

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
June 2, 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, June 2, 2003 at 7:00 P.M.

A quorum was determined with the following members answering the roll call: Mayor Jim Shaw and the following Alderpersons: Jean French, Alan Hanks, Sam Kooiker, Tom Murphy, Bill Waugh, Martha Rodriguez, Ray Hadley, Ron Kroeger, Rick Kriebel and Jeff Partridge.

Staff members present included Finance Officer James Preston, Asst. Public works Director Ted Vore, Planning Director Marcia Elkins, Police Chief Craig Tieszen, and Fire Chief Gary Shepherd.

(NOTE: For sake of continuity, the following minutes are not necessarily in chronological order. Also, all referenced documents are on file with the Master Agenda.)

Approval of Minutes

Motion was made by Rodriguez, seconded by Waugh and carried to correct the Minutes of May 5, 2003 to show the correct bid amount for West Boulevard Reconstruction Project ST03-1067 as \$1,434,854.54; correct the minutes of April 21 to delete HDR Engineering from the Professional Service Agreement for W03-1184; and **approve the minutes** of May 19 and May 23, 2003.

Adoption of the Agenda

Motion was made by Waugh and seconded by Rodriguez to approve the agenda. The following items were added to the Agenda by Alderman Hanks:

Alcoholic Beverage License Applications

Set for Hearing (June 16, 2003)

- 22C. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Malt Beverage License Renewal
- 22D. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
- 22E. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
- 22F. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
- 22G. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
- 22H. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal

Consent Calendar

- 72. Approve the following Licenses: Pawn Shop/Second Hand/Precious Metals & Gems: Bean Enterprises, Inc. dba Gun Haven

Mayor Shaw requested that the following items be added to the agenda:

Citizen of the Month Presentation

Upon vote being taken, the motion to approve the agenda, as amended, carried unanimously.

General Public Comment

Phil Gehrels explained that he was involved with bringing the surplus bike ramps from Denver to Rapid City. He requested that the City not make any rash decisions about destroying this property. Some of the ramps may not be usable, but there are some that can be repaired and utilized.

George Dunham noted that approximately four months ago he requested that the Council consider exempting Dunham Estates Development from payment of water impact fees. He requested action from the city relative to this item.

Linda Harrington and Judy Vinatieri spoke in favor the Dakota Middle School Alley Improvement project. The alley has been patched several times, but it needs to be resurfaced. Large trucks use this alley to deliver supplies to the school and there is a great deal of traffic from teachers and other personnel at the school.

Bid Openings

The following companies submitted bids for No. CC060203-01, **2003 Joint and Crack Sealing Project** No. STCM03-1296 which were opened on May 29, 2003: 1) J&J Asphalt Company; and 2) Highway Improvement, Inc. Staff recommended that the bid be awarded to Highway Improvement, Inc. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for 2003 Joint and Crack Sealing Project STCM03-1296 to Highway Improvement, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$32,975.

The following companies submitted bids for No. CC060203-01, **Catron Boulevard Improvements Project** No. ST01-1047, which were opened on May 29, 2003: 1) RCS Construction; 2) Hills Materials Company; 3) Heavy Constructors, Inc.; 4) Stanley Johnsen Concrete; and 5) Simon Contractors of SD. Staff has reviewed the bids and recommends award to Stanley Johnson. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for ST01-1047 to Stanley Johnsen Concrete, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$819,597.78.

No bids were received for the following items: One Carrier 80 ton condensing Unit and One McQuay Chilled Water coil or equivalent for the existing RC Public Library Building. Staff will review further options to acquire the equipment.

The following companies submitted bids for No. CC060203-01, **Permanent Pavement Marking Tape for the Street Division** which were opened on May 29, 2003: 1) Advanced Traffic Markings; and 2) 3M Company. Staff has reviewed the bids and recommends award to Advanced Traffic Markings. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for pavement marking tape to Advanced Traffic Markings, the lowest responsible bidder meeting specifications, based on their low unit prices bid; and authorize extension of the contract through 2004, 2005 and 2006.

The following companies submitted bids for No. CC060203-01 **Enhanced Corrosion Inhibited Liquid Magnesium Chloride** for the Street Division which were opened on May 29, 2003: 1) Z&S Dust Control and 2) Envirotech. Staff has reviewed the bids and recommends award to Envirotech. Motion was made by Rodriguez, seconded by Partridge and carried to award the bid for Enhanced Corrosion Inhibited Liquid Magnesium Chloride to Envirotech, the lowest responsible bidder meeting specifications, based on their low unit price bid of \$.677 per gallon.

The Council recessed at 7:20 in order to convene a 2012 Committee meeting.

The City Council reconvened at 7:50 P.M. with all members present.

Bid Award

Bids having been opened on May 19, 2003, it was moved by Kroeger, seconded by Rodriguez and carried to award the bid for No. PW052703-01 - **Parkview Softball Complex** Phase 3 (Bleachers and Sidewalk) Project PR03-1293 to Corr Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$94,517.75.

Kooiker encouraged the Council to review the process for funding 2012 projects. This is another example of the bids coming in higher than the engineer's estimate. The City needs to review how the projects are funded to ensure that the contingencies are set up and to also ensure that the engineer's estimates are closer to what the bids are.

Items from the Mayor

Mayor Shaw presented the **Citizen of the Month Award** to Dan & Linda LaFebre and commended them for outstanding service to the community.

Continued Items Consent Calendar

The following items were moved to the Continued Items Consent Calendar:

92. No. 03PL034 - A request by Renner & Sperlich Engineering Company for Gary Rasmusson for a **Final Plat** on Lots 3 through 6 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way located in the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NW1/4 SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Minnesota Street along Alta Vista Drive.
100. 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.
101. No. 03SE001 - A request by the City of Rapid City for a **Special Exception to the Floodplain Building District Ordinance** on Tract 1, Rapid City Greenway Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in Canyon Lake Park, 4501 Jackson Boulevard.
104. 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.

107. No. 03SV016 - A request by FMG, Inc. for Bypass LLC for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sidewalk and to improve pavement along Elk Vale Road and to waive the requirement to install sidewalk along a portion of East Road, West Road, Seger Drive and Mall Drive as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 9 of Block 1, Lots 1 thru 5 of Block 2, Lots 1 thru 12 of Block 3, Lot 1 of Block 4, Lots 1 thru 6 of Block 5, and Lot 1 of Block 6, Heartland I90 Business Park, located in the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 NE1/4; N1/2 NE1/4 NE1/4; and the unplatted portion of the S1/2 NE1/4 NE1/4; N1/2 SE1/4 NE1/4 all in Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north and west of the intersection of I-90 and Elk Vale Road.
108. No. 03SV018 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, water and to improve pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road.
109. No. 03SV019 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer, and water along Elk Vale Road as per Chapter 16.16 of the Rapid City Municipal Code** on a parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the point being the intersection of the south line of said NW1/4 NW1/4 of Section 34 and the easterly right-of-way line of N. Elk Vale Rd., thence N00°01'02"W, 847.24 feet to the True Point of Beginning; Thence continuing along said easterly right-of-way line, N00°01'02"W, 653.99 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 462.78 feet; thence S89°51'35"E, 50.67 feet; thence S00°08'25"W, 100.00 feet; thence N89°51'35"W, 293.71 feet; thence S00°08'25"W, 326.18 feet; thence S89°58'58"W, 460.92 feet to the True Point of Beginning, located east of North Elk Vale Road on Columbia Boulevard.
110. No. 03VR001 - A request by TSP Three, Inc. for a **Vacation of Right-of-Way** on Lot 10A, Block 1, Owen Mann Subdivision; 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 in a portion of the cul-de-sac along Kinney Court.

Motion was made by Kroeger, seconded by Rodriguez and carried to continue the above items to June 16, 2003.

Alcoholic Beverage License Applications***Off-Sale Malt Beverage License Renewals***

This was the time set for hearing on the application of Kusler's Conoco, Inc. dba **Kusler's Conoco**, 701 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of James Barry Stoick dba **Stoick's**, 2303 Jackson Boulevard, for an Off-Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of Fat Boy's, Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an Off-Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

On-Off-Sale Malt Beverage License Transfers

This was the time set for hearing on the application of High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joe Street, for an On-Off Sale Malt Beverage License Transfer (from 504 Mt. Rushmore Road). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Blue Lantern Lounge, Inc. dba **Nelson's Casino**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Transfer (previously inactive). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 West Main Street, for an On-Off Sale Malt Beverage License Transfer (from The Metro Café). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

On-Off Sale Malt Beverage License Renewals

This was the time set for hearing on the application of Wilburn Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street, for an On-Off Sale Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of ZBT, Inc. dba **Jackpot Casino East**, 2708 E. Highway 44, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of SARF, Inc. dba **Joker's Casino South**, 1320 Mt. Rushmore Road, Suite C, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of ZBT, Inc. dba **Joker's Casino North**, 608½ E. North Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Poker Joe's Inc dba **Poker Joe's**, 211 Cambell Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Thomas McCarty dba **The Marble Club**, 2315 ½ Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of I-90 Fuel Services, Inc. dba **Windmill Truck Stop**, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of I-90 Truck Haven Service, Inc. dba **Windmill Restaurant**, 2803 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

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

This was the time set for hearing on the application of H&B, Inc. dba **The Hall Inn**, 214 E. St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Uncle Sam's, Inc. dba **Uncle Sam's Casino & Eatery**, 2110 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Kittens, Inc. dba **Uncle Sam's East**, 1122 E. North Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Jumble, Inc. dba **Uncle Sam's West**, 2730 W. Main Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 E. St. Patrick Street, for an On-Off Sale Malt Beverage License

Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Ken-Ben, Inc. dba **8th Street Lounge**, 2201 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Alta-Lee, Inc. dba **Clock Tower Lounge**, 2525 West Main Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Red Rock Golf Club LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Blue Lantern Lounge, Inc. dba **Nelson's Casino**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

On-Off Sale Malt Beverage License Renewals (No Video Lottery)

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

This was the time set for hearing on the application of Dick & Waneta Ragels, dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of M&M Restaurants, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, No. 121, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of City of Rapid City dba **Rushmore Plaza Civic Center**, 444 N. Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal.

Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Black Hills Sports, Inc. dba **Fitzgerald Stadium**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Museum Alliance of Rapid City, Inc. dba **The Journey Museum**, 222 New York Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

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

This was the time set for hearing on the application of Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

This was the time set for hearing on the application of Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

On-Sale Liquor License Transfer

This was the time set for hearing on the application of High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joe Street, for an On-Sale Liquor License Transfer (recently annexed into the City). Upon motion made by Hanks, seconded by Murphy and carried, the Council approved the application.

Set for Hearing

Upon motion made by Hanks, seconded by Murphy and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, June 16, 2003:

Off-Sale Malt Beverage License Renewal

1. Flannery Oil Company dba **Corner Pantry-Deadwood Avenue**, 501 Deadwood Avenue, for an Off-Sale Malt Beverage License Renewal
2. Burnell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Renewal
3. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 E. North Street, for an Off-Sale Malt Beverage License Renewal
4. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
5. MG Oil Company dba **Haines Avenue Smoke Shop**, 2601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
6. MG Oil Company dba **Amoco Food Shop No. 8**, 302 E. North Street, for an Off-Sale Malt Beverage License Renewal
7. MG Oil Company dba **Amoco Food Shop No. 9**, 1220 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal

8. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
9. Albertson's, Inc. dba **Albertson's Food Center**, 855 Omaha Street, for an Off-Sale Malt Beverage License Renewal
10. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal
11. ETS, Inc. dba **Berry patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Renewal
12. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
13. Ranch-Mart, Inc. dba **Ranch-Mart Downtown Rapid City**, 520 Birth Avenue, for an Off-Sale Malt Beverage License Renewal
14. Nash Finch Company dba **Family Thrift Center No. 253**, 1516 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
15. Moyle Petroleum Company dba **Common Cents No. 107**, 4128 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
16. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Malt Beverage License Renewal
17. Moyle Petroleum Company dba **Common Cents Food Store**, 1129 W. Omaha Street, for an Off-Sale Malt Beverage License Renewal
18. Moyle Petroleum Company dba **Common Cents Food Store**, 2660 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
19. Moyle Petroleum Company dba **Common Cents Food Store**, 1909 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
20. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
21. Robert L. Stiehl dba **Circle S Convenience Market**, 310 E. Fairmont Boulevard, for an Off-Sale Malt Beverage License Renewal
22. Wal-Mart Stores, Inc. dba **Walt-Mart Supercenter No. 1604**, 1200 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
- 22A. Big D Oil Company dba **Big D Oil Company Store No. 41**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
- 22B. Big D Oil Company dba **Big D Oil Company Store No. 42**, 850 E. North Street, for an Off-Sale Malt Beverage License Renewal
- 22C. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Malt Beverage License Renewal
- 22D. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
- 22E. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
- 22F. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
- 22G. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
- 22H. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
- 22I. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
- 22J. Superpumper, Inc. dba **Superpumper No. 16**, 3275 Highway 79 South, for an Off-Sale Malt Beverage License Renewal
- 22K. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue, for an Off-Sale Malt Beverage License Renewal

On-Off Sale Malt Beverage License Renewals – No Video Lottery

23. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal

24. NPC International, Inc. dba **Pizza Hut No. 2778**, 705 E. North Street, for an On-Off Sale Malt Beverage License Renewal
- 24A. NPC International, Inc. dba **Pizza Hut No. 2776**, 2604 West Main Street, for an On-Off Sale Malt Beverage License Renewal
25. Dan Trieu Ly dba **Golden Fortune**, 1204 E. North Street, for an On-Off Sale Malt Beverage License Renewal
26. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
27. Century Motels, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Off Sale Malt Beverage License Renewal
28. China Buffet Express, Inc. dba **China Buffet**, 740 Mt. View Road, for an On-Off Sale Malt Beverage License Renewal
29. Dakota Fresh-Mex, LLC dba **Qdoba Mexican Grill**, 741 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal
30. GF Pizza, Inc. dba **Godfather's Pizza**, 110 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
31. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal
32. Faryat, Inc. dba **Botticelli's Ristorante**, 523 Main Street, for an On-Off Sale Malt Beverage License Renewal
33. Dos Ermonas dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
34. Central States Fair, Inc. dba **Central States Fair**, 800 San Francisco Street, for an On-Off Sale Malt Beverage License Renewal
35. Hog Wild, LLC dba **Black Hills Harley Davidson**, 3030 Lange Ranch Road, for an On-Off Sale Malt Beverage License Renewal
36. Northcott Company dba **Perkins Restaurant & Bakery**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
37. Northcott Company dba **Perkins Restaurant & Bakery**, 1715 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
- 37A. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
- 37B. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Off Sale Malt Beverage License Renewal
- 37C. Mai T. Goodsell dba **Saigon Restaurant**, 221 E. North Street, for an On-Off Sale Malt Beverage License Renewal
- 37D. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Off Sale Malt Beverage License Renewal
- 37E. Arts Smoke House Barbecue, Inc. dba **Art's Smoke House Barbecue**, 609 Main Street, for an On-Off Sale Malt Beverage License Renewal
- 37F. Rapid City Softball Association dba **Star of the West Softball Complex**, 1515 Sedivy Lane, for an On-Off Sale Malt Beverage License Renewal
- 37G. Keith Watson and Rory Schoenheider dba **Red's Savoy Pizza**, 510 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
- 37H. Mary Jane Freimark dba **The Embers**, 54412 S. Highway 16, for an On-Off Sale Malt Beverage License Renewal

On/Off Sale Malt Beverage License Renewals

38. South Dakota Vending, Inc. dba **Happy Jack's Far West** (inactive) for an On/Off Sale Malt Beverage License Renewal
39. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
40. Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
41. United Foods, Inc. dba **Toby's Casino**, 720 E. North Street, for an On-Off Sale Malt Beverage License Renewal

42. United Foods, Inc. dba **Toby's Casino**, 710 Cleveland Street, for an On-Off Sale Malt Beverage License Renewal
43. Lybecks Twenty-First Century, Inc. dba **Shenanigan's Casino**, 3788 East Highway 44, for an On-Off Sale Malt Beverage License Renewal
44. Dean'O's Casino, Inc. dba **Dean'O's Casino**, 903 E. North Street, for an On-Off Sale Malt Beverage License Renewal
45. MG Oil Company dba **Warehouse Bar & Casino**, 200 E. Main Street, for an On-Off Sale Malt Beverage License Renewal
46. MG Oil Company dba **#2 East North Casino**, 230 E. North Street, for an On-Off Sale Malt Beverage License Renewal
47. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
48. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
49. MG Oil Company dba **LaCrosse Street Casino No. 1**, 720 N. LaCrosse Street Suite A, for an On-Off Sale Malt Beverage License Renewal
50. MG Oil Company dba **LaCrosse Street Casino No. 2**, 720 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
51. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
52. MG Oil Company dba **BP Casino**, 609 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Renewal
53. Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West boulevard, for an On-Off Sale Malt Beverage License Renewal
54. M&B Investments, Inc. dba **Hideaway Casino**, 1575 LaCrosse Street, Suite D, for an On-Off Sale Malt Beverage License Transfer (from Merle Bach)
55. M&B Investments, Inc. dba **Hideaway Casino**, 1575 LaCrosse Street, Suite D, for an On-Off Sale Malt Beverage License Renewal
56. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
57. Wyngard Pot-O-Gold Casino, Inc. dba **Pot-O-Gold Casino**, 1300 Centre Street, for an On-Off Sale Malt Beverage License Renewal
58. Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 West Main Street, for an On-Off Sale Malt Beverage License Renewal
59. Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
60. Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
61. Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
62. Continental Leisure, Inc. dba **Carousel Casino**, 2050 West Main Street, for an On-Off Sale Malt Beverage License Renewal
63. The Retired Enlisted Association, Chapter 29 (**Northgate Bingo**), 905 E. North Street, for an Off-Sale Malt Beverage License Renewal
64. South Dakota Vending, Inc. dba **Happy Jack's, Too**, 909 St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
65. South Dakota Vending, Inc. dba **Happy Jack's West**, 1925 West Main Street, Suite 1, for an On-Off Sale Malt Beverage License Renewal
66. South Dakota Vending, Inc. dba **Happy Jack's Downtown**, 713 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
67. South Dakota Vending, Inc. dba **Happy Jack's Cambell**, 1601 Cambell Street, Suite 3, for an On-Off Sale Malt Beverage License Renewal
68. South Dakota Vending, Inc. dba **Happy Jack's East**, 909 E. St. Patrick Street, Suite 20, for an On-Off Sale Malt Beverage License Renewal
69. Omaha players Company dba **Happy Jacks-Omaha**, 1117 West Omaha Street, for an On-Off Sale Malt Beverage License Renewal

70. Western Dakota Gaming, Inc. dba **Valley Sports Casino**, 1865 South Valley Drive, for an On-Off Sale Malt Beverage License Renewal
71. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
72. Black Hills Food Services, Inc. dba **Fuddruckers**, 2106 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal
73. Shooters, Inc. dba **Shooters**, 2424 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
74. D&S Time Square, Inc. dba **Time Square Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Renewal
75. Rapid City **Elks Lodge** No. 1187, 3333 E. 39th Street, for an On-Off Sale Malt Beverage License Renewal
76. Nifty Fifties, Inc. dba **parkway Restaurant**, 312 East Boulevard North, for an On-Off Sale Malt Beverage License Renewal
77. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
78. Angie's Inc. dba **Angie's**, 1028 E. North Street, for an On-Off Sale Malt Beverage License Renewal
79. Fox Family Enterprises, Inc. **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
80. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
81. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
82. James Berendes dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Renewal
83. High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
84. Rapid Bowl, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal

The following items were removed from the Consent Calendar:

54. Authorize the Mayor and Finance Officer to sign an application to South Dakota Petroleum Release Compensation Fund for excavation costs related to an abandoned underground storage tank at the Street Department.
58. No. PW052703-10 – Approve the purchase of two (2) new $\frac{3}{4}$ ton, 4x4, crew cab long box trucks from Lithia Dodge, Inc. of Sioux Falls under State Contract #13771 in the amount of \$20,905 each for a total contract amount of \$41,810 for Street Division.
59. No. PW052703-11 – Approve the Ellsworth Air Force Base Water Rate Schedule.

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

Set for Hearing (July 7, 2003)

48. No. 03VR004 - A request by the South Dakota Department of Transportation for a **Vacation of Right-of-Way** on that portion of Boston Street located adjacent to Lot RU-107A, Tract A and Lot 38 all of Block 2, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Boston Street.
49. No. 03VR005 - A request by William H. Siegel for a **Vacation of Right-of-Way** on the 40 foot right-of-way north of Lot 5, Freeland Subdivision, located in the SE1/4 SW1/4, Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located at 2925 Freeland Avenue.

Public Works Committee Consent Items

- 50. No. PW052703-03 – Approve Change Order No. 01F for STCM02-1240, Downtown Alley Resurfacing Project to Hills Materials Company for a decrease of \$1,110.80.
- 51. No. PW052703-04 – Authorize staff to advertise for bids for Sodium Chloride (road salt) for Street Division.
- 52. No. PW052703-07 - Authorize staff to advertise for bids for W03-1276, Water Metering and Backflow Prevention for Irrigation Systems.
- 53. No. PW052703-14 – Direct staff to identify the area needed for a right-of-way agreement for Hubbard Mill, including the possible deceleration lane for the use of a staging area; and also prepare a Resolution of Intent to enter into a lease of private property for consideration at Monday night’s Council meeting and identifying the roadway between the staging area and the mill.
- 55. No. PW052703-08 – Approve Out-of-the-Dust Funds in the amount of \$3,000 to pave alley in North Rapid Addition, Block 29.
- 56. Authorize staff to submit a Transportation Enhancement Grant to the South Dakota Department of Transportation for areas along Omaha Street from Canal to East Blvd.
- 57. No. PW052703-09 – Approve the purchase of Topcoat Alternative Daily Cover for Landfill from Central Fiber, Wellsville, KS under City of Watertown, SD agreement for the amount of \$11,500.
- 60. No. 03RD005 – Approve the following Resolution Renaming Stuart Peak Lane to Tahoe Peak Place, located between Heidiway Lane and Severson Street.

**RESOLUTION CHANGING THE ROAD NAMED
STUART PEAK LANE TO TAHOE PEAK PLACE**

BE IT RESOLVED by the City of Rapid City that the road named Stuart Peak Lane on on Lots 1 and 2, Block 3; Lots 2 and 3, Block 4; Dunham Estates Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located between Heidiway Lane and Severson Street and is hereby renamed to Tahoe Peak Place.

Date this 2nd day of June, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 61. No. 03RD006 – Approve the following Resolution Renaming Dixon Court to Twin Peak Lane, located southwest of Severson Street.

**RESOLUTION CHANGING THE ROAD NAMED
DIXON COURT TO TWIN PEAK LANE**

BE IT RESOLVED by the City of Rapid City that the road named Dixon Court on Lots 1 through 11, Block 5, Dunham Estates Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of Severson Street and is hereby renamed to Twin Peak Lane.

Date this 2nd day of June, 2003.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw,

(SEAL)

- 62. No. 03TP002 – Approve the following Resolution for the Transportation Improvement Program Projects.

**A RESOLUTION AUTHORIZING THE SUBMITTAL OF REQUEST FOR
GRANT FUNDING FOR TRANSPORTATION ENHANCEMENTS AND
AUTHORIZING THE MAYOR TO SIGN APPLICATION ON BEHALF OF THE CITY**

WHEREAS the President of the United States of America signed into law the Transportation Equity Act of 1998 (TEA-21) on June 9, 1998; and

WHEREAS TEA-21 provides for the distribution of funds to local governments for Transportation Enhancements; and

WHEREAS the State of South Dakota has set aside \$2.1 million in 1998 TEA-21 funds for Transportation Enhancements; and

WHEREAS the local governments have been granted an opportunity to submit requests for grant support on or before June 15, 2003; and

WHEREAS local governments must provide not less than twenty percent (20%) cash match for the grant and the City of Rapid City hereby agrees to provide twenty-nine percent (29%) matching funds in the amount of \$207,000.00 for the Omaha Street Beautification and Historic Preservation Project; and

WHEREAS the City of Rapid City supports the Omaha Street Beautification and Historic Preservation Project which will visually enhance the community's east/west entrance via South Dakota Highway 44, one of Rapid City's major thoroughfares and Interstate I-190; and

WHEREAS the City of Rapid City hereby agrees to insure that the project complies with all local zoning and planning regulations; and

WHEREAS the City of Rapid City hereby agrees to provide proper maintenance for the Omaha Street Beautification and Historic Preservation Project as required by the Federal Highway Act as amended and supplemented thereto.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Common Council does hereby authorize the submittal of applications for funding for the project listed below; and

PROJECT NAME	TOTAL GRANT COST	CITY'S COST
Omaha Street Beautification & Historic Preservation	\$707,000.00	\$207,000.00

Matching Funds: City of Rapid City

DATED this 2nd day of June, 2003.

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

THE CITY COUNCIL
s/ Jim Shaw, Mayor

- 63. No. PW052703-13 – Refer the ordinance pertaining to house moving permits to the Ordinance Review Committee.

Legal & Finance Committee Consent Items

- 64. No. LF052803-01 - Approve Event Permit for Red Ribbon Committee to hold a parade on 10/18/03.
- 65. No. LF052803-02 - Authorize Mayor and Finance Officer to sign Agreement between the State of South Dakota Wildland Fire Suppression Division and the City of Rapid City.
- 66. No. LF052803-03 – Approve Habitat for Humanity Contract Amendment.
- 67. Authorize Mayor and Finance Officer to sign Release with Montana-Dakota Utilities in the sum of \$8,950 to cover repairs to be made to the sidewalks and landscaping at the C/SAC Building as a result of work done by MDU.
- 68. No. LF052803-04 – Authorize Mayor and Finance Officer to sign Application for MPLC Umbrella License with Motion Picture Licensing Corporation.
- 69. Direct staff to prepare an ordinance regarding amending the Sign Code to eliminate the \$75 fee to appeal to Council and to allow for a 20-day grace period and a \$25 late fee.
- 70. No. LF052803-12R – Approve Resolution to Change Committee Membership to 5 People, with one alderperson from each ward being appointed to each committee, and the other alderperson from each ward acting as the alternate.

RESOLUTION

WHEREAS, the City Council has established a Public Works Committee and a Legal & Finance Committee to aid the Council in it work; and

WHEREAS, the Public Works Committee and the Legal & Finance Committee are currently committees of the whole Council; and

WHEREAS, the City Council deems it in the public interest to reduce the number of members of each committee; and

WHEREAS, the City Council deems it appropriate to have a member from each ward on each committee and to provide for an alternate.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Legal and Finance Committee shall be composed of five alderpersons appointed by the Council President and that the Public Works Committee shall be composed of five alderpersons, not members of the Legal and Finance Committee, appointed by the Council President.

BE IT FURTHER RESOLVED that in the event an alderman is unable to attend a meeting of his or her assigned committee, the other alderman from the same ward may serve as the alternate for the assigned alderman on the committee at that meeting.

Dated this 2nd day of June, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

71. No. LF052803-06 – Approve the following abatements: Big D Oil Co., 2002, \$188.78; Black Hills Regional Eye Institute, 2002, \$4,447.64; Abatement/Refund: Donald and Marcia Gorman, 2002, \$3,489.84.
72. Approve the following licenses: Electrical Apprentice: Tyler Arnio, LeRoy N. Weisser; Master Electrician: Curtis Beatty; Mechanical Installer: Orryn A. Fischer; Mechanical Contractor: Clifford E. McClure, West River Heating & Air Conditioning; Apprentice Plumber: Doug Beisner, Aaron L. Olson; Plumber: Todd Chase; Residential Contractor: All Around Construction, Jamie Gerlach; Daniel Construction, Inc., Tod Daniel Schrimpf; Sewer & Water Installer Journeyman: Kevin Good, Jerald Jones; Sign Contractor: Sunrise Construction, Inc., Greg Brink. Pawn Shop/Second Hand/Precious Metals & Gems: Bean Enterprises, Inc. dba Gun Haven
73. Regarding the unloading/loading zone next the Alex Johnson Hotel which is marked as no parking, direct the Street Department to paint the curb beginning at the alley all the way down and move the sign.
74. No. LF052803-07 – Cancel the continuation of the Information Meeting scheduled for June 4, 2003 on reorganization of the Attorney's Office and set that time aside for an Information Meeting to discuss impact fees.
75. Direct the Finance Officer to place bids in full view of the Council and then verbally state which bid staff recommends.
76. Direct staff to put together a cost breakdown on the increased cost of the Fifth Street extension and bring it back to the next Public Works Committee meeting.

Raffle

77. No. CC060203-04 – Notification from Aspire, Inc. of intent to conduct a raffle in October, 2003.

End of Consent Calendar

Planning Department Consent Items

78. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO JUNE 16, 2003)
79. 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 JUNE 16, 2003)
80. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (CONTINUE TO JUNE 16, 2003)

81. 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 JUNE 16, 2003)
82. No. 02PL116 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road. (CONTINUE TO JUNE 16, 2003)
83. 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 the 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 JUNE 16, 2003)
84. No. 02PL129 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 23, 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 JULY 7, 2003)
85. No. 03PL001 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots A, B, C and well lot, Miracle Place 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 JUNE 16, 2003)
86. 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, legally described as a portion of Parcel No. 5 located in the NE1/4 of the 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 JUNE 16, 2003)

87. No. 03PL025 - A request by Sean Casey for a **Preliminary and Final Plat** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31, Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. (CONTINUE TO JUNE 16, 2003)
88. No. 03PL026 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 and 2 of Block 12; Lots 1 thru 4 of Block 15; Lots 1 thru 10 of Block 17; and, Lots 1 thru 17 of Block 18, Red Rock Estates Phase-IV, NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the NW1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Prestwick Road and Pro Street. (CONTINUE TO JULY 7, 2003)
89. No. 03PL027 - A request by Renner & Sperlich Engineering Company for Walgar Development for a **Final Plat** on Lot 2 of Block 1, Terracita Park Subdivision, Minnesota Street Right-of-Way, and Pedestrian Access and Utility Easement of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 of the NW1/4 of the SE1/4 of Section 13, located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of 5th Street and Minnesota Street. (CONTINUE TO JUNE 16, 2003)
90. No. 03PL028 - A request by DLK Engineering for South Creek Village Limited Partnership for a **Preliminary and Final Plat** on Lot A and Lot B of Lot 2, Superpumper Addition, located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 2, Superpumper Addition located in the SE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Cambell Street and Fairmont Boulevard. (CONTINUE TO JUNE 16, 2003)
91. No. 03PL030 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 12 thru 20 of Block 13, Lots 25 thru 32 of Block 14, and Lots 20 thru 25 of Block 15, Trailwood Village, located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the N1/2 of the SE1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located along Mercury Drive, Cabbot Court and Shad Street. (CONTINUE TO JUNE 16, 2003)
93. No. 03PL042 - A request by Renner and Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 1 thru 5 of Block 18, Lots 1 thru 6 of Block 19, Lot 1 of Block 20, and Lots 1 thru 12 of Block 21, and Drainage Lot A, Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as the balance of Tract T of Trailwood Village, located in the E1/2 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located west of the intersection of Pluto Drive and Reservoir Road. (CONTINUE TO JUNE 16, 2003)
94. No. 03PL044 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Preliminary and Final Plat** on Lot 4R, Lot 5R, and Lot 6 of Knight's Acres Subdivision, shared approach easement, vacated access easement, and dedicated Anderson Road right-of-way located in the N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM,

Pennington County, South Dakota, located south of Longview Road and west of Anderson Road. (CONTINUE TO JUNE 16, 2003)

95. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue. (CONTINUE TO JUNE 16, 2003)
96. No. 03PL049 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 3, Block 1; Lots 1 thru 2, Block 2; and dedicated streets location in a portion of the SW1/4SW1/4 of Section 27 and a portion of the NW1/4 NW1/4 of Section 34, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the point being the intersection of the south line of said NW1/4 NW1/4 of Section 34 and the easterly right-of-way line of N. Elk Vale Rd., thence N00°01'02"W, 847.24 feet to the True Point of Beginning; Thence continuing along said easterly right-of-way line, N00°01'02"W, 653.99 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"W, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 462.78 feet; thence S89°51'35"E, 50.67 feet; thence S00°08'25"W, 100.00 feet; thence N89°51'35"W, 293.71 feet; thence S00°08'25"W, 326.18 feet; thence S89°58'58"W, 460.92 feet to the True Point of Beginning, located east of North Elk Vale Road on Columbia Boulevard. (CONTINUE TO JUNE 16, 2003)
97. No. 03PL050 - A request by Mark Polenz for Daniel Schoenfelder for a **Preliminary Plat** on Lot A and Lot B of Schoenfelder Subdivision all located in the NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, legally described as Lot 1 of Lot C of Schamber Section 9 NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County South Dakota, located at 3505 Western Avenue. (CONTINUE TO JUNE 16, 2003)
98. No. 03PL051 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO JUNE 16, 2003)

END OF CONSENT CALENDAR

Motion was made by Rodriguez and seconded by Waugh to authorize the Mayor and Finance Officer to sign an application to South Dakota **Petroleum Release Compensation Fund** for excavation costs related to an abandoned underground storage tank at the Street Department. Asst. Public Works Director Ted Vore noted that this is for various locations in the City, not just at the Street Department. Rodriguez and Waugh modified the motion to include other sites in the City. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was No. PW052703-10 – Approve the purchase of two (2) new $\frac{3}{4}$ ton, 4x4, **crew cab long box trucks** from Lithia Dodge, Inc. of Sioux Falls under State Contract #13771 in the amount of \$20,905 each for a total contract amount of \$41,810 for Street Division. Motion was made by Rodriguez and seconded by Waugh to

approve the purchase. Kooiker stated that given the city's tight budget and the need for street repairs, he feels the money would be better used to repair streets. He also suggested that the Council review the vehicle rotation program during the budget discussions. Vore noted that one of the trucks has 150,000 miles on it and the other truck has 90,000 miles. He added that the trucks would be sold at auction to defray the cost of the new vehicles. Hadley stated that because sales tax revenue is flat and until the council sets guidelines for 2012 expenditures, he is opposed to purchasing new vehicles. Partridge also spoke against the purchase of these vehicles. The City should maximize the initial investment on these trucks for another year. Murphy spoke in favor of the motion noting that city staff has to have the proper equipment in order to get the roads fixed. Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, and Kroeger; NO: French, Kooiker, Waugh, Hadley, Kriebel and Partridge. Motion failed, 4-6. Motion was made by Hadley and seconded by Partridge to deny the request to purchase vehicles. Roll call vote was taken: AYE: French, Kooiker, Waugh, Hadley, Kriebel and Partridge; NO: Hanks, Murphy, Rodriguez and Kroeger, whereupon the motion carried 6-4.

The next item discussed by the Council was No. PW052703-11, approval of the **Ellsworth Air Force Base Water Rate Schedule**. Motion was made by Kroeger, seconded by Rodriguez and carried to approve the Rate Schedule.

There was no Public Comment on Items 99-111.

Planning Department – Hearings

Motion was made by Kooiker and seconded by Rodriguez to approve No. CC060203-05, authorize the Mayor and Finance Officer to sign Resolution authorizing the submittal of Request for Grant Funding for **Transportation Enhancements** and Authorizing the Mayor to sign application on behalf of the City. Planning Director Elkins noted that this Grant is for improvements in the areas adjacent to Omaha Street (irrigation systems, bikeways, etc.).

The Mayor presented No. 03SE002, a request by the City of Rapid City for a **Special Exception to the Floodplain Building District Ordinance** on Tract 8, Rapid City Greenway Tract, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the Frisbee Golf Course, 1730 32nd Street. Motion was made by Kroeger and seconded by Partridge to approve the Special Exception. Kooiker asked what the main concern of the Planning Commission was on this issue. Elkins explained that the discussion focused on the structures that would be in the floodway. There was also extensive discussion about trees in the floodway area and development that has occurred in this area over the last few years. Scott Ceasar, representing the Black Hills Disc Golf Confederacy, explained that the poles typically remain in the ground all the time. They can be removed and are master keyed to the city's 34-50 code lock. Elkins added that the poles will be located in the hydraulic floodway which is why an application was filed for a special exception. She noted that staff has recommended three stipulations if the Council intends to approve the request. Motion was made by Kooiker and seconded by French to amend the motion to include the following stipulations: 1) That no fill material be placed for construction of the course; 2) Tee boxes shall be constructed to match existing grades and 3) Poles shall be securely fastened to the concrete tee boxes. Ceasar had no objections to the stipulations. Roll call vote was taken on the motion to amend: AYE: Hanks, French, Kooiker, Murphy, Waugh, Kroeger and Kriebel; NO: Hadley and Partridge. Motion carried, 7-2. Partridge asked about the cost of the stipulations. Rod Johnson noted that there is no additional cost involved with any of the stipulations. Upon vote being taken, the amended motion carried unanimously.

The Mayor presented No. 03SE003, a request by the City of Rapid City for a **Special Exception to the Floodplain Building District Ordinance** on Lots 6 and 7, Block 6, Bradsky Subdivision; Tracts 35 and 36, Rapid City Greenway Tract, all located in Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the Black Hills

Polo and Soccer Grounds along E. St. James Street between Cambell Street and Sioux Avenue. Motion was made by Kooiker, seconded by Kroeger and carried to approve the requested Special Exception, with the following stipulations: 1) No fill material shall be placed for construction of the soccer fields or goals; and, 2) The soccer goals shall be anchored so that the frame does not float downstream and become debris during a flood. The frame and net shall also be designed so that it will rotate to align with flood flows thus not catching other floating debris.

Motion was made by Kooiker, seconded by Waugh and carried to authorize the Mayor and Finance Officer to sign a Waiver of Right to Protest a Future Assessment for Street Improvements (No. 03SV011).

The Mayor presented No. 03SV011, a request by Sean Casey for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks along Woodridge Drive and Pine Knoll Place** on Lot 29 Revised of Woodridge Subdivision, located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 29, 30 and 31 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1183 Woodridge Drive. Motion was made by Kooiker, seconded by Waugh and carried to approve the requested Variance, with the following stipulation: 1) Prior to Final Plat approval by the City Council, the applicant shall submit a signed Waiver of Right to Protest an assessment district for the required subdivision improvements.

The Mayor presented No. 03VR002, a request by Dream Design International, Inc. for a **Vacation of Right-of-Way** on Lots 1 thru 3 of Block 7 of Schnasse Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 225 East Watertown Street. Motion was made by Kooiker, seconded by Partridge and carried to deny this item without prejudice.

No Public Comment was made on Items 112-121.

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on No. 03RZ018, second reading of **Ordinance 3941**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to General Commercial District** on the following property: A parcel of land located in a portion of the NW1/4 NW1/4 of Section 34 and a portion of the SW1/4 SW1/4 of Section 27, all in T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southeast corner of the N1/2 NW1/4 of said Section 34, thence N89°52'24"W, along the south line of said N1/2 NW1/4, 1824.64 feet to the True Point of Beginning; thence continuing along said south line, N89°52'24"W, 701.63 feet to a point lying on the easterly right-of-way line of North Elk Vale Road; thence N00°01'02"W along said easterly right-of-way line, 1501.22 feet to a point lying on a curve concave to the Northwest and whose chord bears N71°37'58"E, 744.25 feet; thence easterly along the arc of said curve to the left whose radius is 5829.58 feet and whose central angle is 07°19'11", an arc length of 744.76 feet to a point on said curve; thence S00°08'25"W, 1737.30 feet to the True Point of Beginning, located east of North Elk Vale Road on Columbia Boulevard. Notice of hearing was published in the Rapid City Journal on May 24 and May 31, 2003. Ordinance 3941, having had the first reading on May 19, 2001, it was moved by Hanks and seconded by French that the title be read the second time. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3941 the second time.

Ordinance 3942, entitled An Ordinance to Allow a Majority of the Legal and Finance Committee or the Public Works Committee to Propose an Ordinance Amendment by

Amending Section 2.28.030 of the Rapid City Municipal Code (No. LF051403-14), having passed the first reading on May 19, 2003, it was moved by Hanks and seconded by Murphy that the title be read the second time. Kooiker asked if items pertaining to Public Works issues would come through the Public Works Committee, or will items proposed by the Public Works Committee go to the Legal & Finance Committee for action. Asst. City Attorney Jason Green explained that currently, city ordinance requires that all ordinances have the approval of the Legal & Finance Committee. If the Public Works committee were to originate an ordinance, it could go back to the Public Works Committee, but it would also need to go to the Legal & Finance Committee for its approval. If the Council wishes to change this procedure, it would require an ordinance amendment. Motion was made by Kooiker to offer an amendment that would allow both the Public Works and Legal & Finance Committee to hold the hearings on ordinances so that an ordinance that originates in Public Works doesn't need to go to Legal & Finance. Green suggested that one way to accomplish this would be to draft an ordinance that would require the approval of either the Legal & Finance or Public Works Committee. However, it would be a new ordinance, not something that could be added to the ordinance before the Council at this time. Kooiker withdrew his motion and there were no objections. Upon vote being taken, the following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley and Partridge; NO: Kriebel; whereupon the Mayor declared the motion passed and Ordinance 3942 was declared duly passed upon its second reading.

Motion was made by Kooiker and seconded by Hadley to request that the City Attorney draft an ordinance allowing Public Works or Legal & Finance Committees to approve ordinances prior to final passage at Council. Kooiker explained that this action would allow the Public Works Committee to also have hearings on ordinances which would streamline the process. Partridge stated that there is a history that requires ordinance to go through the Legal & Finance Committee. Green stated that he feels the City Attorney's Office could review ordinances that are submitted to the Public Works Committee. He added that from an organizational standpoint, it makes sense to have them all go through the Legal & Finance Committee. Rodriguez stated that she feels it is the Legal & Finance committee's job to review ordinances and rules. The Public Works committee's job is to figure out public works items. Kooiker explained that the intent of his motion is that if the Public Works Committee proposes an ordinance, that it would come back to the Public Works Committee and then it could on to the Council. Roll call vote was taken: AYE: Kooiker, Waugh and Hadley; NO: Hanks, French, Murphy, Rodriguez, Kroeger, Kriebel and Partridge. Motion failed, 3-7.

Ordinance 3943 entitled An Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Mechanical Contractor's License by Amending Section 15.26.017 of the Rapid City Municipal Code (No. LF052803-08), was introduced. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3943 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 16, 2003.

Ordinance 3944 entitled an Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Residential Contractor's License by Amending Section 15.13.015 of the Rapid City Municipal Code (No. LF052803-09), was introduced. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3944 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 16, 2003.

Ordinance 3945 entitled An Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Sewer and Water and Trenching Contractor's License by Amending Section 13.10.050 of the Rapid City Municipal Code (No. LF052803-10), was introduced. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3945 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 16, 2003.

Ordinance 3946 entitled An Ordinance to Amend the Requirement for Presenting Proof of Liability Insurance at the Time of Application for a Sign Contractor's License by Amending Section 15.18.015 of the Rapid City Municipal Code (No. LF052803-11), was introduced. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3946 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 16, 2003.

Ordinance 3947 (No. 03RZ019) a request by Donald Douma for Atonement Lutheran Church for a **Rezoning from Low Density Residential District to Office Commercial District** on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N R7E, BHM, Rapid City, Pennington County, South Dakota, located at 522 Anamosa Street, was introduced. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3947 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, June 16, 2003 at 7:00 P.M.

Ordinance 3948 (No. 03RZ020) a request by Doeck LLC for a **Rezoning from No Use District to Low Density Residential District** on the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of Haines Avenue and Viking Drive, was introduced. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3948 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, June 16, 2003 at 7:00 P.M.

Ordinance 3949 (No. 03RZ021) a request by FMG Inc. for Bypass LLC for a **Rezoning from General Agriculture District to General Commercial District** on the following property, was introduced: That part of the NE1/4 of Section 28, T2N, R8E, BHM, Pennington County, South Dakota, that lies within the following description: Commencing at an aluminum survey cap at the center of Section 28; thence N48°44'38"E, 1414.78 feet to a point; thence N89°58'15"E, 1588.06 feet to a point along the East Section Line of Section 28; thence S00°01'17"E, 276.57 feet to a point along the East Section Line of Section 28; thence N89°54'47"W, 32.73 feet to a rebar with survey cap marked "2652"; thence N89°54'47"W, 1292.77 feet to a point; thence S00°01'04"E, 663.68 feet to a point at the South 1/16 Corner of the NE1/4 of Section 28; thence N89°48'22"W, 1326.47 feet to an aluminum survey cap at the center of Section 28 at the point of beginning, located northwest of I-90 and Elk Vale Road. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3949 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, June 16, 2003 at 7:00 P.M.

Ordinance 3950 (No. 03RZ022) a request by Davis Engineering, Inc. for Verlyn and Cindy Bourne for a **Rezoning from No Use District to Low Density Residential District** on Lot B less the west two feet located in the SW1/4 SW1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located at 5511 Hidden Valley Lane, was introduced. Upon motion made by Hanks, seconded by Kriebel and carried, Ordinance 3950 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, June 16, 2003 at 7:00 P.M.

Public Comment on Items 122-132

Senator JP Duniphan spoke in favor of the proposed lease with the SD Department of Corrections for a minimum security facility to be located on landfill property. She worked diligently for funding for this facility and to have it located in Rapid City. The proposed

location is very good because there is no residential property in close proximity and it is not visible from the highway because of a berm on the property. Duniphan added that 25% of the trustee population that could be housed in this facility have family in the Black Hills area. This is a very important component for release of the trustees.

Mike Derby, Consultant for the West River Foundation, informed the Council that there is property available (eleven acres) in the Box Elder area that could be used for this facility if the City feels the current site is not appropriate.

Jim Raysor, of the Department of Corrections also spoke in favor of the proposed lease. There has been a great deal of discussion on the type of inmates that might be housed in this facility and the long-range plans of the DOC. Raysor suggested that language be included in the lease that would tie this facility to House Bill 1280. This bill clearly states that this facility will be a minimum security trustee facility. If the lease were to be entered into under the premise of HB 1280, as passed by the 2003 Legislature, the only way the facility could change would be if the State came back to the City and amended the lease. Raysor noted that codified law can change, but HB 1280 cannot change. Raysor added that 25% of the individuals who would use this facility will come from the Black Hills area. This will make it much easier for families to stay in touch.

Mayor Shaw noted that the speaker time limit of three minutes has expired. Kroeger stated that this is a very important issue. Motion as made by Kroeger and seconded by Partridge to waive the time period and allow Mr. Raysor to continue to speak on this issue. Upon vote being taken, the motion carried with Kriebel voting no.

Raysor continued that the DOC has been in touch with the Rapid City Chief of Police. In that discussion, the State offered to make available to the City's Police Department the file names and criminal records of everyone who would be housed in the proposed facility. Raysor added that the DOC has proposed the following language in the contract: "that persons housed at Rapid City will have not been convicted of murder, manslaughter, kidnapping, arson first, burglary first, robbery first, rape or any sexual crime." This is the same language that is used at other trustee facilities in the state. He added that the State has operated trustee type facilities for eight years. The program has grown from approximately 500 individuals to more than 800. Approximately 2.2 million hours of community service work is performed by these inmates each year. In all that time, the state has not had one felony violation by any of the inmates.

Legal & Finance/Public Works Committee Items

Motion was made by Partridge and seconded by Rodriguez to **approve the proposed Lease** with the SD Department of Corrections (Landfill Site) for a Minimum Security Prison, with the following language: "That no juvenile adjudicated as a delinquent or child in need of supervision and committed to the DOC may be housed on the lease premises. No offender may be housed on the leased premise who is not a minimum custody or trustee level inmate, as authorized in House Bill 1280 in the 2003 Legislative Session. In addition, inmates serving a sentence during this admission for kidnapping, murder, manslaughter, robbery first, arson first, burglary first or any sex offense pursuant to SDCL 22-22-30 shall not be housed on the leased premises. Housing on the leased premises of any juvenile or any inmate within the restricted category or convicted of a sexual offense shall constitute a breach of this lease agreement." French asked if an individual served his time for an offense, would he be allowed in this facility for a different crime. Asst. City Attorney Green suggested the following amendment which would clarify the issue: "Housing on the leased premises of any juvenile or any inmate within the restricted category or with a previous conviction of a sexual offense shall constitute a breach of this lease agreement." Partridge and Rodriguez agreed that the motion be amended as suggested by the Asst. City Attorney. Kooiker stated that the land for proposed site for this facility is there to act as a buffer for the landfill. If it is not going to be

used as a buffer, the city should consider selling it. He also expressed concern about the use of the facility being changed in the future, and the renewal terms included in the lease document. Kriebel spoke against the proposed lease for many of the same reasons expressed by Kooiker. He also noted that there will be an issue relative to impact fees for this facility. Chief Tieszen stated that he is satisfied with the notification requirements. The DOC has assured him that he will be able to find out who is in the facility at any given time. Tieszen added that the operation of a facility like this is not without some degree of risk. In this case, the restrictions that have been placed by the DOC are satisfactory. The DOC also has a good record of operating these facilities and managing the prisoners. We must also balance the risk, with the benefit to the community and there is definitely a benefit to the community to have this facility in Rapid City. Considering all factors, Tieszen stated that he supports the minimum security facility being placed at the described location. Roll call vote was taken: AYE: Murphy, Rodriguez, Waugh, Kroeger and Partridge; NO: Hanks, French, Kooiker, Hadley and Kriebel. Mayor Shaw voted AYE to break the tie and the motion carried, 6-5.

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

A RESOLUTION OF INTENT TO ENTER INTO LEASE OF LAND WITH HUBBARD FEEDS, INC. PURSUANT TO SDCL 9-12-5.2

BE IT RESOLVED by the City of Rapid City that the City of Rapid City intends to enter into a lease of real property for additional staging area with Hubbard Feeds, Inc. which property is described as Lot 24A, less Lot H1 of Rapid City Greenway Tract, SE 1/4, SW 1/4, Section 36, Township 2 North, Range 7 East, Black Hills Meridian, Rapid City, Pennington County, South Dakota; and

BE IT FURTHER RESOLVED that a copy of this resolution of intent be published once at least ten (10) days prior to the hearing to be held at City Hall, 300 Sixth Street, Rapid City, South Dakota, at 7:00 o'clock, p.m., on the 16th day of June, 2003, or as soon thereafter as the item may come on for hearing at said meeting; and

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

Dated this 2nd day of May, 2003.

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

CITY COUNCIL
s/ Jim Shaw, Mayor

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

Motion was made by Hanks and seconded by Murphy to approve Change Order No. 03 for WRF01-1132, **Water Reclamation Facility Improvements** Administration Building Project with Scull Construction Service, Inc. for an increase of \$41,072; contingent upon South Dakota Department of Environment and Natural Resources approval (No. PW052703-02). Project Manager Dan Coon explained that this change order encompasses two areas: 1) Design changes that were made to make the building more user friendly and 2) Code items that were missed during the design stage. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Hanks and seconded by Rodriguez to authorize staff to **advertise for bids** for One New Current Model Year Single Axle Truck for Street Division (No. PW052703-05). Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley, Kriebel and Partridge. Motion failed because of a tie vote.

Motion was made by Rodriguez and seconded by Murphy to authorize staff to **advertise for bids** for One (1) New Current Model Year Tandem Axle Truck for Street Division (No. PW052703-06). Roll call vote was taken: AYE: Hanks, Murphy, Rodriguez, Waugh and Kroeger; NO: French, Kooiker, Hadley, Kriebel and Partridge. Motion failed because of a tie vote.

Motion was made by Hanks and seconded by Kroeger to authorize the Mayor and Finance Officer to sign a Professional Service Agreement with HKM Engineering, Inc. to conduct the Stevens High School **Traffic Study** for an amount not to exceed \$13,000 (City/School funding split) (No. PW051303-17). Robb Schlingen from the Rapid City School District was present for questions. Substitute motion was made by Partridge and seconded by Rodriguez to deny the Agreement. Partridge noted that it is the feeling of the Council that we would not approve the study based on the timing of the school year and the engineering company, through their own admittance, proceeded at their own risk. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: Hanks and Murphy. Substitute motion to deny carried, 8-2.

The next item discussed by the Council was a request by Mark Parette, **Black Hills Fibercom**, for compensation for damages to the irrigation system and vegetation at the power substation and Fibercom hub station located at 2510 5th Street. Motion was made by Hanks and seconded by French to approve. Roger Johnson, representing Stanley Johnsen Concrete, explained that this project was built approximately 18 months ago. He would be more than willing to take care of the problem, but he is not sure what it is. Substitute motion was made by Partridge and seconded by Kooiker to deny this item. Substitute motion was made by Hank and seconded by Hadley to refer this item to the Legal & Finance Committee for consideration. Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez, seconded by Hanks and carried to approve a Special Exception to allow more than 40 dwelling units with one-point of access for **West Hills Village** (No. PW052703-12).

Motion was made by Kooiker, seconded by Waugh and carried to approve the bid award, per emergency provisions of the South Dakota Bid Law, of W03-132, **Sheridan Lake Road/Fairway Hills Drive Street Repair Project** to the lowest responsible bidder meeting specifications, Heavy Constructors, Inc. for the low unit prices bid for a total contract amount of \$28,794.50 (No. PW052703-15).

Motion was made by Rodriguez and seconded by Kooiker to approve **Dakota Middle School Alley Improvements**. Mayor Shaw reminded the Council that Linda Harrington and Judy Vinatieri spoke in favor of this item at the beginning of the meeting. Asst. Public Works Director Ted Vore requested that this item be referred to the CIP Committee for consideration. Their recommendation can then be forwarded to the Public Works Committee. Kriebel stated that there are many streets in the community that are in worse condition than this alley. He encouraged the council members to inspect this alley and its condition. Murphy noted that there are repairs that are needed in this alley. It has been patched in the past, however, because of the truck traffic, patching won't work. There has also been erosion under the sidewalk that needs to be repaired. Substitute motion was made by Murphy and seconded by French to refer this item to the CIP Committee for review, with recommendation within 60 days.

The next item on the agenda was an update on the **West Chicago and 44th Street Intersection**. Motion was made by Kroeger and seconded by Rodriguez to continue this item to the next Public Works Committee meeting. Asst. Public Works Director Ted Vore explained that the current design for this project is on hold. The project is scheduled for bid letting in 2004, however, the city will need to purchase a piece of property at the intersection of 44th Street and South Canyon Road. Partridge asked about the time frame for this project. Vore stated that the time frame for this project will be presented at the next Committee meeting by Engineering Division Manager Randy Nelson. Upon vote being taken, the motion carried unanimously.

Finance Officer's Report

Motion was made by Hanks seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to Sign an **Agreement for Services** with Martin Jurisch & Associates to conduct the City's surplus auction on June 21, 2003 (No. CC060203-03).

Approval of Bills

The following bills having been audited, it was moved by Rodriguez, seconded by Hadley and carried to authorize the Finance Officer to issue warrants to treasurer's checks, drawn on the proper funds, in payment thereof:

Payroll Paid Ending 05-17-03, Paid 05-23-03	628,245.09
Payroll Paid Ending 05-17-03, Paid 05-23-03	948.48
Payroll Paid Ending 05-31-03, Paid 05-30-03	998,207.91
Pioneer Bank, Taxes Paid 05-23-03	154,542.30
Pioneer Bank, Taxes Paid 05-23-03	66.44
Pioneer Bank, Taxes Paid 05-30-03	257,603.81
Wells Fargo Corporate Card, job advertising	300.00
BH Power & Light, electricity	56,698.74
First Administrators, claims Paid 5-14-03	68,593.50
First Administrators, claims Paid 5-21-03	85,043.82
First Administrators, claims Paid 5-27-03	69,870.23
SD Department of Revenue, sales tax	14,986.71
SD Department of Revenue, sales tax	25,967.58
US Postmaster, billing postage	1,100.00
Computer Bill List	2,125,450.41
Total	<u>\$4,487,625.02</u>

Payroll Paid Ending 05-17-03, Paid 05-23-03	2,608.80
Pioneer Bank, Taxes Paid 05-23-03	191.39
City of Rapid City, stamps	20.25
Johnson Machine, oil, oil filter	11.58
City of Rapid City, postage	165.70
Marlin Leasing, copier lease	4.59
Philfleet, gasoline	157.20
SD School of Mines, telephone	51.44
Total	<u>\$4,490,835.97</u>

City Attorney's Report

The next item on the agenda was **revocation of city-issued licenses**. Green requested that this item be continued to the next Legal & Finance Committee meeting. This will allow him additional time to research this issue. Motion was made by Hanks, seconded by Waugh and carried to continue this item to the next Legal & Finance Committee meeting.

Executive Session

Motion was made by Hadley, seconded by French and carried to go into executive session to discuss pending litigation and contractual matters.

The Council came out of executive session, but no report was made.

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

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)