

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
December 2, 2002

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, December 2, 2002 at 7:00 P.M.

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

Motion was made by Waugh, seconded by Kroeger and carried to correct the minutes of October 7, 2002 regarding the award of bid for Roosevelt Park Indoor Pool complex and Site Improvements, to include award of Alternate B3, CZR Filtration Media, in the amount of \$11,000 (this amount is included in the total bid award); and **approve the minutes** of November 18, 2002.

Bid Openings

The following companies submitted bids for No. CC120202-01 – One Current Model Year Four Wheel Drive **Articulating Loader**, which were opened on November 27, 2002: 1) Sheehan Mack Sales & Equipment; 2) RDO Equipment (two separate bids); 3) Diesel Machinery, Inc. and 4) Butler Machinery. Staff has reviewed the bids and recommends award to Sheehan Mack. Motion was made by Rodriguez, seconded by Hanks and carried to award the bid for One Current Model Year Articulating Loader to Sheehan Mack Sales, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$121,463.

The following companies submitted bids for One Current Year Model 1-Ton Crew Cab Diesel **4x4 Pick-Up** Truck for the Rapid City Department of Fire & Emergency Services which were opened at 2:00: 1) McKie Ford; 2) Integrity Ford; and 3) Lamb Motor Company. Staff has reviewed the bids and recommends award to McKie Ford. Motion was made by Rodriguez, seconded by Hanks and carried to award the bid for One Current Year Model 1-Ton Crew Cab Diesel Pickup to McKie Ford, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$26,923.68.

Mayor's Items

Mayor Munson presented the **Citizen of the Month Award** to Cathy Drain and commended her for outstanding volunteer service to the community.

Project Engineer Rod Johnson gave a presentation on the status of current 2012 projects which are under construction.

Alcoholic Beverage License Applications

Motion was made by Hadley, seconded by Waugh and carried to approve the following applications for **Off-Sale Liquor License Renewals**:

3. Rapid City Liquor Inc., DBA **Family Thrift Liquor No. 273**, 1516 E St Patrick Street, for an Off-Sale Liquor License Renewal, No Sunday Opening
4. Rapid City Liquor Inc., DBA **FTC Express No. 657**, 3460 Sturgis Road, for an Off-Sale Liquor License Renewal, No Sunday Opening

5. Rapid City Liquor Inc., DBA **Prairie Bottle Market No. 46**, 13 New York Street, for an Off-Sale Liquor License Renewal, No Sunday Opening
6. Retsel Inc., DBA **Ramada Inn (Package Store)**, 1721 N LaCrosse Street, for an Off-Sale Liquor License Renewal
7. B & L Inc., DBA **Boyd's Liquor Mart**, 909 E St Patrick Street, for an Off-Sale Liquor License Renewal
8. B & L Inc., DBA **Boyd's Liquor Mart**, 2001 W Main Street, for an Off-Sale Liquor License Renewal
9. Mills Drug Inc., DBA **Boyd's Liquor Mart**, 1424 Mt Rushmore Rd , for an Off-Sale Liquor License Renewal
10. Sooper Dooper Markets Inc., DBA **Sooper Dooper No. 1**, 913 E St Patrick Street, for an Off-Sale Liquor License Renewal
11. Dan's Super Market Inc., DBA **Dan's Super Market**, 333 Third Street, for an Off-Sale Liquor License Renewal
12. H & B Inc., **Hall Inn**, 214 East St. Joseph Street, for an Off-Sale Liquor License Renewal
13. Flannery Oil Company, dba **Corner Pantry – LaCrosse St**, 2130 LaCrosse Street, for an Off-Sale Liquor License Renewal
14. Merle Bach, DBA **The Hideaway**, 1575 N LaCrosse Street, for an Off-Sale Liquor License Renewal
15. Faryat Inc., DBA **Botticelli's Ristorante Italiano**, 523 Main St , for an Off-Sale Liquor License Renewal, No Sunday Opening
16. Derby Advertising Inc., DBA **Canyon Lake Chophouse**, 2720 Chapel Lane, for an Off-Sale Liquor License Renewal, No Sunday Opening
19. Tamara Sellars & Pamela Light, DBA **Wine Cellar 507**, 507 6th Street, for an Off-Sale Liquor License Renewal
20. Moyle Petroleum Company DBA **North Street Smoke Shop**, 634 E North St , for an Off-Sale Liquor License Renewal
21. Moyle Petroleum Company DBA **Common Cents**, 2808 Sheridan Lake Road, for an Off-Sale Liquor License Renewal
22. LaCroix Investments Inc., DBA **Bus's Bottle Shop**, 615 E North Street, for an Off-Sale Liquor License Renewal
23. Albertson's Inc., DBA **Albertson's Food Center**, 855 Omaha Street, for an Off-Sale Liquor License Renewal
24. Canyon Lake Liquors LTD, DBA **Canyon Lake Liquors**, 4244 Canyon Lake Drive, for an Off-Sale Liquor License Renewal
25. Clayton O & Donna Mae Jerred, DBA **Gas N Snax** , 418 Knollwood Drive, for an Off-Sale Liquor License Renewal

Motion was made by Hadley and seconded by Waugh to approve the following applications for Off-Sale Liquor License Renewal:

17. Safeway Stores 46 Inc., DBA **Safeway Store No. 581**, 2120 Mt. Rushmore Rd, for an Off-Sale Liquor License Renewal
18. Safeway Stores 46 Inc., DBA **Safeway Store No. 1554**, 730 Mt. View Rd, for an Off-Sale Liquor License Renewal

Johnson abstained from voting on this issue. Upon vote being taken, the motion carried unanimously.

Motion was made by Hadley, seconded by Waugh and carried to approve the following applications for **On-Sale Wine License Renewal**:

26. WR Rapid City Ventures LP, DBA **Oakleaf Beer Garden**, 2213 LaCrosse Street, for an On-Sale Wine License Renewal and Sunday Opening

27. Dos Ermonas Inc., DBA **LaCosta Mexican Restaurant**, 603 Omaha Street, On-Sale Wine License Renewal and Sunday Opening
29. Shotgun Willies Inc., DBA **Shotgun Willies**, 2808 W Main Street, for an On-Sale Wine License Renewal, No Sunday Opening
30. Keith & Dorla Brink, DBA **Carini's Italian Food**, 324 St Joseph Street, for an On-Sale Wine License Renewal and Sunday Opening
31. Great Wall Inc., DBA **Imperial Chinese Restaurant**, 702 E North Street, for an On-Sale Wine License Renewal and Sunday Opening
32. Great Wall Inc., DBA **Great Wall Chinese Restaurant**, 315 E North Street, for an On-Sale Wine License Renewal and Sunday Opening
33. Loveletta M Gibson, DBA **Lovey's Outer Limits**, 4163 Terry Drive, for an On-Sale Wine License Renewal and Sunday Opening
34. CJS Inc., DBA **The Metro Café & Pub**, 710 St Joseph Street, for on On-Sale Wine License Renewal and Sunday Opening
35. Faryat Inc., DBA **Botticelli's Ristorante Italiano**, 523 Main Street, for an On-Sale Wine License Renewal and Sunday Opening
36. Mae Jean Adams, DBA **The Corn Exchange**, 727 Main Street, for an On-Sale Wine License Renewal and Sunday Opening
37. Tamara Sellars & Pamela Light, DBA **Wine Cellar 507**, 507 6th Street, for an On-Sale Wine License Renewal and Sunday Opening

Motion was made by Hadley, seconded by Waugh and carried to approve the following license application:

28. **The Retired Enlisted Assoc Inc., Chapter 29**, 906 E Philadelphia Street, for an On-Sale Wine License Renewal

Motion was made by Hadley, seconded by Waugh and carried to approve the following applications for **On-Sale Liquor License Renewal**:

38. Martom Management Inc., DBA **Day's Inn Lounge**, 725 Jackson Blvd, for an On-Sale Liquor License Renewal, No Sunday Opening
39. **Fraternal Order of Eagles Rapid City Aerie No 3555**, 1410 Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening
40. WR Rapid City Ventures LP, DBA **Minerva's Restaurant & Bar**, 2211 N LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
41. Beshara Enterprises Inc., DBA **The Pirate's Table**, 3550 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
42. Century Motels Inc., DBA **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Sale Liquor License Renewal, No Sunday Opening
43. **Loyal Order of Moose**, 841 E St Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
44. Outback Midwest II LP, DBA **Outback Steakhouse**, 665 E Disk Drive, for On-Sale Liquor License Renewal and Sunday Opening
45. **The Retired Enlisted Assoc Inc., Chapter 29**, 1981 E Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening
46. GMRI Inc, DBA **Red Lobster**, 120 Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
47. Casa Del Rey Rapid City Inc., DBA **Casa Del Rey**, 1902 Mt Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
48. Western Dakota Gaming Inc., DBA **Valley Sports Bar**, 1865 South Valley Drive, for an On-Sale Liquor License Renewal and Sunday Opening
49. Poker Joes Inc., DBA **Poker Joes**, 211 Cambell Street, for an On-Sale Liquor License Renewal and Sunday Opening
50. Brinker Restaurant Corp, DBA **Chili's Grill & Bar**, 2125 N Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening

51. **American Legion**, 818 E St Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
52. Joe N Crawford, DBA **Smokin Joe's**, 4302 S Highway 79, for an On-Sale Liquor License Renewal, No Sunday Opening
53. Colonial House Inc., DBA **Colonial House**, 2501 Mt Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
54. Blue Lantern Lounge Inc., DBA **Blue Lantern Lounge**, 1200 E St Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
55. Restech Partners Inc, DBA **TGI Fridays**, 2205 N LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
56. Fox Family Enterprises Inc., DBA **Rodeway Inn**, 2208 Mt Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
57. Karen J Schumacher, DBA **Brass Rail Lounge**, 624 St Joseph Street, for an On-Sale Liquor License Renewal and Sunday Opening
59. High Plains Securities Inc., DBA **The Reef**, 504 Mt Rushmore Road, for an On-Sale Liquor License Renewal, No Sunday Opening
60. Kelly's Sports Lounge Inc., DBA **Kelly's Sports Lounge**, 825 Jackson Blvd, for an On-Sale Liquor License Renewal and Sunday Opening
61. Harleys Casino Inc, DBA **Harley's Casino**, 640 E St Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
62. Cowboy Casino Inc., DBA **The Boot**, 826 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
63. Sports Saloon Inc., DBA **Murphy's Bar**, 510 9th Street, for an On-Sale Liquor License Renewal and Sunday Opening
65. Fat Boy's Inc., DBA **Firehouse Brewing Co**, 610 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
66. Meadowood Lounge Inc., DBA **Meadowood Lounge**, 3809 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
67. Derby Advertising Inc., DBA **Canyon Lake Chophouse**, 2720 Chapel Lane, for an On-Sale Liquor License Renewal and Sunday Opening
68. Sherri Ashley, DBA **Uptown Bar & Grill**, 615 Main Street, for an On-Sale Liquor License Renewal, No Sunday Opening
69. Shooters, Inc. dba **Shooters**, 2504 W Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
70. LaCroix Investments Inc., DBA **Time Out Lounge**, 615 E North Street, for an On-Sale Liquor License Renewal and Sunday Opening
71. Hansen Investments Inc., DBA **Diamond Dave's Taco Company**, 2200 N Maple (Rushmore Mall), for an On-Sale Liquor License Renewal and Sunday Opening
72. Shiba Investments Inc., DBA **Radisson**, 445 Mt Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
73. RC Boston Company LLC, DBA **Boston's Restaurant & Sports Bar**, 620 E Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
74. Steven C Lester, DBA **Quality Inn**, 1902 N LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
75. Rushmore Catering Company Inc., DBA **Rushmore Plaza Holiday Inn**, 505 N 5th Street for an On-Sale Liquor License Renewal and Sunday Opening
76. Retsel Inc., DBA **Cheers/Ramada Inn**, 1721 N LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
- 76A. Martom Management, Inc. dba **Days' Inn Lounge**, 725 Jackson Boulevard, for an On-sale Liquor License Renewal

Motion was made by Hadley, seconded by Waugh and carried to continue the public hearing on the following applications until December 16, 2002:

58. Harbry Enterprises Inc., DBA **Buck-N-Gator**, 4095 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening

64. Phatty McGees Inc., DBA **Phatty McGees**, 321 7th Street, for an On-Sale Liquor License Renewal and Sunday Opening

Upon motion made by Hadley, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, December 16, 2002:

77. Hotel Management Co Inc., DBA **Hotel Alex Johnson**, 523 6th Street, for an Off-Sale Liquor License Renewal
78. Hotel Management Co Inc., DBA **Hotel Alex Johnson**, 523 6th Street, for an On-Sale Liquor License Renewal and Sunday Opening
79. Manna Inc., DBA **Roadhouse Nightclub & Grill/Froghollow Café**, 1900 N Maple Ave, for an On-Sale Wine License Renewal
80. Harold's Prime Rib Inc., DBA **Harold's Prime Rib**, 318-320 E Blvd, or an On-Sale Liquor License Renewal and Sunday Opening
81. Entertainment Inc., DBA **Robbinsdale Lounge**, 801 E St Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
82. Mai T Goodsell, DBA **Saigon Restaurant**, 221 E North Street, for an On-Sale Wine License Renewal
83. S & Y Inc., DBA **The Golden Phoenix**, 2421 W Main Street, for an On-Sale Wine License Renewal

Consent Calendar

The following items were removed from the Consent Calendar:

96. No. PW112602-15 Refer the Administrative Policy on Review Comments on Plans and Reports for Developments to the Review Appeals Board.
100. Direct staff to notify the affected property owners of the Fifth Street project and ask them to outline their concerns and forward them to the City by December 13; at which time the City Council and staff will make a decision on the project.
109. No. LF112602-12 - Proceed with the involuntary annexation of the Airport Phase II area and attempt a voluntary annexation of the other properties.
121. Authorize an expenditure in the amount of \$32,317.90 to pay the fees for the County Events Center, and direct the Finance Officer to bring a funding source for this expenditure to the December 2, 2002, Council meeting for consideration.

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

Public Works Committee Items

84. No. PW112602-01 – Approve Change Order No. 04 for WSS00-943, Wildwood Drive Street and Utilities Construction project to Hills Materials Company for a decrease of \$2,943.48.
85. No. PW112602-02 – Approve Change Order No. 01 for SS02-954, Hawthorne Avenue Street and Utilities Reconstruction project, Phase Two to Heavy Constructors, Inc. for an increase of \$9,999.75.
86. No. PW112602-03 – Approve Change Order No. 01F for SSW00-956, Canyon Lake Drive Water Main Relocation and Utility Adjustment Project to Heavy Constructors, Inc. for an increase of \$7,861.99.
87. No. PW112602-04 – Approve Change Order No. 01F for PM02-1192, 2002 Roadway Marking Contract to United Rentals Highway Technologies, Inc. for a decrease of \$4,937.95.
88. No. PW112602-05 – Authorize staff to advertise for bids for One (1) New Current Model Year Service Body and Crane for Water Reclamation Collection Division.

89. No. PW112602-06 – Authorize staff to advertise for bids for ST02-1233, Block 31-32 (Flormann/Sunnyside Addition) Alley Paving Project.
90. No. PW112602-07 – Authorize staff to advertise for bids for ST02-1281, Damaged Streetlight Pole Replacement and Repair Project.
91. No. PW112602-08 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to a Professional Service Agreement with Ferber Engineering to Design ST02-1006, Park View Drive Extension Project for an amount not to exceed \$2,525.
92. No. PW112602-09 – Authorize Mayor and Finance Officer to sign Amendment No. 02 to a Professional Service Agreement with CETEC Engineering Services to Design SSW02-1106, Omaha Street Utilities Project – 12th Street to East Boulevard for an amount not to exceed \$4,402.30.
93. No. PW112602-10 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to a Professional Service Agreement with Intermountain Technical Services, Inc. to Design PR02-1223, Roosevelt Park Bath House Asbestos Removal Project for an amount not to exceed \$1,050.
94. No. PW112602-12 – Authorize Mayor and Finance Officer to sign a South Department Of Transportation Temporary Easement Agreement for P1746(3) PCEMS 4350.
95. No. PW112602-13 – Authorize Mayor and Finance Officer to sign a South Department Of Transportation Donation of Temporary Easement Agreement for P1746(3).
97. Refer the report on summary of costs for the Omaha Street Median Landscaping project to the Capital Improvements Committee for review and recommendation.
98. No. PW112602-16 – Approve the purchase of one (1) new current model year One Ton, 2x4 regular cab, crane truck from McKie Ford for a total purchase price of \$25,378 under State Contract #13770 for the Water Reclamation Collection Division.
99. Direct the City Attorney to draft a Resolution addressing a Policy to Allow Plumbing in Detached Garages.
101. Direct the City Attorney to draft an ordinance dissolving the Building Code Board of Appeals and directing those appeals to the Appeals and Review Board.
102. Authorize Mayor and Finance Officer to sign South Dakota Department of Transportation Right-Of-Way Agreement, Temporary Easement Agreement and Warranty Deed for P 0016(47)69 and P 0044(125)44 PCEMS 3864 and 4757 for Omaha Street (Memorial Park) in the amount of \$206,830; and include Right-Of-Way Temporary Easement and improvements to City Infrastructure.
103. Approve the donation of additional right-of-way along Minnesota Street and acceptance of Deed for Lot H1 of MJK Subdivision and NW1/4 of SE1/4 of Section 18, T1N, R8E, Rapid City, Pennington County, South Dakota (Hani Shafai, Dream Design International).

Legal & Finance Committee

104. No. LF112602-01 - Authorize Mayor and Finance Officer to Sign Data Access Agreement between Unified Judicial System and Rapid City Police Department.
105. Authorize staff to Advertise for Bids for Purchase of 50 Self-Contained Breathing Apparatus.
106. Approve Travel Request for Library Employees to Attend All Staff Development Day which was Held on October 28, 2002, in the Amount of \$556.31.
107. No. 02TP020 - Authorize Mayor and Finance Office to sign 2003 Agreement between the City of Rapid City and the South Dakota Department of Transportation for accomplishing the Rapid City Area Metropolitan Planning Process - Federal Highway Administration planning funds.
108. No. LF112602-11 - Direct staff to proceed with annexation of Phase 4 Robbinsdale to South Truck Route.
110. LF112602-05 - Authorize Mayor and Finance Officer to Sign Five Year Contract with Lighting Maintenance Company for Lighting Maintenance at the Dahl in an Amount of \$92.62 per Month (5.9% Decrease from Previous Five Year Contract Price of \$98.41 Per Month).

111. No. LF112602-06 - Authorize Expenditure of \$4,700 from the FY 2003 CIP Contingency Fund to pay the City's Portion of the Installation of Lights at the Skateboard Park. The balance of the project (\$7,559) will be paid with donations.
112. Authorize Expenditure of \$20,000 from the FY2003 CIP Contingency Fund to pay the City's Portion of the Cost to Relocate the Fiber Optics along Fifth and Omaha Streets. Black Hills FiberCom will fund the balance (\$40,000).
113. No. LF112602-07 - Authorize Mayor and Finance Officer to Sign Lease Agreement with Rapid Transit System.
114. No. LF112602-08 - Authorize Mayor and Finance Officer to Sign Lease Agreement with Bus Systems Inc.
115. No. LF112602-09 - Approve Resolution Affirming the City of Rapid City's Intent to Follow State and Federal Laws Prohibiting Retaliation Against City Employees Under Certain Circumstances

A RESOLUTION AFFIRMING THE CITY OF RAPID CITY'S INTENT TO FOLLOW STATE AND FEDERAL LAWS PROHIBITING RETALIATION AGAINST CITY EMPLOYEES UNDER CERTAIN CIRCUMSTANCES

WHEREAS the law of both the State of South Dakota and the United States Federal Government provides legal protection prohibiting retaliation or adverse employment action against public employees who speak out, in a non-disruptive manner, on topics of public concern, and

WHEREAS adverse employment action is generally understood to mean discharge, refusal to hire, refusal to promote, demotion, reduction in pay, and reprimand; and

WHEREAS the South Dakota Supreme Court has found in the case of *Dahl v. Combined Ins. Co.* (2001) that an employee should not be retaliated against for seeking to aid the enforcement of law or for protecting the safety and/or property of citizens, so long as the employees' actions are not merely private or proprietary, but instead seek to further the public good, and

WHEREAS the United States Supreme Court has established that the First Amendment of the United States Constitution protects public employees who speak on matters of public concern, as long as such speech does not unreasonably disrupt the workplace, and

WHEREAS speaking on matters of public concern means speech related to political, social, or other concerns to the community, rather than merely a personal grievance of interest only to the employee.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City of Rapid City will not retaliate or take adverse employment action against city employees who seek to aid the enforcement of law or protect the safety and/or property of citizens, so long as the employees' actions are not merely private or proprietary, but instead seek to further the public good, and

BE IT FURTHER RESOLVED by the City of Rapid City that the City of Rapid City will not retaliate or take adverse employment action against city employees who speak out on matters of public concern, provided such speech is not unduly disruptive in the workplace.

BE IT FURTHER RESOLVED by the City of Rapid City that this resolution is not intended to replace, add to, or modify existing state or federal law regarding retaliation against public employees. Rather, this resolution seeks to affirm the City of Rapid

City's intent to follow the mandate of state and federal law prohibiting retaliation against public employees under certain circumstances.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 116. No. LF112602-10 - Approve Request of Milferd Best, dba Milferd's Shaved Ice for Renewal of Concession Agreement for 2003 Season.
- 117. Direct the new Golf Committee to review the proposal from The First Tee and bring a recommendation to the Council.
- 118. Approve the following Licenses: Apprentice Electrician: Donna Pesicka, Robert Dyczek, Travis Glenney, Steve Paul Pistulka, Travis Turbak, Douglas Umberger; Journeyman Electrician: Donald J. Larus, Rocky Metz; Class B Electrician: Roy Follum; Electrical Contractor: Timothy V. Baumgartner, Hills Electric; Wendlin Baumgartner, A & B Electric; Timothy J. Conrad, Tim Conrad Electric; Robert E. Haight, Worldwide Electric; Jim Herron; Ken Larus, J - L Electric; Cliff Moen, Bergstrom Electric; Scott Neuhauser, Scott's Electric; Daniel Pesicka, Pesicka Corporation; Robert L. Schaeffer, Schaeffer Electric; Rodney L. Weis, Spearfish Electric & Heating; Master Electrician: Timothy V. Baumgartner, Wendlin Baumgartner, Timothy J. Conrad, Robert E. Haight, Jim Herron, Ken Larus, Steve Mundahl, Scott Neuhauser, Daniel Pesicka, Robert L. Schaeffer, Elmer Sneller (Inactive), Rodney L. Weis; Mechanical Apprentice: Todd Johnson; Pawn Shop: Pawn With Us, Robert M. Tschetter; Apprentice Plumber: Daniel R. Gustaf, Troy Konda; Residential Contractor: Jul-Mar Development, Scott Craig; MLB Construction, Mike Lindberg; Steen's Great Plains Siding, Inc., James K. Steen & James N. Steen; Second Hand: Mick's Scuba Center, Michael L. Gerhard; Traders Corner, Brenda Dennis; Willy's Saw Shop, Douglas Williams; Taxi Business: Airport Express Shuttle, Kathleen Walla Leui; Trenching Contractor: David Bintliff, InterMountain Constructors, Inc.
- 119. Direct staff to prepare a deed transferring the following property to the County for the jail expansion project, with the understanding that if the project is not done, the property will revert back to the City; and submit the deed to the Council for review prior to December 16, 2002: Lots 20-27 of Block 98, Original Townsite.
- 120. Set an informational-type 2012 meeting for January 22, 2003, to discuss the guidelines and ordinances relative to procedures for the 2012 Program.

End of Consent Calendar

Motion was made by Kroeger, seconded by Rodriguez and carried to refer the Administrative Policy on **Review Comments** on Plans and Reports for Developments to the Review Appeals Board (No. PW112602-15). Public Works Director Bjerke explained that City staff will continue to initial and date red lines while the policy is being reviewed.

Motion was made by Kooiker and seconded by Waugh to direct staff to notify the affected property owners of the **Fifth Street project** and ask them to outline their concerns and forward them to the City by December 13; at which time the City Council and staff will make a decision on the project. Hani Shafai, representing a property owner involved with this project, requested that the deadline be extended to February 1, 2003. They are currently working on a change of ownership of this property which could bring forward more aggressive ownership to work with the other property owners in this area. Dreyer spoke against any additional delay in this project. Kroeger stated that the project has been in the works for more than two years; two more months won't make much difference. Substitute motion was made by Kroeger and

seconded by Murphy to make the deadline for submitting concerns February 1, 2003. Murphy and Kooiker noted that if this deadline is moved to February 1st, they will not be in favor of any additional delays. Discussion continued. Hadley called the question and there were no objections. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks and seconded by Rodriguez to proceed with the **involuntary annexation** of the Airport Phase II area and attempt a voluntary annexation of the other properties (No. LF112602-12). Harley Taylor and Steve Eckrich spoke against annexation of a quarter section of property in the west part of the community. Diana Nelson spoke against annexation of the property in Rapid Valley. Staff noted that the action currently before the Council at this time is to direct staff to begin discussions with owners of property on three parcels of property in the community. No action will be taken by the City Council this evening on the annexation itself. Rodriguez called the question and there were no objections. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was payment of fees for the **County Events Center** in the amount of \$32,317.90. Finance Officer Jim Preston noted that he contacted the State Department of Legislative Audits and it is their opinion that the payment of fees for this county project would not be eligible for restricted sales tax dollars. He presented two proposals to fund this expenditure: 1) Fund the traffic signal on Cathedral Drive from the 2003 CIP Contingency Fund which would free up funds in the 2002 Council Contingency Fund; or 2) There is currently \$30,670 available in the 2002 Council Contingency fund which could be used to pay these fees. The balance could be paid from the unencumbered reserve. Motion was made by Rodriguez and seconded by Waugh to pay fees for the County Events Center in the amount of \$32,317.90, and use proposal number 1 presented by the Finance Officer. Upon vote being taken, the motion carried unanimously.

Public Hearing

The Mayor announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup (No. CC120202-02). Notices were mailed to the affected property owners on November 5, 2002 and published in the Rapid City Journal on November 25, 2002. The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTIES

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the property clean up is the amount stated in the proposed assessment roll.
2. The assessment roll for Miscellaneous Property Cleanup is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in one annual installment bearing interest at the rate not to exceed nine percent (9%).

Dated this 2nd day of December 2002.

CITY OF RAPID CITY

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

s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Johnson. Mark Senn appeared before the Council. He is purchasing the property at 244 Anamosa Street on a contract for deed and did not receive any notices on these issues. He has asked the Building Inspection Department for information on what was done. Staff explained that the notices were mailed to the property owner of record. Substitute motion was made by Hadley and seconded by Kooiker to approve the assessments for Nos. 1-4 and waive the late fee for No. 5. Second substitute motion was made by Johnson and seconded by Hadley to approve the assessments for Items 1-4, and continue the hearing for the property described as W66.5', Block 117, Mahoney Addition until December 16, 2002. Upon vote being taken, the motion carried with Kriebel voting no.

Planning Department Consent Items

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

- 122. No. 02AN010 - A request by City of Rapid City and the South Dakota Department of Transportation for a **Petition for Annexation** on the Balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Orchard Lane in the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located south of SD Highway 44 East and South Valley Drive. (CONTINUE TO DECEMBER 16, 2002)
- 123. No. 01PL097 – Approve the request by Dream Design International for a **Final Plat** located at the intersection of Degeest Street and Homestead Avenue.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Big Sky Subdivision: Tract A and Dedicated Streets located in the SE1/4 NW1/4 and the NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Big Sky Subdivision: Tract A and Dedicated Streets located in the SE1/4 NW1/4 and the NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 124. No. 02PL006 - A request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition and Lot 19R3 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located East of Fairway Hills and Sandstone Ridge Subdivision. (CONTINUE TO JANUARY 20, 2003)
- 125. No. 02PL012 – Approve the request by Dream Design International, Inc. for Stoney Creek Inc. for a **Final Plat** located north of the intersection of Catron Boulevard and Sheridan Lake Road.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Stoney Creek Subdivision including Lot 24, Block 3; Lots 4, 5 and Outlot "A", Block 4; Lots 1-22, Block 6 of Stoney Creek Subdivision and Dedicated Nugget Gulch Drive, Harvard Avenue, Brown Court, Cornell Court and Major Drainage Easements located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Plat of Stoney Creek Subdivision including Lot 24, Block 3; Lots 4, 5 and Outlot "A", Block 4; Lots 1-22, Block 6 of Stoney Creek Subdivision and Dedicated Nugget Gulch Drive, Harvard Avenue, Brown Court, Cornell Court and Major Drainage Easements located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 126. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota legally described as a portion of Tract F of

the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO DECEMBER 16, 2002)

127. No. 02PL040 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street. (CONTINUE TO DECEMBER 16, 2002)
128. No. 02PL047 - A request by Wyss Associates, Inc. for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of Southwest Middle School, 4501 Park Drive. (CONTINUE TO DECEMBER 16, 2002)
129. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street ROW and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO DECEMBER 16, 2002)
130. No. 02PL052 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on GL 1-2 Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of proposed future 5th Street. (DENY WITHOUT PREJUDICE)
131. No. 02PL058 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 3 through 7 Block 1, Lots 1 through 6 Block 2, Tower Ridge Subdivision, a portion of the Aladdin Drive ROW a portion of the Silver Nugget ROW and all of the Southview Drive ROW of the Aladdin Heights Subdivision, Lot B and the dedicated street in the NW1/4 of the SW1/4, and unplatted portions of the NE1/4 of the SW1/4, the SE1/4 of the SW1/4, and the NW1/4 of the SW1/4 all in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of US Highway 16 and 1/4 mile north of Catron Boulevard. (CONTINUE TO DECEMBER 16, 2002)
132. No. 02PL070 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 16 Block 8, and Lots 1 through 7 Block 9, Lot 1 Block 10, Meadows Subdivision, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County South Dakota legally described as Tract 1 of Parcel C of MJK Subdivision located in the E1/4 of The SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. (CONTINUE TO DECEMBER 16, 2002)
133. No. 02PL080 - A request by Davis Engineering, Inc. for Robert and Donald Grimm for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive

Right-of-Way all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Highway 44 and east of Cambell Street at Creek Drive. (CONTINUE TO DECEMBER 16, 2002)

134. No. 02PL090 - A request by Randy and Bobbie Greenway for a **Preliminary and Final Plat** on Lot 1 of R&B Subdivision of Block 5 of Canyon Lake Heights Subdivision, located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 4R Revision No. 2, Lot 3R Revised and Lot 5R located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3204 Falls Drive. (CONTINUE TO DECEMBER 16, 2002)
135. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract F of the NW1/4 less Murphy's' Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (CONTINUE TO DECEMBER 16, 2002)
136. No. 02PL102 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO DECEMBER 16, 2002)
137. No. 02PL105 - A request by Doug Sperlich for All Around Construction Inc. for a **Layout, Preliminary and Final Plat** on Lots A, B, and C of Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Woodridge Drive east of Crestridge Drive. (CONTINUE TO DECEMBER 16, 2002)
138. No. 02PL109 - A request by Centerline for 3 T's Land Development LLC for a **Final Plat** on Lot 14R, Lots 24 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 14, Minnesota Ridge Subdivision, Section 13, T1N, R7E; and, a portion of Tract C of Robbinsdale Additional No. 10 located in SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street (CONTINUE TO DECEMBER 16, 2002)
139. No. 02PL110 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 2 thru 13 and Lots 16 thru 24, Block 8 of Northbrook Village Subdivision, located in the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota legally described as the unplatted portion of the SE1/4 SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located northwest of the intersection of Country Road and Nike Road. (CONTINUE TO DECEMBER 16, 2002)
140. No. 02PL113 - A request by Dream Design International, Inc. for a **Layout Plat** on Lots 1 thru 4 of Block 1; Lots 1 thru 6 of Block 2; Lots 1 thru 3 of Block 3; Lots 1 thru 7

of Block 4; Lots 1 thru 3 of Block 5, Lots 1 thru 5 of Block 6 and Outlot A; Stoney Creek South Subdivision, located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted balance of the S1/2 NW1/4 SW1/4 less Lots H1 and H2; and the unplatted balance the N1/2 NW1/4 SW1/4 located south of Catron Boulevard, all located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Catron Boulevard and Sheridan Lake Road. (CONTINUE TO JANUARY 6, 2003)

141. No. 02PL114 - A request by Dream Design International Inc. for a **Preliminary and Final Plat** on Lots 7 thru 10, Block 14 and Outlot LS and dedicated streets of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. (CONTINUE TO JANUARY 6, 2003)
142. No. 02PL115 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 7, 8 and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Ireland Place and Dublin Court. (CONTINUE TO DECEMBER 16, 2002)
143. No. 02PL116 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 1, Block 1; Lots 1 thru 5, Block 2; Lots 1 and 2, Block 3; Lots 1 and 2, Block 4; Lots 1 thru 4, Block 5; Lot 1, Block 6 and dedicated Street, Big Sky Business Park, located in the SW1/4 SW1/4 and the S1/2 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portion of the W1/2 SW1/4 NW1/4 including private drive, less Lot H2 and less right-of-way; the unplatted portion of the E1/2 SW1/4 NW1/4; and the unplatted portion of the S1/2 GL3; S1/2 GL4 less Lot 1 and less Lot H3; SE1/4 NW1/4 less Big Sky Subdivision and less right-of-way; all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. (CONTINUE TO JANUARY 6, 2003)
144. No. 02SE004 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual** on SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of proposed future 5th Street (DENY WITHOUT PREJUDICE)
145. No. 02VE015 - A request by Doug Sperlich for Mark and Christie Ingalls for a **Vacation of a portion of an Access Restriction** on Lot 6 of Block 3 of Copper Oaks #3 Subdivision, located in the NE1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, located north of Wild Turkey on Wilderness Canyon Road. (DENIED)
146. No. 02VE016 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat**, located in the 2000 block of Harney Drive:

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Lots 1 through 11 of Block 2,

Skyview North Subdivision located in the NE1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 2000 block of Harney Drive; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Modification of Note on Plat be approved as attached to the original Plat recorded on August 22, 2001 in Book 30 of Plats on Page 73 (1-2), hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 147. No. 02VE017 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat** located in the 2600 to 3300 block of Skyline Drive .

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Lots 1 thru 7 of Block 1, Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, the SE1/4 of the SW1/4 and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 2600 to 3300 block of Skyline Drive; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of

Modification of Note on Plat be approved as attached to the original Plat recorded on November 21, 2001 in Book 30 of Plats on Page 108, hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 148. No. 02VE018 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat** located south of Aster Court along Minnewasta Drive .

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Lots 1 thru 11 of Block 1, Skyview North Subdivision, located in the E1/2 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of Aster Court along Minnewasta Drive; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Modification of Note on Plat be approved as attached to the original Plat recorded on May 16, 2001 in Book 30 of Plats on Page 28 (1-2), hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 149. No. 02VE019 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat** located in the 1600 block of Pevans Parkway.

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Lots 3R, 4R and 5R of Block 2, Skyline Pine Subdivision, located in the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 1600 block of Pevans Parkway; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Modification of Note on Plat be approved as attached to the original Plat recorded on July 24, 2002 in Book 30 of Plats on Page 184, hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 150. No. 02VE020 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat** located in the 1400 block of Pevans Parkway.

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Lots 12R, 13R, 14R, and 15R of Block 3, Skyline Pines Subdivision located in the SW1/4 Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 1400 block of Pevans Parkway; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Modification of Note on Plat be approved as attached to the original Plat recorded on July 30, 2002 in Book 30 of Plats on Page 185, hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 151. No. 02VE021 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat** located in the 2100 block of Huntington Place.

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Lots 1 thru 10, Block 1 of Skyview South Subdivision located in the SE1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located in the 2100 block of Huntington Place; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Modification of Note on Plat be approved as attached to the original Plat recorded on May 9, 2000 in Book 29 of Plats on Page 149, hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 152. No. 02VE022 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat** located southwest of the intersection of Skyline Drive and Pevans Parkway.

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Tract C Revised of SW1/4 of Section 11, Skyline Drive Right-of-Way, and Block 1 of Skyline Pines Subdivision, located in the E1/2 of the SE1/4 of Section 10, the SE1/4 of the SW1/4, and the W1/2 of the SW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Skyline Drive and Pevans Parkway; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Modification of Note on Plat be approved as attached to the original Plat recorded on August 13, 2001 in Book 30 of Plats on Page 60 (1-2), hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

ATTEST:
s/ James F. Preston
Finance Officer
(SEAL)
CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 153. No. 02VE023 – Approve the request by Doug Sperlich for Wyss Associates, Inc. for a **Vacation of Note on Plat**, located south of the intersection of Lampert Court and Pevans Parkway.

RESOLUTION OF MODIFICATION OF NOTE ON PLAT

WHEREAS the Rapid City Council held a public hearing on the 2nd day of December, 2002 to consider the modification of a note on the plat for Lots 1 thru 10 of Block 2, Lots 1 thru 14 of Block 3, and Lot 1 of Block 4, Skyline Pines Subdivision, located in the SW1/4 Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located south of the intersection of Lampert Court and Pevans Parkway; and good cause appearing therefore

BE IT RESOLVED by the Rapid City Council that the note on the plat reading:

"Buildings on any lots having driveways exceeding 15% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

be modified on all pages of the original Plat on which it appears to read:

"Buildings on any lots having driveways exceeding 16% slope shall be equipped with an automated residential sprinkler system subject to approval by the Rapid City Fire Department."

BE IT FURTHER RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Resolution of Modification of Note on Plat be approved as attached to the original Plat recorded on August 13, 2001 in Book 30 of Plats on Page 61 (1-4), hereof and filed in the office of the Pennington County Register of Deeds.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL028, a request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Preliminary and Final Plat** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. Motion was made by Rodriguez, seconded by Kroeger and carried to deny this item without prejudice. Hanks abstained from voting on this item.

The Mayor presented No. 02PL037, a request by Dream Design International, Inc. for a **Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B of Auburn Hills Subdivision, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until December 16, 2002.

Planning Department – Hearings

The Mayor presented No. 02CA048, a request by Renner and Sperlich Engineering for Walgar Development Corp. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 3.76 acre parcel from Public to Medium Density Residential** on the following property: A portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the southeasterly corner of Tract B of Robbinsdale Addition No. 10, common to a corner of Lot 2 Block 11 of Addition No. 10, and the Point of Beginning; thence, first course: S89°43'09"W along the southerly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 609.78 feet; thence, second course: N00°34'24"E, a distance of 70.00 feet; thence, third course: northeasterly, curving to the right on a curve with a radius of 125.00

feet, a delta angle of 60°01'13", a length of 130.94 feet, a chord bearing of N30°35'00"E, and a chord distance of 125.04 feet; thence, fourth course: northeasterly, curving to the left on a curve with a radius of 385.00 feet, a delta angle of 27°09'49", a length of 182.53 feet, a chord bearing on N47°00'42"E, and a chord distance of 180.82 feet; thence, fifth course: N89°43'09"E, a distance of 416.19 feet, to a point on the boundary of said Lot 2 Block 11; thence, sixth course: S00°34'24"W, along the easterly boundary of said Tract B, common to the boundary of said Lot 2, Block 11 a distance of 300.00 feet, to the southeasterly corner of said Tract B, and the Point of Beginning, located on Minnesota Street. Motion was made by Rodriguez, seconded by Murphy and carried to continue this item until December 16, 2002.

The Mayor presented No. 02CA057, a request by Wyss Associates Inc. for West Hills Village for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.3 acre parcel from Low Density Residential II District to Medium Density Residential District with a Planned Residential Development** located southwest of the intersection of 5th Street and Anamaria Drive along Alta Vista Drive. The following Resolution was introduced, read and Rodriguez 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 2nd day of December, 2002 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.3 acre parcel from Low Density Residential II District to Medium Density Residential District with a Planned Residential Development on Tract B of Minnesota Ridge Subdivision, Section 13, 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 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02CA058, a request by Pine Lawn Memorial Park, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.88 acres parcel from Park Forest to General Commercial** located at 4301 Tower Road. The following Resolution was introduced, read and Rodriguez 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 2nd day of December, 2002 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.88 acre parcel from Park Forest to General Commercial on Lot B of "Lots

A & B, Section 14, T1N, R7E", less Lot H1 -E²SW⁴14-1-7 and less Lot H1-Lot B SW⁴14-1-7, all located in the SW1/4 of Section 14, 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 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02CA059, a request by Dream Design International, Inc for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 5.163 acre parcel from Office Commercial to General Commercial** on a parcel of land located in the NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being more particularly described by metes and bounds as beginning at the northwest corner of the E1/2 SW1/4 NW1/4 of said Section 3; thence N00°07'25"W, 975.94 feet; thence N89°54'07"E, 231.27 feet; thence S00°01'25"E, 976.23 feet; thence S89°58'35"W, 229.57 feet to the Point of Beginning, located east of the intersection of Homestead Street and Elk Vale Road. Motion was made by Rodriguez, seconded by Kroeger and carried to deny this item without prejudice.

The Mayor presented No. 02CA060, a request by Dream Design International, Inc for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 24.9 acre parcel of land from Low Density Residential to Medium Density Residential with a Planned Development Designation**, located east of the intersection of Homestead Street and Elk Vale Road. The following Resolution was introduced, read and Rodriguez 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 2nd day of December, 2002 to consider an amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Area Future Land Use Plan to change the land use designation on a 24.9 acre parcel of land from Low Density Residential to Medium Density Residential with a Planned Development Designation, on that portion of the south 480 feet of the east 948 feet of the SE1/4 NW1/4 of Section 3, T1N, R8E, BHM, lying within the City of Rapid City, South Dakota; and the west 1152.4 feet of the south 480 feet of the SW1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the north 136.66 feet of the east 409.42 feet of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, and the north 136.66 feet of the west 161.10 feet of the SE1/4 of Section 3, T1N, R8E, BHM, 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 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02CA061, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on a .17 acre parcel of land from Residential to Heavy Industrial** on the east half of Sedivy Lane lying in the SE1/4 of Section 5 adjacent to Lot 4 in the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. The following Resolution was introduced, read and Rodriguez 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 2nd day of December, 2002 to consider an amendment to the Comprehensive Plan to change the future land use designation on a .17 acre parcel of land from Residential to Heavy Industrial on the east half of Sedivy Lane lying in the SE1/4 of Section 5 adjacent to Lot 4 in the SE1/4 of Section 5, T1N, R8E, 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 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02CA062, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on a .67 acre parcel of land from Residential to General Commercial** on the north 33 feet of the E. St. Andrew Street right-of-way lying south of Lot I and Lot J of Tract A of Schlottman Addition located in the SE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the south 33 feet of the E. St. Andrew Street right-of-way lying north of Lots 1

and 2 of Lot S of Tract A of Schlottman Addition and lying north of Lot T of Tract A of Schlottman Addition in the SE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44, located north of E. St. Patrick Street and south of SD Highway 44. Motion was made by Rodriguez, seconded by Kroeger and carried to deny this item without prejudice.

The Mayor presented No. 02CA063, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the future land use designation on a 4.5546 acre parcel of land from Residential to Light Industrial** on the E. St. Charles Street right-of-way lying north of Lots A, C, D, E, F, G & H of Tract A of the Schlottman Addition of the SE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; the south 33 feet of the E. St. Andrew Street right-of-way lying north of Lot O Revised and Lot P of Tract A of Schlottman Addition; the 66 foot E. St. Andrew Street right-of-way lying north of Lots Q and R of Tract A of Schlottman Addition; and the north 33 feet of the E. St. Andrew Street right-of-way lying south of Lots M and N of Tract A of Schlottman Addition, all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44, located north of E. St. Patrick Street and south of SD Highway 44. Motion was made by Rodriguez, seconded by Kroeger and carried to deny this item without prejudice.

The Mayor presented No. 02PD042, an **Appeal to the Planning Commission approval of a Major Amendment to a Planned Residential Development to reduce the boundary of the Planned Residential Development** on the following property: A portion of Tract A of Robbinsdale Addition No. 10 and a portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot 1 of Block 26 of Robbinsdale No. 10, common to the southerly right-of-way of Minnesota Street, and the point of beginning, thence, first course: S00°38'52"W, along the westerly boundary of said Lot 1 of Block 26, common to the easterly boundary of Tract A of Robbinsdale Addition No. 10, a distance of 203.04 feet, to the southwesterly corner of said Lot 1 of Block 26, common to the northwesterly corner of Lot 2 of Block 26 of Robbinsdale No. 10, and the easterly boundary of said Tract A; thence, second course: S00°38'52"W, along the westerly boundary of said Lot 2 of Block 26, common to the easterly boundary of said Tract A, a distance of 227.41 feet, to the southwesterly corner of said Lot 2 of Block 26, common to the southeasterly corner of said Tract A; thence, third course: S89°40'37"W, along the southerly boundary of said Tract A, common to the boundary of Lot 2 of Block 11 of Robbinsdale No. 10, a distance of 453.13 feet, to a corner of said Tract A, common to a corner of said Lot 2 of Block 11, and a point on the easterly boundary of Tract B of Robbinsdale No. 10; thence, fourth course: S64°33'00"W, parallel with the southerly right-of-way of Minnesota Street, a distance of 312.04 feet; thence, fifth course: N28°45'23"W, a distance of 229.34 feet, to a point on the southerly right-of-way of Minnesota Street; thence, sixth course: N64°33'00"E, along the southerly right-of-way of Minnesota Street, a distance of 672.09 feet; thence, seventh course: northeasterly, curving to the right on a curve with a radius of 935.36 feet, a delta angle of 15°40'46", a length of 255.97 feet, a chord bearing on N72°23'23"E, and a chord distance of 255.17 feet, to the Point of Beginning, located on Minnesota Street. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until December 16, 2002.

The Mayor presented No. 02SV006, a request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street** on Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until January 20, 2003.

The Mayor presented No. 02SV015, a request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide and to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lots 1 thru 15 of Kepp Heights Subdivision No. 4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 15 of Kepp Heights Subdivision No. 3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. Motion was made by Rodriguez and seconded by Kroger to deny this item without prejudice. Hanks abstained from voting on this item. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 02SV026, a request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter, street lights, dry sewer and water mains as regulated by Section 16.16 of the Subdivision Regulations on 143rd Street and Country Road** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota legally described as GL 4 less ROW; the unplatted balance of the SE1/4 SW1/4; the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Country Road and 143rd Street. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item until December 16, 2002.

The Mayor presented No. 02SV042, a request by Dream Design International Inc. for a **Variance to the Subdivision Regulations to waive the requirements to install sidewalks and curb and gutter as per Section 16.16 of the Subdivision Regulations** on the following property: A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described by metes and bounds as: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register off Deeds Office in Book 30, Page 155; thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 Feet; thence N11°40'26"E 155.33 Feet; thence N21°22'17"E 120.00 Feet; thence S68°37'43"E 160.00 feet; thence N21°22'17"E 632.95 feet; thence N68°45'17"W 12.50 feet; thence N21°22'17"E 24.00 feet; thence S68°45'17"E 8.37 feet; thence N21°22'31"E 32.50 feet; thence S68°45'17"E 20.00 feet; thence S21°22'31"W 32.50 feet; thence S68°45'17"E 45.63 feet; thence S21°22'17"W 24.00 feet; thence N68°45'17"W 12.50 feet; thence S21°22'17"W 124.33 feet; thence N90°00'00"E 96.61 feet; Thence S00°00'00"E 116.52 feet; thence S90°00'00"W 142.20 feet; thence S21°22'17"W 129.24 feet; thence S23°37'43"E 14.14 feet; thence S68°37'43"E 30.17 feet; thence S21°22'17"W 40.00 feet; thence N68°37'43"W 30.17 feet; thence S66°22'17"W 14.14 feet; thence S21°22'17"W 314.36 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 12°43'49", an arc length of 27.88 feet to a point tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 34°44'55", an arc length of 76.11 feet to a point of reversed curvature; thence southerly along the arc of said reversed curve to the right whose radius 174.50 feet and whose delta is 31°36'04", an arc length of 96.24 feet to a point of tangency; thence S05°29'36"W 86.04 feet; thence S41°39'58"E 13.64 feet to a point lying on a curve concave to the south and whose chord bears N84°30'24"W, 69.00 feet; thence westerly along the arc of said curve to the left whose radius 438.00 feet and whose delta is 09°02'07", an arc length of 69.07 feet to a point on said curve; thence N48°34'56"E 14.64 feet; thence N05°29'36"E 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point of Beginning legally described as the unplatted W1/2 NW1/4 NE1/4 less Red Ridge Ranch, less Red Rock Estates and less

right-of-way located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until January 6, 2003.

The Mayor presented No. 02SV043, a request by Doug Sperlich for All Around Construction Inc. for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks in front of Lots A, B and C** on Lots A, B, and C of Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 110, Woodridge Subdivision, located in the NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along Woodridge Drive east of Crestridge Drive. Motion was made by Rodriguez, seconded by Waugh and carried to deny the request.

The Mayor presented No. 02VR005, a request by Doug Sperlich for Jeff Stone for a **Vacation of Right-of-Way** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until December 16, 2002.

The Mayor presented No. 02AN008, a request by City of Rapid City for a **Resolution of Annexation** on property located north and east of US Interstate 90 and Deadwood Avenue within Sections 16, 21, 22, 23, 26, and 27. The following Resolution was introduced, read and Rodriguez moved its adoption, contingent upon payment of the necessary reimbursement to the Black Hawk Volunteer Fire District:

RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS, the City Council of the City of Rapid City has conducted a study pursuant to SDCL 9-4-4.1 to determine the need for annexing the within described territory contiguous to the City of Rapid City and to determine and identify the territory, which study includes a document entitled "Deadwood Avenue/North Area Annexation Study," filed in the office of the City Finance Officer; and,

WHEREAS said study recommends that certain territory described therein, and legally described in this resolution, be annexed to and included within the boundaries of the City of Rapid City,

WHEREAS the City Council of the City of Rapid City conducted a public hearing at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota at 7:00 p.m. on the 7th day of October 2002, and adopted a Resolution entitled, "A Resolution Declaring Intent to Extend the Boundaries of the City of Rapid City by Annexing the Within Described Territory"; and,

WHEREAS the Pennington County Board of County Commissioners approved this Resolution of Annexation at the Pennington County Court House, Rapid City, South Dakota, at 9:00 a.m. on the 15th day of October 2002; and,

WHEREAS the City Council of the City of Rapid City held a public hearing to consider the adoption of this Resolution of Annexation at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota, at 7:00 p.m. on the 18th day of November 2002.

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

1. That the territory to be annexed generally consists of 1031.73 acres and includes platted and unplatted lands in Section 16, 21, 22, 23, 26, and 27 of Township Two (2) North, Range Seven (7) East, of the Black Hills Meridian, all located in Pennington County, South Dakota.
2. That ample and suitable resources exist to accommodate the orderly growth and development of said territory and that municipal utilities and a major street network are, and have been, considered in terms of the proposed boundary extension.
3. That the following is the timetable upon which municipal service will be extended into said territory:

TIMETABLE

A. GENERAL SERVICES. All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.

B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.

C. FIRE. All services provided by the Rapid City Fire Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.

D. WATER SERVICE. Water service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area upon annexation, on the following basis:

(1) Acceptance of additions. The City will accept into its system for operation and maintenance additional water service facilities constructed in accordance with City standards. Additions may be constructed by developers as future development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

(2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:

(a) the construction of such water lines as may be necessary and appropriate to serve such land; and

(b) the assessment of the costs thereof as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any water service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any water line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

E. **SEWER SERVICE.** Sewer service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area upon annexation on the following basis:

(1) Acceptance of Additions. The City will accept into its system for operation and maintenance such additional sewer lines constructed in accordance with City standards. Such additions may be constructed by developers as further development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.

(2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:

(a) the construction of such sewer lines as may be necessary and appropriate to serve such land; and

(b) the assessment of the costs therefor as provided by law.

Such actions shall be undertaken in good faith and with all due dispatch; the City shall conduct all proceedings necessary for the adoption of a resolution of necessity within six (6) months from the date of receipt of written request; such improvements shall be constructed within two (2) years after the effective date of the resolution of necessity unless delayed by legal challenge. The written request need be in no particular form but need merely convey in good faith the nature of the request, the description of the land to be served, and the name of the person making the request.

Nothing in the foregoing shall be construed as obligating the City to construct any sewer service facilities at City expense; however, the City in its sole discretion may choose to participate in the cost of constructing all or any part of such facilities.

Nothing in the foregoing shall be construed as obligating the City to accept for operation or maintenance any sewer line extending from individual properties to the City system. Such individual service lines shall, as elsewhere in the City, be the responsibility of the owner of such individual property.

F. **STREETS.** Street maintenance, sweeping, snow removal and roadside mowing shall be provided for future public streets within the annexed area on the same basis as such services are provided to the rest of the City upon annexation.

G. **SOLID WASTE COLLECTION AND DISPOSAL.** Within sixty (60) days after annexation the City will determine by ordinance whether the annexation area or any portion thereof is to be included within the Garbage Service District. In any area included within the Garbage Service District solid waste collection and disposal will be provided on the same basis and at the rates provided by ordinance. (Solid waste collection services provided by the City are limited to residential structures.)

In any event, within sixty (60) days after receipt by the City Finance Officer of a written request for such service signed by more than 50% of the residents of the annexation area, solid waste collection and disposal service will be provided to the annexation area on the same basis as such services are provided to the Garbage Service District. Such written request need be in no particular form but need only convey in good faith the request being made and the name of the persons making the request. Nothing shall preclude the City from accepting petitions from less than the entire area or serving only a portion of the annexation area.

Use of the City Landfill will be available to residents of the annexed area upon annexation on the same basis such use is made available to the rest of the City.

H. **PARKS AND RECREATION.** All services provided by the Parks and Recreation Department shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.

I. **LIBRARY.** All services provided by the Rapid City Public Library shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.

4. That the appropriate costs of the extended service to the residents of the said territory and to the City are as follows:

APPROXIMATE COSTS

A. **GENERAL SERVICES.** All services as set forth in Paragraph A of the Timetable may be provided to the annexed area without discernible additional cost to the residents of the annexed area or to the City of Rapid City; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.

B. **POLICE.** All services provided by the Rapid City Police Department will be extended to the annexed area. The costs to the City are negligible.

C. **FIRE.** All fire suppression services are now provided by the North Haines rural Fire Protection District through the North Haines Volunteer Fire Department and the Black Hawk rural Fire Protection District through the Black Hawk Volunteer Fire Department. Upon annexation the Rapid City Fire Department will provide emergency services (including fire suppression, medical/rescue services, and hazardous material handling) and non-emergency services (including fire inspection/investigation and public education). These costs to the City will be negligible. As this annexation diminishes Black Hawk Fire District's tax base, Rapid City is obligated to compensate the district for their Capital Improvement debt in the amount of approximately \$2,772.98.

D. **WATER.** The City's water system is operated on an enterprise fund basis, i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other water users for water supply and system maintenance would be the monthly water service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

Costs for constructing additions to the City's water system will be assessed according to law, if constructed by the City, or will be paid by the developer or other persons constructing such additions.

Connection charges to the existing water and sewer system will be pursuant to the adopted "Resolution of Necessity" for assessed projects or on the same basis as such services are provided to the rest of the City. Every application for a connection permit shall pay an additional sum for capital development as stated in Ordinance #3736.

The rate charged will be the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

E. SEWER. The City's sewer system is operated on an enterprise fund basis, i.e., the revenue produced from sewer service charges are used to collect and treat wastewater and sewage and to maintain the system. The cost, not including costs to be assessed as set forth below, to residents of the annexed area and other users for collection, transportation, treatment and system maintenance would be the monthly sewer service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from sewer service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

All costs for constructing additions to the City's sewer system will be assessed according to law, if constructed by the City, repaid with hookup charges, or will be paid by the developer or other persons constructing such additions. Costs to the City do not include any estimated costs for acquisition of easements. Typically such easements are obtained for nominal consideration, particularly when the costs are to be assessed. To the extent the typical does not apply and the use of eminent domain is necessary, the resulting costs are highly speculative.

City costs also do not include the cost of constructing the private service lines from the City's system to individual properties. Construction of such lines and the subsequent maintenance thereof are the responsibility of the individual property owners. Tap fees and permit fees are prescribed by ordinance. Such charges are roughly equivalent to the City's cost and are paid by the user.

The rate charged will be the City rate effective at first billing that occurs at least fifteen (15) days after annexation becomes effective.

F. STREETS. Paved streets are repaired as necessary. Asphalt streets are repaired only as required when pot holes, alligating or like problems make repairs necessary.

Streets developed as public streets within the subject territory will receive repair, sweeping, snow removal, traffic controls, street lighting and road side mowing on the same basis as the rest of the City. Costs will be dependent on the future street system.

G. SOLID WASTE COLLECTION AND DISPOSAL. The City's sanitation system is operated on an enterprise fund basis. The sanitation system serves only residential occupancies. Some areas of the City presently are not included in the Garbage Service District at the request of the residents of those areas. If the annexed area is included within the Garbage Service District the cost to the residents would be the garbage service charges prescribed by ordinance, currently at the rate of \$13.75 per month per household.

The rates for garbage collection and disposal service are designed to be roughly equivalent to the long-run cost to the City of providing such service. No short-run capital expense as a result of service to the annexed area is anticipated.

The cost of providing use of the City's landfill to users outside the Garbage Service District is roughly equivalent to the fees charged therefor.

H. PARKS AND RECREATION. All services provided by the Parks and Recreation Department will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.

I. LIBRARY. All services provided by the Rapid City Public Library will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.

J. The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for numerous services provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees to library book fines, from xerox copy charges to charges for swimming pool passes.

K. All of the cost estimates set forth herein are based on 2002 costs.

5. *Owner occupied property:*

That the estimated difference in the 2002 tax assessment rate applied to an owner occupied property within the North Haines Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library and unorganized road levy of 1.8701 mills and the North Haines Fire levy of 0.814 mills. The total levy for owner occupied property in the North Haines Fire District would therefore increase by .7844 mills, an estimated 4.05%.

That the estimated difference in the 2002 tax assessment rate applied to an owner occupied property within the Black Hawk Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library and unorganized road levy of 1.8701 mills and the Black Hawk Fire levy of 0.637 mills. The total levy for owner occupied property in the Black Hawk Fire District would therefore increase by .9614 mills, an estimated 5.01%.

Non-agricultural property:

That the estimated difference in the 2002 tax assessment rate applied to a non-agricultural property within the North Haines Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the North Haines Fire levy of 0.814 mills. The total levy for non-agricultural property in the North Haines Fire District would therefore increase by .7844 mills, an estimated 2.93%.

That the estimated difference in the 2002 tax assessment rate applied to a non-agricultural property within the Black Hawk Fire District upon annexation would be the addition of the City of Rapid City levy of 3.4685 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the Black Hawk Fire levy of 0.637 mills. The total levy for non-agricultural property in the Black Hawk Fire District would therefore increase by .9614 mills, an estimated 3.61%.

Agricultural property:

That the estimated difference in the 2002 tax assessment rate applied to an agricultural property within the North Haines Fire District upon annexation would be the addition of the City of Rapid City levy of .8671 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the North Haines Fire levy of 0.814 mills. The total levy for agricultural property in the North Haines Fire District would therefore decrease by 1.817 mills, an estimated 10.76%.

That the estimated difference in the 2002 tax assessment rate applied to an agricultural property within the Black Hawk Fire District upon annexation would be the addition of the City of Rapid City levy of .8671 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.8701 mills and the Black Hawk Fire levy of 0.637 mills. The total levy for agricultural property in the Black Hawk Fire District would therefore decrease by 1.64 mills, an estimated 9.81%.

6. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city limit lines, existing features, existing property boundaries, and existing occupancies and uses.

7. That there is reasonable present and demonstrable future need for annexing said territory.

8. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.

9. That there exists a commonality between the within described territory and the existing City of Rapid City.

10. That there are no significant physical barriers between the within described territory and the existing City of Rapid City.

11. That annexation of the within described territory to the City of Rapid City will result in a more compact, integrated City.

BE IT FURTHER RESOLVED by the City of Rapid City that the following described territory be and is hereby annexed to and included within the boundaries of the City of Rapid City:

Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, and dedicated right-of-way, Farrar Business Park, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

That portion of N1/2 SE1/4 lying north and east of the right-of-way line of Interstate Highway 90, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

That portion of SE1/4 SE1/4 lying north & east of highway right-of-way, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the SE1/4 of Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the SW1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

Lots 1 thru 4 of Tract A of Lien Subdivision located in E1/2 of NE1/4 and in NE1/4 of SE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the NE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

Lot H1 of the SE1/4 NE1/4 of Section 21, T2N, R7E, BHM, Pennington County, South Dakota.

NW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

Lot X of Lot H-2 of SW1/4 less Lot H1 of Lot X of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

Lot Y of Lot H-2 of SW1/4 less Lot H-1 of Lot Y of Lot H2 of SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

Lot B of the NW1/4 SW1/4 and SW1/4 SW1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

W1/2 W1/2 NE1/4, Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

E1/2 SE1/4 SE1/4 SW1/4 SW1/4 and the SW1/4 SW1/4 SE1/4 SW1/4 and the W1/2 SE1/4 SW1/4 SE1/4 SW1/4 and the S1/2 NW1/4 SW1/4 SE1/4 SW1/4 and the SW1/4 NE1/4 SW1/4 SE1/4 SW1/4, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

E1/2 NE1/4; and the E1/2 W1/2 NE1/4; and the SE1/4; and the Unplatted Balance of SW1/4 lying north and east of Highway I-90 right-of-way and including a strip of land 80 feet in width adjacent and parallel to the southeast boundary of R & L Subdivision and also including a strip of land 100 feet in width adjacent and parallel to the northern boundary of Highway I-90 right-of-way, all located in Section 22, T2N, R7E, BHM, Pennington County, South Dakota.

SW1/4 NW1/4 and the W1/2 SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota.

NW1/4 NW1/4 and that part of the SW1/4 NW1/4 lying north of Interstate I-90 right-of-way, Section 26, T2N, R7E, BHM, Pennington County, South Dakota.

NE1/4 NE1/4 and the NW1/4 NE1/4 and the SE1/4 NE1/4 and the NE1/4 NW1/4 and the NW1/4 NW1/4 lying north of Highway I-90 right-of-way, Section 27, T2N, R7E, BHM, Pennington County, South Dakota.

That portion of the Section line highway lying north of Interstate 90 known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Southeast quarter of Section 21 and the Southwest quarter of Section 22 and including the 17 foot wide dedicated right-of-way adjacent to Lot 1R Revised of Summit Industrial Park located in the NW1/4 SW1/4 of Section 22, T2N, R7E, BHM, Pennington County, South Dakota. That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south section line between the Northeast quarter of Section 21 and the Northwest quarter of Section 22, T2N, R7E, BHM, Pennington County, South Dakota. That portion of the Section line highway known as Deadwood Avenue lying within 33 feet either side of the north-south line between the Southwest quarter of Section 15 and the Southeast quarter of Section 16, T2N, R7E, BHM, Pennington County, South Dakota.

BE IT FURTHER RESOLVED by the City of Rapid City that pursuant to SDCL § 9-4-4.4 the following amendments to the Resolution of Intent to Annex are hereby incorporated into this Resolution of Annexation:

The reference in section 3.D.(2) to S.D.C.L. 9-48 is hereby amended to read S.D.C.L. Chapter 9-47.

The following is included as an addition to section 4 APPROXIMATE COSTS:

D. Water

Water Service Fees

New account charge for accounts within the city limits: \$7.50.

Meter Size (Inches)	Current Monthly Charge	After July 2003
5/8"	\$4.60	\$4.85
3/4"	\$6.55	\$6.90
1"	\$8.30	\$8.75
1.5"	\$15.10	\$15.90
2"	\$22.45	\$23.65
3"	\$29.95	\$31.45
4"	\$44.75	\$47.05
6"	\$75.60	\$79.45
8"	\$122.60	\$128.80

Monthly charge includes 200 cubic feet of water. There is an additional charge of \$0.89 per 100 cubic feet for amounts in excess of 200 cubic feet per month. In addition, a surcharge pursuant to S.D.C.L. Chapter 9-40 applies as follows:

1. For water use less than two hundred cubic feet in any billing cycle month: \$1.00.
2. For water used in excess of two hundred cubic feet in any billing cycle month: \$0.35 per one hundred cubic feet.

Annual State Environmental Tax Surcharge

Meter Size (Inches)	Annual State Environmental Tax Surcharge
5/8"	\$1.25
3/4"	\$1.40
1"	\$1.75
1.5"	\$2.25
2"	\$3.50
3"	\$13.75
4"	\$17.50
6"	\$26.25
8"	\$35.25

Tap Fees

1. For making each three-quarter-inch tap, the sum of forty dollars;
2. For making each one-inch tap, the sum of forty-five dollars;
3. For making each one and one-quarter-inch tap, the sum of thirty dollars;
4. For making each one and one-half-inch tap, the sum of thirty dollars;
5. For making each two-inch tap, the sum of thirty dollars;
6. For making taps in excess of two inches, but less than eight inches, the following fee shall be collected:
 - a. For making each tap, the sum of one hundred twenty-five dollars for labor and equipment;
7. For making taps of eight inches or greater, the following fee shall be collected:
 - a. For making each tap, the sum of one hundred fifty dollars for labor and equipment.

Capital Development Fees

A. Residential Connection: A single family residence with a single water connection, including, but not limited to, condominiums and townhomes, shall pay a capital development fee of \$1,000.00.

B. Multifamily Residential connections: Multifamily residential units shall be charged a capital development fee in the following amounts:

- C. One (1) bedroom dwelling unit.....0.7 SFRE (\$700)
- Two (2) bedroom dwelling unit.....0.8 SFRE (\$800)
- Three (3) or more bedroom dwelling unit.....1.0 SFRE (\$1000)

D. Commercial and Industrial connections: Commercial and Industrial users shall pay a Capital Development Fee equal to \$750.00 per SFRE. The addition of a larger meter or additional meters at any time in the future will incur an additional capital development fee. The number of SFREs per user shall be determined based on the water meter size as follows:

Meter Size	Commercial and Industrial SFRE
5/8"	1.0
3/4"	1.1
1"	1.4
1 1/2"	1.8
2"	2.9
3"	11.0
4"	14.0
6"	21.0
8"	29.0
Irrigation	0.0
Unmetered	0.0

Users of Systems Other Than City Systems. If a user is connected to a system which is charged the wholesale rate, such user shall be charged a capital development fee equal to the fee charged to retail customers. Such fee shall be payable at the time the new user connects to the wholesale customer's system, or at the time of issuance of a building permit, whichever is earlier.

Users whose property is annexed to the City and are not currently connected to the City system shall pay the appropriate capital development fee as listed in this section. Such payment shall be paid prior to connection to the City system.

E. SEWER

SEWER FEES

\$1.34 per one hundred cubic feet; monthly minimum of \$4.00 per equivalent single family user.

Residential Users. The wastewater flow from residential connections shall be determined each year from the metered water use for three winter months using the water meter readings taken in January, February and March. The average monthly winter use measured in hundreds of cubic feet, shall be multiplied by the applicable rate and the product will determine the monthly sewer use charge for the twelve-month period commencing April 1st for each year. New residential users or intermittent users shall pay a sewer use charge based on the average single-family residential water use of seven hundred cubic feet per month per dwelling unit served and this volume shall be used until the end of the next averaging period

(December, January and February). For any of the three averaging months in which the meter is not actually read, the amount of seven hundred cubic feet times the number of dwelling units shall be inserted for that month to determine the average for the three months.

Commercial and Institutional Users Discharging Domestic Wastewater. The sewer use charge for commercial and institutional connections discharging wastewaters similar in physical, biological and chemical quality to domestic wastewater shall be determined by multiplying the monthly wastewater volume in one hundred cubic feet by the rate established by subsection A of this section per one hundred cubic feet. The wastewater volume shall be determined from the monthly metered water unless special allowances are made or the wastewater is metered as provided herein.

Industrial Users. The sewer charge for industrial connections shall be determined by multiplying the monthly wastewater volume measured in one hundred cubic feet, by the rate established by subsection A of this section per one hundred cubic feet whenever the BOD concentration is less than two hundred sixty mg/l and the suspended solids concentration is less than three hundred mg/l based on the average of flow proportioned, composite samples, collected at the times, frequencies and in the manner designated by the director. Whenever the BOD concentration exceeds two hundred sixty mg/l or the suspended solids concentration exceeds three hundred mg/l, based on the sampling and testing program specified by the director, a surcharge will be assessed at the following rates on the portion of wastes in excess of two hundred sixty ppm BOD or three hundred ppm TSS: eleven cents per pound of BOD and seven cents per pound of TSS.

Any industrial user receiving metered water for uses resulting in portions of the water not going to the wastewater facilities may have its sewer use charge adjusted by showing, at the owners expense, what percentage of the metered water is not discharged to the wastewater facilities. The maximum allowance for irrigation shall be an application rate of twenty-four inches per year per square foot of area being irrigated.

Any industrial user may choose to measure the actual wastewater flow in lieu of basing the wastewater use charges on the metered water. In such cases, the conditions set forth herein shall apply. If an industrial user has completed in-plant modifications which would change the users wastewater characteristics or flows, the user can request that the director adjust the industrial users surcharge rate. The director's decision can be appealed to the city council in a manner designated in Section 13.08.420 of the Rapid City Municipal Code.

A surcharge pursuant to S.D.C.L. Chapter 940 of \$0.14 per one hundred cubic feet of wastewater discharge is charged.

An annual environmental tax surcharge applies as follows:

Meter Size (Inches)	Annual State Environmental Tax Surcharge
5/8"	\$1.25
3/4"	\$1.40
1"	\$1.75
1.5"	\$2.25
2"	\$3.50
3"	\$13.75
4"	\$17.50
6"	\$26.25
8"	\$35.25

BE IT FURTHER RESOLVED by the City of Rapid City that pursuant to SDCL § 9-4-4.4 all amendments to the Resolution of Annexation shall be amendments to the previously adopted Resolution of Intent to Annex.

Dated this 2nd day of December, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Kroeger. Kyle White, representing Black Hills Corporation, spoke against the annexation of this property at this time. White stated that they oppose the involuntary annexation because it is not timely and the criteria stated in the City's annexation policy has not been met. White stated that BH Corporation and Black Hills Power & Light work hard to be contributing members of the Rapid City community. The employees of BH Corp. are significant contributors to the United Way. The company also provides significant donations and sponsorships to worthwhile activities for the betterment of the community. Employees of BH Corp. are also encouraged to volunteer and serve on various committees and boards throughout the community. White added that Black Hills Corp is also a significant taxpayer in the community, based on their assessed value of approximately \$75 million. White stated that the annexation of this property, which is the location of a combustion turbine and substation, will generate approximately \$180,000 in additional taxes that will be paid by Black Hills Corp. This turbine is located here for the benefit of Rapid City (to provide reliable service, to meet peak demands and to allow for growth). But it also can be used for wholesale power sales. The 2% use tax that will be assessed as a result of this annexation will impact the company's ability to sell into the wholesale markets. If the company can get multiple uses from these facilities, the cost to the local users is lower in the long run. In addition a 70 Megawatt power conversion facility is being constructed to allow the exchange of power between eastern and western transmission grids which separate at Rapid City. This will allow Black Hills Corp to increase reliability and allow for growth in this area as well as provide opportunities to purchase lower priced power and increase market opportunities. White offered the following conditions under which Black Hills Corp would allow a voluntary annexation of this property if the city's annexation criteria and policy are met; 1) At such time as Black Hills Power's use of the property changes, other than power generation, transmission or distribution; 2) At such time when contracts have been signed and funding approved providing significant infrastructure improvements in the area presently being considered for annexation; 3) At such time that the adjacent property located north of Black Hills Power's 40-acre parcel is annexed. And if none of these things happen, at the end of seven years the property would be annexed. White requested that the City Council amend the annexation resolution to allow the property owned by Black Hills Corp to be annexed at a future date. Upon vote being taken, the motion to approve the Resolution of Annexation carried with the following voting AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Ordinances & Resolutions

The Mayor presented No. 02RZ047, second reading of **Ordinance 3859**, a request by Renner and Sperlich Engineering for Walgar Development Corp. for a **Rezoning from Low Density Residential District to Medium Density Residential District** on the following property: A portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: Commencing at the northeasterly corner of Tract B of Robbinsdale Addition No. 10 common to a corner of Tract A of Robbinsdale Addition No. 10; thence,

S00°34'24"W along the easterly boundary of said Tract B, common to the westerly boundary of said Tract A, a distance of 112.03 feet, to the Point of Beginning; thence, first course: S00°34'24"W along the easterly boundary of said Tract B, common to the westerly boundary of said Tract A, a distance of 9.87 feet, to the west corner common to said Tract A and Lot 2 of Block 11 of Robbinsdale Addition No. 10; thence, second course: S00°34'24"W along the easterly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 545.67 feet, to the southeasterly corner of said Tract B; thence, third course: S89°43'09"W along the southerly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 609.78 feet; thence, fourth course: northeasterly, curving to the left on a curve with a radius of 303.62 feet, a delta angle of 48°53'39", a length of 259.10 feet, a chord bearing of N47°46'47"E, and a chord distance of 251.31 feet; thence fifth course: northeasterly, curving to the right on a curve with a radius of 536.05 feet, a delta angle of 15°00'02", a length of 140.34 feet, a chord bearing of N30°49'59"E, and a chord distance of 139.94 feet; thence sixth course: northeasterly, curving to the left on a curve with a radius of 156.08 feet, a delta angle of 44°12'52", a length of 120.45 feet, a chord bearing of N16°13'34"E, and a chord distance of 117.48 feet; thence seventh course: N61°59'49"E, a distance of 43.64 feet; thence eighth course: N64°33'00"E, parallel to the southerly right-of-way of Minnesota Street, a distance of 316.88 feet, to the Point of Beginning, located on Minnesota Street. Motion was made by Hadley, seconded by Waugh and carried to continue this hearing until December 16, 2002.

The Mayor announced the meeting was open for hearing on **Ordinance 3882** (No. 02RZ063) a request by Steven Jones for Beverly Healthcare Center for a **Rezoning from General Commercial District to Office Commercial District** on Lot 2 of Lot X of Rehder Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 916 Mountain View Road. Notice of hearing was published in the Rapid City Journal on November 9 and 16, 2002. Ordinance 3882, having had the first reading on November 4, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3882 the second time.

The Mayor presented No. 02RZ065, second reading of **Ordinance 3884**, a request by Dream Design International Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: A parcel of land located in the W1/2 NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; being more particularly described by metes and bounds as follows: Beginning at the northwest corner of Lot 6, Block 14 of Red Rock Estates as recorded in the Pennington County Register of Deeds Office in Book 30, Page 155; Thence N03°44'30"W 140.25 feet; thence N08°38'28"E 143.92 feet; thence N11°40'26"E 155.33 feet; thence N21°22'17"E 120.00 feet; thence S68°37'43"E 160.00 feet; thence S21°22'17"W 120.00 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 12°43'49", an arc length of 38.77 feet to a point of tangency; thence S08°38'28"W 175.86 feet to a point of curvature; thence southerly along the arc of said curve to the left whose radius is 174.50 feet and whose delta is 34°44'55", and arc length of 105.83 feet to a point of reversed curvature; thence southerly along the arc of said curve to the right whose radius is 125.50 feet and whose delta is 19°48'27", an arc length of 43.39 feet to a point on said curve; thence S83°41'59"W 185.45 feet to the Point Of Beginning; containing 1.94 acres more or less, located along the extension of Birkdale Road off Muirfield Drive. Motion was made by Hadley, seconded by Waugh and carried to continue this hearing until January 6, 2003.

The Mayor announced the meeting was open for hearing on No. 02RZ066, second reading of **Ordinance 3885**, a request by Wyss Associates Inc. for West Hills Village for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on the following property: Tract B of Minnesota Ridge Subdivision, Section 13, T1N, R7E, BHM,

Rapid City, Pennington County, South Dakota, located southwest of the intersection of 5th Street and Ana Maria Drive along Alta Vista Drive. Notice of hearing was published in the Rapid City Journal on November 23 and 30, 2002. Ordinance 3885, having had the first reading on November 18, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3885 the second time.

The Mayor announced the meeting was open for hearing on No. 02RZ067, second reading of **Ordinance 3886**, a request by Pine Lawn Memorial Park, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on Lot B of "Lots A & B, Section 14, T1N, R7E", less Lot H1-E2SW414-1-7 and less Lot H1-Lot B SW414-1-7, all located in the SW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4301 Tower Road. Notice of hearing was published in the Rapid City Journal on November 23 and 30, 2002. Ordinance 3886, having had the first reading on November 18, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3886 the second time.

The Mayor presented No. 02RZ068, second reading of **Ordinance 3887**, a request by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on the west 230 feet of the SE1/4 NW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Motion was made by Hadley, seconded by Waugh and carried to continue the hearing until December 16, 2002.

The Mayor announced the meeting was open for hearing on No. 02RZ069, second reading of **Ordinance 3888**, a request by Dream Design International, Inc for a **Rezoning from No Use District to Medium Density Residential District** on that portion of the south 480 feet of the east 948 feet of the SE1/4 of the NW1/4 of Section 3, T1N, R8E, BHM, lying within the City of Rapid City, South Dakota; and the west 1152.4 feet of the south 480 feet of the SW1/4 of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Homestead Street and Elk Vale Road. Notice of hearing was published in the Rapid City Journal on November 23 and 30, 2002. Ordinance 3888, having had the first reading on November 18, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3888 the second time.

The Mayor announced the meeting was open for hearing on No. 02RZ070, second reading of **Ordinance 3889**, a request by City of Rapid City for a **Rezoning from No Use District to Heavy Industrial District** on the east half of Sedivy Lane lying in the SE1/4 of Section 5 adjacent to Lot 4 in the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Notice of hearing was published in the Rapid City Journal on November 23 and 30, 2002. Ordinance 3889, having had the first reading on November 18, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3889 the second time.

Ordinance 3894, (No. 02RZ073) a request by City of Rapid City for a **Rezoning from Public District to Medium Density Residential District** on the west 610 feet of the NE1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of

Elk Vale Road and north of Degeest Street, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3894 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, December 16, 2002 at 7:00 P.M.

Ordinance 3890 (No. LF112602-02) Regarding Supplemental Appropriation No. 3 for 2002, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3890 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, December 16, 2002.

Ordinance 3891 (No. LF112602-03) Regarding Supplemental Appropriation No. 1 for 2003, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3891 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, December 16, 2002.

Ordinance 3892 (No. LF112602-04) Regarding Supplemental Appropriation No. 2 for 2003, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3892 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, December 16, 2002.

Ordinance 3893 (No. LF111302-09R) entitled An Ordinance Establishing a Municipal Recreation Board by adding Chapter 2.88 to the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3893 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, December 16, 2002.

Legal & Finance Committee Items

Motion was made by Rodriguez and seconded by Murphy to direct the Mayor to establish a standing **committee to review all City ordinances** and to include three members of the City Council and a member of the staff from the City Attorney's office, Public Works Department, and Planning Department. Roll call vote was taken: AYE: Rodriguez, Kooiker, Hanks, Kroeger, Waugh and Murphy; NO: Johnson, Hadley, Dreyer and Kriebel. Motion carried, 6-4.

Public Works Committee Items

Motion was made by Rodriguez and seconded by Waugh to authorize the Mayor and Finance Officer to sign an Oversize Agreement with Blake Batchelder and Terry Batchelder for **Meade/Hawthorne Drainage Channel** Element No. 87 (No. PW112602-11). Upon vote being taken, the motion carried unanimously.

The next item before the Council was No. PW112602-14, purchase of two (2) new current model year **Dodge Dakota Crew Cab 4 x 4 pickup** from Wegner Auto Company, Inc. for a total purchase price of \$17,234 each under State Contract #13771 for the Building Inspection Division. Motion was made by Hanks, seconded by Rodriguez and carried to table this item.

Motion was made by Rodriguez, seconded by Waugh and carried to direct Mike Kintigh from SD Game, Fish & Parks to work with the City Attorney's Office and Parks Department to devise a **deer herd management program** to issue fifty (50) archery permits within the City limits; and have the areas designated where those permits can be used on a test basis, and that the plan be submitted to the City Council for review prior to implementation. Hadley spoke against using archery as a means to control the size of the deer herd in Rapid City. Upon vote being taken, the motion carried with Hadley voting no.

Finance Officer

The next item before the Council was No. CC120202-03, a Report on Petitions referring **Ordinance 3856** (Adult Oriented Businesses) to a public vote. Finance Officer Preston explained that he and the City Attorney reviewed the format of the petition and staff has verified that there are adequate valid signatures to place this issue on the ballot for a public vote. Motion was made by Rodriguez and seconded by Waugh to acknowledge receipt of the petitions. Bill Goodjoin, Janette Derlew, Clint Richards, Jeff Partridge and Elizabeth Crouse expressed concern about the manner in which the petitions were circulated. They felt there was a great deal of misleading information given by the individuals circulating the petitions. Upon vote being taken, the motion to accept the petitions carried unanimously. Kooiker submitted the following Resolution and moved its adoption:

A RESOLUTION ESTABLISHING APRIL 8, 2003 AS THE DATE OF THE NEXT MUNICIPAL ELECTION, AND PLACING ORDINANCE 3856 ON THE BALLOT FOR THE APRIL 8, 2003 MUNICIPAL ELECTION, AND ESTABLISHING THE 1ST TUESDAY IN JUNE AS THE OFFICIAL DATE OF THE ANNUAL MUNICIPAL ELECTION COMMENCING WITH THE JUNE 1, 2004 MUNICIPAL ELECTION.

WHEREAS, the City of Rapid City did adopt Ordinance #3856, an ordinance regulating adult oriented businesses within Rapid City; and

WHEREAS, South Dakota law require that the City Council place any ordinance that is referred by 5% of the registered voters of the city to a public vote on the ballot of the next municipal election, or to set a special election to be held not within 30 days of the official notification to the council, whichever occurs first; and

WHEREAS, the City Council has been presented with petitions containing the signatures of more than 5% of the registered voters in the City; and

WHEREAS, South Dakota law allows a municipality to set the official election date for municipal elections on the first Tuesday of June;

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City of Rapid City that the City of Rapid City hereby sets the date of the next municipal election to be April 8th, 2003.

BE IT FURTHER RESOLVED by the City of Rapid City that the City of Rapid City hereby places on the April 8th, 2003 ballot, Ordinance 3856 as required by state law;

BE IT FURTHER RESOLVED by the City of Rapid City that the City Council directs the City Attorney to present to the Rapid City Council for their consideration, an Ordinance amending the Rapid City Municipal Code establishing the first Tuesday in June as the date of the annual municipal election date commencing with the June 1st, 2004 election.

Dated this 2nd day of December, 2002

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

City of Rapid City
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Murphy. Discussion continued on the issue of having the election in April rather than in June. Hanks called the question and there were no objections. Roll call vote was taken: AYE: Rodriguez, Kooiker, Hanks, Kroeger, Waugh and Murphy; NO: Dreyer, Johnson, Kriebel and Hadley. Motion carried, 6-4.

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

**RESOLUTION CANCELLING CHECKS OR WARRANTS NOT PRESENTED
FOR PAYMENT WITHIN TWO YEARS OF DATE OF ISSUANCE**

WHEREAS SDCL 9-23-21 authorizes the governing body, by resolution, to cancel any check or warrant not presented for payment within two years of the date of issuance;

NOW, THEREFORE, BE IT RESOLVED that the checks described in Appendix A, totaling \$3,507.84, which have not been presented for payment within two years from the date of issuance, be cancelled.

Dated this 2nd day of December, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

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

The next item discussed by the Council was the Energy Policy brought forth by the Energy Committee. Motion was made by Kriebel, seconded by Waugh and carried to continue this item until December 16, 2002. Substitute motion was made by Rodriguez, seconded by Hanks and carried to continue this item until January 6, 2003.

Bills

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

Payroll Ending 11-16-02, Paid 11-21-02	550,877.29
Payroll Ending 11-30-02, Paid 11-27-02	858,794.57
Payroll Ending 11-16-02, Paid 11-21-02	915.84
Pioneer Bank & Trust, taxes Paid 11-21-02	134,662.04
Pioneer Bank & Trust, taxes Paid 11-27-02	215,421.69
Pioneer Bank & Trust, taxes Paid 11-21-02	66.39
First American Administrators, claims Paid 11-20-02	103,188.93
First American Administrators, claims Paid 11-27-02	119,415.36
SD Department of Revenue, sales tax Paid 11-20-02	16,524.75
SD Department of Revenue, sales tax Paid 11-20-02	13,654.19
Rustnot Corrosion Control Services, SSW02-1106 Omaha Street	9,280.10
US Post Master, billing postage	1,100.00
Computer Bill List	<u>2,282,750.07</u>
Total	<u>\$4,306,651.22</u>
Payroll Ending 11-16-02, Paid 11-21-02	2,552.80
Pioneer Bank & Trust, taxes Paid 11-21-02	191.14
City of Rapid City, postage	157.79
RSVP Petty Cash, office supplies	12.63
Johnson Machine, van repairs	44.20
Marlin Leasing, copier lease	12.97

SD School of Mines, telephone	51.70
Total	\$4,309,674.45

Treasurer's Checks

Heavy Constructors	5,872.42
Heavy Constructors	2,873.00
Hills Materials	33,652.52
Intermountain Technical Services	1,050.00
Total	\$4,353,122.39

City Attorney

City Attorney Altman informed to the Council that the **Development Appeals and Review Board** met last Tuesday to hear an appeal from Tower Ridge, LLC regarding the use of corrugated metal pipe over reinforced concrete pipe. The Board voted 4-3 to not allow the metal pipe and require the concrete pipe as required in the Design Criteria Manual. Dreyer abstained from discussion or voting on this matter. Motion was made by Kroeger and seconded by Waugh to accept the Appeals Board's recommendation. Substitute motion was made by Johnson and seconded by Kooiker to continue this issue to the Council meeting on December 16, 2002. Roll call vote was taken. AYE: Kooiker, Waugh, Johnson, Kriebel and Hadley; NO: Rodriguez, Hanks, Kroeger and Murphy. Motion to continue carried, 5-4.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:50 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)