

## LICENSES

Hanks moved to Approve the Following Licenses: Mechanical Contractor: Bill M. Brown, Central States Mech.; Jeffrey A. Murphy, American Quality; Rick W. Salyers, B & R Services; Mechanical Installer: Jeffrey A. Murphy; Plumber: Daryl Aston; Plumbing Contractor: Donovan Williamson, Waterworks Plumbing, Inc.; Residential Contractor: ABM Construction, Mark Mulenburg; Comet Homes, Kelly and James Commet; J & R Construction & Maintenance, Judith & Rick Rondestvedt; Sewer & Water Contractor: Simon Contractors of South Dakota, Michael R. Schnell; Sewer & Water Installer Journeyman: Troy Bockelmann; Trenching Contractor: Northern Construction, Inc., David F. Weber. Second by Waugh. Motion carried. ***Place item on Consent Calendar***

## SPECIAL ITEMS AND ITEMS FROM VISITORS

Bob DeMersseman briefed the Council on the activities of Rapid Fund and the Foundation. They are striving to create a balanced economic development program and are placing more emphasis and more resources into creating jobs at home, start-ups, high tech businesses, and spinoffs from South Dakota Tech. As a means of doing that, they have created an organization called the Western Research Alliance. They have utilized some of the resources provided by the City to start a FAST program which is actually putting someone on the ground in Rapid City to work the whole hills area to work with researchers and innovators to create ideas that might have some commercial promise. They are working with South Dakota School of Mines to look at kind of a re-assessment of the resources available in the Black Hills and put them in the proper context. They are working with West River Foundation, the State of South Dakota, and the City of Rapid City to identify monies to create a business incubator to support people that are starting to create businesses and are also in the process of expanding Rushmore Business Park.

Hanks moved to Table the request to lease City property from Duane Licklider. Second by Waugh. Motion carried.

LF052902-06 - Hanks moved to Authorize Mayor and Finance Officer to Sign the Award of Allocation for Historical Preservation by City of Rapid City Project Number 46-02-021 and Certified Assurances Historic Preservation Program. Second by Rodriguez. Motion carried. ***Place item on Consent Calendar***

## ITEMS FROM COUNCIL MEMBERS

CC040102-03 - Rodriguez moved to Table Second Reading and Recommendation of Ordinance No. 3805 Amending Chapter 12.20 of the Rapid City Municipal Code by Adding Thereto New Sections 12.20.200, 12.20.210, 12.20.220, 12.20.230, 12.20.240, 12.20.250, 12.20.260, and 12.20.270 to Allow for Permits Allowing Encroachment into Right of Way. Second by Murphy. A vote was taken with Kriebel voting "no". Hanks moved to Direct staff to allow an additional 60 days before we move forward with any enforcement action on structures in the right of way. Second by Rodriguez. Motion carried. ***Place item on Consent Calendar***

Journeyman: Troy Bockelmann; Trenching Contractor: Northern Construction, Inc., David F. Weber.

- 84. Table the request to lease City property from Duane Licklider.
- 85. No. LF052902-06 - Authorize Mayor and Finance Officer to Sign the Award of Allocation for Historical Preservation by City of Rapid City Project Number 46-02-021 and Certified Assurances Historic Preservation Program.
- 86. Direct staff to allow an additional 60 days before we move forward with any enforcement action on structures in the right of way.
- 87. No. LF052902-07 - Approve Appointment of Kim Osberg to the Beautification Committee until December, 2002.
- 88. No. LF052902-08 - Approve Appointment of Mike Bender and Duane Baumgartner to the Historic Preservation Commission for a Term of Three Years and Approve Reappointment of Lee Vierling for a Term of Three Years.
- 89. No. LF052902-10 - Approve Appointment of Greg Peter to the Zoning Board of Adjustments until December, 2004, and Jared Wilhelmi as Alternate until December, 2002.

End of Consent Calendar

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**Planning Department Consent Items**

- 90. No. 00PL127 - A request by Dream Design, Inc. for Doyle Estes for a **Preliminary & Final Plat** on Tract B of Neff's Subdivision No. 4 located in the unplatted portion of the S1/2 NW1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Race Track Road and Elk Vale Road.
- 91. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW/14 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street.
- 92. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79.
- 93. No. 01PL089 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots 7-9, Block 4; Lots 13-23, Block 6, Lot 6, Block 7; Lots 1-11, Block 8; Lots 1-2, Block 9 of Big Sky Subdivision and dedicated South Pitch Drive, Aurora Drive, Carl Avenue and major drainage easements located in NE1/4SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the current northern terminus of South Pitch Drive.
- 94. No. 01PL096 - A request by Gary Rasmusson for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sitka Street and Hemlock Street
- 95. No. 01PL097 - A request by Dream Design International for a **Preliminary and Final Plat** on Tract A and dedicated streets, Big Sky Subdivision - Phase VII located in the SE1/4 NW1/4 and the NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1, Block 13 and Lot 1, Block 14 of Big Sky Subdivision and dedicated public rights of way (Big Sky Drive and Degeest Street), as shown on the plat

**and gutter and sidewalk on Heidiway Lane and adjacent to the proposed Dunham Estates Subdivision** on Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Court, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision.

130. No. 02SV024 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to allow lots twice as long as wide as regulated by Chapter 16.12.190 of the Municipal Code** on Lots 5 thru 6, Block 8 and Lots 1 thru 5, Block 9 and Lots 2 thru 6, Block 10 and Lot T Block 8 and Outlot G-1 and dedicated streets, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Red Rock Estates.

### **Ordinances & Resolutions**

131. No. 02OA002 – Second Reading, **Ordinance 3801**, entitled An Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats.
132. No. 02OA003 – Second Reading, **Ordinance 3802**, entitled an Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.037 pertaining to expiration of approved Layout Plat and Preliminary Plats.
133. No. CC040102-03 - Second Reading, **Ordinance 3805** entitled An Ordinance Amending Chapter 12.20 of the Rapid City Municipal Code by Adding Thereto New Sections 12.20.200, 12.20.210, 12.20.220, 12.20.230, 12.20.240, 12.20.250, 12.20.260, and 12.20.270 to Allow for Permits Allowing Encroachment into Right of Way.
134. No. LF041002-11R – Second Reading, **Ordinance 3813**, entitled An Ordinance Revising the Regulation of Signs Within the City of Rapid City by Amending Chapter 15.28 of the Rapid City Municipal Code.
135. No. LF050102-16 – Second Reading, **Ordinance 3814** entitled An Ordinance Repealing Chapter 15.12 of the Rapid City Municipal Code in Its Entirety and Adopting a New Chapter 15.12 of the Rapid City Municipal Code Entitled Uniform Construction Codes Adopted.
136. No. 02RZ023 – Second Reading, **Ordinance 3816**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** 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.
137. No. 02OA005 – Second Reading, **Ordinance 3817**, entitled An Ordinance to Increase the Permitted Size of Garages or Carports and to Require a Conditional Use Permit for Those Larger than 1500 Square Feet by Amending Section 17.04.315 of the Rapid City Municipal Code.

**Consent Calendar**

The following items were removed from the Consent Calendar:

57. Approve the bid award of One (1) New Current Model Year Backhoe/Loader for the Water Division to the lowest responsible bidder meeting specifications, Butler Machinery Company for the low unit price bid for a total contract amount of \$114,825 for a 7-Year Total Cost Bid Option; and award the Trade-In to DeHaan Construction, Inc. for a total contract amount of \$46,000.

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

**Public Works Committee Items**

58. No. PW052902-01 – Approve bid award of One (1) New Current Model Year Vacuum Street Sweeper for the Street Division to the lowest responsible bidder meeting specifications, Sheehan Mack Sales & Equipment for the low unit price bid for a total contract amount of \$158,214.
59. No. PW052902-02 – Approve Change Order No. 01 for ST01-871, Highway 16/Promise Drive Street and Utility Construction Project to R.C.S. Construction, Inc. for an increase of \$2,672.25.
60. No. PW052902-03 – Approve Change Order No. 01F for SS01-1050, 42<sup>nd</sup> Street Sanitary Sewer Extension Project to Warax Excavating for a decrease of \$6,575.46.
61. No. PW052902-04 – Approve Change Order No. 01F for W01-1058, Golden Eagle Water Main Extension Project to Mainline Contracting, Inc. for a decrease of \$1,759.51.
62. No. PW052902-05 – Authorize the Mayor and Finance Officer to sign the Black Hills Power, Inc. Application and Agreement for Electric Service Extension for upgrade in service at McKeague Field for an amount not to exceed \$1,183.
63. No. PW052902-06 – Authorize the Mayor and Finance Officer to sign the Black Hills Power, Inc. Right-Of-Way Permit – UG Corporation for the McKeague Field.
64. No. PW052902-07 – Authorize the Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Wyss Associates, Inc. to Design PR01-1098, Memorial Park Improvements Project, Phase I for an amount not to exceed \$844,311.
65. No. PW052902-09 – Authorize the Mayor and Finance Officer to sign a Professional service Agreement with FMG, Inc. for Drilling Services for PR02-1216, Parkview Softball Complex Project, Phase II for an amount not to exceed \$1,986.
66. No. PW052902-10 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering Services, Inc. for Preliminary Design Services for W02-1222, Control Valve for I90 Loop Watermain Project for an amount not to exceed \$1,950.
67. No. PW052902-11 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Intermountain Technical Services, Inc. for Design and Testing for PR02-1223, Roosevelt Park Bath House Asbestos Removal Project for an amount not to exceed \$4,500.
68. No. PW052902-12 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with CH2M Hill, Inc. for Assessment Services for DR02-1225, Rapid City Stormwater Phase II Assessment for an amount not to exceed \$13,950.
69. No. PW052902-19 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. for Materials Testing Service for PR01-1051, Rapid City Community Centers Construction Testing for an amount not to exceed \$12,302.40.

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

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

83. Approve the Following Licenses: Mechanical Contractor: Bill M. Brown, Central States Mech.; Jeffrey A. Murphy, American Quality; Rick W. Salyers, B & R Services; Mechanical Installer: Jeffrey A. Murphy; Plumber: Daryl Aston; Plumbing Contractor: Donovan Williamson, Waterworks Plumbing, Inc.; Residential Contractor: ABM Construction, Mark Muilenburg; Comet Homes, Kelly and James Commet; J & R Construction & Maintenance, Judith & Rick Rondestvedt; Sewer & Water Contractor: Simon Contractors of South Dakota, Michael R. Schnell; Sewer & Water Installer Journeyman: Troy Bockelmann; Trenching Contractor: Northern Construction, Inc., David F. Weber.
84. Table the request to lease City property from Duane Licklider.
85. No. LF052902-06 - Authorize Mayor and Finance Officer to Sign the Award of Allocation for Historical Preservation by City of Rapid City Project Number 46-02-021 and Certified Assurances Historic Preservation Program.
86. Direct staff to allow an additional 60 days before we move forward with any enforcement action on structures in the right of way.
87. No. LF052902-07 - Approve Appointment of Kim Osberg to the Beautification Committee until December, 2002.
88. No. LF052902-08 - Approve Appointment of Mike Bender and Duane Baumgartner to the Historic Preservation Commission for a Term of Three Years and Approve Reappointment of Lee Vierling for a Term of Three Years.
89. No. LF052902-10 - Approve Appointment of Greg Peter to the Zoning Board of Adjustments until December, 2004, and Jared Wilhelmi as Alternate until December, 2002.

#### End of Consent Calendar

Motion was made by Dreyer and seconded by Rodriguez to approve the bid award of One (1) New Current Model Year **Backhoe/Loader for the Water Division** to the lowest responsible bidder meeting specifications, Butler Machinery Company, for the low unit price bid for a total contract amount of \$114,825 for a 7-Year Total Cost Bid Option; and award the Trade-In to DeHaan Construction, Inc. for a total contract amount of \$46,000. Hadley spoke against using the total-cost bidding procedure. Upon vote being taken, the motion carried with Hadley and Waugh voting no.

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

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

90. No. 00PL127 - A request by Dream Design, Inc. for Doyle Estes for a **Preliminary & Final Plat** on Tract B of Neff's Subdivision No. 4 located in the unplatted portion of the S1/2 NW1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Race Track Road and Elk Vale Road. (CONTINUE TO JUNE 17, 2002)
91. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW/14 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive

### **Ordinances & Resolutions**

**Ordinance 3801** (No. 02OA002) entitled An Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats, having passed the first reading on May 20, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Johnson spoke against the ordinance noting that the City Council should retain authority to approve final plats. Hadley withdrew his motion to approve. Motion was made by Hadley and seconded by Johnson to deny second reading of Ordinance 3801. Roll call vote was taken: AYE: Johnson, Hadley, Murphy, Waugh and Kriebel; NO: Dreyer and Kroeger. Motion to deny carried, 5-2.

**Ordinance 3802** (No. 02OA003) entitled an Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.037 pertaining to expiration of approved Layout Plat and Preliminary Plats, having passed the first reading on May 20, 2002, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3802 was declared duly passed upon its second reading.

**Ordinance 3805** (No. CC040102-03) entitled An Ordinance Amending Chapter 12.20 of the Rapid City Municipal Code by Adding Thereto New Sections 12.20.200, 12.20.210, 12.20.220, 12.20.230, 12.20.240, 12.20.250, 12.20.260, and 12.20.270 to Allow for Permits Allowing Encroachment into Right of Way, having passed the first reading on April 1, 2002, it was moved by Hadley and seconded by Dreyer to approve second reading. Johnson stated that he feels this ordinance actually encourages obstructions in the right-of-way. Substitute motion was made by Johnson and seconded by Hadley to deny second reading. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was **Ordinance 3813** (No. LF041002-11R) entitled An Ordinance Revising the Regulation of Signs Within the City of Rapid City by Amending Chapter 15.28 of the Rapid City Municipal Code. Motion was made by Hadley, seconded by Johnson and carried to continue second reading of this Ordinance until June 17, 2002.

**Ordinance 3814** (No. LF050102-16) entitled An Ordinance Repealing Chapter 15.12 of the Rapid City Municipal Code in Its Entirety and Adopting a New Chapter 15.12 of the Rapid City Municipal Code Entitled Uniform Construction Codes Adopted, having passed the first reading on May 6, 2002, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3814 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3816** (No. 02RZ023) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: 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. Notice of hearing was published in the Rapid City Journal on May 11 and May 18, 2002. Ordinance 3816, having had the first reading on May 6, 2002, it was moved by Hadley and seconded by Dreyer that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg,