

PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

June 7, 2004

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, June 7, 2004 at 7:00 P.M.

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

Staff members present included Asst. Finance Officer Coleen Schmidt, Acting Public Works Director Ted Vore, Growth Management Director Marcia Elkins, City Attorney Jason Green, Police Chief Craig Tieszen, Fire Chief Gary Shepherd, Parks & Recreation Director Jerry Cole, and Administrative Assistant Jeri Lynn.

***Approval of Minutes***

Motion was made by Hanks, seconded by Rodriguez and carried to approve the minutes of May 17, 2004.

***Approval of Agenda***

The following items were added to the agenda:

- No. 96A – Free admission during the Open House for the new aquatics center on June 19, 2004
- No. 49A - H&B, Inc. dba **Hall Inn**, 214 E. St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
- No. 114A – Parking Determination for SD State Hog Rally to be held June 15-19, 2004 at the Civic Center
- No. 148A – Request to appoint freeholders to establish new values for surplus garbage trucks
- Discussion on Memorial Lake (Alderperson Items - Hadley)
- Discussion on Information Meeting to discuss position of city administrator (Alderperson Items - Kooiker)

Motion was made by Hanks, seconded by Waugh and carried to adopt the agenda, as amended.

Mayor Shaw noted that the Citizen of the Month Award will be presented at the next meeting.

***Public Comment***

Wade Veren read a prepared statement to the council relative to regulations imposed by the City on adult oriented businesses. He urged the council to resist imposing additional licensing regulations on this industry.

Rich Huffman informed the Council that negotiations are taking place between Steven Lester and current owners of the Rushmore Plaza Civic Center for sale of this property. Since the hotel is located on city property through a ground lease, the City must approve any transfer of the lease. Huffman requested that this item be put on the agenda if any special council meetings are held in the next two weeks.

Ed McLaughlin appeared before the Council on behalf of the Apolda Sister City Group. He explained the history behind the Sister City Program which was started by President Eisenhower in 1956 to promote world peace. McLaughlin and Ken Gifford presented Mayor Shaw and the City with a bell from Apolda, Germany, to commemorate the 10 year anniversary of the Sister City relationship between Rapid City, South Dakota and Apolda, Germany.

### ***Bid Openings***

The following companies submitted bids for No. CC060704-01, **Elm Avenue Reconstruction**, St. Joseph to Kansas City Street, Project ST04-1361 which were opened on June 2, 2004: 1) J&J Asphalt Company, 2) Hills Materials Company, and 3) Simon Contractors of SD. Staff has reviewed the bids and recommend award to Simon Contractors. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for ST04-1361 to Simon Contractors of South Dakota, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$33,700.20.

The following companies submitted bids for No. CC060704-01, **Low Level Water Reservoir Interconnection Project** W04-1374 which were opened on June 2, 2004: 1) Rapid Construction; 2) Hills Materials Company; 3) Highmark, Inc. and 4) Mainline Contracting. Staff has reviewed the bids and recommends award to Rapid Construction. Motion was made by Rodriguez, seconded by Murphy and carried to award the bid for W04-1374 to Rapid Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$69,950.

The following companies submitted proposals for No. CC060704-01, **Vending at the Roosevelt Swim Center**: 1) Rushmore Amusements, and 2) C&N Sales. Staff has reviewed the information and recommends acceptance of the proposals submitted by C&N Sales. Motion was made by Rodriguez, seconded by Waugh and carried to authorize the Mayor and Finance Officer to sign the Request for Proposals for both Amusement Vending (55%) and Hot Drink & Food/Candy Vending (25%) with C&N Sales.

### ***Mayor's Items***

Acting Public Works Director Ted Vore went through the 2012 Projects that are currently under construction.

### ***Council Member Items***

Alderman Kooiker expressed concern about **candidates for municipal office** raising money in off-election years. He stated that he feels the money should be reported in the year it is raised. Motion was made by Kooiker and seconded by Hanks to request the City Attorney's Office to bring a draft ordinance forward at the next Legal & Finance Committee meeting to require year-end reporting for council and mayoral candidates. Kooiker amended his motion to also have the City Attorney look into the issue of whether PACs can be required to file year-end reports. Hanks concurred with the amendment. City Attorney Green explained that any money raised by a candidate in an off-year must be reported on the next required report. Rodriguez stated that she feels this is micro-managing and she questioned what has brought this issue forward. She does not see the need for an increase in the campaign finance reporting regulations.

Kriebel entered the meeting at this time.

Roll call vote was taken: AYE: Hanks, French, Kooiker, Hadley and Kriebel; NO: Murphy, Rodriguez, Waugh and Kroeger. Motion carried, 5-4.

Motion was made by Kooiker and seconded by Hadley to authorize the Mayor and Finance Officer to proceed with the City/County Joint DENR Application for **tire disposal**. Kroeger noted that the grant will pay 50% of these costs; the remaining 50% will be paid by Rapid City and Pennington County. Upon vote being taken, the motion carried unanimously.

Hadley explained that he received a phone call about the trash and weeds growing near **Memorial Lake**. Public Works Director Vore stated that he will discuss this issue with Parks & Rec Director Jerry Cole. At the present time, he is not aware of any schedule for dredging Memorial Lake. Motion was made by Hadley, seconded by Waugh and carried to send this issue to the Legal & Finance Committee for discussion.

Kooiker stated that he has put together a lot of information on the issue of establishing the position of city administrator and had planned on presenting it at the **Information Meeting** which is scheduled for June 22<sup>nd</sup>. Kooiker stated that he will not be able to attend the meeting on the 22<sup>nd</sup>, and since this is only one week before the new Council members take over, perhaps it would be more appropriate to have this item presented at a special council meeting in the evening. This will ensure that all council members and the Mayor are present. Kooiker requested that the Council reschedule the meeting so that more people can attend, including the public. Kroeger explained that the meeting was moved to Tuesday because Mayor Shaw will be out of town on Wednesday. The time was set at 3:00 because the room needs to be available by 4:30 for the School Board meeting. Kroeger added that just because a meeting is scheduled in the evening doesn't mean it is convenient for all council members. He added that there will be discussion, but he doesn't anticipate any action, other than additional discussion.

### ***Continued Items Consent Calendar***

The following items were removed from the Continued Items Consent Calendar:

15. No. 03PL104 - A request by Dream Design International, Inc. for a **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.
24. No. 04SV001 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street 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, located along Homestead Street.
27. No. 04SV027 - A request by Gerald Davis for Mark and Jodi Davis for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and pavement improvements as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4740 Skyview Drive.

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

Continue the following items until June 21, 2004:

7. 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.
8. No. 03PL045 - A request by Michael Hanson for Kent Hagg Esq. for Burnell A. Lutz for a **Preliminary and Final Plat** on Lots A and B of Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot K1-E of Lot K-1 in Marshall Heights Tract, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 North Maple Avenue.
9. 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.
10. 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.
11. 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.
12. 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.

13. No. 03PL094 - A request by Renner and Sperlich Engineering Company for 16 Plus LLP for a **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.
14. No. 03PL099 - A request by FMG, Inc. for Bill Freytag for a **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.
16. No. 04PL016 - A request by Renner & Associates for Barry Peterson for a **Preliminary Plat** on Lots A, B, and C of Lots 4R and 5R, Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 4R and 5R of Sale Barn Subdivision located in the SE1/4 NW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Kennel Drive along Centre Street.
17. No. 04PL023 - A request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien for a **Preliminary Plat** on Lots 1 through 16 inclusive and Drainage Lot A of Block 10 of Fairway Hills PRD and dedicated right-of-way all located in the SW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as all of Lot 3, all of Lot DE1 of Lot 3A and a portion of Lot 3A of Fairway Hills PRD, and a portion of the unplatted portion of the NW1/4 SW1/4 of Section 15, T1N, R7E, BHM of Fairway Hills PRD all located in the W1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive.
18. No. 04PL024 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Layout and Preliminary Plat** on Lot 10 and Lots 19 thru 23 of Block 8, Lots 2 thru 7 of Block 20, Lots 13 thru 19 of Block 21, Lots 1 thru 9 of Block 23, Lots 1 thru 8 of Block 24, Lots 1 thru 3 of Block 25, and Drainage Lot, Trailwood Village, located in the W1/2 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the W1/2 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located west of Plateau Lane along Williams Street, Leola Lane and Quad Court.
19. No. 04PL044 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 2 of Block 1, Minnesota Park Subdivision, located in the SW1/4 of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Wisconsin Avenue and East Minnesota Street.
20. No. 04PL051 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lots 2 through 5 Block 10, Lots 17 through 20 Block 8, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract A of Parcel C, MJK Subdivision, located in the SE1/4 of the

SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along Fieldview Drive to Elm Avenue.

21. No. 04PL055 - A request by Sperlich Consulting Inc. for Gordon Howie for a **Preliminary Plat** on Lot 7R and Lot 8R, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located along Holy Cow Ranch Road.
22. No. 04PL059 - A request by Sperlich Consulting, Inc. for Doeck, LLC for a **Preliminary Plat** on Blocks 3 thru 7 of Block 5, Lots 1 thru 4 of Block 7, Auburn Hills Subdivision, and Major Drainage Easement in the NW1/4 of the SW1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SW1/4 located in the NW1/4 of the SW1/4, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Auburn Drive and Coal Bank Drive.
23. No. 04PL060 - A request by Sperlich Consulting, Inc. for Jim Scull for a **Preliminary Plat** on Lots 1 thru 14 of Block 1, Lots 1 thru 6 of Block 2, and Lot 1 of Block 3, Kennsington Heights Subdivision, located in "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot B of "Government" Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the future intersection to Elm Avenue and Field View Drive.
25. No. 04SV021 - A request by Daniel and Lori Smith for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter and sidewalk, street light conduit, water, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 2, Block 10 and Lot 2 of Block 13, located in Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1802 Valentine Street.
26. No. 04SV026 - A request by Centerline, Inc. for Horizon Properties, Inc. 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 Tract 1 of Outlot B less Lots A-C of Merchen's First Addition Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 701 East St. Patrick Street.
28. No. 04VE010 - A request by Steven Thingelstad for Western Management Corporation for a **Vacation of Major Drainage Easement** on Lot 2 of Block 2 of Parkridge Village Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Park Drive. (Consent Calendar)

#### End of Continued Items Consent Calendar

The Mayor presented No. 04SV001, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, sewer, water, street light conduit and pavement along the eastern 115 feet of Homestead Street 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, located along Homestead Street. Hani Shafai from Dream Design International explained that the last 75' of Homestead Street cannot be built at this time because of a drainage swale that goes through this area. The developers are not able to acquire the needed easements from the adjoining property because the land is tied up with

IRS liens. He requested a variance for this 75' to allow the plat to be approved at this time, with the requirement that the owners sign a Waiver of Right To Protest Agreement for future construction of this portion of Homestead Street. Hanks stated that he is not comfortable that a WOPR Agreement will protect the city's interests for construction of this road. If this 75' of road is constructed via an assessed project, the property owners at the time of the assessment will pay this cost. Elkins explained that the compromise approved by the Planning Commission was to allow the developer to provide cash surety rather than physically construct the road. This will allow the plat to be approved and the development to proceed. The Planning Commission did not want to use a WOPR Agreement because that would mean future property owners would have to pay for the cost of the road, including the School District to the north. Hanks spoke in favor of requiring surety for the construction of this 75' of road. Shafai explained that the developer does not want to submit a bond for this project because it could take a long time for this road to be constructed and there is an annual cost for bonding from a financial institution. If a cash bond is posted, it may not cover the cost of construction because of inflation. Shafai stated that allowing a WOPR Agreement would be consistent with previous actions approved by the City.

Alderman Partridge entered the meeting at this time.

Rodriguez suggested that the developer pay the estimated cost of the road construction to the City at this time. That money can then be used to off-set the costs when the actual construction is done. Motion was made by Kooiker and seconded by French to approve the requested Variance with the requirement of a cash bond for the estimated cost of the road improvements, and a WOPR Agreement for the remaining costs. Elkins stated that she is not aware of any circumstance where the Council has not required a developer to construct a road through the corner lot so that the road can continue to the next property owner. She added that it would be highly unlikely for the Council to approve an assessed project for 75' of roadway because of the additional expense involved with the assessment process. Elkins added that the Planning Commission's compromise to allow a cash bond was an attempt to make sure that the developer paid for the cost of the road rather than future land owners. Hanks expressed concern that the costs for building this portion of Homestead street will be paid by the property owners when the road is constructed in the future. He added that the requirement for subdivision developers relative to roads is 1) build the street the full extent of their property, or 2) provide surety to make sure the project is completed. Elkins noted that the School District has signed the WOPR Agreement relative to this property. She added, however, that it would be very unusual for the city to approve the expense of an assessment district for this small stretch of street. Hanks added that all other developers in the community have to provide surety if a road is not built; surety should be required for this development also. Kooiker asked if any lots would be taking access onto this 75' of road that cannot be built. Shafai indicated that the plat before the Council at this time will create one lot that will take access from the unfinished portion. He added that the developer should deal with the person purchasing this property and the price of the lot should be reduced by the amount of the proposed assessment for road construction. Rodriguez stated that she feels the developer should pay the estimated cost of these improvements at this time. That way, the City would have the money available when the project is built in the future. Motion was made by Kooiker and seconded by French to approve the Variance with the understanding that it includes a cash bond in today's dollars, with a WOPR Agreement for the remaining cost of the improvements. Kroeger spoke against requiring a cash bond in addition to requiring the developer to pay any additional costs when the road is constructed in the future. Substitute motion was made by Hanks and seconded by Waugh to require surety in the form of a cash bond, or posting surety as normally occurs with the subdivision regulations. This will allow the developer to post surety in the manner he prefers. Shafai explained that if they developer is required to provide a cash bond, the variance is not needed. The reason for applying for the variance is to omit the requirement to provide surety for the road improvements that will not be constructed. Substitute motion was made by Kroeger and seconded by Hadley to approve the requested Variance, with the stipulation that the property owner sign a Waiver of Right to

Protest future street improvements. Elkins reiterated that by this action, the responsibility for constructing this portion of Homestead Street will be passed from the developer to whoever purchases Lot 12. It will likely be the homeowner, not the developer, who pays these costs. Hanks added that if the city starts making exceptions to the rules for constructing roads, they will have to do it for all developers, not just some. The Council should consider changing the policy if they are going to allow exceptions. Roll call vote was taken: AYE: French, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: Hanks, Kooiker and Murphy. Substitute motion carried, 6-3.

Motion was made by Rodriguez and seconded by Kroeger to authorize the Mayor and Finance Officer to sign a **Waiver of Right to Protest** a future assessment for the street improvements located on the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. (04SV001)

It was noted that this item is not on the agenda. Motion was made by Waugh and seconded by Partridge to add approval of a WOPR Agreement for 04SV001 to the Agenda. Upon vote being taken, the motion carried with Hanks voting no. The item was not added because the Council Rules require unanimous vote to add an item to the agenda.

Motion was made by Kriebel and seconded by Hadley to suspend the rules. Upon vote being taken, the motion carried with Hanks voting no.

Motion was made by Hadley and seconded by Waugh to add approval of a WOPR Agreement for 04SV001 to the Agenda. Upon vote being taken, the motion carried with Hanks and Murphy voting no.

Motion was made by Rodriguez and seconded by Hadley to authorize the Mayor and Finance Officer to sign a **Waiver of Right to Protest** a future assessment for the street improvements located on the unplatted portion of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota. (04SV001) Upon vote being taken, the motion carried with Hanks and Murphy voting no.

Motion was made by Rodriguez and seconded by Hadley to reimpose the Council rules of procedure. Upon vote being taken, the motion carried with Hanks and Murphy voting no.

The Mayor presented No. 03PL104, a request by Dream Design International, Inc. for a **Final Plat** located along Patricia Street, Aurora Drive and Carl Avenue. The following Resolution was introduced, read and Kroeger moved its adoption:

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Big Sky Subdivision: Lot 13 & Tract A, Block 4; Lots 6-12, Block 16; Lots 12-22, Block 17; Lots 1A-12A, Lots 1B-12B & Tract B, Block 18; Tract C and Dedicated Streets located in the N1/2 NW1/4 SE1/4 and SW1/4 NE1/4 of Section 3 T1N, R8E, BHM, City of 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 Big Sky Subdivision: Lot 13 & Tract A, Block 4; Lots 6-12, Block 16; Lots 12-22, Block 17; Lots 1A-12A, Lots 1B-12B & Tract B, Block 18; Tract C and Dedicated Streets located in the N1/2 NW1/4 SE1/4 and SW1/4 NE1/4 of Section 3 T1N, R8E, BHM, City of 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 at Rapid City, South Dakota, this 7<sup>th</sup> day of June, 2004.

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 Hadley. The following voted AYE: French, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: Hanks and Murphy, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 04SV027, a request by Gerald Davis for Mark and Jodi Davis for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit, sewer and pavement improvements as per Chapter 16.16 of the Rapid City Municipal Code** on Lot A and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4740 Skyview Drive. Elkins clarified that the proposal for this property is to create two lots, A and B, as well as a drainage lot. Gerald Davis explained that they would like to divide this property in order to build a second house on the property. The current regulations require that a sewer line be extended through the property, and that sidewalk be installed on one side of the street. The estimated cost for these improvements is approximately \$45,000 and would make the project financially impossible. Davis noted that if the city will not grant a variance, they will abandon the plans and not proceed with the project. French stated that she inspected this site and feels this is a common sense issue and should be approved. Elkins explained that by requiring the sewer main to be installed, property owners further up the street will have a sewer main to tie into when septic systems fail in this area. Motion was made by French and seconded by Kriebel to approve the Variance with the understanding that the WOPR Agreement for sewer and sidewalk improvements has been signed. Roll call vote was taken: AYE: French, Rodriguez, Waugh, Hadley, Kroeger and Kriebel; NO: Hanks, Kooiker, Murphy and Partridge. Motion carried, 6-4.

### ***Alcoholic Beverage License Applications***

Mayor Shaw opened the public hearing on the following license applications:

#### ***Off-Sale Malt Beverage License Renewals***

29. Fresh Start Convenience Stores, Inc. dba **Fresh Start-Rapid City**, 520 Birch Avenue, for an Off-Sale Malt Beverage License Renewal
30. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue, for an Off-Sale Malt Beverage License Renewal
31. Superpumper, Inc. dba **Superpumper No. 16**, 3275 S. Highway 79, for an Off-Sale Malt Beverage License Renewal
32. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Malt Beverage License Renewal

#### ***On-Off Sale Malt Beverage License Renewals***

33. Kittens, Inc. dba **Uncle Sam's East**, 1122 East North Street, for an On-Off Sale Malt Beverage License Renewal
34. Jumble, Inc. dba **Uncle Sam's West**, 2730 West Main Street, for an On-Off Sale Malt Beverage License Renewal

35. Uncle Sam's Inc. dba **Uncle Sam's Casino & Eatery**, 2110 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
36. Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
37. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
38. Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street, for an On-Off Sale Malt Beverage License Renewal
39. Dean'O's Casino, Inc. dba **Dean'O's Casino**, 903 East North Street, for an On-Off Sale Malt Beverage License Renewal
40. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
41. United Foods, Inc. dba **Toby's Casino**, 720 E. North Street, for an On-Off Sale Malt Beverage License Renewal
42. United Foods, Inc. dba **Toby's Casino South**, 710 Cleveland Street, for an On-Off Sale Malt Beverage License Renewal
43. Lybecks Twenty-First Century, Inc. dba **Shenanigan's Casino**, 3788 East Highway 44, for an On-Off Sale Malt Beverage License Renewal
44. CCKT, Inc. dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Renewal
45. High Plains Securities, Inc., 710 St. Joe Street, for an On-Off Sale Malt Beverage License Renewal (inactive)
46. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (inactive)
47. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
48. Thomas G. McCarty dba **The Marble Club**, 2315 ½ Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
49. Rapid Bowl, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
- 49A. H&B, Inc. dba **Hall Inn**, 214 E. St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal

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

50. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
51. Dick & Waneta Ragels dba **Meadowbrook Grill & Pub**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal

***On-Sale Liquor License Transfer***

52. Loretta Jo Heck dba **Jo's Lounge**, 2110 Jackson Boulevard, for an On-Sale Liquor License Transfer (from Nob Schoenfelder & Ron Stevens-formerly Hara's)

No public comments were made. Motion was made by Hanks, seconded by Rodriguez and carried to close the public hearing. Motion as made by Hanks, seconded by Waugh and carried to approve the above listed applications.

Upon motion made by Hanks, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, June 21, 2004:

***Off-Sale Malt Beverage License Renewal***

1. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
2. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal

3. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
4. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
5. Flannery Oil Company dba **Corner Pantry-Deadwood Avenue**, 501 Deadwood Avenue, for an Off-Sale Malt Beverage License Renewal
6. Nash Finch Company dba **Family Thrift Center No. 253**, 1516 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
7. Kusler Conoco, Inc. dba **Kusler's Conoco**, 701 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
8. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Renewal
9. Big D Oil Company dba **Big D Oil Company Store No. 41**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
10. Big D Oil Company dba **Big D Oil Company Store No. 42**, 850 North Street, for an Off-Sale Malt Beverage License Renewal
11. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
12. Moyle Petroleum Company dba **Common Cents No. 107**, 4128 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
13. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Malt Beverage License Renewal
14. Moyle Petroleum Company dba **Common Cents Food Store**, 1129 W. Omaha Street, for an Off-Sale Malt Beverage License Renewal
15. Moyle Petroleum Company dba **Common Cents Food Store**, 2660 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
16. Moyle Petroleum Company dba **Common Cents Food Store**, 1909 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
17. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
18. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal
19. Burnell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Renewal
20. Albertsons, Inc. dba **Albertsons Food Center No. 845**, 855 Omaha Street, for an Off-Sale Malt Beverage License Renewal
21. Fat Boy's, Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an Off-Sale Malt Beverage License Renewal
22. Robert L. Stiehl dba **Circle S Convenient Market**, 310 E. Fairmont Boulevard, for an Off-Sale Malt Beverage License Renewal
23. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
24. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Malt Beverage License Renewal
25. Wal-Mart Stores, Inc. dba **Wal-Mart Super Center**, 1200 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal

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

1. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Off Sale Malt Beverage License Renewal
2. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Off Sale Malt Beverage License Renewal
3. Century Motels, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Off Sale Malt Beverage License Renewal
4. China Buffet Express, Inc. dba **China Buffet**, 740 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal

5. GF Pizza, Inc. dba **Godfather's Pizza**, 110 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
6. Rapid City Softball Association dba **Rapid City Softball Assoc.**, 1511 Sedivy Lane, for an On-Off Sale Malt Beverage License Renewal
7. Dakota Fresh-Mex, LLC dba **Qdoba Mexican Grill**, 741 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal
8. Dos Ermonas dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
9. Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
10. Black Hills Amateur Baseball, **McKeague Field**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal
11. Hot Wild LLC dba **Black Hills Harley Davidson**, 3030 Lange Ranch Road, for an On-Off Sale Malt Beverage License Renewal
12. Northcott Company dba **Perkins Restaurant**, 1715 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
13. Northcott Company dba **Perkins Restaurant**, 2305 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
14. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
15. Ristorante Marsala, Inc. dba **Ristorante Marsala**, 609 Main Street, for an On-Off Sale Malt Beverage License Renewal
16. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
17. Mai T. Goodsell dba **Saigon Restaurant**, 221 East North Street, for an On-Off Sale Malt Beverage License Renewal
18. Piesano's Pacchia, Inc. dba **Piesano's Pacchia**, 3618 Canyon Lake Drive, Suite 121, for an On-Off Sale Malt Beverage License Renewal
19. Waneta & Dick Ragels dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Renewal
20. Wine Cellar Restaurant LLC dba **Wine Cellar Restaurant**, 513 Sixth Street, for an On-Off Sale Malt Beverage License Transfer (from Wine Cellar 507 LLP)
21. Wine Cellar Restaurant LLC dba **Wine Cellar Restaurant**, 513 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
22. Faryat, Inc. dba **Botticelli's Ristorante Italiano**, 523 Main Street, for an On-Off Sale Malt Beverage License Renewal
23. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Off Sale Malt Beverage License Renewal
24. Mary Jane Freimark dba **The Embers**, 5412 S. Highway 16, for an On-Off Sale Malt Beverage License Renewal
25. Dan T. Ly dba **The Golden Fortune**, 1204 E. North Street, for an On-Off Sale Malt Beverage License Renewal
26. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Off Sale Malt Beverage License Renewal
27. Li Zhu Zhu dba **Hong Kong Buffet**, 927 E. North Street, for an On-Off Sale Malt Beverage License Renewal
28. The Museum Alliance of Rapid City dba **The Journey Museum**, 222 New York Street, for an On-Off Sale Malt Beverage License Renewal
29. NPC International, Inc. dba **Pizza Hut No. 2776**, 2604 West Main Street, for an On-Off Sale Malt Beverage License Renewal
30. NPC International, Inc. dba **Pizza Hut No. 2778**, 705 E. North Street, for an On-Off Sale Malt Beverage License Renewal
31. Mann, Inc. dba **Roadhouse Nightclub & Grill**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal

**On/Off Sale Malt Beverage License Renewals**

1. Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
2. Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West Boulevard, for an On-Off Sale Malt Beverage License Renewal
3. Wyngard Pot-O-Gold Casino, Inc. dba **Pot-O-Gold Casino**, 1300 Centre Street, for an On-Off Sale Malt Beverage License Renewal
4. Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 West Main Street, for an On-Off Sale Malt Beverage License Renewal
5. Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
6. Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
7. Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
8. Continental Leisure, Inc. dba **Carousel Casino**, 2050 West Main Street, for an On-Off Sale Malt Beverage License Renewal
9. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 N. Maple Avenue, Space 330, for an On-Off Sale Malt Beverage License Transfer (location only)
10. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 N. Maple Avenue, Space 330, for an On-Off Sale Malt Beverage License Renewal
11. Rapid City **Elks Lodge** No. 1187, 3333 E. 39<sup>th</sup> Street, for an On-Off Sale Malt Beverage License Renewal
12. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Transfer (from Clock Tower Lounge)
13. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal (inactive)
14. Shooters, Inc. dba **Shooters**, 2424 West Main Street, for an On-Off Sale Malt Beverage License Renewal
15. Poker Joe's Inc. dba **Poker Joe's**, 211 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
16. Blue Lantern Lounge, Inc. dba **Nelson's Casino**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (inactive)
17. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
18. Western Dakota Gaming, Inc. dba **Valley Sports Casino**, 1865 South Valley Drive, for an On-Off Sale Malt Beverage License Renewal
19. South Dakota Vending, Inc. dba **Happy Jacks – Cambell**, 1601 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
20. South Dakota Vending, Inc. dba **Happy Jacks – Downtown**, 713 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
21. South Dakota Vending, Inc. dba **Happy Jacks East**, 909 E. St. Patrick Street, No. 20, for an On-Off Sale Malt Beverage License Renewal
22. South Dakota Vending, Inc. dba **Happy Jacks Far West**, 1925 W. Main Street, Suite 2, for an On-Off Sale Malt Beverage License Renewal
23. South Dakota Vending, Inc. dba **Happy Jacks Too**, 909 St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
24. South Dakota Vending, Inc. dba **Happy Jacks West**, 1925 West Main Street, Suite 1, for an On-Off Sale Malt Beverage License Renewal
25. Omaha Players Company dba **Happy Jacks – Omaha**, 1117 West Omaha Street, for an On-Off Sale Malt Beverage License Renewal
26. Nifty Fifties, Inc. dba **Parkway Restaurant**, 312 East Boulevard North, for an On-Off Sale Malt Beverage License Renewal
27. Fox Family Enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal

28. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
29. M&B Investments, Inc. dba **Hideaway Casino**, 1575 N. LaCrosse Street, Suite D, for an On-Off Sale Malt Beverage License Renewal
30. D&S Time Square, Inc. dba **Breakroom Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Renewal
31. The Retired Enlisted Association dba Chapter 29, 905 E. North Street, for an On-Off Sale Malt Beverage License Renewal
32. I-90 Fuel Services, Inc. dba **Windmill Truck Stop**, 2783 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
33. I-90 Truck Haven Service, Inc. dba **Windmill Restaurant**, 2803 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
34. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
35. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Off Sale Malt Beverage License Renewal (inactive)
36. Angie's, Inc. dba **Angie's**, 1028 E. North Street, for an On-Off Sale Malt Beverage License Renewal
37. Red Rock Golf Club, LLC dba **Red Rock Golf Club**, 6520 Birkdale Drive, for an On-Off Sale Malt Beverage License Renewal

#### ***On-Sale Wine License***

1. Black Hills Food Services, Inc. dba **Fuddruckers**, 2200 N. Maple Avenue, for an On-Sale Wine License (New License – No Video Lottery)

#### ***Special Malt Beverage and Wine Licenses***

1. Pennington County Bar Association, for a Special Malt Beverage and Wine License to be used on July 13, 2004 at Prairie Edge, 606 Main Street

#### ***Consent Calendar Items – 54-104***

The following items were removed from the Consent Calendar:

55. No. PW060104-02 - Request the City Attorney's Office to draft a Permanent Utility Easement for Montana Dakota Utilities Company, for property along Elk Vale Road north of Mall Drive, and include language to address the right-of-way issues and easement for future land owners.
57. No. PW042704-02 - Refer the Rapid Valley Sanitary District Water Service Agreement to the Utility Committee for review.
59. Request staff to bring forward a draft Septic System Policy at the June 15, 2004 Public Works Committee meeting.
60. Request the City Attorney's Office to look at the issues of standing water; look at the legality of enforcement within the current ordinance; and possible ordinance amendments and bring forward a recommendation at the June 15, 2004 Public Works Committee meeting.
71. No. 04VE011 - Approve with stipulations a Vacation of Utility Easement for Mike Bartels for Alice Laselle on Lot 3, Parker's Subdivision in the NW1/4, SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 3963 East Highway 44.
82. No. LF060204-11 – Approve Travel Request for Mason Short, Ken Simmons, Craig Uhre, Jerry Mitchell, and Bert Corwin to Attend Annual AAAE Conference & Exposition in Las Vegas, NV, from June 21-24, 2004, in the Approximate Amount of \$10,990.
93. No. LF060204-21 – Approve City employee 33% discount rate on pool and ice individual yearly pass.

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

***Public Works Committee Consent Items***

54. Request the City Attorney's Office to work with Larry Wichmann from Our Redeemer Lutheran Church, 910 Wood Avenue for use of the public right-of-way for parking, and bring forward a recommendation at the June 15, 2004 Public Works Committee meeting.
56. No. PW060104-03 - Authorize Mayor and Finance Officer to sign a Permanent Utility Easement along the Greenway Tract abutting the property line of McDonald's for Evans Orthodontics.
58. As a result of concerns for pedestrians at the intersection of St. Joseph Street and 1<sup>st</sup> Street, request the Mayor's Office to assemble the inactive the Path Committee.
61. No. PW060104-04 - Acknowledge that improvements to the 6.455 acres of City-owned property north of the Rapid City Visitor's Center along East Mall Drive will be completed; and as part of any terms of the purchase of the property, whether it be from the proceeds or negotiated with the person purchasing the property, the City Council will ensure those improvements will be completed.
62. No. PW060104-05 - Approve Change Order No. 01 and Final for Knollwood Drainage Improvements Project No. DR03-1326 to R.C.S. Construction, Inc. for an increase of \$1,623.36.
63. No. PW060104-06 - Approve Change Order No. 01 and Final for Landfill Scale Deck Replacement Project No. LF04-1379 to West River Scale for a decrease of \$7,200.00.
64. No. PW060104-07 - Authorize staff to advertise for bids for 2004 Mill & Overlays (Various Locations) Project No. ST04-1396.
65. No. PW060104-08 - Authorize staff to advertise for bids for Out Front Mower for Parks and Recreation Department.
66. No. PW060104-09 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with Bareis Engineering, Inc. to design US 16B, Minnesota to St. Pat, Sewer and Water Relocation Project No. SSW04-1393 for an amount not to exceed \$9,070.
67. No. PW060104-10 - Acknowledge the Public Works Consultant Pre-Selection Committee Report.
68. No. PW060104-11 - Approve Out-of-the-Dust funds in the amount of \$8,500 to pave a portion of an alley in Block 9, Millard Addition located between Van Buren Street and College Avenue from Wood Avenue to Willsie Avenue.
69. Acknowledge the distribution of the Department of Growth Management Annual Report.
70. Request the Planning Commission consider an amendment to the Zoning Ordinance to allow a Conditional Use for an exception to the fence height requirements.

***Legal & Finance Committee Consent Items***

72. Allocate up to \$300 from the Council Contingency fund for renovation by Central High School staff of the Native American mural on the East North Street Railroad overpass.
73. No. LF060204-26 - Authorize Mayor and Finance Officer to sign all relevant documents for the Allocation Award between the State Historical Preservation Office, Office of History, and Rapid City Historic Preservation Commission, Project Number SD-04-20, in the amount of \$10,000.
74. No. LF060204-01 - Approve appointment of Daniel Lowe to the Sign Contractor Board.
75. No. LF060204-04 - Approve the Parks and Recreation Five Year Plan.
76. No. LF060204-05 - Authorize Mayor and Finance Officer to Sign Memorandum of Understanding (Authorization for Creation of Canine Unit).
77. No. LF060204-06 - Approve Event Permit for Motorcycle Group Meeting at Alex Johnson Hotel June 25-27, 2004.

78. No. LF060204-08 – Approve Travel Request for Chief Tieszen and Ray Cornford to Attend Community Policing Conference in Washington, D.C. from June 19-23, 2004, in the Approximate Amount of \$1,636.
79. No. LF060204-09 – Approve Travel Request for Tom Garinger and Marco Glass to Attend Interview and Interrogation Course in Fort Collins, CO, from July 13-15, 2004, in the Approximate Amount of \$1,623.
80. Authorize Mayor and Finance Officer to Sign Renewal of Mutual Aid Agreement for Fire and Hazardous Materials between Rapid City Department of Fire & Emergency Services and Ellsworth Air Force Base Fire Department.
81. No. LF060204-10 – Authorize Mayor and Finance Officer to Sign Technical Service Support Agreement Addendum with Medtronic.
83. No. LF060204-12 – Approve Travel Request for Robin Bommersbach to Attend Government Finance Officers' Association Seminar on Intermediate Governmental Accounting and Preparing a Comprehensive Annual Financial Report in Denver, CO, from July 12-16, 2004, in the Amount of \$1,758.
84. No. LF060204-13 – Authorize Mayor and Finance Officer to Sign Agreement with Martin Jurisch Auctions to Conduct City's 2004 Surplus Auction.
85. No. LF060204-14 – Approve Resolution Approving and Authorizing the Execution of a Governmental Lease-Purchase Master Agreement and Supplements Thereto and Related Documents and Certificates (Compactor for Landfill and Jet Vac for Street Department).

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A  
GOVERNMENTAL LEASE-PURCHASE MASTER AGREEMENT AND  
SUPPLEMENTS THERETO AND RELATED DOCUMENTS AND CERTIFICATES

BE IT RESOLVED by the City of Rapid City, State of south Dakota, as follows:

- 1) The Governmental Lease-Purchase Master Agreement (the "Agreement" or the "Master Lease") and the Supplement or Supplements thereto are hereby approved substantially in the form presented to this board and on file in the office of the Finance Officer.
- 2) The Mayor or Council President is hereby authorized to execute the Agreement and any Supplement or Supplements thereto on behalf of the city, and to execute such other certificates and documents as may be necessary and appropriate to effectuate the transactions contemplated by the Agreement and said Supplement or Supplements. The Agreement, the Supplement or Supplements and the related documents may contain such necessary and appropriate variations, omissions and insertions as the Mayor or Council President shall determine to be necessary, and the execution thereof by the Mayor or Council President shall be conclusive evidence of such determination and its approval by the council.
- 3) Lessee reasonably anticipates that it will not issue tax-exempt obligations (not including "private activity bonds" as defined in Section 141 of the Internal Revenue Code of 1986, as amended) in an aggregate amount in excess of \$10 million during the calendar year in which the Lease commences. The lease is designated as a qualified tax-exempt obligation for purposes of Section 265(b)(c) of the Internal Revenue Code of 1986, as amended, relating to deductibility of interest by financial institutions.

Dated this 7<sup>th</sup> day of June, 2004.

ATTEST:  
s/ James F. Preston

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor



Finance Officer  
(SEAL)

86. No. LF060204-16 – Authorize Mayor and Finance Officer to Sign State of South Dakota, Department of Health, West Nile Prevention and Mosquito Control Grant Agreement in the Amount of \$13,538.
87. Authorize Staff to Advertise for Request for Proposals for Cell Phone Service.
88. No. LF060204-17 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to Agreement for Animal Control Services between City of Rapid City and the Humane Society of the Black Hills.
89. No. LF060204-18 – Authorize Mayor and Finance Officer to Sign Amendment No. 2 to Agreement for Animal Shelter Services between the City of Rapid City and the Humane Society of the Black Hills.
90. No. LF060204-27 – Approve Resolution to Establish the Non-Union Position of Administrative Secretary in the Rapid City Fire and Emergency Services Department.

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING  
IN THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES

WHEREAS, THE Fire Chief has indicated that additional staffing will be necessary to provide necessary services for the Department of Fire and Emergency Services; and

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increase in staffing of one full-time equivalent (FTE) to be allocated to the hiring of one full-time benefited employee.

Dated this 7<sup>th</sup> day of June, 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

91. No. LF060204-28 – Approve Resolution to Establish Additional Staffing in the Parks Division.

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING  
IN THE PARKS DIVISION

WHEREAS, the Parks and Recreation Director has indicated that additional staffing will be necessary to provide necessary services for the Parks Division;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increase in staffing of one full-time equivalent (FTE) for the remainder of 2004 fiscal year to be allocated to the hiring of one full-time benefited employee.

Dated this 7<sup>th</sup> day of June, 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

92. No. LF060204-20 – Approve the 2004-2005 & 2005-2006 Season Ice Rates.

- 94. No. LF060204-23 – Approve Recreation Facility User Contract Form.
- 95. No. LF060204-24 – Approve the following Abatements: Conesco Finance, 2003, \$194.00; Kevin J. Wipf, 2002, \$252.62; Kevin J. Wipf, 2003, \$232.62.
- 96. No. CC060704-03 - Approve the following licenses: Electrical Apprentice: Dan Charles, Christopher M. See; Electrical Journeyman: Matthew Rankin; Mechanical Contractor: Comfort Systems of the Black Hills, Bret Sullivan; Integrity Sheetmetal, Richard Zimmiond; Mechanical Installer: Zakary Leier, Steve Sales; Mechanical Apprentice: Thomas J. Cox; Mobile Home Court: Marquette Mobile Manor, John Brewer; Plumbing Contractor: Brian Boock, Boock Plumbing; Steve Hughes, Hughes Plumbing; John E. Paulson; Plumbing Apprentice: Thomas J. Cox, Shannon Hayes, Steve Leithauser, Don Pruess; Plumber: Daryl Aston; Refuse Collection: Sander Sanitation Service, Inc.; Residential Contractor: Elite Concrete & Construction, Marty, Dan, Tom, & Ron Quinn; Plumb Line Construction, Inc., Dennis & Arlys Barrow; Ruby Enterprises/Div of Ridco; Jesse & Robert Riddle; Sewer & Water Contractor: Tony Bolton, B & B Excavating; Trenching Contractor: Kyle Nelsen, Nelsen Construction
- 96A. Authorize free admission to the aquatics center for the Open House scheduled on June 19, 2004

### ***Planning Department Consent Items***

- 97. No. 04AN003 – Approve the request by City of Rapid City for a **Petition for Annexation** located east of SD Highway 79 South and Folsom Road.

#### **A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY**

WHEREAS a petition signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths in value of the territory described within, contiguous to the City of Rapid City, has been filed with the City of Rapid City; and

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the City that the within described territory be included within the corporate limits of the City and annexed thereto;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 173.3221 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

All of the N1/2NE1/4 and the N1/2NW1/4 of Section 20, T1N, R8E, BHM, Pennington County, South Dakota; and,

Lot H1 of the E1/2NE1/4 located in the NE1/4NE1/4, Section 19, T1N, R8E, BHM, Pennington County, South Dakota; and,

All of the Section Line right-of-way located in the NE1/4NE1/4, Section 19, T1N, R8E, BHM, Pennington County, South Dakota.

Dated this 7<sup>th</sup> day of June 2004.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

- 98. No. 04PL043 - A request by Sperlich Consulting Inc. for Walgar Development for a **Layout and Preliminary Plat** on Lot 1 of Block 1, Minnesota Park Subdivision,

located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale Addition No. 10. and a portion of the SE1/4 of the NW1/4 of the SE1/4 located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Wisconsin Avenue and East Minnesota Street. (APPROVE THE LAYOUT AND PRELIMINARY PLAT, WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned; 2) Prior to Preliminary Plat approval by the City Council, a subdivision cost estimate shall be submitted for review and approval; 3) Prior to Preliminary Plat approval by the City Council, a revised grading plan showing the channel grading at element #21 of the South Robbinsdale Drainage Basin Design Plan shall be submitted for review and approval; 4) Prior to Preliminary Plat approval by the City Council, a revised drainage plan in accordance with the South Robbinsdale Drainage Basin Design Plan shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainage easements as necessary; 5) Prior to Preliminary Plat approval by the City Council, the plat document shall be revised to show the dedication of ten additional feet of right-of-way along Minnesota Street or a Variance to the Subdivision Regulations shall be obtained; 6) Prior to Preliminary Plat approval by the City Council, revised construction plans for Wisconsin Avenue shall be submitted for review and approval. In particular, Wisconsin Avenue shall be located in a minimum 59 foot wide right-of-way and construction with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulation shall be obtained; 7) Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval; 8) All Uniform Fire Code shall be continually met; 9) Prior to submittal of a Final Plat, the plat document shall be revised to show the "access restriction" as a non-access easement or a note shall be placed on the plat precluding driveway approaches within the access restriction; 10) Prior to submittal of a Final Plat, the plat document shall be revised to extend the access restriction a distance of 85 feet from the Minnesota Street/Wisconsin Avenue intersection or a Special Exception to the Street Design Criteria Manual shall be obtained; 11) Upon submittal of the Final Plat, the plat document shall be revised to show "East Minnesota Street" as "Minnesota Street"; and, 12) Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

99. No. 04PL057 - A request by Renner & Associates for the City of Rapid City for a **Preliminary Plat** on Tract 1 of Discovery Subdivision, located in the S1/2 of the SE1/4 of the of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, SD, located north of the Rapid City Visitor's Center along East Mall Drive. (APPROVE THE PRELIMINARY PLAT WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval by the City Council, construction plans for Elk Vale Road shall be submitted for review and approval. In particular, the construction plans shall show Elk Vale Road located in a minimum 100 foot wide right-of-way and constructed with curb, gutter, sidewalk and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised to show the dedication of an additional one foot to 17 foot of right-of-way along Elk Vale Road; 2) Prior to Preliminary Plat approval by the City Council, construction plans for Mall Drive shall be submitted for review and approval. In particular, the construction plans shall show Mall Drive constructed with a minimum 36 foot wide paved surface, curb, gutter, sidewalk, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained; 3) Prior to Preliminary Plat

approval by the City Council, construction plans for Taggart Road shall be submitted for review and approval. In particular, the construction plans shall show Taggart Road located in a minimum 59 foot wide right-of-way and constructed with a minimum 26 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer or a Variance to the Subdivision Regulations shall be obtained; 4) Prior to Preliminary Plat approval by the City Council, a private utility plan shall be submitted for review and approval; 5) Prior to Preliminary Plat approval by the City Council, the calculations and design for the drainage crossing at Taggart Road intersection shall be submitted for review and approval; 6) Prior to submittal of the Final Plat, the plat document shall be revised to show a non-access easement along Elk Vale Road and all corner lots as per the Street Design Criteria Manual or a Special Exception shall be obtained; 7) A Special Exception is hereby granted to reduce the separation from the Mall Drive/Elk Vale Road intersection and the approach to the proposed lot located north of Elk Vale Road from 460 feet to 300 feet as per the Street Design Criteria Manual; 8) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 9) Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted in a form acceptable to the City Attorney and the subdivision inspection fees shall be paid.)

100. No. 04PL061 - A request by Gerald Davis for Mark and Jodi Davis for a **Layout Plat** on Lot A and Lot B of Lot 1, Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1, Vista Hills No. 2 Subdivision, located in the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4740 Skyview Drive. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, road construction plans for Skyview Drive shall be submitted for review and approval. In particular, the construction plans shall show Skyview Drive located in a minimum 52 foot wide right-of-way and constructed with a minimum 27 foot wide paved surface, curb, gutter, street light conduit and sewer or a Variance to the Subdivision Regulations shall be obtained; 2) Upon submittal of a Preliminary Plat, road construction plans for Corral Drive shall be submitted for review and approval. In particular, the road construction plans shall show Corral Drive located in a minimum 100 foot wide right-of-way and constructed with a minimum 36 foot wide paved surface, sidewalk on both sides of the street and street light conduit or a Variance to the Subdivision Regulations shall be obtained. In addition, the plat document shall be revised dedicating 17 additional feet of right-of-way along Corral Drive; 3) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat document shall be revised to show additional drainage easements as needed; 4) Upon submittal of a Preliminary Plat, a cost estimate of the subdivision improvements shall be submitted for review and approval; 5) Upon submittal of a Preliminary Plat, a site plan showing all structural improvements, including lot lines, dimensions, approach location, adjacent right-of-way widths and setbacks shall be submitted for review and approval; and 6) Upon submittal of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)
101. Authorize the Mayor and Finance Officer to sign a waiver of right to protest a future assessment for the installation of pavement along Peregrine Point Place as it abuts the SE1/4 NE1/4 and NE1/4 NE1/4 lying south of County Road #C228 (Sheridan Lake Road) Less Lot W, all located in Section 36, T1N, R6E, BHM, Pennington County, South Dakota. (04SV018)
102. Authorize the Mayor and Finance Office to sign a waiver of right to protest a future assessment for the installation of curb, gutter and pavement as per the City's Street

Design Criteria Manual along an access street extending east from Alberta Drive to Lot 1 of Lot C of Lot 1 of Rohrer Subdivision located in the SW1/4 of the SE1/4 of Section 29, T1N, R7E, BHM, Pennington County, South Dakota. (04SV022)

### **Raffles**

103. No. CC060704-02 – Notification from South Dakota **Ducks Unlimited** of their intent to conduct a raffle, drawing to be held on Saturday, June 26, 2004 at Arrowhead Country Club.
104. No. CC060704-04 – Notification from **Easter Seals** of South Dakota of their intent to conduct a raffle from July 1-4, 2004 during the Black Hills Heritage Festival.

### **END OF CONSENT CALENDAR**

Motion was made by Rodriguez and seconded by Waugh to approve No. PW060104-02 - Request the City Attorney's Office to draft a **Permanent Utility Easement** for Montana Dakota Utilities Company, for property along Elk Vale Road north of Mall Drive, and include language to address the right-of-way issues and easement for future land owners. City Attorney Green explained that the exhibit linked to the electronic agenda is not correct. A new exhibit document has been provided by MDU which correctly identifies the property to be included in the easement. Minor language changes have also been made to make clear that if any movement of the line is necessary or if the city needs this property, moving the line will be the responsibility of MDU. Upon vote being taken, the motion carried unanimously.

The next item discussed was No. PW042704-02 - Refer the **Rapid Valley Sanitary District Water Service Agreement** to the Utility Committee for review. Hanks asked which committee this item would be referred to. Green stated that the intent was to send this to the Committee that will be appointed to review water utility rates. Motion was made by Waugh, seconded by French and carried to refer this Agreement to the Water Utility Committee for review.

Motion was made by Waugh and seconded by Rodriguez to request staff to bring forward a draft **Septic System Policy** at the June 15, 2004 Public Works Committee meeting. Hanks questioned which version of the policy the City will be using. Acting Public Works Director Vore explained that he has a draft of the policy marked "Final Version" which he will be using. Upon vote being taken, the motion carried unanimously.

Motion was made by Partridge and seconded by Rodriguez to request the City Attorney's Office to look at the **issues of standing water**, legality of enforcement within the current ordinance, and possible ordinance amendments, and bring forward a recommendation at the June 15, 2004 Public Works Committee meeting. Murphy spoke against the motion noting there is standing water all over the community. French explained that at the last meeting the committee discussed two specific situations: a swimming pool that is not being maintained, and a construction site that is pooling water. These are the types of instances the city should be reviewing in relation to public health and the threat of the West Nile Virus. Kriebel stated that he feels the city's existing nuisance ordinances are broad and would cover issues of standing water and public health concerns. Upon vote being taken, the motion carried with Murphy voting no.

Motion was made by Rodriguez, seconded by Waugh and carried to continue No. 04VE011 - **Vacation of Utility Easement** for Mike Bartels for Alice Laselle on Lot 3, Parker's Subdivision in the NW1/4, SW1/4, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 3963 East Highway 44, to the June 21, 2004 City Council meeting.

Motion was made by Rodriguez and seconded by Hanks to approve a **travel request** for Mason Short, Ken Simmons, Craig Uhre, Jerry Mitchell, and Bert Corwin to Attend Annual

AAAE Conference & Exposition in Las Vegas, NV, from June 21-24, 2004, in the approximate amount of \$10,990 (No. LF060204-11). Kooiker suggested that 1-3 people attend the conference and bring information back to share with the remainder of the board members. Airport Director Mason Short explained that there are very few conferences held in the country for airports of our size. He encouraged the Council to approve this educational opportunity for the people working to improve the City's airport. Upon vote being taken, the motion carried unanimously.

Motion was made by Murphy and seconded by Hanks to approve a City employee 33% **discount rate** on pool and ice individual yearly passes (No. LF060204-21). Substitute motion was made by French and seconded by Kooiker to include all city employees. Parks & Recreation Director Cole explained that this item was brought through the Recreation Advisory Board. They want to provide a discount similar to the one given for the city's golf courses. Kriebel stated that he would also like to see a break in the rate for parents who accompany small children to the pool, but don't swim. Hanks suggested that this item be clarified because they are temporary employees as well as seasonal and part-time workers. French supported allowing the discount for temporary as well as seasonal and part-time employees. Rodriguez called the question and there were no objections. Upon vote being taken, the substitute motion failed with French voting AYE. Substitute motion was made by French and seconded by Hanks to refer this back to the Legal & Finance and Public Works Committees for clarification on who should be eligible for the discount. Upon vote being taken, the substitute motion failed with French voting AYE. Motion was made by Rodriguez and seconded by Partridge to table this item. Roll call vote: AYE: Rodriguez and Partridge; NO: Hanks, French, Kooiker, Murphy, Waugh, Hadley, Kroeger and Kriebel. Motion to table failed, 2-8. The original motion is to approve a 33% discount rate for city employees on a yearly pass for the pools and ice facility. Upon vote being taken, the motion carried with Partridge and Rodriguez voting no.

The Council recessed at 9:40 P.M. so that staff can address some technical issues. The Council reconvened at 9:50 P.M. with all members present.

### ***Planning Department Items***

The Mayor presented No. 04CA019, a request by Adam Altman for Lincoln & Talbot Limited Partnership I for an **Amendment to the Comprehensive Plan** to change the future land use designation on a 9.7975 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development located along Tablerock 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 the 7<sup>th</sup> day of June, 2004 to consider an amendment to the Comprehensive Plan Amendment to the Comprehensive Plan to change the future land use designation on a 9.7975 acre parcel from Office Commercial with a Planned Development Designation to General Commercial with a Planned Development Designation, on Lots 4 thru 8, Block 1, Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; 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 7<sup>th</sup> day of June, 2004.

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 Waugh. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for the installation of curb, gutter, street light conduit, water and sewer and to allow a sidewalk on one side of the streets along a portion of the interior streets located on S1/2 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota. (04SV009)

The Mayor presented No. 04SV009, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, street light conduit and sidewalk on one side of the street and to allow lots twice as long as wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 38 of Block 1, Lots 1 thru 39 of Block 2 and Lots 1 thru 18 of Block 3, Rainbow Ridge Subdivision, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, legally described as S1/2 NE1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located west of of Bunker Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance with the following stipulations: 1) That curb, gutter and sidewalk be provided along one side of the streets as shown on the Preliminary Plat; 2) The lot approaches along the side of the streets without curb and gutter shall be constructed as part of the subdivision improvements to assure that an adequately sized culvert as per engineering analysis is installed and properly located.; 3) Erosion control measures shall be provided in the ditches as needed; 4) Prior to Preliminary Plat approval by the City Council, the street section shall be revised to provide a minimum separation between the back of the curb and the sidewalk of five feet; and, 5) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvement.

The Mayor presented No. 04SV016, a request by Fisk Land Surveying & Consulting Engineers, Inc. for Dan O'Brien for a **Variance to the Subdivision Regulations to waive the requirement to install street light conduit and to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on property located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to acknowledge the applicant's withdrawal of this item.

Motion was made by Kooiker, seconded by Rodriguez and carried to authorize the Mayor and Finance Officer to sign a **waiver of right to protest** a future assessment for the installation of curb, gutter, sidewalk, street light conduit, sewer and pavement along Holy Cow Ranch Road as it abuts Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota. (04SV024)

The Mayor presented No. 04SV024, a request by Sperlich Consulting Inc. for Gordon Howie for a **Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalk, street light conduit, sewer and pavement as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 7R and Lot 8R, Holy Cow Ranch Subdivision, located in "Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 7 and Lot 8, Holy Cow Ranch Subdivision, located in

"Government" Lots 3 and 4, Section 19, T1N, R9E, BHM, Rapid City, Pennington County, South Dakota, located along Holy Cow Ranch Road. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested Variance, with the following stipulation: 1) Prior to Preliminary Plat approval by the City Council, the applicant shall sign a waiver of right to protest any future assessments for the improvements.

The Mayor presented No. 04SV025, a request by Sperlich Consulting, Inc. for Walgar Development for a **Variance to the Subdivision Regulations to waive the requirement to dedicate additional right-of-way as per Chapter 16.16 of the Rapid City Municipal Code** on Lot 1 of Block 1, Minnesota Park Subdivision, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract B of Robbinsdale No. 10, and a portion of the SE1/4 of the NW1/4 of the SE1/4, located in the N1/2 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of Wisconsin Avenue and East Minnesota Street. Motion was made by Kooiker, seconded by Rodriguez and carried to approve the requested variance.

The Mayor presented No. 04SV028, a request by Renner & Associates for the City of Rapid City for a **Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way and to install curb, gutter, sidewalk, street light conduit, water and sewer as per Chapter 16.16 of the Rapid City Municipal Code** on Tract 1 of Discovery Subdivision, located in the S1/2 of the SE1/4 of the of the NE1/4 of Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the S1/2 SE1/4 NE1/4 less right-of-way; NE1/4 SE1/4 less right-of-way, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of the Rapid City Visitor's Center along East Mall Drive. Motion was made by Kooiker, seconded by Rodriguez and carried to deny the requested variance.

The Mayor presented No. 04SV029, a request by Centerline, Inc. for 3 T's Land Development LLC for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.16 of the Rapid City Municipal Code** on Lots 1 thru 10 and 42 thru 47, located in the SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as in the NW1/4 SW1/4 less Tract R in the NW1/4 SW1/4 and less NE1/4 NE1/4 NE1/4 NW1/4 SW1/4; N1/2 N1/2 N1/2 N1/2 SW1/4 SW1/4, all in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Minnesota Street west of 5th Street. Motion was made by Kooiker, seconded by Waugh and carried to approve the requested variance.

The Mayor presented No. 04VR001, a request by Geiger Architecture for Taco Bell Corp. for a **Vacation of Right-of-Way** on the east 15 feet of Cherry Street right-of-way adjoining Tracts A and E in Block 1 Feigel Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along North Cherry Avenue. The following Resolution was introduced, read and Kooiker moved its adoption with the following stipulation: 1) That a 15 foot wide utility easement shall be recorded at the Register-of-Deed's Office at the same time as the Resolution of Vacation.

#### RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears that a portion of the east 15 feet of Cherry Street right-of-way adjoining Tracts A and E in Block 1 Feigel Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along North Cherry Avenue is not needed for public purposes; and

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



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

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of section line highway in regard thereto.

Dated this 7<sup>th</sup> day of June, 2004.

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 Waugh. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Rodriguez, seconded by Waugh and carried to determine that the number of parking spaces available at the Civic Center can be reduced by 50 spaces during the South Dakota **State Hog Rally** being held June 15-19, 2004.

### ***Ordinances & Resolutions***

**Ordinance 4054** (No. LF041404-06) entitled An Ordinance Modifying the Notification Requirements for a Planned Development Designation (PDD) by Amending Section 17.50.060 of the Rapid City Municipal Code, having passed the first reading on April 19, 2004, it was moved by Hanks and seconded by French that the title be read the second time. Hanks informed the Council that the Planning commission recommended denial of this item because they felt notification requirements should be increased, not decreased. The following voted AYE: Hanks, French, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: Murphy; whereupon the Mayor declared the motion passed and Ordinance 4054 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 04RZ031, second reading of **Ordinance 4068**, a request by Adam Altman for Lincoln & Talbot Limited Partnership I for a **Rezoning from Office Commercial District to General Commercial District** on Lots 4 thru 8, Block 1, Tower Ridge 2 Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Tablerock Road. Notice of hearing was published in the Rapid City Journal on May 22 and May 29, 2004. Ordinance 4068, having had the first reading on May 17, 2004, it was moved by Hanks and seconded by Rodriguez 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 4068 the second time.

**Ordinance 4069** (No. 04RZ032) a request by Wyss Associates, Inc. for Web Real Estate Holdings Company, LLC for a **Rezoning from Low Density Residential District to Office Commercial District** on the following property, was introduced: Commencing at the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM; Thence travel 854.51 feet at a bearing S89°27'22"E to a point; Thence travel 692.17 feet at a bearing N00°32'38"E to the Point of Beginning; travel 205.11 feet at a bearing N35°12'36"E to a point; thence travel 70.11 feet at a bearing N00°21'00"E to a point; thence travel 65.15 feet at a bearing N90°00'00"E to a point; thence travel 318.07 feet at a bearing S00°00'00"E to a point; thence

travel 93.37 feet at a bearing N30°35'10"W to a point; thence travel 136.33 feet at a bearing S90°00'00"W to a point to the Point of Beginning; said parcel contains approximately 0.63 acres more or less, located west of the western terminus of Fairmont Boulevard along Tower Road. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 4069 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, June 21, 2004 at 7:00 P.M.

**Ordinance 4070** (No. 04RZ033), a request by Pat Hall with Coldwell Banker, LKH, Inc. for Hogan Real Estate LLC for a **Rezoning from Medium Density Residential District to General Commercial District with a Planned Development Designation** on the following property, was introduced: The north 319 feet of Lot 16, a replat of Block 31 of a replat of Blocks 4, 5, 6, 11, 12, 13, 19, 20, 21, 26, 27 and 28 of the Nowlin and Wood Addition in the N1/2 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; less Lot H1, H2 and H3, Lot 16 of Block 31 of the Nowlin and Wood Addition in the N1/2 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1125 North Lacrosse Street. Upon motion made by Hanks, seconded by Rodriguez and carried, Ordinance 4070 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, June 21, 2004 at 7:00 P.M.

### ***Legal & Finance Committee Items***

The next item discussed by the Council was No. CC060704-07, **License Requirements** for Adult Oriented Businesses. Robert Holway and Al Fazenbaker spoke against additional licensing and regulation of adult oriented businesses. This is an issue of responsibility and the existing businesses have come into compliance with the city's regulations for adult oriented businesses which were approved by the voters. Mr. Fazenbaker noted that licensing all employees of AOBs will accomplish nothing but take money from people who cannot afford it. The owners, managers and security personnel for AOB businesses are already required to be licensed. Rodriguez asked about the recommendation from the AOB Committee on this item. Alderman French, Chairman of the AOB Committee, explained that the issue of licensing all employees of AOBs was first discussed by the original AOB Committee which was appointed by Mayor Munson. There are concerns for the patrons of these establishments as well as those who work there. French stated that the intent of the requirement was to require a fee of \$25 for the license and a background check on employees which would protect patrons and employees from anyone who had a felony conviction within the past two years. The intent was not to be punitive, but to protect employees in this industry. Regarding action by the AOB Committee, French explained that the meeting got out of control and was adjourned before any actions were taken. She added that there was no doubt the AOB Committee would have had a 3-3 tie vote on this issue and there would have been no clear recommendation coming forward. For that reason, she requested that the item be placed on the Legal & Finance Committee agenda for discussion. Murphy explained that when employee licensing was previously discussed, it came out that the city could not require only the dancers to be licensed. If employees are to be licensed, then all employees are required to be licensed. Murphy stated that the existing adult oriented businesses are complying with the city's requirements and additional regulations are not needed. Carol Fazenbaker, Sheila McNutt, Gerald Sailer, Sylvester Jackson and Mike Sanborn spoke against additional regulations and requested that the issue before the council at this time be tabled. Deb Glasscock stated that she attended all of the AOB Committee meetings and they were all open to the public and were run in a very fair and gracious way. Ron Glasscock read a prepared statement commending the City for the work that has been done to regulate the adult oriented business industry in Rapid City. He asked why the owners of AOBs are fighting so hard against the employee licensing requirement. Tom Holway asked why employees of AOBs should be licensed when other individuals, doing the exact same job, are not required to be licensed. Motion was made by Murphy and seconded by

Rodriguez to postpone this item indefinitely. Kooiker spoke against the motion because it will just leave everything hanging. It would make more sense to refer this issue back to the AOB Committee for discussion. Substitute motion was made by Kooiker and seconded by Waugh to take this item back to the AOB Committee with the request that the City Attorney provide a written opinion on whether or not everyone must be licensed, or if certain job functions can be licensed. Partridge stated that the proposal before the Council at this time is a health and protection issue. He added that he has no desire to put someone out of business by increasing the amount of regulation on a particular industry. This issue is about creating a safe community. Kriebel stated that he feels the city already has legal opinions on the requirements for licensing employees in adult oriented businesses. Rodriguez stated that she feels the proposals to license all employees targets the AOB industry. If we are going to require them to be licensed, we should be prepared to require all employees to be licensed for other businesses in the community. Kroeger stated that he is not in favor of requiring that all employees of AOBs be licensed. Substitute motion was made by Partridge and seconded by French to take this item to the next Legal & Finance Committee meeting and request that the City Attorney put together first reading to implement the changes for licensing. Kooiker stated that if we proceed with first reading of this ordinance, he would like to have a definite answer to the question of whether or not we can license only the dancers in adult oriented businesses. Partridge agreed to add this to his motion. Roll call vote was taken: AYE: Hanks, French, Kooiker, Hadley, Kriebel and Partridge; NO: Murphy, Rodriguez, Waugh and Kroeger. Motion carried, 6-4.

The next item discussed by the Council was alternatives, costs, and funding sources for **drainage problem at Sitka and Harmony**. Asst. Public Works Director Ted Vore submitted an aerial photograph of the area and outlined possible solutions to this drainage problem. He indicated where six drop inlets and piping would be installed in an attempt to contain the water flowing through this area. The estimated cost of this proposal is \$220,000. Larry Nelson and Frank Brost, representing the Richland Mobile Home Park submitted pictures of the water, mud and rocks that affect their property as a result of the drainage flowing through this area. Vore recommended that this issue be referred to the Public Works Committee meeting for continued discussion and information from the legal staff relative to liability and cost-sharing issues. Motion was made by Murphy, seconded by Kooiker and carried to refer this issue to the Public Works Committee for further discussion and recommendation.

Motion was made by Hanks, seconded by Kooiker and carried to continue the discussion on the **Street Design Criteria Manual** to the next Public Works Committee meeting.

The next item discussed by the Council was No. CC051704-04, request that staff prepare an ordinance to **re-establish the ward and precinct lines** in Ward 4, and adjust Wards 3 and 5 accordingly. Kooiker stated that we need to find out what the percentage difference would be if we moved precinct 5-5 back into Ward 4, and how it would affect the population of the other wards. Motion was made by Kooiker and seconded by Hadley to request that staff prepare an ordinance to re-establish the ward and precinct lines in Ward 4, and adjust Wards 3 and 5 accordingly, and bring forward the numbers to the next Legal & Finance Committee meeting in terms of the plus or minus 5% issue. Hanks stated that the City Council needs to give staff clear direction and tell them exactly where the lines should be. Substitute motion was made by Rodriguez and seconded by to take this item to the July Information Meeting for discussion. Kroeger noted that the Information Meetings have discussion items scheduled through August of this year. Unless an item is rescheduled, this discussion won't take place until September. Kriebel spoke against combining the City's non-partisan election with the primary conducted by the county which is a partisan election. French called the question and there were no objections. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks, seconded by French and carried to refer the issue of changing the **Municipal election date** back to April to the next available Information Meeting.

Motion was made by Hanks, seconded by Hadley and carried to continue No. LF060204-03 – Funding Policy for **Recreation Field Improvement Projects** (i.e. irrigation), to the next Legal & Finance Committee meeting for recommendation.

Motion was made by Hanks and seconded by Rodriguez to approve No. LF060204-07 – **Change Order No. A01** to RCS Construction, Inc., Public Safety Building, for an Increase of \$19,150. Upon vote being taken, the motion carried with Hadley voting no.

Motion was made by Hanks, seconded by Hadley and carried to continue No. LF022504-18 – Recommendation for **“Joint Identification” (Campus) Signs**, to the Legal & Finance committee for review and recommendation.

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

#### RESOLUTION DECLARING PROPERTY SURPLUS

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

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

##### Growth Management Department

Gateway Monitor EV700, SN 17004A802915  
2000 Gateway computer, System 229, SN 2924102  
Miscellaneous paper trays  
Computer Keyboard trays (3)  
Legal size hanging file frames (1)  
Drafting arm  
Miscellaneous 3.5 computer disk holders  
Gateway Computer System #294  
DeskJet 550C Printer  
Calcomp Computer Digitizer

##### Engineering Division

Steel card files (5)  
Drafting table lamps (2)  
HP DeskJet 550C printer, Inv. No. 17083  
Monitors (3)  
Steel cabinet  
Smith-Corona Coronamatic typewriter  
Epson Stylus Color 800 Printer, Inc. No. 17098  
Gateway computer GP6-350  
Steel desk  
Wooden computer table  
Steel plan file  
8' Folding table

##### City Attorney's Office

Gateway computer 17" monitors (2)  
Dry Erase Board  
Keyboard drawers (3)  
Ultraviolet screen protector  
Cassette holder

Police Department

Bulk tape eraser  
f/1.8 50mm camera lens (defective)  
35mm Bridge camera (defective)  
VHS dual deck (defective)  
U-maticS portable VCR (defective)  
Color Video camera (JVC) Inv. No. 8234  
Camera batteries (defective)  
JVC power supply  
JVC Broadcast battery charger  
JVC Broadcast service manual  
JVC color video camera  
Audio cassette duplicator, Inv. No. 13652  
Panasonic Video editing controller, Inv. No. 8243  
DFI hand scanner  
30V Belt-power Spotlight, Inv. No. 8734  
GBC portable TV spotlight  
Tripod video head  
Various Computers and parts (15)  
Laptop computers (3)  
17" computer monitors (5)  
15" computer monitor  
Dot Matrix printers (2)  
Inkjet printers (5)  
Flat bed scanners (3)  
Miscellaneous parts and cables  
Box of several hundred used audiocassette tapes

Parks

1977 Dodge ½ Ton, VIN D14BF7S160720  
1977 Jacobsen Sweeper, SN 1467709  
1976 GMC 1 Ton Flatbed, VIN TCT3304509883  
Sports field light fixtures:  
    8 – 1000 watt mercury vapor 240 Volt  
Metal desks (2)  
Laser printer (defective)  
Computer monitor stands (2)  
Tractor lawn mower, SN960556  
Hustler Model 272 Tractor lawn mower, SN 6559889 (not working)

Cemetery

1982 Cushman Runabout w/cab, SN 555674  
Sensation 14" trim mowers (2)  
Miscellaneous tire chains  
Back fill tamper, SN H900834  
Back fill tamper, SN 1203  
Chicago Pneumatic 115 – 35#, SN 3880  
Little Wonder hedge trimmer, SN 0004209

Golf Division

Stainless steel free standing sink  
Southbend commercial stove/grill  
Upright freezer  
Steamer table  
Jacobsen backpack leaf blower, Tag No. 12535  
Jacobsen sweeper, Tag No. 8763

1978 Chevrolet dump truck, SN 149392-ID-535917  
Ford Tanker fire truck, SN C70BVFE6833  
2-drawer counter  
Kitchen stove/oven  
Beer keg cooler w/tap  
Sharp copy machine  
Irri-Trol irrigation controllers (6)  
Hot Dog machine  
Gateway tower computer & printer, Inv. No. 155931 & 18414  
Central air conditioner  
Air escape unit  
16' trailer  
Large capacity fertilizer spreader  
14' trailer  
60 gallon truck fuel tank  
40 gallon truck fuel tank  
Jacobsen utility cart

Human Resources

Lanier Dictaphone, Inv. No. 6814  
KDS RAD flat screen monitor (defective)  
Sharp calculator  
Office chair (maroon)  
Gateway computer system (keyboard, mouse, speakers, monitor, tower)  
Gateway computer system (keyboard mouse, speakers, tower)

Civic Center

8" risers (10)  
24" risers (10)  
32" risers (10)  
Tall building directory (3)  
Samsonite folding chairs (300)  
Small chest ice cream freezer (2)  
HP Copier, Inv. No. 15147  
Sharp Fax machine, Inv. No. 19374  
Lanier copier, Inv No. 17304  
Large, heavy safe, Inv. No. 0917  
Wood concert barricades (10)  
Hydro advance scrubber water tank (tank only)  
Super Trouper spotlights (2)  
American Metal Ware coffee holding tank, Inv. No. 41552  
American Metal Ware dual coffee brewing unit, Inv. No. 29849  
HP LaserJet printer  
Gehl's Guernsey Farm's nacho cheese dispenser

Fire Department

17" computer monitors (8). No. 15389  
Speaker, Inv. No. 15544  
Computer mouse  
Gateway computers (8)  
Printers (3)  
HP Scanner  
CD tower  
Computer keyboard  
Pocket PC  
Laptop computers (3)

24" gas range  
Upright air compressor  
Wooden work bench  
Metal desk  
Metal lockers, assorted sizes  
Wooden computer desks (6)  
Televisions (3)  
VCR  
Telephones (2)  
Fax Machine  
White marker board  
Small wooden filing cabinet  
4-drawer file cabinet  
Chairs, assorted  
1978 Ford F250 Pickup, VIN F28SRBE8615  
26" snowblower  
20' Toro push lawn mower  
Ryobi weed eater  
Mop sink  
6000 psi air bottle  
toilet stools (2)  
boat fuel tanks (3)  
hand rail  
K-12 saw  
ZodiacMarkIII boat, SN 92800  
1973 14' Lund boat and trailer, Inv. No. 3348 (trailer SN 4777565)  
Johnson 35hp boat motor  
Johnson 25hp boat motor  
1973 16' Spartan boat trailer, Inv. No. 3351  
Craftsman 3.5hp 25 gallon air compressor (defective)  
Office partitions, 4x5 (3)

Computer Center

Dell PCs (2)  
Gateway PCs (8)  
Generic personal computer  
CTX monitor  
Tatung monitor  
Gateway Monitors (3)

Landfill

Gateway PCs (6)  
Regal PCs (3)  
HP deskjet printer (5)  
DTK PC  
Gateway monitors (2)  
ADC color monitor  
Diskettes (2 boxes)  
HP data cartridges (4 boxes)  
Sony computer data cartridges (1 box)  
250MB tape backup system  
Practical Peripherals microbuffer  
Teleco multi-line phones (3)  
1988 Ford Ranger, VIN FPCR10AXJUD82081

Water Division

Hotsy steam cleaner  
Dot matrix printer  
Express CPU  
Arche 13" monitor  
HP 11" monitor  
Keyboard  
Gateway computer systems (4)  
Honda Generator, Inv. No. 5134  
Sharp fax machine  
Filing cabinets (card files)  
Sharp calculator

Water Reclamation Division

3" Pump  
Old gator cam

Street Department

P&H 3 phase Arc welder  
Miscellaneous sweeper brooms

Library

6 ea. 4 x 2 fluorescent lights  
1 ea. 2 x 2 fluorescent light  
3 shelf cart  
4 drawer fire proof file cabinet

Finance Office

HP Color LaserJet 4550N Printer, Inv. No. 15771

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 7<sup>th</sup> day of June, 2004.

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 Hadley. The following voted AYE: Hanks, French, Murphy, Kooiker, Waugh, Rodriguez, Kroeger, Hadley, Kriebel and Partridge; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hanks, seconded by Rodriguez and carried to direct staff to clean up the property located at **1122 Quincy Street** through the City's abatement process so that the property can be inspected, and direct the Community Development Division to continue looking at options for this property (No. LF042804-13).

Motion was made by Waugh and seconded by Partridge to approve No. LF060204-19 – Authorize Mayor and Finance Officer to Sign RFP for **Golf Cart Advertising** with Par America, Inc. Hanks spoke against the idea of allowing advertising on the golf carts at the golf course. Roll call vote was taken: AYE: French, Kooiker, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Partridge; NO: Hanks and Murphy. Motion carried, 8-2.



**Public Works Committee Items**

The Mayor presented No. 04FV002, **Fence Height Exception** for Fisk Land Surveying & Consulting Engineers, Inc., for Dan O'Brien to allow a six to eight foot high fence within the required 25 foot front yard setback on the following property: A tract of land located within the Southwest One Quarter (SW  $\frac{1}{4}$ ) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northwest corner of Lot Six (6) of Block Nine (9) of Fairway Hills P.R.D., located in the Southwest One Quarter (SW  $\frac{1}{4}$ ) of Section Fifteen (15) of Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, as shown on the plat recorded on August 22, 1997 and filed in Plat Book 28 of Plats on Page 41, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, southwesterly along the westerly edge of said Lot Six, South 18 degrees 28 minutes 52 seconds West (more or less) a distance of 111.80 feet (more or less), to a corner of said Lot Six, said corner being marked with a rebar and cap marked "Davis Eng 3095"; thence, continuing southeasterly along the westerly edge of said Lot Six, South 19 degrees 43 minutes 55 seconds East (more or less) a distance of 106.84 feet (more or less), to the southerly corner of said Lot Six and the northwesterly corner of Lot Two (2) of Block Nine (9) of Fairway Hills P.R.D., as shown on the plat recorded on November 18, 1993 and recorded in Plat Book 25 on Page 181, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southwesterly along the westerly edge of said Lot Two, South 10 degrees 57 minutes 41 seconds West (more or less) a distance of 143.39 feet (more or less) to a corner on the west line of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554"; thence, continuing southeasterly along the westerly edge of said Lot Two, South 32 degrees 59 minutes 10 seconds East (more or less) a distance of 189.09 feet (more or less) to the southwest corner of said Lot Two, said corner being marked with a rebar and cap marked "LS 2554" and located along the northerly edge of Lot Six (6) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on July 26, 1972 and recorded in Plat Book 12 on Page 59; thence, continuing westerly along the northerly edge of said Lot Six, South 89 degrees 44 minutes 54 seconds West (more or less) a distance of 248.12 feet (more or less) to the northwest corner of said Lot Six and the northeast corner of Lot Five (5) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Five, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 73.08 feet (more or less) to the northwest corner of said Lot Five and the northeast corner of Lot Four (4) of Block One (1) of Spring Brook Acres, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot Four and along the northerly edge of Lot Three (3) of Block One (1) of Spring Brook Acres, South 89 degrees 42 minutes 57 seconds West (more or less) a distance of 217.92 feet (more or less) to the northwest corner of said Lot Three and the northeast corner of Lot A of Lot Two (2) of Block One (1) of Spring Brook Acres, as shown on the plat recorded on March 20, 1997 and filed in Plat Book 27 on Page 189, said corner being marked with a rebar; thence, continuing westerly along the northerly edge of said Lot A of Lot Two, South 89 degrees 43 minutes 51 seconds West (more or less) a distance of 263.57 feet (more or less) to a point along the easterly edge Sheridan Lake Road right-of-way and the southeasterly corner of Lot H1 of the unplatted portion of the Northwest One Quarter (NW  $\frac{1}{4}$ ) of the Southwest One Quarter (SW  $\frac{1}{4}$ ) of Section Fifteen (15) Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), City of Rapid City, Pennington County, South Dakota as shown on the plat recorded on May 21, 1993 and recorded in Plat Book 8 of Highway Plats on Page 54; thence, curving to the left and continuing northeasterly along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 17 degrees 57 minutes 06 seconds, an arc length of 210.74 feet and a chord bearing of North 47 degrees 59 minutes 42 seconds East (more or less) and chord distance of 209.88 feet, more or less; thence, continuing along the easterly edge of said Lot H1, South 51 degrees 09 minutes 05 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 38 degrees 50 minutes 55 seconds East (more or less) a

distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 51 degrees 09 minutes 05 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 1 degree 38 minutes 38 seconds, an arc length of 19.30 feet and a chord bearing of North 37 degrees 51 minutes 23 seconds East (more or less) and a chord distance of 19.30 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 11 degrees 54 minutes 54 seconds, an arc length of 139.88 feet and a chord bearing of North 31 degrees 04 minutes 36 seconds East (more or less) and a chord distance of 139.63 feet (more or less); thence, continuing along the same curve and along the easterly edge of said Lot H1, on a curve with a radius of 672.62 feet, a delta of 6 degrees 58 minutes 05 seconds, an arc length of 81.80 feet and a chord bearing of North 21 degrees 38 minutes 06 seconds East (more or less) and a chord distance of 81.75 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 72 degrees 01 minute 10 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 17 degrees 58 minutes 50 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 72 degrees 01 minute 10 seconds West (more or less) a distance of 4.00 feet (more or less); thence, curving to the left and continuing along the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 0 degrees 58 minutes 08 seconds, an arc length of 11.38 feet and a chord bearing of North 17 degrees 19 minutes 33 seconds East (more or less) and a chord distance of 11.38 feet (more or less); thence, continuing along the same curve and the easterly edge of said Lot H1 on a curve with a radius of 672.62 feet, a delta of 2 degrees 03 minutes 55 seconds, an arc length of 24.25 feet and a chord bearing of North 15 degrees 48 minutes 30 seconds East (more or less) and a chord distance of 24.25 feet (more or less), to a point of tangent; thence, northeasterly along the easterly edge of said Lot H1 North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 186.27 feet (more or less); thence, continuing along the easterly edge of said Lot H1, South 75 degrees 13 minutes 27 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H1, North 75 degrees 13 minutes 27 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing northeasterly along the easterly edge of said Lot H1, North 14 degrees 46 minutes 33 seconds East (more or less) a distance of 22.45 feet (more or less); thence, continuing along the easterly edge of said Lot H1 along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 28 minutes 02 seconds, an arc length of 46.44 feet and a chord bearing of North 14 degrees 51 minutes 53 seconds East (more or less) and chord distance of 46.44 feet (more or less); thence, continuing along the same curve along the easterly edge of said Lot H1, said curve having a radius of 5693.58 feet, a delta of 1 degree 09 minutes 02 seconds, an arc length of 114.34 feet and a chord bearing of North 15 degrees 40 minutes 43 seconds East (more or less) and chord distance of 114.33 feet (more or less), to a point along the easterly edge of Lot H2 of Lot 3A of Fairway Hills P.R.D., as shown on the plat recorded on May 21, 1993 and filed in Plat Book 8 of Highway Plats on Page 56; thence, continuing along the same curve along the easterly edge of said Lot H2 of Lot 3A, said curve having a radius of 5693.58 feet, a delta of 0 degrees 40 minutes 07 seconds, an arc length of 66.45 feet and a chord bearing of North 16 degrees 35 minutes 18 seconds East (more or less) and a chord distance of 66.45 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, South 73 degrees 03 minutes 26 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 16 degrees 56 minutes 34 seconds East (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, North 73 degrees 03 minutes 26 seconds West (more or less) a distance of 4.00 feet (more or less); thence, continuing along the easterly edge of said Lot H2 of Lot 3A, along a curve to the right, said curve having a radius of 5693.58 feet, a delta of 0 degrees 39 minutes 34 seconds, an arc length of 65.56 feet and a chord bearing of North 17 degrees 17 minutes 34 seconds East (more or less) and

a chord distance of 65.56 feet (more or less) to the northeasterly corner of said Lot H2 of Lot 3A, said point also being located on the southerly line of Lot 3B of Fairway Hills P.R.D., as shown on the plat recorded July 9, 1980 and filed in Plat Book 17 of Plats on Page 189, said point marked by a rebar with survey cap "RW FISK 6565"; thence, continuing northeasterly along the southerly line of said Lot 3B, North 87 degrees 25 minutes 20 seconds East (more or less) a distance of 256.09 feet (more or less) to the southeast corner of said Lot 3B, said corner being marked by a rebar with survey cap "1019"; thence, South 25 degrees 09 minutes 50 seconds East (more or less) a distance of 132.38 feet (more or less); thence, South 14 degrees 38 minutes 21 seconds West (more or less) a distance of 186.02 feet (more or less); thence, curving to the right on a curve with a radius of 230.00 feet, a delta of 16 degrees 30 minutes 34 seconds, an arc length of 66.27 feet, and a chord bearing of South 66 degrees 39 minutes 30 seconds East (more or less) and chord distance of 66.04 feet (more or less) to a point along the northerly edge of previously platted Fairway Hills Drive right-of-way; thence, South 18 degrees 35 minutes 19 seconds West (more or less) a distance of 62.17 feet (more or less) to the point of beginning; said tract of land contains 9.0 acres, more or less, located along Sheridan Lake Road, Heidiway Lane and Fairway Hills Drive. Motion was made by Kooiker and seconded by Roidriguez to approve the requested fence height exception. Upon vote being taken, the motion carried with Waugh voting no.

The Mayor presented No. 04FV008, a **Fence Height Exception** for Larry L. Olson to allow a six foot fence in a Low Density Residential District on Lot 1 of Crocus View Addition in the NE1/4 SE1/4, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, located at 5611 Finch Court. Motion was made by Kooiker and seconded by Hadley to approve the fence height exception for a six foot fence. Larry Olson appeared before the Council and submitted pictures of other fences located in this area. He explained that the State has purchased additional property to widen Sheridan Lake Road by one lane. Olson stated that if the road is widened, it will be very close to his house. French spoke in favor of allowing a higher fence at this location. Substitute motion was made by French and seconded by Kriebel to approve a fence height exception and allow Mr. Olson to construct an eight foot fence at this location. Roll call vote was taken: AYE: Hanks, French, Hadley, and Kriebel; NO: Kooiker, Murphy, Rodriguez, Waugh, Kroeger and Partridge. Substitute motion failed, 4-6. Upon vote being taken, the original motion to allow a six foot fence carried with Waugh voting no.

The Mayor presented No. 04FV009, a **Fence Height Exception** for Michael Sekellick to allow a six foot fence in the front yard setback on Lot 11, of Block 4 of Northbrook Village, Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 147 Soldier Field Court. Motion was made by Kooiker and seconded by Hadley to approve the requested Fence Height Exception. Upon vote being taken, the motion carried with Waugh voting no.

The Mayor presented No. 04FV010, a **Fence Height Exception** for Leland L. Olson to allow construction of a six foot high fence extending from and in line with the house on the north 10 feet of Lot 44; all of lots 45 and 46, Block 3, Millard Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1132 Blaine Avenue. Motion was made by Hadley and seconded by French to approve the requested Fence Height Exception. Upon vote being taken, the motion carried with Waugh voting no.

The Mayor presented No. 04FV011, a **Fence Height Exception** for Alliance of Architects and Engineers for the City of Rapid City to allow the construction of an eight foot high security fence without razor or barbed wire in a public place on the unplatted portion of the SW1/4 of Section 29, T1N, R7E and the E1/2 of Section 30, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between Red Rock Estates and Selador Ranch. Motion was made by Kooiker and seconded by French to allow construction of an eight foot high security fence without razor or barbed wire in a public place. Upon vote being taken, the motion carried unanimously.

Motion was made by Rodriguez, seconded by French and carried to request that the Mayor appoint a committee of freeholders to determine the value of **surplus garbage trucks**.

### ***Approval of Bills***

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

Payroll Paid Ending 05-15-04, Paid 05-21-04	643,909.17
Payroll Paid Ending 05-31-04, Paid 05-28-04	992,800.37
Payroll Paid Ending 05-29-04, Paid 06-04-04	686,046.31
Payroll Paid Ending 05-14-04, Paid 05-21-04	1,580.80
Payroll Paid Ending 05-29-04, Paid 06-04-04	1,580.80
Pioneer Bank, Taxes Paid 05-21-04	156,273.62
Pioneer Bank, Taxes Paid 05-28-04	246,230.87
Pioneer Bank, Taxes Paid 06-04-04	163,916.94
Pioneer Bank, Taxes Paid 05-21-04	119.78
Pioneer Bank, Taxes Paid 06-04-04	119.78
First Administrators, claims paid 5-18-04	47,300.86
First Administrators, claims paid 5-26-04	82,204.45
First Administrators, claims paid 6-02-04	38,936.22
Black Hills Power & Light, electricity	85,249.54
MDU, gas service	4,082.21
Pennington County Auditor, PSB Construction & Parking	107,202.55
Computer Bill List	<u>2,332,905.34</u>
Total	\$5,590,459.61

Payroll Paid Ending 05-15-04, Paid 05-21-04	2,740.80
Payroll Paid Ending 05-29-04, Paid 06-04-04	2,740.81
Pioneer Bank, Taxes Paid 05-21-04	202.79
Pioneer Bank, Taxes Paid 06-04-04	198.80
City of Rapid City, postage	181.49
Conoco Phillips, gasoline	96.92
Dakota Business Center, copier maintenance	6.44
Marlin Leasing, copier lease	5.49
Simpson's Printing, newsletters	83.00
SD Executive Mgmt. Finance, telephone	6.38
SD School of Mines, telephone	54.00
Angie Weeks, mileage	<u>34.56</u>
Total	\$5,596,811.09

### ***City Attorney's Items***

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

The Council came out of executive session at 12:40 A.M.

Motion was made by Waugh, seconded by Hadley and carried to direct the City Attorney to start the litigation process against Federal Beef to clean up their property.

As there was no further business to come before the Council at this time, the meeting adjourned at 12:43 A.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

(SEAL)