

PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
December 15, 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, December 15, 2003 at 7:00 P.M.

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

Staff members present included Finance Officer Jim Preston, Planning Director Marcia Elkins, City Attorney Jason Green, Chief of Staff Dick Talley, Fire Chief Gary Shepherd, Engineering Division Manager Dan Coon and Administrative Assistant Jackie Gerry.

Motion was made by Rodriguez, seconded by Hadley and carried to **approve the minutes** of December 1, 2003.

Adoption of the Agenda

Partridge moved, second by Hanks and carried to accept the agenda as presented with inclusion of 5a) Rushmore Plaza Civic Center and Daktronics and 5b) Timberline Trail/Pinedale Heights access issue.

General Public Comment

Steve Flanery, Chairman of the **Rapid City Economic Development Partnership** briefed the Council on their activities explaining their primary focus is creating new jobs and new industry. Currently, they are working on a new approach to economic development by using a venture capitalist from California, who is recruiting businesses to bring to the region. They are also working on an outreach program with the Pine Ridge Reservation on economic development.

Dan Michael, 3828 Clifton commented on Council passing **Ordinance 3934** as it relates to storage and parking of trucks, trailers and commercial vehicles. He asked Council to reconsider the ordinance because he believed that people who own vans and perform service work from those vans were not given an opportunity to address their concerns before the Council. In response to a question raised by Alderman Hanks, City Attorney Green explained any van or pickup would be allowed under the ordinance provided other requirements for off-street parking are met; the types of vehicle not allowed are larger trucks. Alderman Kooiker reminded Council of the recommendation from the Legal & Finance Committee to deny without prejudice and referral to the Planning Commission for consideration of the use of a Conditional Use Permit process. Kevin Kirkland, 2621 Arrowhead Drive also addressed the ordinance and questioned whether parking RVs in residential neighborhoods was permitted.

Frank and Lisa King, The Native Voice, 601 12th Street, Suite 3 reported to the Council that a **Native American Film Festival** will be held in Rapid City, January 20-31, 2004 at the Elks Theater. There will be six major films premiered, of which one, Dream Keepers, will appear on ABC as a Hallmark Entertainment Production. This film is based on Lakota mythology. It was also reported that Chris Eyre, local resident and film director, will have his new feature film for ShowTime television screened at the festival. The festival has honored this film by being one of the opening night films to be shown at the Sundance Film Festival. In the spirit of bridging the community, providing an educational opportunity, and economic development the Rapid City Council and Mayor Shaw were respectfully requested to sanction the event and provide a financial commitment. Alderman Hanks advised that a financial commitment was not an option because of the moratorium on spending; and asked the Mayor's Office to prepare a resolution supporting the event.

Judy Harder, 6518 **Wellington Drive** reported an enormous amount of earthmoving taking place in her neighborhood, creating an air quality problem; and mounds of dirt being left in place that create an air quality problem during high wind events. She asked for a resolution to the air quality problem by requiring the developer to move the mound of dirt. Motion was made by French, seconded by Kooiker and carried to refer this issue to the December 30, 2003 Public Works Committee meeting.

Kim McKittrick, 204 Douglas Road reported that business owner Mark Huffman will establish a new business called Dial-A-Driver. She reported this was not a taxi business, but must operate under a taxi business license. The intent is to provide transportation for person and auto, when a person has been drinking.

Items from the Mayor

Mayor Shaw presented the Veteran of the Month Award to Jack van der Geest and commended him for outstanding service to the country.

Shaw also presented a Certificate of Recognition to Loyann Kistler of the Rapid City Police Department and commended her for twenty years of service to the community.

Items from Council Members/Liaison Reports

Motion was made by French, seconded by Hanks and carried to request the City Attorney's Office to review the current Adult Oriented Business Ordinance and come forward with recommendations at a Legal & Finance Committee meeting.

Motion was made by Hanks, seconded by French and carried to request the City Attorney's Office work with the Rushmore Plaza Civic Center and Daktronics on the replacement of the Civic Center sign at Omaha and Mt. Rushmore Road.

Alderman Kooiker questioned whether the City has taken a position on the Timberline Trail/Pinedale Heights access issue. City Attorney Green advised this is a matter of pending litigation and appropriate to discuss in an executive session.

Continued Items Consent Calendar – Items 6-35

Motion was made by Hanks, seconded by French and carried to continue the following items as noted:

Continue the following items until December 29, 2003:

6. 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.
7. No. 03PL063 - A request by Fisk Land Surveying and Consulting Engineers for Dakota Land Development for a **Final Plat** on Lots 1 thru 3, Vista Lake Subdivision #2, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 and a portion Lot F-1 of the Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and the N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Jackson Boulevard north of the Fish Hatchery.

8. No. 03PL084 - A request by Renner & Sperlich Engineering Co. for Eldene Henderson for a **Preliminary and Final Plat** on Lot 7R and Lot 8R of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8 of Madison's Subdivision located in the E1/2 SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along North Haines Avenue.
9. No. 03PL110 - A request by FMG, Inc. for Cedarhill Corporation for a **Final Plat** on Lots 5 through 7 of Block 7 and Lots 2 through 5 of Block 8 all of CHMH Subdivision, and dedicated public right-of-way shown as Sagewood Street all located in SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted balance of the SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north of Mall Drive.

Continue the following items until January 5, 2004:

10. No. 03AN011 - A request by FMG, Inc. for Bill Freytag for a **Petition for Annexation** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.
11. No. 03CA041 - A request by Franklin Simpson for an **Amendment to the Comprehensive Plan to change the future land use designation on a 1.792 acre parcel of land from Park Forest to Medium Density Residential with a Planned Residential Development** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of

N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Harmony Heights Lane.

12. No. 02PL116 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Road.
13. No. 03PL035 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Layout, Preliminary and Final Plat** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
14. 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.
15. 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.
16. 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.
17. No. 03PL052 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-4, Block 1 and Outlot D; Lots 1-7, Block 2; Lots 1-3, Block 3, of Stoney Creek South Subdivision and Dedicated Bendt Drive and Major Drainage Easements located in the NW1/4 SW1/4 and the SW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2, Section 22, T1N, R7E; a portion of the unplatted balance of the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, Section 22, T1N, R7E; a portion of the unplatted balance of the E1/2 SW1/4 less Stoney Creek Subdivision and less Lot H2, Section 22, T1N, R7E; and, a portion of the unplatted balance of the SW1/4 SW1/4 less Lot H1 and Lot P1, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Sheridan Lake Road and Catron Boulevard.

18. No. 03PL088 - A request by Dream Design International, Inc. for Sally Broucek for a **Final Plat** on Lots 1 thru 10 of Block 1 and Lots 1 thru 19 of Block 2 of Stoneridge Subdivision located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the W1/2 of the S1/2 of Government Lot 4 located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the end of Parkview Drive.
19. No. 03PL094 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Preliminary and Final Plat** on Lot 2, Moon Ridge Subdivision, located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 2 of Pioneer Subdivision located in the NE1/4 of the SE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the U.S. Highway 16 and Moon Meadows Road.
20. No. 03PL097 - A request by Renner & Sperlich Engineering Company for Doeck, LLC for a **Preliminary and Final Plat** on Lots 12-21 Block 1, Lots 12-40 Block 2, Lots 1-12 and 21-24 Block 3, and Lots 1, 13, 14, 30 and 31 Block 5 of Auburn Hills Subdivision, located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 and the SW1/4 of the NW1/4 located in the NW1/4 of SW1/4 and the SW1/4 of NW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Haines Avenue and north and south of Amber Drive.
21. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **Layout, Preliminary and Final Plat** on Lots 6 through 9 of Block 4 and Lot 21R of Block 1 and Lot 22R of Block 1, Tyler Knue Subdivision, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 21 and a portion of Lot 22 of Block 1 and a portion of Lot 22 of Block 1 and a portion of the unplatted balance of the NW1/4 NW1/4 all of Tyler Knue Subdivision and dedicated public right of way shown as Nicole Street, located in NW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
22. No. 03PL104 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 13 and Tract A, Block 4; Lots 6 thru 12, Block 16; Lots 1A thru 12A, Lots 1B thru 12B, and Tract B, Block 18; Tract C and Dedicated Streets; Big Sky Subdivision, located in the N1/2 NW1/4 SE1/4 and the SW1/4 NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Patricia Street, Aurora Drive and Carl Avenue.
23. No. 03PL112 - A request by Franklin Simpson for a **Preliminary and Final Plat** on Tract M1 and M2, Fountain Springs Business Park, located in the NE1/4 SE1/4 of Section 27, and the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NE1/4 SE1/4 of Section 27 and a portion of the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Harmony Heights Lane.
24. No. 03RZ043 – Second Reading, **Ordinance 3997**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from No Use District to Low Density Residential II District** on a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12

feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet, more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM; Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

25. No. 03RZ044 - Second Reading, **Ordinance 3998**, a request by FMG, Inc. for Bill Freytag for a **Rezoning from Mobile Home District to Low Density Residential II District** in the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Nicole Street.
26. No. 03RZ049 - Second Reading, **Ordinance 4005**, a request by Franklin Simpson for a **Rezoning from General Agriculture District to Medium Density Residential District** on a parcel of land described by metes and bounds as beginning at the southwesterly corner of Tract H of the Wesleyan Christian Center, Thence first course: N76°34'25"E a distance of 263.55 feet to the SE corner of said Tract H; Thence second course: N69°06'06"E a distance of 98.75 feet to the westerly right-of-way line of Sunny Springs Road; Thence third course: S17°49'19"E a distance of 195.45 feet to an angle point of Sunny Springs Road right-of-way; Thence fourth course: S27°11'30"W a distance of 14.14 feet to the north right-of-way line of Harmony Heights Lane; Thence fifth course: S72°12'18"W a distance of 256.21 feet to a point of curvature on the north line of Harmony Heights Lane; Thence sixth course: along an arc to the right, which radius is 170.00 feet an arc distance of 110.36 feet to a point of tangency on the north line of Harmony Heights Lane; Thence seventh course: N70°21'42"W a distance of 53.48 feet to the east right-of-way line of Plaza Boulevard; Thence eighth course: along the east right-of-way line of Plaza Boulevard, on an arc to the left, which radius is 333.35 feet an arc distance of 162.41 feet, and the chord bearing of N00°31'03"E a distance of 160.81 feet, to the point of beginning, said parcel of land containing 1.792 acres more or less, all lying in the NE1/4 SE1/4 of Section 27 and in the NW1/4 SW1/4 of Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Harmony Heights Lane.
27. No. 03SV013 - A request by Renner & Sperlich Engineering Company for Dean Kelly for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer, paving and additional right-of-way width on Corral Drive as per Chapter 16.16 of the Subdivision Regulations** on Lots B and C of Lot 6, Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Miracle Pines Subdivision located in the NE1/4 NW1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive.
28. No. 03SV028 - A request by Dream Design International for Doyle Estes (DTH LLC) for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, watermain and street light conduit as per Chapter 16.16 of**

the Rapid City Municipal Code on Lot 3-7, Block 13; and dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as S1/2 GL3 less Big Sky Subdivision; S1/2 GL4 less Lot H1 and Less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and Less Right-of-Way, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Buddy Court off of Degeest Drive.

29. No. 03SV035 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer and pavement on the section line highway and to waive the requirement to install curb, gutter, sidewalk and street light conduit on U.S. Highway 16 as per Chapter 16.16 of the Rapid City Municipal Code** on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road.
30. No. 03SV039 - A request by Gordon Howie for Galen Steen for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sewer, water, street light conduit, sidewalk and pavement as per Chapter 16.16 of the Rapid City Municipal Code** in the SW1/4 NE1/4; the west 66 feet of the NW1/4 NE1/4, Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, a portion of the E1/2 of Section 25, located in the E1/2 Section 25, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the center 1/4 corner of Section 25, and the Point of Beginning, thence, first course: N90°00'00"E, along the 1/4 line of Section 25, a distance of 396 feet; thence, second course: S00°00'00"W, a distance of 624.43 feet; thence, third course: N90°00'00"W, a distance of 396.00 feet, to a point on the 1/4 line of Section 25; thence, fourth course: N00°00'00"E, along the 1/4 line of Section 25, a distance of 624.43 feet, to the center 1/4 corner of Section 25, and the point of beginning; said parcel contains 5.677 acres more or less, located southeast of the intersection of Anderson Road and South Side Drive.

31. No. 03SV040 - A request by FMG, Inc. for Bill Freytag for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** in the S1/2 NW1/4 NW1/4 less Tyler Knue Subdivision, Section 24, T2N, R7E, unplatted, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and a tract of land located in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Commencing at a point which is a 5/8" rebar with survey cap LS 6119 marking the northwest corner of Lot 9 of Block 1 of Tyler Knue Subdivision in the NW1/4 of NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence, N00°16'55"E a distance of 77.12 feet, more less, to a point; Thence N13°44'34"W a distance of 107.66 feet, more less, to a point; Thence S66°12'08"W a distance of 303.51 feet, more less, to a point; Thence N89°32'23"W a distance of 279.98 feet, more less, to a point; Thence N00°27'37"E a distance of 121.67 feet , more or less, to a point; Thence N45°26'14"E a distance of 159.30 feet, more or less, to a point; Thence S44°33'46"E a distance of 12.36 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00 feet and an arc length of 57.47 feet, more or less, to a point; Thence N45°57'12"E a distance of 54.45 feet, more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00 feet and an arc length of 47.61 feet, with a cord bearing S71°38'36"E and a distance of 47.46 feet, more or less, to a point; Thence N14°08'42"E a distance of 198.01 feet, more or less, to a point; Thence N04°06'06"E a distance of 200.01 feet, more or less, to a point, said point being on the north line of Section 24, T2N, R7E, BHM: Thence N89°40'38"W a distance of 403.23 feet, more or less, to a point, said point being a 2" pipe marking the northwest corner of Section 24, T2N, R7E, BHM; Thence S00°27'40"W a distance of 664.08 feet, more or less, to a point, said point being the northwest 1/16 corner of Section 24, T2N, R7E, BHM; Thence S89°43'05"E a distance of 676.34 feet, more less, to the Point of Beginning, located along Nicole Street.

Continue the following items until January 19, 2004:

32. 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.
33. 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.
34. No. 03CA040 - A request by Centerline for Ken Kirkeby and Larry Lewis for an **Amendment to the Comprehensive Plan to change the future land use designation on a 14.92 acre parcel of land from Park Forest to Low Density Residential II** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sandstone Ridge Apartments and east of Holiday Estates.
35. No. 03RZ047 - Second Reading, **Ordinance 4004**, a request by Centerline for Ken Kirkeby and Larry Lewis for a **Rezoning from Park Forest District to Low Density Residential II District** on Parcel A of Tract SB of Springbrook Acres, Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Sandstone Ridge Apartments and east of Holiday Estates.

Matters to be Reconsidered

No. LF100103-18R – Motion was made by Kroeger, seconded by Hanks to reconsider Second Reading, **Ordinance 3993** entitled An Ordinance Amending the Capital Improvements Committee Operating Procedures by Amending Section 3.16.090 of the Rapid City Municipal Code. Roll call vote was taken: AYE: Murphy, Hanks, Kroeger, and Waugh; NAY: French, Kriebel, Hadley and Kooiker. Mayor Shaw voted AYE to break the tie and the motion carried.

Motion was made by Kroeger, seconded by Waugh to approve Second Reading of **Ordinance 3993** entitled An Ordinance Amending the Capital Improvements Committee Operating Procedures by Amending Section 3.16.090 of the Rapid City Municipal Code. Alderman Kriebel reminded the Council that the South Dakota Attorney General Larry Long campaigned on open government; and expressed his support for a notification process for the committee. In response to a question raised by Alderman Kooiker; and upon reviewing the ordinance, City Attorney Green advised that no project can move forward until the Council has reviewed and approved a plan amendment. Kooiker supported the reinstatement of a notification period in the ordinance. Green advised that because this is a public meeting, the 24-hour notification is required.

Substitute motion was made by Kooiker, seconded by Hadley to reinstate the 10-day notification period in Ordinance 3993. Discussion followed relative to committee assignments and participation. City Attorney Green reminded Council that the ordinance had been amended to allow any Council member attending the Capital Improvements Committee to cast a vote; and established a quorum of six. He pointed out the motion on the floor is an amendment to the amended ordinance. The amendment was effective before the ordinance failed on a 5 to 4 vote. The reconsideration revived the amended ordinance.

Alderman Hanks spoke to the by-laws of the CIP Committee; and offered a second substitute motion to request the Mayor to appoint the remaining five Council members to the committee. The Chair declared the substitute motion out of order.

Alderman Rodriguez called the question and there were no objections. Roll call vote was taken on the substitute motion: AYE: French, Hadley and Kooiker; NAY: Murphy, Hanks, Kriebel, Kroeger, Waugh, Rodriguez and Partridge. Substitute motion failed, 3-7.

Alderman Kriebel pointed out to Council that the issue was never about membership on the Committee, but the operating procedures of the Committee. Alderman Kooiker expressed concern about the Committee's ability to reprioritize projects within a budget line item; and suggested the inclusion of a clause "with Council approval". City Attorney Green advised that the CIP Committee could reprioritize any of the projects in the CIP program; but before any project can be undertaken, the plan amendment must be presented to the Council.

Substitute motion was made by Kooiker, seconded by Hadley to amend the ordinance that the CIP Committee has the authority to recommend reprioritization of projects within the budget line item with Council approval. Alderman Hanks called the question and there was no objection. Roll all vote was taken: AYE: French, Kriebel, Hadley, Partridge and Kooiker; NAY: Murphy, Hanks, Kroeger, Waugh and Rodriguez. Mayor Shaw voted AYE to break the tie and the substitute motion carried, 6-5.

Roll call vote was taken on the original motion, as amended: AYE: French, Murphy, Kriebel, Kroeger, Waugh, Hadley, Rodriguez, Partridge, and Kooiker; NAY: Hanks. Motion as amended, carried, 9-1.

Alderman Hanks requested that the Mayor reappoint his seat on the CIP Committee.

Motion was made by Rodriguez to request that the Mayor appoint the Council of ten to the CIP Committee effective January 2004; and announce at the next Council meeting those attending and not attending the meeting; and keep a running record of attendance. Seconded by Murphy.

City Attorney Green advised the amended ordinance effectively appointed the entirety of the City Council to the CIP Committee.

Friendly amendment was offered by Hanks to televise the proceedings of the CIP Committee. The amendment was accepted by Rodriguez. Discussion continued about the attendance of Council members at the CIP Committee meetings. Kooiker called a point of order and the Chair ruled the motion in order. Roll call vote was taken: AYE: Murphy, Hanks, Rodriguez and Kooiker: NAY: French, Kriebel, Kroeger, Waugh, Hadley and Partridge. Motion failed, 4-6.

Mayor Shaw recessed the Council proceedings at 9:39 and reconvened at 9:42.

Alcoholic Beverage License Applications

The Mayor announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. No public comments were received. Motion was made by Hanks, seconded by French and carried to close the public hearing; excluding the following:

44. Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Sale Wine License Renewal
63. General Mills, Inc. dba **Red Lobster Restaurant**, 120 Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
64. High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening

Motion was made by Hanks, seconded by Hadley and carried to approve the following alcohol license applications:

On-Sale Wine License Renewal

37. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Sale Wine License Renewal
38. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Sale Wine License Renewal
39. Faryat, Inc. dba **Botticelli Ristorante**, 523 Main Street, for an On-Sale Wine License Renewal
40. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Sale Wine License Renewal
41. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Sale Wine License Renewal
42. Dos Ermonas, Inc. dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Sale Wine License Renewal
43. Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Sale Wine License Renewal
45. Mai T. Goodsell dba **Saigon Restaurant**, 221 E. North Street, for an On-Sale Wine License Renewal
46. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an On-Sale Wine License Renewal
47. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Sale Wine License Renewal

On-Sale Liquor License Renewal

48. Shiba Investments, Inc. dba Radisson, 445 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
49. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Sale Liquor License Renewal and Sunday Opening

50. Jim Didier, **Hotel Alex Johnson**, 523 Sixth Street, for an On-Sale Liquor License Renewal (inactive)
51. American Legion Home Association dba **American Legion**, 818 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
52. Porter Apple Company, Inc. dba **Applebee's**, 2160 Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
53. RC Boston Company, LLC dba **Boston's Gourmet Pizza Restaurant**, 625 E. Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
54. Derby Advertising, Inc. dba **Canyon Lake Chophouse**, 2720 Chapel Lane, for an On-Sale Liquor License Renewal and Sunday Opening
55. Casa Del Rey, Inc. dba **Casa Del Rey**, 1902 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
56. Colonial House, Inc. dba **Colonial House Restaurant**, 2501 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
57. Hansen Investments, Inc. dba **Diamond Dave's Taco Company**, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
58. Kelly's Sports Lounge II, Inc. dba **Harold's Prime Rib**, 318 East Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
59. Kurylas, Inc. dba **Imperial Inn**, 125 St. Joe Street, for an On-Sale Liquor License Renewal
60. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
61. Meadowood Lounge, Inc. dba **Meadowood Lounge**, 3809 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
62. Beshara Enterprises, Inc. dba **Pirate's Table**, 3550 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
65. Shooters, Inc. dba **Shooters**, 2424 West Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
66. High Plains Securities, Inc. dba **St. Joe Pub**, 710 St. Joe Street, for an On-Sale Liquor License Renewal and Sunday Opening
67. LaCroix Investments, Inc. dba **Time Out Lounge**, 615 E. North Street, for an On-Sale Liquor License Renewal and Sunday Opening

Off-Sale Liquor License Renewal

68. Albertsons, Inc. dba **Albertsons**, 855 Omaha Street, for an Off-Sale Liquor License Renewal
69. Hotel Management Company, Inc., dba **Hotel Alex Johnson**, 523 Sixth Street, for an Off-Sale Liquor License Renewal
70. LaCroix Investments, Inc. dba **Bus's Bottle Shop**, 615 E. North Street, for an Off-Sale Liquor License Renewal
71. Canyon Lake Liquors, Inc. dba **Canyon Lake Liquors**, 4244 Canyon Lake Drive, for an Off-Sale Liquor License Renewal
72. Derby Advertising, Inc. dba **Canyon Lake Chophouse**, 2720 Chapel Lane, for an Off-Sale Liquor License Renewal
73. Moyle Petroleum Company, dba **Common Cents Food Store**, 2808 Sheridan Lake Road, for an Off-Sale Liquor License Renewal
74. RC Liquor, Inc. dba **Family Thrift Liquors No. 273**, 1516 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
75. H&B, Inc. dba **Hall Inn**, 214 E. St. Joe Street, for an Off-Sale Liquor License Renewal
76. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Liquor License Renewal
77. RC Liquors, Inc. dba **Prairie Bottle Market**, 13 New York Street, for an Off-Sale Liquor License Renewal
78. Sooper Dooper Markets, Inc. dba **Sooper Dooper No. 1**, 913 E. St. Patrick Street, for an Off-Sale Liquor License Renewal

79. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an Off-Sale Liquor License Renewal

Off-Sale Liquor License Renewal

80. Staple and Spice Market, Inc. dba **Staple and spice Market**, 601 Mt. Rushmore Road, for an Off-Sale Liquor License (New License)

Special Malt Beverage and Wine License

81. Rapid City Area **Chamber of Commerce**, for a Special Malt Beverage and Special Wine License to be used on January 13, 2004 at Security First Bank, 805 Fifth Street
82. Rapid City Area **Chamber of Commerce**, for a Special Malt Beverage and Special Wine License to be used on February 10, 2004 at the Rapid City Public Library, 610 Quincy Street
83. Rapid City Area **Chamber of Commerce**, for a Special Malt Beverage and Special Wine License to be used on March 9, 2004 at Slingsby & Wright Eye Care, 240 Minnesota Street

Motion was made by Hanks, seconded by Rodriguez and carried to table the application submitted by Manna, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Sale Wine License Renewal.

The Mayor announced the meeting was open for hearing on the listed applications for Alcoholic Beverage Licenses to operate within the City of Rapid City, South Dakota. No public comments were received. Motion was made by Hanks, seconded by Waugh and carried to close the public hearing.

Motion was made by Hanks, seconded by Kroeger and carried with Alderman French abstaining to approve General Mills, Inc. dba **Red Lobster Restaurant**, 120 Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening;

Motion was made by Hanks, seconded by Kroeger and carried to continue to the Special Council meeting on December 29, 2003 the High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening.

Upon motion made by Hanks, seconded by Hadley and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, January 5, 2004:

84. Taira L. Hoeye dba **St. Joe Pub**, 710 St. Joseph Street, for an On-Sale Liquor License Transfer (from High Plains Securities).
85. CCKT, Inc, dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Transfer (from Jim Berendes).

Consent Calendar Items – 86-140

The following items were removed from the Consent Calendar:

88. No. 03VR014 - A request by Dream Design International, Inc. for a **Vacation of Section Line Right-of-Way** on the west 1321.62 feet of the sixty six foot wide section line right-of-way lying between Section 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line right-of-way lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line right-of-way lying between sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota, located north of Nicole Street and west of Haines Avenue.

89. No. PW111203-01 – Approve the proposal presented by the Gandolf Group, LLC to re-vegetate Robbinsdale Park (adjacent to Un-Named Tributary) to expand the wetlands by 0.3 acres and grasslands by 0.5 acres.
104. No. LF121003-05 – Confirm the Mayor’s appointment of Kathy LaForest, Scott Backens, Dave Kurtz, Doug Puetz, Tom Collings, Margot Burton, Shelly Schock and Biran Gosch to a two year term on the Mayor’s Committee on Disabilities to expire December 31, 2005.
131. No. LF121003-16 – Authorize Mayor and Finance Officer to sign Contract between the City of Rapid City and McKie Ford to Provide Vehicle Maintenance on Rapid Transit Vehicles.
134. Approve the following licenses: House Mover: The Royal Company SD, Inc., Kitty L. Johnson; Metals and Gems: Best Pawn, Inc., Bruce R. McKinney; Silver Mountain Coins, Jack Meyer; Pawn Shop: Best Pawn, Inc., Bruce R. McKinney; Residential Contractor: Black Hills Remodelmen, Inc., Larry, Dan & Donald Canaday; Lage Construction, Inc., Jennifer Lage-Landguth; Mike Lewis Construction, Michael E. Lewis; Rave Bros., Inc., Darrell S. Rave & Steven E. Rave; Cal Weidenbach Construction, Cal Weidenbach; Second Hand: Best Pawn, Inc., Bruce R. McKinney; Jack First, Inc., Martin A. Errea; Security Business: Deco Security Services, Inc., Keith L. Emerson; Sign Contractor: Conrad’s Big C Signs, Ron Conrad; Gordon Sign, Robert Monger; Rosenbaum’s Signs, Thomas J. Farrar; Scull Construction Service, Inc., James L. Scull, Jr.; Taxi Business: Wheelchair Services of the BH, Michael E. & Leanne T. Weideman.

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

Set for Hearing (January 19, 2004)

86. No. 03VR012 - A request by Alvin Ficek for Heartland GMAC Real Estate for Barbara Van Ekeren and Peggy Kelly for a **Vacation of Right-of-Way** on a portion of undeveloped Oriole Drive right-of-way adjoining Lots 2 and 3 in Block 7 and Lots 5 and 6 in Block 8 of Lot A of Morningside Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Oriole Drive west of West Boulevard North.
87. No. 03VR013 - A request by Alliance of Architects and Engineers for Pennington County Housing & Redevelopment Commission for a **Vacation of Right-of-Way** on that portion of the alley of Block 13, Wise's Addition adjacent to Lots 4 thru 10 and Lots 11 thru 17 of said Block 13, located in the S1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 305, 307, 311 and 313 East Adams Street.

Public Works Committee Consent Items

90. No. PW120903-01 – Approve Change Order No. 02 and Final for Catron Boulevard Improvements Project No. ST01-1047 to Stanley J. Johnsen Concrete Contractor, Inc. for a decrease of \$27,865.65.
91. No. PW120903-02 – Approve Change Order No. 04 for Omaha Street Water & Sewer Utilities and Median Beautification Project Nos. SSW02-1106 & PR02-1215 to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$12,413.69.
92. No. PW120903-03 – Authorize Mayor and Finance Officer to sign Amendment No. 03 to Professional Service Agreement with CETEC Engineering Services to Design Omaha Street Utilities, 12th Street to East Boulevard Project No. SSW02-1106 for an amount not to exceed \$4,078.30.
93. No. PW120903-04 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Kadrmas, Lee & Jackson, Inc. to Design East Eglin Lift Station and Force Main Project No. SS03-1292 for an amount not to exceed \$26,118.00.

- 94. No. PW120903-05 – Authorize Mayor and Finance Office to sign an Agreement with Carl J. and Valerie Duwenhoegger for a permanent water main easement associated with the Water Reclamation Facility Water Main Project No. WRF02-1195; and authorize the payment of \$5,000 for the easement.
- 95. Acknowledge the report from staff of the Public Works Department and Fire Department addressing the Rapid City Regional Airport water concerns.
- 96. No. 03VE019 – Approve a Vacation of Note on Plat for Black Hills Federal Credit Union on located at 725 East North Street.

RESOLUTION OF VACATION OF
NOTE ON A PLAT

WHEREAS the Rapid City Council held a public hearing on the 15th day of December, 2003, to consider the modification of a note on the plat for Lot 1 of Block 8, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota more generally described as being located at 725 East North Street; and good cause appering therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat identifying 25 foot building setbacks be vacated on all pages of the original Plat on which it appears.

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Vacation of Note on Plat be approved for Lot 1 of Block 8, Feigels Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, as shown on Exhibit A.

Dated this 15th day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 97. No. - 03TP016 – Approve the Final Report of the Intelligent Transportation System Master Plan for Integration Systems.

Legal & Finance Committee Consent Items

- 98. Request the Council president set a special 2012 Committee meeting for December 29, 2003, to discuss the Dahl expansion.
- 99. No. LF112403-02 – Authorize Mayor and Finance Officer to sign Memorandum of Understanding between City of Rapid City, Rapid City Hospitality Association, and Rapid City Area Chamber of Commerce.
- 100. No. LF121003-01 – Approve Grant Applications from Weed & Seed for service organizations.
- 101. No. LF121003-02 - Authorize staff to advertise for bids for Weed & Seed Annual Evaluation.
- 102. No. LF121003-03 – Confirm the Mayor’s appointment of Mark Thomas as the installer representative to the Mechanical Board.
- 103. No. LF121003-04 – Confirm the Mayor’s appointment of Dale Landis, Brenda Cudmore, Linda Lockner, Renee Kirst, and Kathy Ertel to a one year term on the Mayor’s Committee on Disabilities to expire December 31, 2004.
- 105. Confirm the Mayor’s appointment of Norm Nelson, Dennis Halterman, and Carol Reed Brown to the Historic Preservation Commission.
- 106. Confirm the Mayor’s appointment of Scott Grote to the Electrical Appeals Board.

- 107. No. LF121003-07 – Authorize Mayor and Finance Officer to sign Technical Support Agreement with Sweet Computer Services, Inc.
- 108. No. LF121003-08 – Authorize Mayor and Finance Officer to sign Transportation Services Agreement with Presbyterian Retirement Village of Rapid City, Inc.
- 109. No. LF121003-09 – Approve Travel Request for Richard Broderick, Dan Olson, and Kevin Hansen to attend the 80-Hour HazMat Technician Course in Pueblo, Colorado, from March 1-2, 2004, in an amount not to exceed \$9,300 (costs to be reimbursed by the County through a grant).
- 110. No. LF121003-21 – Authorize Mayor and Finance Officer to sign Maintenance Agreement with Best Business Products, Inc. for Copier.
- 111. No. LF121003-11 – Approve Travel Request for Greta Chapman to attend Public Library Association Meeting in Seattle, Washington, February 24-28, 2004, in the approximate amount of \$1,600.
- 112. No. LF121003-19 – Approve request for special fund for future air quality education opportunities.
- 113. No. LF121003-20 – Authorize staff to submit a program to ISO in an attempt to regain Class PL6 and CL6 building code effectiveness grading schedule.
- 114. Authorize staff to pursue the adoption of the 2003 International Codes, including building and fire codes.
- 115. Request staff to prepare an ordinance to adopt that portion of the 2000 International Codes for hospital occupancies.
- 116. No. 990 – Approve the following Resolution Dissolving Tax Increment District 26 located north of Commerce Road, east of Rand Road and south of South Plaza Drive.

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT
NUMBER TWENTY-SIX

WHEREAS the City of Rapid City created Tax Increment District Number Twenty-Six on December 6, 1993; and,

WHEREAS no expenses have accrued and no expenditures have been made in accordance with the adopted amended project plan for Tax Increment District Number Twenty-Six adopted on September 8, 1998; and,

WHEREAS the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Twenty-Six be, and the same hereby is dissolved.

BE IT FURTHER RESOLVED that any funds which have accrued to the Tax Increment District Number Twenty-Six, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 15th of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 117. No. 03TP017 – Approve final 2004 Unified Planning Work Program.
- 118. No. 03TP018 – Approve Amendment No. 2 to Travel Demand Forecasting Model Update Agreement - No cost time extension.
- 119. No. 03TP019 – Approve Amendment No. 4 to US Highway 16 Corridor Study Agreement - No cost time extension.

- 120. No. 03TP020 – Approve 2004 Agreement between the City of Rapid City and the South Dakota Department of Transportation for Accomplishing the Rapid City Area Transportation Planning Process - Federal Highway Administration Funding in the amount of \$442,649.
- 121. No. 03TP021 – Approve 2004 Agreement between the City of Rapid City and the South Dakota Department of Transportation for Accomplishing the Rapid City Area Metropolitan Planning Process - Federal Transit Administration Funding in the amount of \$82,193.
- 122. No. 03TP022 – Approve 2004 Agreement between the City of Rapid City and Black Hills Council of Local Governments for Transit Planning Assistance for the Rapid City Metropolitan Organization Urbanized Area in the amount of \$18,000.
- 123. No. 03TP023 – Authorize Mayor and Finance Officer to sign an Addendum to Agreement 310639 Rapid City Area 1999 Unified Planning Work Program Project Number PL0358(18) for a Time Extension only to December 31, 2004.
- 124. No. 03TP024 – Authorize Mayor and Finance Officer to sign an Addendum to Agreement 310694 Rapid City Area 2000 Unified Planning Work Program Project Number PL0358(19) for a Time Extension only to December 31, 2004.
- 125. No. 03TP025 – Authorize Mayor and Finance Officer to sign an Addendum to Agreement 310734 Rapid City Area 2001 Unified Planning Work Program Project Number PL0358(19) for a Time Extension only to December 31, 2004.
- 126. No. 03TP026 – Authorize Mayor and Finance Officer to sign an Addendum to Agreement 310820 Rapid City Area 2003 Unified Planning Work Program Project Number PL0358 for a Time Extension only to December 31, 2004.
- 127. No. LF121003-12 – Approve Resolution Writing Off Credit Balance Water Billing Accounts.

**RESOLUTION WRITING OFF
CREDIT BALANCE WATER BILLING ACCOUNTS**

WHEREAS the City Finance Office has determined that certain water billing accounts, shown on Appendix A, attached, and totaling \$381.01 are determined to be expired for refund.

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

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

Dated this 15th of December, 2003.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 128. No. LF121003-13 – Approve Resolution Writing Off Uncollectible Utility Billing Accounts.

**RESOLUTION WRITING OFF
UNCOLLECTIBLE UTILITY BILLING ACCOUNTS**

WHEREAS the City Finance Office has determined that certain utility billing accounts, show on Appendix A, attached, and totaling \$22,877.41 are uncollectible, and

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

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

Dated this 15th of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 129. No. LF121003-14 – Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Solid Waste Division
1984 Caterpillar 816 Landfill Compactor

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 15th of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 130. No. LF121003-15 – Authorize Mayor and Finance Officer to sign Contract Amendment between the City of Rapid City Black Hills Council of Local Governments to provide management services for the Rapid Transit system.
- 132. No. LF121003-17 – Authorize Mayor and Finance Officer to sign Consent (A/R Group, L.L.C.) to First Western Bank.
- 133. Request staff to prepare an ordinance amendment to impose the current restrictions on the use of CIP funds after January 1, 2004.

Planning Department Consent Items

- 135. No. 03PL079 – Approve the request by Renner & Sperlich Engineering for Doyle Estes for a **Preliminary and Final Plat** located southeast of the intersection of West Main Street and Jackson Boulevard.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 2R and Lot BR, of the Washburn Lot, (formerly Lot 2, less Lot H-1 of Lots 1 & 2 of the Washburn Lot, and Lot B of the Washburn Lot) located in "Government" Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 2R and Lot BR of the Washburn Lot, (formerly Lot 2, less Lot H-1 of Lots 1 & 2 of the Washburn Lot, and Lot B of the Washburn Lot) located in "Government" Lot 4, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated this 15th day of December 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 136. No. 03PL107 – Approve the request by CETEC Engineering for Park Hill Development, Inc. for a **Final Plat** located in Park Meadows Subdivision.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 8, 9, 10A, 10B, 11A, 11B, 12A, and 12B of Block 1, Lots 11A, 11B, 12A, 12B, 13A, and 13B of Block 5, of Park Meadows Subdivision, located in the SE1/4 of NE1/4, and NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 8, 9, 10A, 10B, 11A, 11B, 12A, and 12B of Block 1, Lots 11A, 11B, 12A, 12B, 13A, and 13B of Block 5, of Park Meadows Subdivision, located in the SE1/4 of NE1/4, and NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated this 15th day of December 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 137. No. 03PL108 – Approve the request by Precision Surveying for Vernell Erickson for a **Preliminary and Final Plat** located at the intersection of Cherry Avenue and East Franklin Street.

RESOLUTION APPROVING PLAT

WHEREAS a Survey Plat of Lot 3R and Lot 5R in Block 6 of Radio Towers Subdivision, formerly Lots 3, 4 and 5 in Block 6 of Radio Towers Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that a Survey Plat of Lot 3R and Lot 5R in Block 6 of Radio Towers Subdivision, formerly Lots 3, 4 and 5 in Block 6 of Radio Towers Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated this 15th day of December 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 138. No. 03PL109 – Approve the request by D.C. Scott Co., Land Surveyors for Gary and Connie Janzen for a **Preliminary and Final Plat** located at 2517 Plateau Lane.

RESOLUTION APPROVING PLAT

WHEREAS a Survey Plat of Lot 6R of Gilmore Subdivision, (formerly Lot 6 and Lot 7 of Gilmore Subdivision and that portion of Lot 10 of Plateau Subdivision shown as a 30 foot private drive contiguous to and North of Lot 6 and Lot 7 of Gilmore Subdivision) located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that a Survey Plat of Lot 6R of Gilmore Subdivision, (formerly Lot 6 and Lot 7 of Gilmore Subdivision and that portion of Lot 10 of Plateau Subdivision shown as a 30 foot private drive contiguous to and North of Lot 6 and Lot 7 of Gilmore Subdivision) located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated this 15th day of December 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

- 139. No. 03PL111 – Approve the request by FMG, Inc. for Hart Ranch Development Company for a **Preliminary and Final Plat** located along Hacker Loop.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 21R and 22R of Village on the Green No. 2 Subdivision, formerly Lot 21, Lot 22 and Lot 23R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 21R and 22R of Village on the Green No. 2 Subdivision, formerly Lot 21, Lot 22 and Lot 23R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated this 15th day of December 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

Raffle

- 140. No. CC121503-01 – Notification from Youth & Family Services, Head Start Program, of their intent to conduct a raffle on February 15, 2003.

END OF CONSENT CALENDAR

The Mayor presented No. 03VR014, a request by Dream Design International, Inc. for a **Vacation of Section Line Right-of-Way** on the west 1321.62 feet of the sixty six foot wide section line right-of-way lying between Section 24 and 13, T2N, R7E, BHM; 2657.06 feet of the sixty six foot wide section line right-of-way lying between Section 24 and 23, T2N, R7E, BHM; and the south 2644.24 feet of the sixty six foot wide section line right-of-way lying between sections 14 and 13, T2N, R7E, BHM; located in Section 13, 14, 23 and 24, T2N, R7E, BHM, Pennington County, South Dakota, located north of Nicole Street and west of Haines Avenue. Planning Director Elkins clarified the title as Vacation of Section Line Highway and asked for approval to set for hearing on January 19, 2004. Motion was made by Kroeger, seconded by Rodriguez and carried to set for hearing on January 19, 2004.

No. PW111203-01 – Hanks moved, seconded by French to approve the proposal presented by the Gandolf Group, LLC to re-vegetate Robbinsdale Park (adjacent to Un-Named Tributary) to expand the wetlands by 0.3 acres and grasslands by 0.5 acres. Alderman Hadley spoke in opposition to extending the wetlands onto City-owned property because of the West Nile virus. Roll call vote was taken: AYE: French, Murphy, Hanks, Kriebel, Kroeger, Waugh, Rodriguez and Partridge; NAY: Hadley and Kooiker. Motion carried, 8-2.

No. LF121003-05 – Partridge moved, seconded by Hanks to confirm the Mayor's appointment of Kathy LaForest, Scott Backens, Dave Kurtz, Doug Puetz, Tom Collings, Margot Burton, Shelly Schock and Brian Gosch to a two year term on the Mayor's Committee on Disabilities to expire December 31, 2005. Alderman Kooiker asked that this committee be placed on the list of committees for the appointment of a Council liaison. Upon vote being taken, the motion carried.

No. LF121003-16 – Motion was made by Rodriguez, seconded by Waugh to authorize Mayor and Finance Officer to sign Contract between the City of Rapid City and McKie Ford to Provide Vehicle Maintenance on Rapid Transit Vehicles. Substitute motion was made by Hadley, seconded by Kooiker to continue this item to the Legal & Finance Committee to allow staff an opportunity to answer the questions of whether this contract was let for bid, and whether the Street Department could perform the vehicle maintenance. Upon a vote being taken on the motion, motion carried with Partridge voting NAY.

Motion was made by Hanks, seconded by Hadley and carried to approve the following licenses: House Mover: The Royal Company SD, Inc., Kitty L. Johnson; Metals and Gems: Best Pawn, Inc., Bruce R. McKinney; Silver Mountain Coins, Jack Meyer; Pawn Shop: Best Pawn, Inc., Bruce R. McKinney; Residential Contractor: Black Hills Remodelmen, Inc., Larry, Dan & Donald Canaday; Lage Construction, Inc., Jennifer Lage-Landguth; Mike Lewis Construction, Michael E. Lewis; Rave Bros., Inc., Darrell S. Rave & Steven E. Rave; Cal Weidenbach Construction, Cal Weidenbach; Second Hand: Best Pawn, Inc., Bruce R. McKinney; Jack First, Inc., Martin A. Errea; Security Business: Deco Security Services, Inc., Keith L. Emerson; Sign Contractor: Conrad's Big C Signs, Ron Conrad; Gordon Sign, Robert Monger; Rosenbaum's Signs, Thomas J. Farrar; Scull Construction Service, Inc., James L. Scull, Jr.; Taxi Business: Wheelchair Services of the BH, Michael E. & Leanne T. Weideman, as to include Dial-A-Driver, Mark Huffman.

Planning Department – Hearings

The Mayor presented No. 03CA037, a request by Renner & Sperlich Engineering Company for 16 Plus, LLP for an **Amendment to the Comprehensive Plan to change the future land use designation on an 8.22 acre parcel of land from General Agriculture to General Commercial with a Planned Commercial Development**, located northwest of the U.S. Highway 16 and Moon Meadows Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on December 15, 2003 to consider an amendment to the Comprehensive Plan Amendment to change the future land use designation on an 8.22 acre parcel of land from General Agriculture to General Commercial with a Planned Commercial Development, on a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said

Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; less the east 400 feet, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, said parcel contains 8.22 acres more or less and good cause appearing therefor

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

Dated this 15th day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: French, Murphy, Hanks, Kriebel, Kroeger, Waugh, Hadley, Rodriguez, Partridge and Kooiker; NAY: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 03CA038, a request by Renner & Sperlich Engineering Company for 16 Plus, LLP for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.78 acre parcel of land from General Commercial to General Commercial with a Planned Commercial Development**, located northwest of the U.S. Highway 16 and Moon Meadows Road. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on December 15, 2003 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 3.78 acre parcel of land from General Commercial to General Commercial with a Planned Commercial Development, on the east 400 feet of a portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way

of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 3.78 acres more or less and good cause appearing therefor

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

Dated this 15th day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: French, Murphy, Hanks, Kriebel, Kroeger, Waugh, Hadley, Rodriguez, Partridge and Kooiker; NAY: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign waiver of right to protest a future assessment for street improvements on Lot 3 and the east 10 feet of Lot 4; the west 95 feet of Lot 4; Lot 5; all located in Block 6 of Radio Tower Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Cherry Avenue and East Franklin Street. (03SV043).

The Mayor presented No. 03SV043, a request by Precision Surveying for Vernell Erickson for a **Variance to the Subdivision Regulations to waive the requirement to install sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 3R and Lot 5R in Block 6 of Radio Tower Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 and the east 10 feet of Lot 4; the west 95 feet of Lot 4; Lot 5; all located in Block 6 of Radio Tower Subdivision, located in the SE1/4 of SE1/4 of Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Cherry Avenue and East Franklin Street. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulations: 1) Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the improvement.

The Mayor presented No. 03SV044, 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, water and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E,

BHM, Rapid City, Pennington County, South Dakota; and, the unplatted portion of the NW1/4 SE1/4 less Big Sky Subdivision, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Homestead Street. Motion was made by Kooiker, seconded by Rodriguez and carried to deny.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign waiver of right to protest a future assessment for street improvements on Lot 6 and Lot 7 of Gilmore Subdivision and that portion of Lot 10 of Plateau Subdivision shown as a 30 foot private drive contiguous to and north of Lot 6 and Lot 7 of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 2517 Plateau Lane. (03SV045).

The Mayor presented No. 03SV045, a request by D.C. Scott Co., Land Surveyors for Gary and Connie Janzen for a **Variance to the Subdivision Regulations to waive the requirement to provide additional pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 6R of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 6 and Lot 7 of Gilmore Subdivision and that portion of Lot 10 of Plateau Subdivision shown as a 30 foot private drive contiguous to and north of Lot 6 and Lot 7 of Gilmore Subdivision, located in the SE1/4 NW1/4 and the SW1/4 NE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 2517 Plateau Lane. Motion was made by Kooiker, seconded by French and carried to approve the requested Variance, with the following stipulations: 1) Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the pavement improvement along Plateau Lane as it abuts the subject property.

The Mayor presented No. 03SV046, a request by FMG, Inc. for Hart Ranch Development Company for a **Variance to the Subdivision Regulations to waive the requirement to construct sidewalks along both sides of the street and to reduce the right-of-way width as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 21R and 22R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, legally described as Lot 21, Lot 22 and Lot 23R of Village on the Green No. 2 Subdivision, located in SE1/4 of the SW1/4 and SW1/4 of the SE1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, located along Hacker Loop. Motion was made by Kooiker, seconded by French and carried to approve the requested Variance.

Public Comment on Items 149-151

Mike Derby, 2735 Country Club Drive representing Phatty McGee's, Inc. on a rezoning request sought Council approval, which would allow them to be placed on the Planning Commission agenda. He suggested they were looking for an opportunity to look for some creative solutions to allow them to open for the lunch business. Fred Thurston, 822 Main Street spoke in opposition to rezoning in that area that would reduce the required parking for his property. He reminded the Council of his support of the bar and restaurant with the stipulations of that they not be allowed to open before five o'clock; and that they be required to patrol the neighborhood for litter (bottles and cans). Because they have not complied with these requirements, and have been found to be open at noon on Saturday and opening before five o'clock during the week, he opposed the rezoning. He stressed that parking is an issue in this area.

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on **Ordinance 3989** (No. 03RZ038), a request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **Rezoning from No Use District to General Commercial District** on the following property: A portion of Tract 2 of Pioneer Subdivision, located in the NE1/4 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at a point on the section line highway between Sections 27 and 34, common to northeasterly corner of

said Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the easterly boundary of said Tract 2 of Pioneer Subdivision, common with the westerly edge of the statutory section line right-of-way, and common with the westerly edge of U.S. Highway 16 right-of-way, a distance of 109.69 feet, to an angle point; thence, second course: S07°20'00"W, along the easterly boundary of said Tract 2, common with the westerly edge of the right-of-way of U.S. Highway 16, a distance of 303.97 feet, to the northeasterly corner of Lot 3 of Moon Ridge Subdivision; thence, third course: S89°53'10"W, along the northerly boundary of said Lot 3 of Moon Ridge Subdivision, a distance of 1247.37 feet, to a point on the westerly boundary of said Tract 2, common with the northwesterly corner of said Lot 3 of Moon Ridge Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2, a distance of 411.10 feet, to a point on the section line common to Section 27 and 34, common to a point the southerly boundary of Lot 5 of Godfrey Addition, and common to the northwesterly corner of said Tract 2; thence fifth course: N89°52'53"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 4 and 5 of said Godfrey Addition, a distance of 796.18 feet, to an angle point; thence, sixth course: N89°50'57"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, and common with the southerly boundary of Lots 3 and 4 of said Godfrey Addition, a distance of 466.12 feet, to an angle point; thence, seventh course: S89°10'40"E, along the northerly boundary of said Tract 2, common to the section line between Sections 27 and 34, a distance of 22.45 feet, to the northeasterly corner of said Tract 2, and the Point of Beginning; said parcel contains 12.00 acres more or less, located northwest of the U.S. Highway 16 and Moon Meadows Road. Notice of hearing was published in the Rapid City Journal on October 11 and October 18, 2003. Ordinance 3989, having had the first reading on October 6, 2003, 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 3989 the second time.

Ordinance 4006 (No. LF121003-06), entitled An Ordinance Amending the Regulation of Signs Within the City of Rapid City to Allow Certain Roof Signs to be Replaced by Adding a New Subsection to Section 15.28.200 of the Rapid City Municipal Code, was introduced. Upon a motion made by Hanks, seconded by Partridge Ordinance No. 4006 was placed upon its first reading and the title was fully and distinctly read. Substitute motion was made by Kroeger, seconded by Waugh to deny first reading of Ordinance No. 4006. Substitute motion was withdrawn with unanimous consent. Upon vote being taken, motion carried and Ordinance 4006 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, January 5, 2004 at 7:00 P.M.

Ordinance 4007 (No. 03RZ050), a request by Derby Enterprises for Phatty McGee's, Inc. for a **Rezoning from General Commercial District to Central Business District** on the following property, was introduced: The south 50 feet of Lots 28 thru 32, Block 63, Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 321 7th Street. Motion was made by Hanks and seconded by Murphy to approve first reading of Ordinance No. 4007. Substitute motion was made by Kroeger, seconded by French to deny first reading of Ordinance No. 4007. Discussion followed regarding the refunding of the application fee. City Attorney Green advised that every applicant takes the chance that a proposed ordinance amendment will not pass first reading. Second substitute motion was made by Kooiker, seconded by Waugh to continue First Reading of Ordinance No. 4007 to the January 5, 2004 Council meeting. Roll call vote was taken: AYE: Hanks, Waugh, Hadley and Kooiker; NAY: French, Murphy, Kriebel, Kroeger, Rodriguez and Partridge. Motion failed, 4-6. Second substitute motion was made by Kooiker, seconded by Kriebel and carried to deny without prejudice first reading of Ordinance 4007.

Legal & Finance Committee Items

No. LF121003-10 – Motion was made by Hanks, seconded by Rodriguez to approve a request to release \$4,000 from moratorium for training of personnel from the Department of Fire and

Emergency Services. In response to a question from Alderman Partridge about the standard protocol for lifting moratorium items, City Finance Officer Preston explained that a form was generated in Finance that must be completed by the department head and includes funding codes and a written justification. This request is then presented to the Council for consideration. Alderman Hadley spoke in favor of the request and noted that some training is only offered from at the beginning of the year. Roll call vote was taken: AYE: French, Murphy, Hanks, Kriebel, Kroeger, Hadley, Rodriguez and Kooiker; NAY: Waugh and Partridge. Motion carried, 8-2.

Motion was made by Hanks and seconded by Murphy to set a Special Council Meeting for Monday, December 29, 2003, at 1:15 p.m. Upon vote being taken, the motion carried with Partridge and Kriebel voting No.

Kathy Maguire, Black Hills Agency reviewed the 2004 premium summary for **general liability insurance** for Rapid City. It was explained that the increase premium, overall account is approximately twenty-one percent; of which nine percent is actual exposure increase and twelve percent for rate increase due to market and loss ratio. The major change in the aggregate deductible is \$400,000; and the defense legal expense and claims adjusting expense for police professional liability claims will now erode the deductible. Under the other areas of liability coverage, except the employment practice, those expenses are paid by the insurance carrier. Discussion followed relative to obtaining quotes for the City's insurance coverage. Motion was made by Kooiker, seconded by Hanks to continue this item for two weeks. Motion was amended to continue to the December 29, 2003 Special Council meeting. Lengthy discussion continued about the number of markets that write municipal business insurance. Motion as amended was withdrawn with unanimous consent. Motion was made by Rodriguez, seconded by French and carried to authorize the Finance Officer to order the renewal policy effective January 1, 2004.

City Finance Officer Preston presented his recommendation on **Ward & Precinct Boundaries** for newly annexed areas. He explained that land in the airport annexation area is in Legislative District 30, has two voters and recommended these voters continue to vote in Caputa. Land in the northwest annexation area is in Legislative District 33 and Commission Area 1, has four voters and the recommended these voters be included in Ward 3, Precinct 2 and vote at Whispering Pines Volunteer Fire Department. The recommendation for land east of Rapid City was to create a new precinct, 2-5, which would vote at the Open Bible Church. This will necessitate a separate election board at a cost of \$300. Motion was made by Rodriguez, seconded by Waugh to accept the recommendations as outlined. Roll call vote was taken: AYE: French, Murphy, Hanks, Kroeger, Waugh, Rodriguez, and Partridge; NAY: Kriebel, Hadley and Kooiker. Motion carried, 7-3.

Public Works Committee Items

No. 03FV007 – Motion was made by Kooiker and seconded by Hanks to continue to January 5, 2004, a request by the City of Rapid City for a **Fence Height Exception** for the Solid Waste Operations (Landfill) Division to allow a twenty foot high fence in a Heavy Industrial District Tract A of Wasteland Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5555 South Highway 79. Planning Director Elkins pointed out the Solid Waste Operations (Landfill) Division submitted a plan after the deadline, however, it does not meet the goal of screening. It was explained there are severe limitations onsite such as areas of fill; methane gas; and steep grades. Substitute motion was made by Kriebel, seconded by Hadley and carried with Rodriguez voting NAY to approve a request by the City of Rapid City for a Fence Height Exception for the Solid Waste Operations (Landfill) Division to allow a twenty foot high fence in a Heavy Industrial District Tract A of Wasteland Subdivision, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 5555 South Highway 79.

No. 03VE020 – Motion was made by Kooiker and seconded by Hanks to continue to January 5, 2004, a request for a **Vacation of a Non-Access Easement** for Dream Design International, Inc. on Lot 1 of Block 10, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the northeast corner of Prestwick Road and

Muirfield Drive. Planning Director Elkins again pointed out the petitioner submitted a plan after the deadline; and the plan showed the changes that were necessary. Substitute motion was made by Kriebel to approve the following Resolution:

**RESOLUTION OF VACATION OF
NON-ACCESS EASEMENT**

WHEREAS it appears that a non-access easement along Lot 1 of Block 10, Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the northeast corner of Prestwick Road and Muirfield Drive, is not needed for public purposes; and

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

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

Dated this 15th day of December, 2003.

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

CITY OF RAPID CITY
s/ Jim Shaw, Mayor

The motion for adoption of the foregoing Resolution was seconded by French. Upon vote being taken, the following voted AYE: French, Murphy, Kriebel, Kroeger, Waugh, Hadley and Kooiker; NO: Hanks, Rodriguez and Partridge; whereupon said Resolution was declared duly passed and adopted.

Approval of Bills

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

Payroll Ending 11/29/03, Paid 12/5/03	\$626,856.73
Pioneer Bank & Trust, taxes Paid 12/5/03	151,596.52
Montana Dakota Utilities, heater installation	1,182.00
Berkley Risk Administrators, November claim payments	68,350.05
First American Administrators, claims Paid 12/2/03	55,605.47
First American Administrators, claims Paid 12/10/03	75,368.39
Black Hills Power & Light, electricity	13,971.59
Black Hills Power & Light, electricity	6,232.36
Pennington County Auditor, PSB construction	77,735.81
United States Postmaster, billing postage	3,300.00
Computer Bill List	3,353,128.35
SUBTOTAL	\$4,433,327.27
Payroll Ending 11/29/03, Paid 12/5/03	\$2,618.20
Pioneer Bank & Trust, taxes Paid 12/5/03	191.80
City of Rapid City Health Insurance Trust, November health	699.88
City of Rapid City Postage Account, postage	179.99
Dakota Business Center, copier maintenance	20.81

First Administrators, Section 125 fee	4.25
Simpson's Printing, 550 newsletters	79.50
SD Retirement System, November pension	280.42
SD School of Mines & Technology, October telephone	50.40
Standard Life, insurance	7.92

SUBTOTAL	\$4,437,460.44
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Stanley J. Johnsen Concrete Contractor, Inc., change order	\$12,413.69
Sweet Computers, software support contract	2,340.00
Lakota Invitational Basketball 2003 Tournament	2,105.00

TOTAL	\$4,453,714.13
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City Attorney's Report

Motion was made by Rodriguez, seconded by French and carried to go into executive session to discuss pending litigation and personnel 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 11:30 p.m.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)