC021703-02 – Resolution Levying Assessment for **Miscellaneous Property Cleanup**. Motion was made by Rodriguez, seconded by Hanks and carried to approve the Resolution Levying Assessment. (Secretary's Note: An error was made in the notification process for this Resolution therefore the process will be redone.)

Planning Department Consent Items

Motion was made by Rodriguez, seconded by Johnson and carried to approve the following items in accordance with the recommendation contained in the Council packet:

55. 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. (CONTINUE TO APRIL 21, 2003)
56. No. 02PL047 - A request by Wyss Associates, Inc. for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of Southwest Middle School, 4501 Park Drive. (ACKNOWLEDGE APPLICANT'S WITHDRAWAL)
57. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO MARCH 3, 2003)
58. No. 02PL080 - A request by Davis Engineering, Inc. for Robert and Donald Grimm for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive Right-of-Way all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota,

located north of Highway 44 and east of Cambell Street at Creek Drive. (CONTINUE TO MARCH 3, 2003)

59. No. 02PL083 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A. (CONTINUE TO APRIL 7, 2003)
60. No. 02PL095 - A request by Doug Sperlich for 16 Plus, LLC for a **Preliminary and Final Plat** on Lot 3, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of U.S. Highway 16 and Moon Meadows Road. (CONTINUE TO MARCH 3, 2003)
61. No. 02PL102 - 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. (CONTINUE TO MARCH 3, 2003)
62. No. 02PL107 - A request by Williams and Associates for Black Hills Surgery Center, LLP for a **Layout, Preliminary and Final Plat** on Lot 6R, Lot 32R, and Lot 33R of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6, Lot 32 and Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the S1/2 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of 5th Street along Anamaria Drive. (CONTINUE TO MARCH 3, 2003)
63. No. 02PL110 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 2 thru 13 and Lots 16 thru 24, Block 8 of Northbrook Village Subdivision, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Country Road and Nike Road. (CONTINUE TO MARCH 3, 2003)
64. No. 02PL114 - A request by Dream Design International Inc. for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. (CONTINUE TO MARCH 17, 2003)
65. No. 02PL115 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 7, 8 and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington

County, South Dakota, located northeast of the intersection of Ireland Place and Dublin Court. (CONTINUE TO MARCH 3, 2003)

66. No. 02PL119 - A request by Kevin Conway for Norman or Rod McKie for a **Preliminary and Final Plat** on Lots 1 and 2 of Five Star Subdivision and dedicated public right-of-way shown as Disk Drive located in the NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 thru 8 of Lot M1 of the S1/2 NW1/4, Lots A and B of Lot 1 of Lot M1 of the S1/2 NW1/4, Tract 4-B of Parcel 4 of SE1/4 NW1/4, and a portion of vacated Howard Street right-of-way located in NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90. (CONTINUE TO MARCH 3, 2003)
67. No. 02PL122 - A request by Dennis Dressen for a **Layout Plat** on Lot 2A and Lot 2B, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Block 1, Irene Estes Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 6015 Nameless Cave Road. (DENY WITHOUT PREJUDICE)
70. No. 02PL127 - A request by Precision Surveying for Bill Marx for a **Layout Plat** on Lots A and B in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2 and the north 40 feet of Lot 3 in Block B of Canyon Lake Heights Subdivision, located in the NW1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4730 Cliff Drive. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon Preliminary Plat submittal, a conceptual drainage plan shall be submitted demonstrating that physical and legal concerns resulting from the proposed increased developmental density are being addressed. Additionally, a storm water plan shall be submitted identifying potential impacts downstream. The plan shall identify on-site storm water detention if needed; 2) Prior to Final Plat approval by the City Council, the applicant shall submit a well maintenance agreement for review and approval, to be filed with the Final Plat; 3) Prior to Preliminary Plat approval by the City Council, the applicant shall submit for review and approval soil profile and percolation data collected within five feet of the proposed drainfield area for Lot A; 4) Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans prepared by a registered professional engineer for a septic tank wastewater disposal system; 5) Upon Preliminary Plat submittal, the applicant shall submit information demonstrating how the existing septic tank disposal system may be brought into compliance with State separation requirements; 6) Prior to Preliminary Plat approval by the City Council, the applicant shall submit information identifying well location(s) and septic tank and drainfield location(s) on Lot 6 to the north of the subject property; 7) Upon Preliminary Plat submittal, the applicant shall submit documentation verifying the depth of the well; 8) Prior to Preliminary Plat approval by the City Council, the applicant shall submit information which demonstrates that flow from the existing well is adequate for domestic use and shall provide flows required for fire protection; 9) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that access to the proposed lots meet the requirements of the Street Design Criteria Manual; 10) Prior to Preliminary Plat approval by the City Council, the applicant shall provide a Wildland Fuels Mitigation Plan for review and approval by the Rapid City Fire Department; 11) Prior to Preliminary Plat approval by the City Council, the applicant shall submit plans for a water line, fire hydrant(s), and vehicle turn-around servicing proposed Lot A meeting Uniform Fire Code requirements; 12) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that ingress/egress to the proposed lots meets the requirements of the Uniform Fire Code; 13) Prior to Final Plat approval by the City Council, the applicant shall post street signs identifying addresses of each

proposed lot to be approved by the Fire Department; 14) Prior to Final Plat approval by the City Council, the applicant shall demonstrate that the access grade to the proposed lots does not exceed 12 percent, and that driveway grades do not exceed 16 percent, or a note shall be placed on the plat stating, "Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department"; 15) Prior to Preliminary Plat approval by the City Council, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. Complete street design plans identifying the location of utilities, storm drainage, curb and gutter, dry sewer, water, street light conduit and sidewalk improvements for all adjacent and interior roadways or a Variance to the Subdivision Regulations shall be obtained; 16) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 17) Prior to Final Plat approval by the City Council, improvements to the section line highway shall be completed, a Variance to the Subdivision Regulations shall be obtained to waive the requirements, or the section line highway shall be vacated; and 18) 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 fee shall be paid.)

71. No. 02PL129 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots B1, B2 and B3, MJK Subdivision, located in the NW1/4 of the SE1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of Parcel B MJK Subdivision less the Meadows Subdivision and less right-of-way, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Preakness Street between Field View Drive and the Truck Bypass. (CONTINUE TO MARCH 17, 2003)
72. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. (CONTINUE TO MARCH 3, 2003)
73. No. 03PL002 - A request by Centerline, Inc. for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 19R2 of Fairway Hills Planned Residential Development and all of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. (CONTINUE TO MARCH 3, 2003)
74. No. 03PL004 - A request by FMG, Inc. for Williston Basin Interstate Pipeline Co. for a **Preliminary and Final Plat** on the dedicated public right-of-way shown as Disk Drive formerly a portion of Parcel No. 5 located in the NE1/4 of NW1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Interstate 90. (CONTINUE TO MARCH 3, 2003)

END OF PLANNING CONSENT CALENDAR

The next item discussed by the Council was No. 02PL123, a request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 1 thru 7, Block 2; Lots 1 thru 3, Block 3; and dedicated streets, all located in Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Pennington Count, South Dakota, legally described as the unplatted portion of the SW1/4 of SW1/4 and a portion of SE1/4 of SW1/4, NW1/4 of SW1/4, and NE1/4 of SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Motion was made by Rodriguez and seconded by Hanks to approve the preliminary plat, with the following stipulations: 1) Prior to Preliminary Plat approval by the City Council, revised construction plans showing the valve(s) and pipe, including type and size, for the force sewer main shall be submitted for review and approval. In addition, a design letter identifying the class and material of pipe, the maximum flow capacity and the range of design flow of the force sewer main shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the City Council, revised construction plans shall be submitted for review and approval providing access across Lot 2 and/or 3 of Block 3 to the manhole located within the U.S. Highway 16 right-of-way. In addition, the access easement shall be surfaced in gravel to provide an all weather access road to the manhole; 3) Prior to Preliminary Plat approval by the City Council, the construction plans shall be revised to show a sidewalk along both sides of Promise Road as it extends south from Rockrimmon Road or a Variance to the Subdivision Regulations shall be obtained; 4) Prior to Preliminary Plat approval by the City Council, a note shall be placed on the construction plans stating that existing utilities (e.g. Qwest, Golden West Communications, etc.) located within the U.S. Highway 16 right-of-way may be required to relocate if and as necessary in order to install public improvements; 5) Prior to Preliminary Plat approval by the City Council, revisions to the drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 6) Prior to Preliminary Plat approval by the City Council, revised water and sewer plans shall be submitted for review and approval showing the extension of water and sewer in the balance of the U.S. Highway 16 right-of-way as it abuts the subject property and the balance of the Promise Road right-of-way or a Variance to the Subdivision Regulations shall be obtained; 7) Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted reducing the grade along that portion of Lot 3, Block 3 as it abuts Promise Road in order to provide sufficient sight distance for any proposed approach(s) to the lot or a Variance to the Subdivision Regulations shall be obtained; 8) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 9) Prior to Preliminary Plat approval by the City Council, all affected utilities shall concur with the proposed section line highway vacation or road construction plans for the section line highway shall be submitted for review and approval or a Variance to the Subdivision Regulations; 10) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a Limited Access Easement to allow for a right in/right-out only access point along the northern portion of Lot 7, Block 2; 11) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a shared approach to Lots 2 and 3 of Block 3 or a minimum 75 foot separation between driveway(s) and/or approaches shall be maintained; 12) A Special Exception is hereby granted to reduce the stopping sight distance on Promise Road as it abuts U.S. Highway 16 in accordance with the 2001 American Association of State Highway Transportation Officials (AASHTO) Standards provided that additional lighting is provided in accordance with these same standards; 13) A Special Exception is hereby granted to reduce the construction requirements of Rockrimmon Road from a minimum 59 foot wide right-of-way with a minimum 26 foot wide paved surface to a minimum 47 foot wide right-of-way with a 22 foot wide paved surface; 14) A Special Exception is hereby granted to allow access to Lot 7, Block 2 from Promise Road, a street that is not the lesser order road, contingent upon the minimum separation requirement between the Promise Road/Rockrimmon Road intersection and/or additional driveways being met and that minimum sight distance requirements are met; 15) A Special Exception is hereby granted to reduce the pavement diameter from 92 feet to 90 feet for the Rockrimmon Road cul-de-sac; 16) An all weather temporary turnaround shall be provided at the southern

end of Promise Road to accommodate fire apparatus; 17) Prior to Preliminary Plat approval by the City Council, construction plans for the proposed deceleration lanes within the U.S. Highway 16 right-of-way shall be submitted for review and approval; 18) A Right-of-way Permit shall be obtained prior to any work within the U.S. Highway 16 right-of-way; 19) Prior to Final Plat approval by the City Council, the plat document shall be revised to show the section line highway located along the south lot line; 20) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 21) 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 fee shall be paid. Dreyer abstained from discussion or voting on this item. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was No. 02PL125, a request by Renner & Sperlich Engineering for Dennis Zandstra for a **Layout, Preliminary and Final Plat** on Lots 6R, 7R, 8R, 9 and 10 of Block 10 of Elks Country Estates, located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 6, 7 and 8 of Block 10 of Elks Country Estates, and a portion of Tract 1 of the E1/2 of Section 16 located in the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Willowbend Road between Winged Foot Court and Padre Drive. Motion was made by Rodriguez and seconded by Murphy to approve the request, with stipulations. Doug Sperlich appeared before the council relative to this item. He explained that this item was approved by the Planning Commission on January 9, 2003. The engineering requirement of the stipulations was met shortly thereafter. The developer is required to provide inspection fees for a portion of the subdivision that has already been built. Sperlich explained that he notified the Engineering Department on January 13th that this information was needed in order to get Council approval of this plat. The information was provided today at 3:00 in the afternoon, but the plat cannot be approved because the inspection fees have not been paid. Asst. Public Works Director Ted Vore explained that there are extenuating circumstances relative to this issue and he suggested that it be discussed at the next Public Works Committee meeting. Substitute motion was made by Hanks and seconded by Waugh to continue this item to a special council meeting scheduled for February 25, 2003; and request that this item be placed on the next Public Works Committee Agenda for discussion about the cause for the delay in providing this information to the engineer. Upon vote being taken, the motion carried unanimously.

Kroeger presented No. 02PL037, a request by Dream Design International, Inc. for a **Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B of Auburn Hills Subdivision, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until April 7, 2003.

Kroeger presented No. 02PL070, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 16 Block 8, and Lots 1 through 7 Block 9, Lot 1 Block 10, Meadows Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County South Dakota, legally described as Tract 1 of Parcel C of MJK Subdivision located in the E1/4 of The SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. Motion was made by Rodriguez, seconded by Murphy and carried to approve the Preliminary Plat with the following stipulations, and continue the Final Plat until March 3, 2003: 1) Prior to Final Plat approval by

the City Council, the plat shall be revised to include major drainage easements along the north and south side of the property to accommodate the proposed drainage improvements; 2) Prior to Preliminary Plat approval by the City Council, the design plans shall be revised to show the extension of water main to connect to the existing water main in Elm Avenue; 3) Prior to Final Plat approval by the City Council, utility easements for the off-site water main improvements shall be filed with the Pennington County Register of Deeds; 4) Prior to Preliminary Plat approval by the City Council, the design plans shall be revised in accordance with the redline comments; 5) That all requirements of the Uniform Fire Code shall be continually met; 6) Prior to the start of any building construction, fire hydrants shall be installed and operational; 7) Prior to the start of any building construction, all weather access roads shall be constructed to the building sites; 8) Prior to the start of any building construction, street signs shall be posted. The street signs may be constructed of temporary material initially. Prior to issuance of a Certificate of Occupancy, permanent street signs shall be posted; 9) Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of seven inches in height and displayed on a contrasting background; 10) An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits; 11) Prior to Final Plat approval by the City Council, the plat shall be revised to change the road name "Saratoga Drive" to a road name approved by the Emergency Services Communications Center; 12) Prior to Final Plat approval by the City Council, the applicant shall revise the plat to identify the name of the subdivision as "The Meadows Subdivision"; 13) Prior to Preliminary Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; 14) Prior to Final Plat approval by the City Council, the subdivision inspection fees shall be paid; and, 15) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.

Council President Kroeger presented No. 03PL003, a request by Gary and Donna Kluthe for a Layout Plat on Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at 9425 Sheridan Lake Road. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until March 3, 2003.

Planning Department – Hearings

Kroeger presented No. 02SV042, a request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on a parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of

27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning, legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Rodriguez, seconded by Murphy and carried to continue this item until March 17, 2003.

Kroeger presented No. 02SV044, a request by Doug Sperlich for 16 Plus, LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and water and paving and to dedicate right of way for the collector road as shown on the Major Street Plan, to waive the requirement to install curb, gutter, sidewalks and street light conduit on U.S. Highway 16 and to waive the requirement to install sidewalk and street light conduit on Moon Meadows Drive as per Section 16.16 of the Rapid City Municipal Code** on Lots 2 thru 4, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 and Tract 2 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of US Highway 16 and Moon Meadows Road. Motion was made by Rodriguez, seconded by Murphy and carried to continue this item until March 3, 2003.

Council President Kroeger presented No. 03SV001, a request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirements to install curb, gutter, sidewalks and water along Cliff Drive and Miracle Place as per Chapter 16.16 of the Subdivision Regulations** on Lots A, B, and C, Canyon Lake Heights Subdivision, located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3, Block 15, of Canyon Lake Heights Subdivision located in the SE1/4 SE1/4 Section 8 and the SW1/4 of Section 9; all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Cliff Drive and Miracle Place. Motion was made by Rodriguez, seconded by Murphy and carried to continue this item until March 3, 2003.

Kroeger presented No. 03SV002, a request by Thomas A. Casey for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and pavement as per Chapter 16.16 of the Subdivision Regulations** on Revised Lot 5A and Revised Lot 23, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, legally described as Lot 5A and Lot 23 less Lot A, Laurel Heights Subdivision, Section 26, T2N, R7E, BHM, Pennington County, South Dakota, located at 1249 Pine Cone Lane. Motion was made by Rodriguez, seconded by Johnson and carried to approve the requested Variance with the following stipulations: 1) Prior to City Council approval, the applicant shall sign a Waiver of Right to Protest a future assessment project for the improvements; 2) Upon Preliminary Plat submittal, the plat document shall be revised dedicating 29 additional feet of right-of-way for that portion of Pine Cone Lane located on Lot 5A; and, 3) A Special Exception is hereby granted to allow a cul-de-sac in excess of 1,200 feet and to waive the requirement to provide intermediate turnarounds at intervals not to exceed 600 feet.

Kroeger presented No. 03SV003, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install water and sewer along portions of Promise Road and U.S. Highway 16 and to allow sidewalks along one side of a portion of Promise Road as per Chapter 16.16 of the Subdivision Regulations** on Lots 1 thru 7, Block 2; Lots 1 thru 3, Block 3; and dedicated streets, all located in Tower Ridge #2 Subdivision, Section 23, T1N, R7E, BHM, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 of SW1/4 and a portion of SE1/4 of SW1/4, NW1/4 of SW1/4, and NE1/4 of SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Dreyer abstained from discussion or voting on this item. Motion was made by Rodriguez, seconded by Murphy and carried to approve the requested Variance, with the following stipulations: 1) Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of water and sewer along Promise Road and U.S. Highway 16; and, 2) Curb side sidewalks shall be constructed along the east side of Promise Road.

Council President Kroeger presented No. 03SV004, a request by Gary and Donna Kluthe for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Subdivision Regulations** on Lots A and Lot B of Two Cow Subdivision, Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, legally described as SE1/4 NE1/4 and the NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) and Lot W all located in Section 36, T1N, R6E, BHM, Rapid City, Pennington County, South Dakota, located at 9425 Sheridan Lake Road. Motion was made by Rodriguez, seconded by Murphy and carried to continue this item until March 3, 2003.

Kroeger presented No. 03SV005, a request by Centerline for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to waive all street improvements as per Chapter 16.16 of the Subdivision Regulations** on Parcel A of Tract SB of Springbrook Acres Addition, Tract SB Revised of Springbrook Acres Addition, and Lot 19R3 of Fairway Hill PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of Tract SB of Springbrook Acres Addition and all of Lot 19R2 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4 and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until March 3, 2003.

Ordinances & Resolutions

The next item discussed by the Council was No. 02VR005, a request by Doug Sperlich for Jeff Stone for a **Vacation of Right-of-Way** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. Motion was made by Hadley, seconded by Waugh and carried to continue this item until March 3, 2003.

Kroeger presented No. 02RZ065, second reading of **Ordinance 3884**, a request by Dream Design International Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence

N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Hadley, seconded by Waugh and carried to continue this item until March 17, 2003.

Ordinance 3907 (No. LF012903-14) entitled An Ordinance Amending Section 9.28.050 of Chapter 9.28 of the Rapid City Municipal Code to Allow Discharge of Firearms in the General Agricultural Zoning District, having passed the first reading on February 3, 2003, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the motion passed and Ordinance 3907 was declared duly passed upon its second reading.

Ordinance 3908 (No. LF012903-15) entitled An Ordinance Amending Section 15.40.090 of Chapter 15.40 of the Rapid City Municipal Code to Allow Electrified Fences in the General Agricultural Zoning District, having passed the first reading on February 3, 2003, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the motion passed and Ordinance 3908 was declared duly passed upon its second reading.

Ordinance 3910 (No. CC020303-08) entitled An Ordinance Amending Chapter 5.16 of the Rapid City Municipal Code Relating to Ambulance Services by Amending Sections 5.16.020, 5.16.030, 5.16.040, 5.16.050, 5.16.060, 5.16.100, 5.16.190, and Deleting Sections 5.16.070, 5.16.080, 5.16.130, 5.16.140, 5.16.150, 5.16.160, 5.16.170, 5.16.200, 5.16.210, 5.16.220, 5.16.230, 5.16.240 and 5.16.250 Concerning Licensing Requirements and Standards for Ambulances, having passed the first reading on February 3, 2003, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the motion passed and Ordinance 3910 was declared duly passed upon its second reading.

Kroeger presented No. 03RZ003, second reading of **Ordinance 3911**, a request by J. Scull Construction Service for Jim Scull, Jr. for a **Rezoning from Medium Density Residential District and Office Commercial District to General Commercial District** on Lot 10A, Block 1, Owen Mann Subdivision; and Lots 12 thru 16 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Federal Avenue along Kinney Avenue. Motion was made by Hadley, seconded by Johnson and carried to continue this item until March 3, 2003.

Ordinance 3914 (No. 03RZ004) a request by Deb-N-Hads Investments, LLC for Hadcock Construction, Inc. for a **Rezoning from High Density Residential District to Office Commercial District** on Lot N less the south three feet of Block 116, Original Town Rapid City, Section 1, T1N, R7E, BHM, Rapid City, South Dakota, located at 429 Quincy Street, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3914 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, March 3, 2003.

Ordinance 3915 (No. 03RZ005) a request by J. Scull Construction Service for Jim Scull, Jr. for a **Rezoning from Office Commercial District to General Commercial District** on Lot 13 less Lot H-2 and H-3, Block 1, Owen Mann Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Federal Avenue along Kinney Avenue, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3915 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, March 3, 2003.

The next item discussed by the Council was No. 03TI001, a request by Dream Design International, Inc. for a **Resolution Creating Tax Increment District No. 38**. The following Resolution was introduced, read and Hadley moved its adoption:

A RESOLUTION CREATING TAX INCREMENT DISTRICT
NUMBER THIRTY-EIGHT
CITY OF RAPID CITY

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

A parcel of land located in part of the NE1/4 SW1/4 and S1/2 SW1/4 of Section 27, and all of the N1/2 NW1/4 of Section 34, all in T2N, R8E, BHM, Pennington County, South Dakota, being more particularly described as follows: Beginning at the center north 1/16 corner of said Section 34, a pin and cap stamped Arleth and Assoc., RLS 3977, this being the point of beginning; thence N89°52'24"W along the south line of said N1/2 NW1/4, 2526.27 feet to a point lying on the easterly right-of-way line of Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on the southerly railroad right-of-way line, said point is lying on a curve concave to the northwest and whose chord bears N71°31'11"E, 767.24 feet, thence northeasterly along said southerly railroad right-of-way line the following four courses; thence continuing along the arc of said curve to the left whose radius is 5829.58 feet and having a central angle of 07°32'46", an arc length of 767.79 feet to a point on said curve; thence N22°15'13"W, 50.00 feet to a point lying on a curve concave to the northwest and whose chord bears N60°03'38"E, 1545.97 feet, thence continuing along the arc of said curve to the left whose radius is 5779.58 feet and having a central angle of 15°22'19", an arc length of 1550.61 feet to a point of tangency; thence N52°22'28"E, 208.14 feet; thence departing said southerly railroad right-of-way line, S89°40'45"E, 319.90 feet; thence S00°14'20"W, 1374.57 feet to the northeast corner of said N1/2 NW1/4; thence S00°01'50"W along the easterly line of said N1/2 NW1/4, 1318.56 feet to the point of beginning;

Lot 1 and 2 of Tract F of W-Y Addition in the SW1/4SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H5 and Lot H6 in the SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H9 in that part of the S1/2SW1/4 of Section 27 lying south of the relocation of the Chicago and Northwestern Transportation Company right-of-way in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 33 foot section line right-of-way located south of Lot H9 in the S1/2SW1/4 of Section 27, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

All of the S1/2SE1/4 of Section 28 less Lot E of S1/2SE1/4, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lots H3, H4, H5, H6, & H7 located in the NE1/4SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The existing US Highway 14 & 16 right-of-way prior to 1935 located in the N1/2SE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H3 of the SW1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H1 and Lot H2 in the NW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H1 and Lot H2 in the SW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H-1 in the W1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H2 in the N1/2W1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota as recorded in Highway Book 9 page 125;

Lot H3 in the S1/2SW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 33 foot section line right-of-way located north of Lots H1 & H2 in the NW1/4NW1/4 of Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 33 foot section line right-of-way located south Lot H1 in the W1/2SW1/4 and Lot H3 in the S1/2SW1/4 all located in Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H1 & Lot H2 in the E1/2NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H2 in the E1/2SE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H1 in the SE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 33 foot section line right-of-way located north of Lots H1 & H2 in the E1/2NE1/4 of Section 33, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 33 foot section line right-of-way south of Lot H1 in the SE1/4 of Section 33 and south of Lot H2 in the E1/2SE1/4 of Section 33, all located in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 66 foot Section line right-of-way located between Sections 33 & 34 in T2N, R8E, BHM, Pennington County, South Dakota;

Lot H2 in the N1/2 of Government Lot 4 & Lot H3 in the S1/2 of Government Lot 4, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H-1 in the NW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H2 in the W1/2SW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H1 in the SW1/4NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 33 foot section line right-of-way located north of Lot H2 in the N1/2 of Government Lot 4 of Section 3 and Lot H1 in the NW1/4NW1/4 of Section 3, all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H1 in the NE1/4 of Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 33 foot section line right-of-way located north of Lot H1 in the NE1/4 of Section 4 and Lot H2 in Government Lot 1 of Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 66 foot section line right-of-way located between Section 4 and Section 3 all located in T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

The 30 foot dedicated right-of-way lying adjacent to Lot A of Lot 1R of Rushmore Regional Industrial Park, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

is hereby designated as Tax Increment District Number Thirty-Eight, City of Rapid City.

Dated this 17th day of February 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

Kroeger presented No. 03TI002, a request by Dream Design International, Inc. for **Tax Increment District No. 38 - Project Plan**. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION APPROVING THE PROJECT PLAN
FOR TAX INCREMENT DISTRICT NUMBER THIRTY-EIGHT
AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District Number Thirty-eight; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Project Plan submitted helps make this development feasible by assisting with the costs of water and sanitary sewer extensions and the costs of Eglin Street, drainage detention dams, and street improvements along Elk Vale Road; and,

WHEREAS the Project Plan submitted will assist with the costs to connect water to the proposed loop at the Economic Development Industrial Park, giving the Industrial Park some additional water flows for fire protection; and,

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes this improvement; and,

WHEREAS the Council has determined that the Project Plan for Tax Increment District Thirty-eight is economically feasible; and,

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan for Tax Increment District Number Thirty-Eight be, and is hereby, approved as submitted by the Rapid City Planning Commission.

DATED this 17th day of February 2003.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

Legal & Finance Committee Items

The next item discussed by the Council was a proposed **Change in Procedure** to Allow Staff to Sign Short Notice, Recurring Contracts/Agreements. Asst. city Attorney Mike Booher requested that this item be referred to the Legal & Finance Committee. Staff will be developing rate schedules for the Council's consideration. Motion was made by Hadley, seconded by Rodriguez and carried to refer this item back to the Legal & Finance Committee for further consideration.

Motion was made by Hadley, seconded by Dreyer and carried to direct the City Attorney's Office to read the **ballot language** for the referred ordinance into the record at the February 17, 2003, Council meeting. Asst. City Attorney Mike Booher read the language relative to the Adult Oriented Business Ordinance that will be on the ballot for the City's annual election scheduled for April, 8, 2003. Motion was made by Dreyer, seconded by Johnson and carried to direct staff to post this language on the City's web page.

Bills

The following bills having been audited, it was moved by Rodriguez, seconded by Murphy and carried to direct the Finance Officer to issue warrants or treasurers checks, drawn on the proper funds, in payment thereof:

Payroll Paid Ending 02-08-03, Paid 02-14-03	710,352.74
Payroll Paid Ending 02-08-03, Paid 02-14-03	1,048.48
Pioneer Bank, Taxes Paid 02-14-03	171,456.78
Pioneer Bank, Taxes Paid 02-14-03	74.09
First Administrators, Claims Paid 02-03-03	61,346.28
First Administrators, Claims Paid 02-12-03	91,576.27
Berkley Risk Administrators, Claims Paid 02-04-03	29,472.19
Beamhit, LLC, grant – target system	8,459.40
Computer Bill List	<u>2,871,612.93</u>
Total	\$3,945,399.16

Payroll Paid Ending 02-08-03, Paid 02-14-03	2,148.24
Pioneer Bank, Taxes Paid 02-14-03	161.71
City of Rapid City, postage	74.51
City of Rapid City, health insurance	304.28
Dakota Business Center, copier lease	3.79
Johnson Machine, van maintenance	37.01
Rapid City Journal, advertisement	63.53
SD Retirement System, pension	269.03
SD School of Mines, telephone	53.92
Standard Life, insurance	3.50
Travel Center, air fare	<u>562.50</u>
Total	\$3,949,081.18

Finance Officer

Preston explained that the SD Municipal League is looking for support for House Bill 1067 which would exempt golf courses from certain liquor license quota restrictions. This bill would allow a municipality or county to issue one on-sale liquor license for each golf course operated within the city or county. These are outside the caps so the licenses issued to golf course would be issued without regard to the population limitations established in SDCL 35-4-11. These licenses would be protected for golf courses and would not be eligible for resale or transfer to another location. The proposed bill would authorize local control, so each city can make the decision to either issue a license for this use, or not. Motion was made by

Hanks, seconded by Murphy and carried to approve a Resolution of Support for this issue and direct the Finance Officer to express that support to the SD Municipal League.

City Attorney

Motion was made by Johnson, seconded by Dreyer and carried to authorize the Mayor to sign a **Lobbyist Authorization Form** for Jason Green, Marcia Elkins and Torrance Richardson. This form would allow these individuals to lobby on behalf of the Rapid City for the airport annexation issues only.

Aldersperson Items

Motion was made by Johnson, seconded by Murphy and carried to direct staff to draft an ordinance for consideration at the next Legal & Finance Committee meeting that would allow **model rocketry** within the City limits.

Executive Session

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

The Council came out of executive session at 8:30 and no report was made.

As there was no further business to come before the Council at this time, the meeting adjourned at 8:30 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)