

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
January 2, 2001

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 Tuesday, January 2, 2001 at 7:00 P.M.

Mayor Jim Shaw, Finance Officer James Preston, and the following Alderpersons were present: Tom Johnson, Alan Hanks, Babe Steinburg, Tom Murphy, Jerry Munson, Ron Kroeger, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: Ray Hadley; and the following were absent: Steve Rolinger.

Motion was made by Munson, seconded by Hanks and carried to correct the minutes of December 27, 2000 to show the amount for Amendment No. 1 to Agreement for Professional Services, Digital GIS Base Map Development Services, Surdex Corporation, as \$4,172; and approve the minutes of December 18 and December 27, 2000

***Bid Openings***

The following bid for One 2001 ADA Raised Floor Accessible **Paratransit Vehicle** was opened at 2:00:

- a) Grande American Bus Sales (bond submitted) \$57,453

Staff has reviewed the bid and recommends award. Motion was made by Johnson, seconded by Steinburg and carried to award the bid for a paratransit vehicle to Grande American Bus Sales, the only bidder, in the bid amount of \$57,453.

The following bid for One **ADA Accessible Transit Vehicle** was opened at 2:00:

- a) Grande American Bus Sales (bond submitted) \$100,571

Staff has reviewed the bid and recommends award. Motion was made by Johnson, seconded by Steinburg and carried to award the bid for an ADA Accessible Transit Vehicle to Grande American Bus Sales, the only bidder, in the bid amount of \$100,571.

***Mayor's Items***

Motion was made by Steinburg, seconded by Munson and carried to confirm the Mayor's appointment of the following individuals to the **Trenching Board**: Bob Dominicak and Steven Moore.

Motion was made by Johnson, seconded by Munson and carried to approve a **travel request** in the amount of \$10,790 for the Mayor and council members to attend the National League of Cities conference in Washington, DC, March 9-13, 2001.

Mayor Shaw presented the **Citizen of the Month** to Deb Shultz and commended her for outstanding volunteer service to the community.

Steinburg requested that staff investigate the road going through Canyon Lake Park. Public Works Director Dan Bjerke suggested that barricades be erected to stop through traffic in this area. This would be done on a temporary basis in order to get feedback from the community. A report would then be presented to the Council for consideration. The Council concurred with this approach to studying the problem. Munson also asked staff to consider the idea of reversing the direction of traffic going through the Park.

Motion was made by Johnson, seconded by Kriebel and carried to approve Mel Dreyer, Alan Hanks and Bonnie Hughes as **freeholders** to determine the fair market value of surplus property along Anamosa Street.

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

Upon motion made by Johnson, seconded by Munson and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, January 15, 2001:

1. Robin & Judy, Inc., 712 St. Joseph Street, for an On-Off Sale Malt Beverage License Transfer, Inactive (from American Pie Bistro)
2. GF Pizza, Inc. dba **Godfather's Pizza**, 110 Cambell Street, for an On-Off Sale Malt Beverage License Transfer (from BC Pizza, Inc.)

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

The following items were removed from the Consent Calendar:

4. No. 00UR041 - A request by Shooters, Inc. for a **Major Amendment to a Use on Review to allow an on-sale liquor establishment** on Tract 2, Arches Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2650 Mount Rushmore Road.

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

### ***Set for Hearing*** (January 15, 2001)

3. No. 00PD066 - A request by Walgar Development Corp. for a **Planned Development Designation** on a portion of Tract A of Robbinsdale Addition No. 10, and a portion of the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the southeast corner of Lot 16 Revised of Block 23 of Robbinsdale Addition No. 10, common with the northerly edge of right-of-way for East Minnesota Street, and the Point of Beginning; Thence, first course: N24°39'00"W, along the easterly boundary of said Lot 16 Revised of Block 23, a distance of 113.92 feet; Thence, second course: N65°42'16"E, a distance of 119.46 feet; Thence, third course: N67°31'50"E, a distance of 60.09 feet; Thence, fourth course: N65°37'01"E, a distance of 124.03 feet, to a point on the southwesterly boundary of Lot 4 of Block 24 of Robbinsdale Addition No. 10; Thence, fifth course: S24°20'00"E, along the southwesterly boundary of said Lot 4 of Block 24, a distance of 106.08 feet, to the southwesterly corner of said Lot 4 of Block 24, common with the northerly edge of right-of-way for East Minnesota Street; Thence, sixth course: S64°33'00"W, along the northerly edge of right-of-way for said East Minnesota Street, a distance of 302.98 feet, to the southeast corner of said Lot 16 Revised of Block 23, and the Point of Beginning; Said Parcel contains 33,335 square feet or 0.765 acres more or less, located at the intersection of Minnesota Street and Maple Street.
5. No. 00UR042 - A request by City of Rapid City for a **Use on Review to allow park improvements at Roosevelt Park** on Tract 27 and Tract 27B of Rapid City Greenway Tracts, Section 31, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Roosevelt Park.

### ***Public Works Committee Items***

6. No. PW122700-01 –Authorize staff to advertise for bids for SSD00-1022, Deadwood Avenue Erosion Control.

- 7. No. PW122700-02 – Authorize staff to advertise for bids for Combination Sander Truck for Street Division.
- 8. No. PW122700-03 – Authorize staff to advertise for bids for Vacuum Street Sweeper for Street Division.
- 9. No. PW122700-04 – Authorize staff to advertise for bids for Single Axle Dump Truck for Street Division.
- 10. No. PW122700-05 – Authorize staff to advertise for bids for Tandem Dump Truck with Plow for Street Division.
- 11. No. PW122700-06 – Authorize staff to advertise for bids for ¾ Ton 4X4 Pickup for Street Division.
- 12. No. PW122700-07 – Authorize staff to advertise for bids for One Ton Service Truck Chassis for Street Division.
- 13. No. PW122700-08 – Authorize staff to advertise for bids for Service Truck Body for Street Division.
- 14. No. PW122700-09 – Authorize staff to advertise for bids for Automatic Meter Reading System Call Inbound Meter Interface Unit (MIU) for Water Division.
- 15. No. PW122700-10 – Authorize the Mayor and Finance Officer to sign a South Dakota Department Of Transportation Letting, Financial and Maintenance/Encroachment Agreement for P-BRF 1746(02) PCEMS 4338 – Canyon Lake Drive from Mt. View to Dakota Drive and Structure over Rapid Creek.
- 16. No. PW122700-11 – Authorize the Mayor and Finance Officer to sign a South Dakota Department Of Transportation Amended Agreement for P 1746(2) PCEMS 4338 – Canyon Lake Drive over Rapid Creek.
- 17. No. PW122700-12 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering to Design New Intersection of 5<sup>th</sup> Street and US 16B under SDDOT Project NH 2016(00)66 PCEMS 6393 for an amount not to exceed \$44,273.
- 18. No. PW122700-14 – INITIAL RESOLUTION FOR BLOCK 5 ALLEY PAVING PROJECT (SCHNASSE ADDITION) ST00-993

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

1. This Council deems it necessary to improve by paving approximately 470 linear feet of alley located in Block 5 of the Schnasse Addition, as described in the proposed Resolution of Necessity for Block 5 Alley Paving Project (Schnasse Addition) ST00-993, which is on file with the Finance Officer. Payment for the costs of such improvements will be made using Out of the Dust Funds (40%) and levying assessments against the benefiting property owners.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 5th day of February, 2001 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 2nd day of January, 2001.

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

THE CITY COUNCIL  
s/ Jim Shaw, Mayor

- 19. No. 00VE013 – Approve a request by Robert Blumenthal for Century Motels, Inc. for a Vacation of Platted Setbacks located at the intersection of West Boulevard and North Street.

**RESOLUTION OF VACATION**

WHEREAS it appears that the platted setback located upon Lots RU-19 and RU-20 in Block One (1) of the Original Townsite of Rapid City, Pennington County, South Dakota, as originally shown on that certain plat recorded in Plat Book 14, Page 185 on July 8, 1976, is not needed for public purposes; and

WHEREAS the owners of said property desire said platted setback to be vacated and released,

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

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of said setback.

Dated this 2nd day of January, 2001.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

***Legal & Finance Committee Items***

- 20. No. LF122700-01 - Authorize Mayor and Finance Officer to sign Agreement for Independent Contractor Services with Dr. Robert Looyenga
- 21. No. 00TP012 - Authorize Mayor and Finance Officer to sign an Agreement between the City of Rapid City and the South Dakota Department of Transportation for Accomplishing the Rapid City Area Metropolitan Planning Process
- 22. No. LF122700-02 - Approve renting space at the Milo Barber Transportation Center for the Weed and Seed Office.
- 23. Award purchase of 60 additional electronic parking meters to POM in the amount of \$9,120.
- 24. No. LF122700-06 - RESOLUTION DECLARING PROPERTY SURPLUS

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

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

- Solid Waste Division
- TEC Cash Register, Inv. No. 9191
- Canon Electronic Typewriter, Inv. No. 8220
- IBM Wide Carriage Printer, Inv. No. 13139
- HP Desk Jet 500, Inv. No. 13410
- Regal Keyboard, SN J962005021
- Regal Keyboard, SN 12502042
- Key Tronic Keyboard, SN J962409660

DFI PC, Inv. No. 18272  
 DTK computer, Inv. Nos. 15071, 14741, 15063, 14739  
 Loop Monitor, Inv. No. 13280  
 Regal Monitor, SN K346LCOSP  
 Loop Monitor, SN TC9203975  
 ADC Color Monitor, SN D350PACSPD  
 ADC Monitor, SN F335GAKAC  
 HP Laser Jet, Inv. No. 12408

Water Billing

Download Rack, Inv. No. 5083  
 Download Rack, Inv. No. 5004

Street Department

Caterpillar 938F Loader

Fire Department

1983 FMC 1000 GPM Pumper Vehicle

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.  
 Dated this 2nd day of January, 2001.

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

CITY OF RAPID CITY  
 s/ Jim Shaw, Mayor

25. No. LF122700-08 - Authorize Mayor and Finance Officer to Sign Loan and Infrastructure Development Agreement (Elm Avenue)
26. No. LF122700-09 - Authorize Mayor and Finance Officer to Sign Loan Infrastructure Development Agreement (construction of sanitary sewer from Highway 79 to proposed 5th Street Extension)
27. Approve the following licenses: Central Station Service: All American Monitoring, Robert J. Keefe; Central Monitoring Service, Inc., Kenneth C. Knight; International Dispatch Center, a Service Product of Criticom International Corporation, Curtis E. Quady; Midwest Alarm Co., Inc., Larry McMillen; Commercial Refuse Collector: David L. Gillespie, Waste Management of the Black Hills; House Mover: Dakota Hills Housemoving, Geoff Hooper; O'Neil Company, Inc.; Residential Contractor: Accent Windows & Siding, Kyle Nelsen, Chad Willmes; Black Hills Country Builders, Danny L. & Ginger Wessels; Robert Clarke; Custom Homes by Eich, Dwight Eich; Del's Construction, Inc., Delmar R. & Milton Genzlinger; Dunn Rite Construction, Mike Cole and Gregory Olson; Gustafson Builders, Wayne & David Gustafson; Hofer Construction, Duane Hofer; Jorgensen Log Homes, Inc., Robert Jorgensen; Dean Kelly Construction, Inc., Dean H. Kelly; Mousel Construction, Inc., Steve Mousel; Premier Homes, Inc., Jim & Sharon Hansen; Sun Rise Construction, Inc., Mike Tennyson/Greg Brink; Cal Weidenbach Construction, Cal Weidenbach; Inactive Residential Contractor: Bicek Construction, Perry Bicek; Heart & Home Restoration, David Q. Rigert; Second Hand: Big K Furniture, Kenneth D. Sheffield; Gameproz, Inc., Richard F. Cartney; Security Business: Mt. States Investigation, Inc., Roger & Karen Kierstead; Sewer & Water Contractor (Contingent Upon Insurance): Warax Excavating, Robert A. Warax; Journeyman Sewer & Water Installer (Contingent Upon Insurance): Ron Berens, Steve Lhotak, Brett Torrey; Trenching Contractor: Comsco, Inc., Ron Hazen; Sign Contractor: Budget Signs, Lanny Iwan; Epcon Sign Company, Timothy J. Thelen; Lamar Outdoor Advertising, Michael Derby.

- 28. Deny the appeal of Dave Olesen dba Trade Winds Motel and give him 60 days to bring the property into compliance, or the business will be demolished; further, there will be no business conducted on the premises during this 60-day period and the 60-day period will begin to run after the required 10 days' notice to vacate the building.

**Raffle**

- 29. CC010201-03 - Request from Western Dakota Technical Institute to conduct a raffle from December 20th to April 1, 2001

End of Consent Calendar

The next item discussed by the Council was No. 00UR041, a request by Shooters, Inc. for a **Major Amendment to a Use on Review to allow an on-sale liquor establishment** on Tract 2, Arches Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2650 Mount Rushmore Road. Motion was made by Kroeger, seconded by Hanks and carried to deny this application without prejudice.

**Public Hearings**

The Mayor announced that the meeting was open for consideration of No. CC010201-01, a Resolution Levying Assessment for Miscellaneous Property Cleanup. Notice of this hearing was published in the Rapid City Journal on December 23, 2000 and mailed to affected property owners on December 5, 2000. No oral or written objections were presented. The following Resolution was introduced 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 January, 2001.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

The Mayor announced that the meeting was open for consideration of No. CC010201-02, a Resolution Levying Assessment for Block 7 Alley Paving (Millard Addition) Project ST00-991. Notice of this hearing was published in the Rapid City Journal on December 26, 2000 and mailed to affected property owners on December 6, 2000. No oral or written objections were presented. The following Resolution was introduced and Johnson moved its adoption:

**RESOLUTION LEVYING ASSESSMENT FOR  
BLOCK 7 ALLEY PAVING (MILLARD ADDITION) PROJECT ST00-991**

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 alley paving project is the amount stated in the proposed assessment roll.
2. The assessment roll for Block 7 Alley Paving (Millard Addition) Project ST00-991 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 ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 2nd day of January, 2001.

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

CITY OF RAPID CITY  
s/ Jim Shaw, Mayor

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

***Planning Department Consent Items***

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

32. No. 00PL018 - An application by Alliance of Architects for Black Hills Habitat for Humanity for a **Preliminary and Final Plat** on Lots 3 thru 6 of Habitat Subdivision formerly Lots 1 thru 15, Lot 4 and a portion alley, Block 4, Schnasse Addition to the City of Rapid City located in the NW1/4 of the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Herman Street and East Watertown Street. (CONTINUE TO JANUARY 15, 2001)
33. No. 00PL048 - An application by Gary Renner for Dacotah Cement for a **Preliminary and Final Plat** on Lot 1 of Limestone Tunnel Subdivision located in the SW1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 20, T2N, R7E, BHM, Pennington County, South Dakota, located approximately 1/4 mile south of the intersection of Universal Drive and S.D. Highway 79 on the west side of S.D. Highway 79. (CONTINUE TO JANUARY 15, 2001)

34. No. 00PL055 - An application by Wyss Associates for B.E. Development for a **Final Plat** on Lots 1 through 11 of Block 1 and Lots 1 through 11 of Block 2 of Skyview North Subdivision and Lot 25R of Minnewasta Subdivision (formerly Lot 25 of Minnewasta Subdivision) located in the E1/2 of SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the east end of Harney Road. (CONTINUE TO JANUARY 15, 2001)
35. No. 00PL076 - An application by Doug Sperlich for Gary Rasmusson for a **Preliminary and Final Plat** on Lots 25 and 26 of Block 23 and Lots 5 and 6 of Block 24 of Robbinsdale Addition No. 10 (formerly a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13) located in the NE1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Maple Avenue and East Minnesota Street. (CONTINUE TO JANUARY 15, 2001)
36. No. 00PL081 - An application by Dream Design for Legacy Land Development for a **Preliminary and Final Plat** on Lots 5 and 6, Block 2 and Lots 18 thru 24, Block 6 and Lot 2, Block 7 of The Meadows Subdivision, located in a portion of Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Field View Drive and Derby Lane. (CONTINUE TO JANUARY 15, 2001)
37. No. 00PL110 - An application by Renner & Sperlich Engineering for Buescher Frankenberg Assoc. Inc. for a **Preliminary and Final Plat** on Lots A & B of Lot 5R of Meridian Subdivision (formerly Lot 4B and Lot 5R of Meridian Subdivision) located in the SW1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Anamosa Street and LaCrosse Street. (CONTINUE TO JANUARY 15, 2001)
38. No. 00PL117 – An application by Doug Sperlich for Dennis Zandstra for a **Preliminary and Final Plat** on Lots 1R and 2R of Block 8 of Elks Country Estates (formerly Lots 1 & 2 of Block 8 of Elks Country Estates) located in N1/2 of SE1/4 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Augusta Drive and Jolly Lane. (CONTINUE TO JANUARY 15, 2001)
39. No. 00RD003 - A application by Leo Hamm Family Ranch and Harley Taylor for a **Resolution changing that portion of the road named Rolling Thunder Trail located within the city limits of Rapid City, the unnamed portion of the section line right-of-way, and the unnamed access easement to Shooting Star Trail** on the 66 foot access easement shown on Lot 2, Block 3 of the Plat of Wildwood Subdivision, including Lots 1 thru 5, Block 1 Lots 1 thru 4, 7 thru 17, 32 thru 42, Block 2, Lots 1 thru 5 and Lots 22 & 23, Block 3 located in W1/2 SE1/4 & portions of the E1/2 SE1/4 & E1/2 SW1/4 of Section 21, T1N, R7E, BHM, Pennington County, South Dakota and that portion of the section line highway lying between the SW1/4 SE1/4 Section 21 and the NW1/4 NE1/4 Section 28, T1N, R7E, BHM, Pennington County, South Dakota, located south and west of Wildwood Subdivision. (CONTINUE TO JANUARY 15, 2001)

---

END OF PLANNING CONSENT CALENDAR

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

No. 00RZ054 – **Ordinance 3630**, a request by Rapid City Regional Hospital for a **Rezoning from Office Commercial District to General Commercial District** on Tracts AR-1 thru AR-5 and Tracts AR-7 thru AR-9 and Tract B of Regional Hospital Addition located in SW1/4 of Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 353 Fairmont Boulevard and 2908 Fifth Street (Rapid City Regional Hospital), was introduced.



Upon motion made by Kroeger, seconded by Dreyer and carried, Ordinance 3630 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, January 15, 2001.

No. 00RZ055 – **Ordinance 3631**, a request by Renner & Sperlich for South Elm Development for a **Rezoning from No Use District to Low Density Residential District** on Lot B of the N1/2 of Government Lot 4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between Elm Avenue and Parkview Drive, south of Hanover Drive, was introduced. Upon motion made by Kroeger, seconded by Dreyer and carried, Ordinance 3631 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, January 15, 2001.

No. 00RZ056 – **Ordinance 3632**, a request by Robert Blumenthal for Century Resources, Inc. for a **Rezoning from Heavy Industrial District to General Commercial District** on the following property was introduced: The north 327.2 feet of the N1/2 SE1/4 of Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; excepting therefrom the W1/2 NW1/4 SE1/4; and excepting therefrom Lot 1 of Lot B of the NE1/4 SE1/4, as shown on the plat filed in Plat Book 3, Page 103; and excepting therefrom North Boulevard Addition; and excepting therefrom Lot RU-302A of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the Plat filed in Plat Book 14, Page 53; and excepting therefrom Lot RU-302B of the Original Townsite of Rapid City, Pennington County, South Dakota, as shown on the Plat filed in Plat Book 14, Page 94; and excepting therefrom any street or highway rights of way, located at 1400 Philadelphia Street. Upon motion made by Kroeger, seconded by Dreyer and carried, Ordinance 3632 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, January 15, 2001.

No. 00RZ057 – **Ordinance 3633**, a request by Dream Design International for a **Rezoning from General Commercial District to Low Density Residential District** on the following property, was introduced: A parcel of land located in Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the NE corner of the intersection of Sheridan Lake Road and Catron Boulevard right of ways; Thence N0°02'33"E along the easterly right of way line of Sheridan Lake Road, 760.00 feet; Thence S89°57'27"E, 255.74 feet to the True Point of Beginning; Thence S89°57'27"E, 329.10 feet; Thence S34°09'47"W, 93.93 feet; Thence N89°57'27"W, 260.81 feet; Thence N11°18'01"W, 79.31 feet to the True Point of Beginning, containing 0.526 acres, more or less, located approximately 1/4 mile north of the intersection of Catron Boulevard and Sheridan Lake Road. Dreyer stated that he would abstain from discussion or voting on this item. Upon motion made by Kroeger, seconded by Dreyer and carried, Ordinance 3633 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, January 15, 2001.

**Ordinance 3634**, Supplemental Appropriation No. 1 for 2001, was introduced. Motion was made by Kroeger and seconded by Hanks to approve first reading, and set second reading for Monday, January 15, 2001. Upon vote being taken, the motion carried with Johnson voting no.

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

Motion was made by Johnson and seconded by Hanks to direct staff to move forward with the design for placing the **Highway 16 Fire Station** on Lot B. Murphy, Munson and Johnson spoke against this action noting that the main reason for purchasing this property was for a

fire station. It should be located on Lot A with frontage directly onto Highway 16. Hanks stated that the Fire Chief has indicated that a fire station can operate very efficiently from either of these sites. If it is located on Lot B, the City can realize a profit of approximately \$500,000 from selling the surplus property. Steinburg stated that he doesn't feel the safety factor would be any different from Lot B or the frontage area of this property. Both of these sites would access Highway 16 from the same location. Roll call vote was taken: AYE: Steinburg, Dreyer, Kriebel, Kroeger, Hanks; NO: Munson, Johnson, Hadley and Murphy. Motion carried, 5-4.

### ***Public Works Committee Items***

Motion was made by Kroeger to authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Designworks, Inc. for Landscape Architectural Design of **West Memorial Park Demonstration Garden** for an amount not to exceed \$28,880. Substitute motion was made by Dreyer, seconded by Steinburg and carried to continue this item until more information is available.

### ***Special Items and Items from Visitors***

The next item before the Council was ratification of a Resolution regarding Dacotah Cement, approved by the City Council at a special meeting on December 27, 2000. Motion was made by Munson, seconded by Johnson and carried to table this issue.

Aaron Johnson appeared before the Council to request an extension of the time he has to clean up property at **721 Taylor Avenue** and remove inoperable vehicles. He submitted pictures showing he has only five cars on his property, but there are also five parked in the street. There was lengthy discussion about the definition of junk vehicles, antique vehicles and what is allowed under City code. Johnson stated that he feels he will be in compliance with the City's codes once the five vehicles are covered and other debris removed. Adam Altman indicated that the City codes states that if an inoperable or unlicensed vehicle is on private property for more than 30 days, it is determined to be a public nuisance and must be removed. It doesn't matter if it is covered or not. While it is clear that Mr. Johnson has cleaned up his property, he is clearly not in compliance with the City's codes. Kroeger stated that the City Council took action on December 4th to require that Mr. Johnson remove these inoperable vehicles from the property. They are still there and Mr. Johnson has stated that he does not intend to remove them. Kroeger stated that he doesn't understand why the Council is continuing to discuss this issue. City Attorney Tamara Pier suggested that, because of the weather, the Council give Mr. Johnson 30 days to bring the property into compliance. If it is not done by that time, the City can proceed with legal action through the court system. Johnson stated that he is not opposed to an extension, but he is opposed to an extension that has no results. Motion was made by Johnson and seconded by Munson to grant an extension to Mr. Johnson until February 5, 2001 with the condition that a solid plan and agreement for abatement of this nuisance is presented to the City by the second meeting in January. Kroeger stated that he doesn't understand why the council has discussed this item so many times. The City has required other property owners to remove inoperable vehicles from their property in other parts of town and there was no negotiating. Kroeger questioned whether this discussion would be happening if this property were in another part of the community. Aaron Johnson stated that he does not intend to remove the remaining five cars from his private property. He feels they are allowed under the exception for antique vehicles. Substitute motion was made by Hanks and seconded by Kroeger to deny the request by Johnson and table this issue. Roll call vote was taken: AYE: Steinburg, Dreyer, Kriebel, Kroeger, Hanks Munson and Murphy; NO: Johnson and Hadley. Motion carried, 7-2.

Dave Olesen was present to discuss code violations at **The Trade Winds Motel**. Olesen read a prepared statement setting forth facts about the property, its state of disrepair and the manner in which repairs have been made. Olesen stated that he has decided to hire a

general contractor to deal with the City and make the repairs required under City code. He asked the Council for a 30-day extension of the Notice and Order. Staff noted that action taken by the Council earlier in the meeting allows the property owner 60 days to bring the property into compliance. Munson and Hanks stated that they cannot agree to allow people to live in this establishment until it is brought up to code. Asst. City Attorney Adam Altman explained that the notice to vacate the building will be sent out tomorrow, as a result of the Council's action earlier in the meeting. No further action was taken on this issue.

**Bills**

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

1st National Bank, 93 bond payment	207,175.61
1st National Bank in Sioux Falls, bond fees	7,020.25
All Continents Travel, airline tickets	662.00
Black Hills Agency, insurance	566.00
BH Power & Light, electricity	26,570.06
Bureau of Business Practices, subscription	851.40
Century Resources, USGS lease	98,000.00
GFOA, GASB basic plan	105.00
Guest Services, meal ticket	174.00
Tracy Hamblett III, countertop, carpet, cabinet	3,499.98
Humane Society of the Black Hills, subsidy	13,541.67
MDU, gas service	10,620.58
Pennington County Bar Association, dues	80.00
Skillpath Seminars, registration	399.00
SD Coalition of Citizens, dues	35.00
SD DENR, waste permit	600.00
SD Municipal League, dues	10,369.14
SD Safety Council, membership	175.00
US Bank, Weber escrow	41,589.51
US Postmaster, presort fee	100.00
Subtotal	\$422,134.20

As there was on further business to come before the Council at this time, the meeting adjourned at 8:45 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_ Mayor

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

(SEAL)