

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
May 21, 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 Monday, May 21, 2001 at 7:00 P.M.

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

Motion was made by Hanks, seconded by Steinburg and carried to correct the minutes of May 7, 2001 to show the correct bid award for SS01-1059 to Hills Materials Company for a total contract amount of \$78,500; and approve the minutes of May 7, May 9 and May 16, 2001.

***Bid Openings***

The following sealed bids for **Roosevelt Park Ice Arena Project** No. PR01-1089 were opened on May 21, 2001:

1)	Scull Construction (bond submitted)	
	Base Bid	\$3,387,000.00
	Alt. No. 1 Add	\$ 56,400.00
	Alt. No. 2 Deduct	\$ 1,450.00
2)	Corner Construction (bond submitted)	
	Base Bid	\$3,379,000.00
	Alt. No. 1 Add	\$ 60,000.00
	Alt. No. 2 Deduct	\$ 1,400.00
3)	RCS Construction (bond submitted)	
	Base Bid	\$3,326,000.00
	Alt. No. 1 Add	\$ 55,000.00
	Alt. No. 2 Deduct	\$ 1,500.00

Motion was made by Steinburg, seconded by Hadley and carried to award the contract for PR01-1089 to RCS Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$3,379,500. Rod Johnson explained that \$5 million in 2012 funds was appropriated for this project. With this bid and the bid which was awarded earlier for the pre-cast component, the project totals \$3.7 million. Site development work will begin shortly which will bring the total construction budget to approximately \$3.9 million.

The following bids for North Middle School Outdoor Recreation Improvements Project No. CDBG01-1057 were Opened on May 17, 2001:

1)	Hills Materials Company (bond submitted)	\$450,270.00
2)	Simon Contractors of SD (bond submitted)	\$462,734.09
3)	RCS Construction (bond submitted)	\$381,043.73
4)	Corner Construction (bond submitted)	\$473,213.89

Motion was made by Steinburg, seconded by Hadley and carried to refer these bids to the Public Works Committee for review and recommendation.

The following bids for **Hot Mixed Asphaltic Concrete** and Asphalt Maintenance Mixtures for Various City Departments were opened at 2:30:

- |   |          |
|---|----------|
| 1) Hills Materials Company (bond submitted) |          |
| 1. Class G Type 1, per ton                  | \$13.60  |
| 2. Glass G Type 2, per ton                  | \$15.00  |
| 3. AC10 Asphalt, per ton                    | \$225.00 |
| 4. Cold Mix, Class G Type 2 MC250, per ton  | \$31.00  |
| 5. SS1H Asphalt, per ton                    | \$300.00 |
| 6. AE150 Asphalt, per ton                   | \$270.00 |
| 7. MC70 Asphalt, per ton                    | \$325.00 |

Staff has reviewed the bid and recommends award to Hills Materials. Motion was made by Steinburg, seconded by Murphy and carried to award the bid for Hot Mixed Asphaltic Concrete and Asphalt Maintenance Mixtures to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid as listed above; and approve the option to renew the contract for 2002, 2003 and 2004.

The following bids for **Limestone Gravel** for City Quarry, Plant or Landfill were opened at 2:30:

	Hills Materials Company (bond submitted)	Pete Lien & Sons (bond submitted)
1. 3/8" Cover Coat Aggregate (chips)	\$6.95/ton	\$6.70/ton
2. 3/4" Gravel Base	\$4.85/ton	\$4.80/ton
3. 1" Gravel Base	\$5.00/ton	\$4.80/ton
4. 1-1/2" Gravel Base	\$5.00/ton	\$4.80/ton
5. 3" Ballast	\$6.15/ton	\$5.25/ton
6. Rip Rap	\$13.00/ton	\$12.00/ton
7. 1" Clean Rock (landfill)	\$11.25/ton	\$7.95/ton

Staff has reviewed the bid and recommends award to Pete Lien & Sons. Motion was made by Steinburg, seconded by Murphy and carried to award the bid for Limestone Gravel to Pete Lien & Sons, the lowest responsible bidder meeting specifications, based on their low unit prices bid as listed above; and approve the option to renew the contract for 2002, 2003 and 2004.

The following bid for **Golf Course Bunker/Top Dressing Sand** for Municipal Golf Courses was opened at 2:30:

- |   |             |
|---|-------------|
| 1. Birdsall Sand & Gravel Company (check submitted) | \$23.28/ton |
|---|-------------|

Staff has reviewed the bid and recommends award to Birdsall Sand & Gravel. Motion was made by Steinburg, seconded by Murphy and carried to award the bid for Golf Course Sand to Birdsall Sand & Gravel Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid as listed above; and approve the option to renew the contract for 2002, 2003 and 2004.

The following bid for **Transportation Natural Gas** for City/School Common Energy Plant was opened at 2:30:

- |  |              |
|--|--------------|
| 1. Rainbow Gas Company (check submitted) | \$0.20 MMBtu |
|--|--------------|

Staff has reviewed the bid and recommends award to Rainbow Gas Company. Motion was made by Steinburg, seconded by Murphy and carried to award the bid for Transportation

Natural Gas to Rainbow Gas Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid as listed above; and approve the option to renew the contract for 2002 and 2003.

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

Mayor Munson presented a Certificate of Appreciation to **Gary Larson** and commended him for 18 years of service to the community. Larson will be retiring at the end of the month.

Munson also presented a Certificate of Appreciation to **Galen Heubner** and commended him for 25 years of service to the community.

Motion was made by Steinburg, seconded by Hadley and carried to approve the Mayor's appointment of Kari Tschetter to the **Planning Commission** to fill the unexpired term of Amber Solay which will expire on July 1, 2002.

Motion was made by Steinburg, seconded by Johnson and carried to approve the Mayor's re-appointment of Bert Corwin to the **Airport Board**, term to expire May, 2006.

Motion was made by Johnson, seconded by Steinburg and carried to approve the Mayor's appointment of the following individuals to the **Mayor's Committee on Disabilities**: Dale Landis, Kathleen Buchhold, Linda Lochner, Kathy Ertel, Michael Huxford and S. Renae Kurst.

### ***Election of Ward 3 Alderman***

The candidates for this position are Martha Rodriguez, Steve Rolinger, Duncan Olney and Bill Kinder. Hanks stated that the Council members will all vote for the candidate of their choice, but the only result read will be the winner. Also, the winner must receive five votes which is a majority of the council members present. Hanks added that if any of the council members wish, they can call for a roll call vote on this issue. Diane Rietman from the Rapid City Journal and Gale Holbrook requested that the Council conduct a roll call vote so that the public will know how each Council member votes on this issue. Kriebel stated that he has no problem doing a public vote on this issue. Alan Hanks added that Mel Dreyer was not able to be at the meeting because of health reasons but expressed a deep desire to participate in this process. City Attorney Pier has researched this matter and feels that if an open roll-call vote is taken, Mr. Dreyer would be allowed to vote via teleconference. Johnson stated that if Mr. Dreyer is allowed to vote in this manner, then any council member will be allowed to vote on any issue via teleconference if he is not able to be at the meeting. There was lengthy discussion on how to proceed with voting on this issue. Motion was made by Kriebel and seconded by Hanks to appoint Martha Rodriguez to the Ward 3 Vacancy. Discussion continued on the process to be used. Substitute motion was made by Murphy and seconded by Steinburg to vote on this issue by secret ballot and then declare how we voted. Roll call vote: AYE: Murphy, Steinburg and Johnson; NO: Hadley, Waugh, Hanks, Kroeger and Kriebel. Motion failed, 3-5. Substitute motion was made by Johnson and seconded by Waugh to open the floor for nominations. Upon vote being taken, the motion carried with Kriebel and Kroeger voting no. Hanks nominated Martha Rodriguez; second by Murphy. Johnson nominated Steve Rolinger; seconded by Hadley. Johnson nominated Duncan Olney; second by Hadley. Johnson nominated Bill Kinder; seconded by Hadley. Motion was made by Kriebel, seconded by Steinburg and carried to close nominations. Discussion continued on the procedure to be used in voting for this item. Motion was made by Hanks and seconded by Waugh to vote by roll call. Roll call vote was taken: AYE: Kriebel, Hanks and Waugh; NO: Steinburg, Kroeger, Johnson, Hadley and Murphy. Motion failed, 3-5. Finance Officer Preston distributed ballots. Munson read the following results: Rodriguez – 3; Rolinger – 4, and Olney – 1. Another ballot was distributed with the understanding that only Rodriguez and Rolinger are eligible. City Attorney Pier requested a short recess to research issues that have been brought up. Motion was made by Johnson, seconded by Steinburg and carried to take a 5

minutes recess. Kriebel stated that he feels the vote should be done openly, but he is not asking for a roll call vote. The Council reconvened at 8:10 P.M. Pier explained that according to Roberts Rules of Order when there is more than one candidate, you take a voice vote on the candidates individually. If no candidate gets a majority vote, then you would take the two top vote-getters to see if one of them could get a majority vote. Pier stated that Dreyer would like to participate in this process via teleconference which would be heard over a speaker telephone. Lengthy discussion continued on the process to use and whether votes should be allowed via the telephone. Motion was made by Steinburg and seconded by Kroeger to continue this issue until later in the meeting. Hadley stated that the purpose of this issue is to elect representation for Ward 3. That person needs to be seated so they can participate with the items that are on the agenda for this meeting. Johnson stated that the City should make sure that whatever action is taken is correct and legal. If the City Attorney needs time to research these issues, we should grant that request. Pier asked that she be given until the end of the meeting to do further research on this matter. Hanks called the question and there were no objections. Roll call vote was taken: AYE: Johnson, Kroeger and Steinburg; NO: Murphy, Hadley, Waugh, Kriebel and Hanks. Motion failed, 3-5. Johnson stated that a second ballot vote was taken, but the results have not been reported. Munson stated that the results of that vote were Rolinger – 4 and Rodriguez – 4. Hanks requested that a roll call vote be taken at this time. Martha Rodriguez: AYE: Murphy; Waugh; Hanks and Kriebel; NO: Hadley; Johnson; Kroeger and Steinburg. Hanks noted that Dreyer is eligible to vote at this time. Staff was not able to get his vote to come across on the speaker. City Attorney Pier expressed concern about the legality of a person voting via telephone when they haven't sat through the entire meeting. She requested additional time to research this matter. Motion was made by Kriebel and seconded by Steinburg to continue this item to the next council meeting. Johnson requested that this issue be handled at a special meeting. Kriebel amended his motion to continue this item to a special council meeting on May 30, 2001 at 3:00 P.M. Roll call vote was taken: AYE: Kriebel; Kroeger; Johnson and Murphy; NO: Steinburg, Hanks, Waugh and Hadley. Motion failed, 4-4. Motion was made by Hanks and seconded by Murphy to continue this issue until Special Items and Items from Visitors, later on the agenda. Johnson called the question and there were no objections. Roll call vote was taken: AYE: Kriebel; Kroeger, Hanks, Waugh, Johnson and Murphy; NO: Steinburg and Hadley. Motion carried, 6-2.

Motion was made by Hanks, seconded by Johnson and carried to pass a Resolution of Support for the proposed **girls softball complex** to be located on Parkview Drive near the swimming pool.

### ***Alcohol Hearings***

This was the time set for hearing on the application of **United Downtown Association**, Special Malt Beverage License to be used on June 15, 2001 on 6th Street between Main and Rapid Street. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of **The Leukemia & Lymphoma Society**, Special Wine License to be used on June 28, 2001 at The Journey Museum, 222 New York Street. Curt Pochardt questioned the date of this event and the issue of selling bottles of wine to go. Chief Tieszen explained that they have received notification that the new date for this event is June 29th. Also, the Society has been notified that they are not permitted to sell any alcohol to go. The license will only cover consumption of wine on the premises. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of CCKT, Inc. dba **Lucky Annie's**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Transfer (from Lucky Annie's, Inc.). Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of ZBT, Inc. dba **Joker's Casino North**, 608 ½ E. North Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of ZBT, Inc. dba **Jackpot Casino East**, 2708 E. Highway 44, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Wyngard Pot-O-Gold Casino, Inc. dba **Pot-O-Gold Casino**, 1300 Centre Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Wyngard Pot-O-Gold Casino, Inc. dba **Cambell Street Casino**, 530 Cambell Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 West Main Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of SARF, Inc. dba **Joker's Casino South**, 1320 Mt. Rushmore Road, Suite C, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Ken-Ben, Inc. dba **8th Street Casino**, 2201 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of the City of Rapid City dba **Meadowbrook Golf Course**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery). Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of City of Rapid City dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery). Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of City of Rapid City dba **Rushmore Plaza Civic Center**, 444 N. Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery). Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Sletten's, Inc. dba **DD's Short Stop Bar**, 620 E. Boulevard North, for an On-Off Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of James Barry Stoick dba **Stoick's**, 2303 Jackson Boulevard, for an Off-Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Black Hills **Heritage Festival**, for a Special Malt Beverage License to be used July 3, 4, 5 & 6, 2001 in Memorial Park. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

This was the time set for hearing on the application of Ranch Mart, Inc. dba **Ranch Mart**, 520 Birch Street, for an Off-Sale Malt Beverage License (New License – No Video Lottery). Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

Upon motion made by Johnson, seconded by Hadley and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, June 4, 2001:

30. Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West Boulevard, for an On-Off Sale Malt Beverage License Renewal
31. Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street, for an On-Off Sale Malt Beverage License Transfer (from individual to corporation)
32. Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street, for an On-Off Sale Malt Beverage License Renewal
33. Burnell and Ann Lutz dba **Gas Plus**, 1903 North Maple Avenue, for an Off-Sale Malt Beverage License Transfer (from Gerald Lutz)
34. Burnell and Ann Lutz dba **Gas Plus**, 1903 North Maple Avenue, for an Off-Sale Malt Beverage License Renewal
35. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Off Sale Malt Beverage License Renewal
36. Great Wall, inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Off Sale Malt Beverage License Renewal
37. Rapid Bow, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
38. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal

39. M&M Restaurants, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, Suite 121, for an On-Off Sale Malt Beverage License Renewal
40. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal
41. Merle Bach dba **The Hideaway**, 1575 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
42. Black Hills Sports, Inc. dba **Fitzgerald Stadium**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal
43. Rapid City Softball Association, dba **Star of the West Softball Complex**, 1511 Sedivy Lane, for an On-Off Sale Malt Beverage License Renewal
44. Continental Leisure, Inc. dba **Carousel Casino**, 2050 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
45. Central States Fair, Inc. dba **Central States Fair**, 800 San Francisco Street, for an On-Off Sale Malt Beverage License Renewal
46. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
47. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
48. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
49. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road for an Off-Sale Malt Beverage License Renewal

### ***Consent Calendar***

The following items were removed from the Consent Calendar:

53. No. 01UR019 - A request by City of Rapid City and Black Hills Heritage Festival for a **Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival** on Tract 20, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located Memorial Park.
61. Approve Driveway Standards Exception for 1524 South Kepp Court and require the property owner to sign an agreement (Waiver of Right to Protest) stating that should the Council determine this driveway creates an unsafe intersection, it will be removed without protest; and that this agreement be recorded with the Pennington County Register of Deeds.

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

### ***Set for Hearing*** (June 4, 2001)

50. No. 01PD020 - A request by Wyss Associates, Inc. for W.E.B. Partners for a **Initial Planned Residential Development** on property described by metes and bounds beginning from a point at the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 588.52 feet at a bearing N 0° 21' 0" East, then travel 11.02 feet at a bearing S 89° 59' 18" East, then travel 32.48 feet at a bearing S 82° 24' 9" East, then travel 23.11 feet at a bearing S 70° 5' 34" East, then travel 21.54 feet at a bearing S 59° 50' 58" East, then travel 26.96 feet at a bearing S 64° 38' 23" East, then travel 13.20 feet at a bearing S 8° 51' 5" East, then travel 25.36 feet at a bearing N 83° 54' 54" East, then travel 239.65 feet at a bearing N 10° 42' 7" West, then travel 259.99 feet at a bearing N 0° 21' 0" East, then travel 106.97 feet at a bearing N 34° 54' 43" East, then travel 101.59 feet at a bearing N 49° 16' 21" East, then travel 240.39 feet at a bearing East, then travel 356.39 feet at a bearing S 37° 33' 40" East, then travel 342.41 feet at a bearing East, then travel 692.59 feet at a bearing South, then travel 504.33 feet at a bearing S 62° 30' 29" West, then travel 597.31 feet at a bearing N 89° 39' 0" West to

the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the western terminus of Fairmont Boulevard and north of Tower Road.

51. No. 01PD021 - A request by Wyss Associates, Inc. for W.E.B. Partners for a **Initial Planned Commercial Development** on property described by metes and bounds beginning from a point 973.88 feet at a bearing S 89° 39' 0" East from the NW corner of SE1/4 of Section 11, T1N, R7E, BHM, travel 1363.79 feet at a bearing S 89° 39' 0" East, then travel 107.83 feet at a bearing S 57° 14' 9" West, then travel 63 feet at a bearing S 38° 41' 0" West, then travel 89 feet at a bearing S 68° 55' 0" West, then travel 47 feet at a bearing S 54° 43' 0" West, then travel 95 feet at a bearing S 47° 3' 0" West, then travel 77 feet at a bearing S 69° 31' 0" West, then travel 96.4 feet at a bearing S 34° 30' 44" East, then travel 254.50 feet at a bearing S 45° 26' 11" West, then travel 96.4 feet at a bearing S 34° 30' 44" East, then travel 161.87 feet at a bearing S 55° 19' 7" West, then travel 138.89 feet along a 270 foot RHF curve with a chord bearing of S 40° 34' 54" West, then travel 439.52 feet at a bearing N 45° West, then travel 248.58 feet at a bearing N 85° 49' 37" West, then travel 65.15 feet at a bearing West, then travel 392.28 feet at a bearing N 0° 21' 0" East to the point of start, and from a point 310.41 feet North and 1708.11 feet East of the SW corner of NW1/4 of SE1/4 of Section 11, T1N, R7E, BHM, travel 100.82 feet at a bearing N 22° 2' 42" West, then travel 256.55 feet along a LHF curve with a radius of 190 feet and a chord bearing N 16° 38' 12" East, then travel 161.187 feet at a bearing N 55° 19' 7" East, then travel 187.59 feet at a bearing S 34° 35' 20" East, then travel 300.07 feet at a bearing S 45° West, then travel 74.01 feet at a bearing S 51° 4' 20" West to the point of start, and From a point 921.75 feet North and 1044.68 feet East of the SW corner of NW1/4 of SE1/4 of Section 11, T1N, R7E, BHM, travel 248.58 feet at a bearing S 85° 49'37" East, then travel 129.8 feet at a bearing South, then travel 319.54 feet at a bearing S 50° 52' 56" West, then travel 349.50 feet at a bearing North to the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the western terminus of Fairmont Boulevard and north of Tower Road.
52. No. 01PD022 - A request by Wyss Associates, Inc. for W.E.B. Partners for a **Initial Planned Residential Development** on the following property: From a point 597.31 feet at a bearing S 89° 39' 0" East from the SW corner of NW1/4 of SE1/4 of Section 11, T1N, R7E, BHM, travel 504.33 feet at a bearing N 62° 30' 29" East, then travel 343.09 feet at a bearing North, then travel 319.54 feet at a bearing N 50° 52'56" East, then travel 129.80 feet at a bearing North, then travel 439.52 feet at a bearing S 45° East, then travel 225.67 feet along a 270 foot radius curve RHF, chord bearing S 1° 53' 59" West, then travel 414.87 feet at a bearing S 22° 2' 42" East, then travel 1154.56 feet at a bearing N 89° 39' 0" West to the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota., located west of the western terminus of Fairmont Boulevard and north of Tower Road.
54. No. 01UR020 - A request by Lawrence Lynde for a **Use on Review to allow a garage in excess of 1000 square feet** on Lot 8, Block 9, Cloverdale Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2210 Hoefer Avenue.
55. No. 01UR022 - A request by James Frie for a **Use on Review to allow a private garage in excess of 1000 square feet** on Lot 39, Pinedale Heights, Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 5444 Pinedale Heights.

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

56. No. PW051601-01 – Approve Change Order No. 01 for DR99-909, South Robbinsdale Drainage Channel (Parkview to Maple) to Mainline Contracting, Inc. for a decrease of \$2,235.42.
57. No. PW051601-02 – Approve Change Order No. 01F for TS00-995, Transit Shelter Installation to RCS Construction, Inc. for an increase of \$275.50.



58. No. PW051601-03 – Approve Change Order No. 02 for IDP00-1008, Rapid City Club for Boys, Inc. Expansion 2000 to Heavy Constructors d.b.a. Gustafson Builders for an increase of \$11,731.72.
59. No. PW051601-04 – Authorize staff to advertise for bids for ST01-1054, Mill and Overlay Street Maintenance Project.
60. No. PW051601-05 – Authorize the Mayor and Finance Officer to sign a Monitoring Service Agreement with Central Monitoring Service, Inc. to Provide Basic Monitoring Service at Sioux Park Jimmy Hilton Swimming Pool for an annual cost of \$300.
62. No. PW051601-06 – Approve an Out-Of-The-Dust Funding request in the amount of \$2,500 for alley surfacing of Block 3, Rounds CD Addition located between West Main and West Omaha Streets and between Platt and 38<sup>th</sup> Streets.
63. No. PW051601-07 – Approve an Initial Resolution Setting Time and Place for Hearing on June 18, 2001 for SS01-1050, 42<sup>nd</sup> Street Sanitary Sewer Extension Project.

INITIAL RESOLUTION FOR  
42ND STREET SANITARY SEWER EXTENSION  
PROJECT NO. SS01-1050

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 extending a sanitary sewer main up 42nd Street as described in the proposed Resolution of Necessity for 42nd Street Sanitary Sewer Extension Project SS01-1050, which is on file with the Finance Officer. The costs for such improvements will be assessed to the affected property owners on an "equal benefit" basis.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 18th day of June, 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 21st day of May, 2001.

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

64. No. PW051601-08 – Approve an Initial Resolution Setting Time and Place for Hearing on June 18, 2001 for SS01-1080, 38<sup>th</sup> Street Sanitary Sewer Extension Project.

INITIAL RESOLUTION FOR  
38th STREET SANITARY SEWER EXTENSION  
PROJECT NO. SS01-1080

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 constructing a sanitary sewer main and improving approximately 500 feet of 38th Street as described in the proposed Resolution of Necessity for 38th Street Sanitary Sewer Extension Project

SS01-1080, which is on file with the Finance Officer. The costs for such improvements will be assessed to the affected property owners on an "equal benefit" basis.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 18th day of June, 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 21st day of May, 2001.

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

65. No. PW051601-11 –Approve a Resolution Authorizing Application By The City Of Rapid City To Apply For Funding To Construct Certain Wastewater Improvements In Order To Meet Necessary Wastewater Treatment Requirements.

RESOLUTION AUTHORIZING APPLICATION BY THE CITY OF RAPID CITY TO  
APPLY FOR FUNDING TO CONSTREUCT CERTAIN WASTEATER  
IMPROVEMENTS IN ORDER TO MEET NECESSARY WASTEATER TREATMENT  
REQUIREMENTS

WHEREAS, the City of Rapid City has found it necessary to construct certain wastewater improvements in order to meet all necessary wastewater treatment requirements, as required by the South Dakota Department of Environment and Natural Resources; and

WHEREAS the City of Rapid City estimates the cost of these proposed improvements to be approximately \$14,400,000.00.

NOW, THEREFORE BE IT RESOLVED that the City of Rapid City does hereby approve the application for federal assistance for a grant to be administered by the Environmental Protection Agency.

BE IIT FURTHER RESOLVED that the City of Rapid City does hereby name the Mayor as the authorized signatory for the federal assistance application, grant agreement, and other documentation as may be required.

BE IT FURTHER RESOLVED that the City of Rapid City does hereby name the City's Finance Officer as the authorized signatory for signing payment requests and all other necessary documents pertaining to the completion of the project as said requests relate to the federal assistance funding.

Dated this 21st day of May, 2001.

s/ James F. Preston  
Finance Officer  
(SEAL)

s/ Jerry Munson, Mayor

66. Approve the purchase of one (1) lawn mower riding type, Model 946711 under State Contract #13268 (North Star Turf, Sioux Falls) for the total amount of \$11,145.
67. Allow a plaque to be placed at a specific tennis court in Sioux Park by the Black Hills Tennis Association.

**Legal & Finance Committee**

68. No. LF051601-01 - Authorize Mayor and Finance Officer to sign Department of the Air Force Amendment No. 1 to License No. USAF-ACC-FXBM-3-00-493 (1 Year Renewal).
69. No. LF051601-02 - Authorize Mayor and Finance Officer to sign Motorcycle Lease Agreement.
70. No. LF051601-03 - Approve Travel Request for Patsy Horton, GIS Coordinator, to Attend ESRI User Conference in San Diego, CA, in an Amount of \$2,271.
71. No. LF051601-04 - Authorize staff to proceed with an involuntary annexation of Phase 3 Robbinsdale to the South Truck Route.
72. No. 01RD005 - Approve a request by City of Rapid City for a Resolution renaming East College Court to East College Avenue, located south of East Anamosa Street and west of LaCrosse Street.

RESOLUTION CHANGING THE ROAD NAMED  
EAST COLLEGE COURT TO EAST COLLEGE AVENUE

BE IT RESOLVED by the City of Rapid City that the NW/SE roadway named East College Court and lying adjacent to Lots 34-40 of Block 32, Nowlin and Wood Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to East College Avenue.

DATED this 21st day of May, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

73. Approve the proposed route revisions for Rapid Transit. (The routes themselves will not change, but they will be reversed every half hour, beginning August 1, 2001).
74. No. LF051601-05 - Approve no cost time extension for Mac Construction for the Downtown Node Reconstruction Project 1DP00-984 - completion deadline extended to July 27, 2001
75. No. LF051601-06 - Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

RESOLUTION FIXING TIME AND PLACE FOR HEARING ON  
ASSESSMENT ROLL FOR PROPERTY CLEANUP

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

1. The assessment roll for Property Cleanup was filed in the Finance Office on the 21st day of May, 2001. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, June 18, 2001 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.

2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 21st day of May, 2001

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

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

76. No. LF051601-09 - Authorize Mayor and Finance Officer to sign an Agreement with Del's Construction to remodel the Human Resource Office for an amount not to exceed \$4,870.
77. No. LF051601-10 - Approve request from Kathleen M. Cook, dba Cook's Cool Treats, for Concession Agreement for 2001.
78. No. LF051501-11 - Approve adoption of Administrative Overview to the Emergency Operations Plan.
79. Approve the following abatements: Lois M. Bennett, 2000, \$455; Wels Church Extens., 2000, \$3,493.12; and Vernon L. Woizeski, 1999, \$605.78.
80. Deny the following abatements: Wels Church Extens., 1999, \$3,254.40; Thomas D. Senesac, 2000, \$594.24; Kirkwood Meadow, 2000, \$528.94; Kirkwood Meadow, 2000, \$523.56; Kirkwood Meadow, 2000, \$531.60; and Kirkwood Meadow, 2000, \$531.62.
81. Approve the following licenses: Master Electrician: Jared J. Wilhelmi; Electrical Apprentice: Zane Beringer, Harlan Bossman, Curt Hamburger, Walter Hartman, Paul Jermolenko, Beaman Kraft, Charles Peterson, Chad Powell, Bryan Silvernail, Arthur L. Stanton, Mark Weaver, Sr.; Electrical Journeyman: Theodore M. Adam, Paul Comes, Craig D. Wiseman; Mechanical Apprentice: James D. Brunner, Garry Colasardo, Travis Lykken; Plumber: Doug Brown, Steve Hughes, Rick A. Sidle, Shaun VanDerPol; Residential Contractor: Dakota Deck and Fence, Paula Zuccaro, Lee Cruise.
82. Approve appointment of Bert Corwin to the Airport Board; Dale Landis, Kathleen Buchhold, Linda Lockner, Kathy Ertel and Michael Huxford to the Mayor's Committee on Disabilities; and Kari Tschetter to the Planning Commission.

#### **Raffle**

83. No. CC052101-03 – Notification of Raffle to be conducted by the Black Hills Highland Festival & Scottish Games, September 1, 2001
84. No. CC052101-04 – Notification of Raffle to be conducted by Zonta Club of the Black Hills, October 4, 2001.

#### **End of Consent Calendar**

The next item before the Council was No. 01UR019, a request by City of Rapid City and Black Hills Heritage Festival for a **Major Amendment to a Use on Review to allow temporary structures in the Flood Hazard Zoning District for the Black Hills Heritage Festival** on Tract 20, Rapid City Greenway Tracts, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located Memorial Park. Hadley noted that this Use on

Review was approved in January, but now there has been a change in the organization running the Festival. Motion was made by Hadley and seconded by Murphy to set this item for hearing on June 4, 2001, with the stipulation that the City pay for the mailing list and postage required. Johnson noted that at one time, the Heritage Festival contributed funding in the amount of \$2,500 for the fireworks display. This year, the City will be paying the entire cost. It really isn't fair for the City to pay for all the fireworks plus the administrative costs for this project. It was noted that in FY2000, the Heritage Festival contributed funding to the fireworks display because of the millennium year. Before that, this was a cost borne by the City. Substitute motion was made by Hanks and seconded by Johnson to set this item for hearing on June 4, 2001. Upon vote being taken, the substitute motion carried unanimously.

The next item before the Council was approval of a **Driveway Standards Exception** for 1524 South Kepp Court. Motion was made by Johnson and seconded by Kroeger to approve the exception and require the property owner to sign an agreement (Waiver of Right to Protest) stating that should the Council determine this driveway creates an unsafe intersection, it will be removed without protest; and that this agreement be recorded with the Pennington County Register of Deeds, and with the stipulation that the contractor pay the costs for staff time and recording fees for the deed (no less than \$50). Upon vote being taken, the motion carried unanimously.

### ***Public Hearings***

The next item before the Council was No. CC040201-02, a Resolution of Necessity for **Parkview Drive Extension Project**. Motion was made by Johnson and seconded by Hanks to deny the Resolution. Doreen Talley explained that they have met with City staff relative to development costs for this property. It became obvious that the property could not be developed and sold to pay for the assessment without leaving additional debt against the property. Talley suggested that the assessment be re-calculated based on benefit to all property owners, or deferred. Murphy asked if the City has found funding for its share of this road. Preston stated that to date, no funding has been identified for this project. Design Engineer Hani Shafai suggested that the cost for the drainage improvements required on the Talley property be added to the total construction cost and divided between all properties on the assessment roll. This will increase the Talley's initial assessment, but would be much less than having to pay the entire cost for the drainage structures. Hadley added that he feels there may be some liability on the part of former property owner Henry Craig for these costs. **Substitute motion** was made by Hadley and seconded by Kroeger to continue this item until June 4, 2001 to give staff and the affected property owners time to explore other funding possibilities. Upon vote being taken, the motion carried unanimously.

The Mayor announced that the meeting was open for consideration of No. CC052101-01, a Resolution of Necessity for **Una Del Drive Watermain Extension Project** SSW00-943. Notices were mail to property owners on April 24, 2001 and published in the Rapid City Journal on April 28 and May 5, 2001. No oral or written objections were noted. The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION OF NECESSITY FOR UNA DEL DRIVE WATERMAIN EXTENSION  
AS INCLUDED IN WILDWOOD STREET AND UTILITIES RECONSTRUCTION  
PROJECT – GRADING, SURFACING, CURB AND GUTTER, STORM SEWER,  
WATER TRANSMISSION MAIN, AND SEWER MAIN PROJECT NO. SSW00-943

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

The City Council hereby declares the necessity of constructing approximately 720 linear feet of 8" PVC water main and miscellaneous appurtenances in the vicinity of Una Del Drive from North Wildwood to Sunburst. The above-referenced project shall be hereafter referred to as Wildwood Street and Utilities Reconstruction Project – Grading, Surfacing, Curb and

Gutter, Storm Sewer, Water Transmission Main, and Sewer Main, Project No. SSW00-943, which shall be deemed a description of the above referenced improvements.

The general nature of the project is as set forth above. Detailed plans and specifications will be prepared by FMG Engineering and will be placed on file with the City Finance Officer.

The estimated total cost of the project is \$1,200,000. The Una Del water main component is estimated to be \$28,000. The assessed water main component is estimated to be \$21,000 and will be assessed to the benefiting properties equally on the basis of benefit. The estimated assessed costs include consultant services for design, 6% engineering fees, and 5% fiscal fees. Interim construction fees are to be determined by the Finance officer and shall be included in the final assessment.

The method of assessment is on an equal benefit basis.

The recorded ownership and estimated cost for each property is listed on the attached ownership list.

Dated this 21st day of May, 2001.

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 Hadley. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Hadley 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. CC052101-02 – Resolution of Necessity for **Block 23 Alley Paving** (Flormann Addition) Project ST01-1039. Notices were mail to property owners on April 23, 2001 and published in the Rapid City Journal on April 28 and May 5, 2001. No oral or written objections were noted. The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION OF NECESSITY FOR  
BLOCK 23 ALLEY PAVING (FLORMANN ADDITION)  
PROJECT NO. ST01-1039

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

The City Council hereby declares the necessity of paving approximately 315 linear feet of alley as located in Block 23 of the Flormann Addition.

The general nature of the project is as set forth above, and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Department and placed on file with the City Finance Officer.

The estimated costs of the project are \$12,000 of which 60% will be assessed to the benefiting properties on the basis of equal benefit.

The recorded ownership and estimated costs for the properties are included in this Resolution. These estimated costs include six percent (6%) engineering fees and five percent (5%) fiscal fees. Interim construction fees to be determined by the Finance Officer shall be included in the project costs, which will be assessed to the benefiting properties.

The recorded owners of the affected properties are as follows:

<u>Owner</u>	<u>Estimated Cost</u>	<u>Property</u>
Bert & Alice Smith 511 Franklin Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 24	\$1,000
Milton & Pamela Gutknecht 516 St. Charles Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 13	\$1,000
Raymond & Patsy Kasiah 1615 Fifth Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 8	\$500
Raymond & Patsy Kasiah 1615 Fifth Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 9	\$500
Gerald & Barbara Patenaude 3459 55th Drive East Bradenton, FL 34203	Flormann Addition, Block 23 Lot 1	\$500
Gerald & Barbara Patenaude 3459 55th Drive East Bradenton, FL 34203	Flormann Addition, Block 23 Lot 2	\$500
Mark Mitchell 1765 225th Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 3	\$667
Mark Mitchell 1765 225th Street Rapid City, SD 57701	Flormann Addition, Block 23 N1/2 of Lot 4	\$333
Mark Mitchell 1765 225th Street Rapid City, SD 57701	Flormann Addition, Block 23 S1/2 of Lot 4	\$333
Mark Mitchell 1765 225th Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 5	\$667
Randy Hildebrant 1580 Kingswood Drive Rapid City, SD 57702	Flormann Addition, Block 23 Lot 6	\$500
Randy Hildebrant 1580 Kingswood Drive Rapid City, SD 57702	Flormann Addition, Block 23 Lot 7	\$500
Wilma Turner 506 St. Charles Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 10	\$333

Wilma Turner 506 St. Charles Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 11	\$333
--	---------------------------------------	-------

Wilma Turner 506 St. Charles Street Rapid City, SD 57701	Flormann Addition, Block 23 Lot 12	\$334
--	---------------------------------------	-------

The method of apportionment is as follows:

- The above affected property owners will be assessed 60% of the cost of the alley improvements on an "equal benefit" basis. The total assessed cost is estimated to be \$8,000.

The above-described project shall hereinafter be referred to as the Block 23 Alley Paving Project (Flormann Addition) ST01-1039, which shall be deemed a description of the improvements hereinabove set forth.

Dated this 21st day of May, 2001.

ATTEST:  
s/ James F. Preston  
Finance Officer

THE CITY COUNCIL  
s/ Jerry Munson, Mayor

(SEAL)

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

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

Motion was made by Kroeger, seconded by Hadley and carried to approve the Planning Commission recommendation as listed in the Council Packet for the following items:

88. No. 99PL120 - A request by Gary Renner for Larry Teuber for a **Preliminary and Final Plat** on Lots 1, 2, 3 and 4 of Block 4 of Spring Canyon Estates (formerly Lot 2B & Lot 1 of Block 1 of Spring Canyon Estates and the NE1/4 of the SW1/4) located in the SW1/4 of the NW1/4, the NW1/4 of the SW1/4 and in the NE1/4 of the SW1/4 of Section 5, T1S, R7E, BHM, Pennington County, South Dakota, located at the southern terminus of Clarkson Road. (CONTINUE TO JUNE 4, 2001)
89. No. 00PL076 - A request by Doug Sperlich for Gary Rasmusson for a **Preliminary and Final Plat** on Lot 26 of Block 23 and Lot 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 JUNE 4, 2001)
91. No. 00PL100 - A request by Rick Kahler for South Elm Development LLC for a **Layout, Preliminary and Final Plat** on Lot BR and Lot C of the N1/2 of Government Lot 4 (formerly a portion of Lot B of the N1/2 of Government Lot 4) located in the SW1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, Rapid City, Pennington County,



South Dakota, located approximately 1/4 mile south of the intersection of Minnesota Street and Parkview Drive. (CONTINUE TO JUNE 4, 2001)

93. No. 00PL133 - A request by ETS, Inc. for a **Layout Plat** on Lot 1, Lot 2, and Lot 3 of Tract 4 of Bradsky Subdivision No. 2 in the NW1/4 SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on the east of Cambell Street north of East St. James Street. (CONTINUE TO JUNE 4, 2001)
94. No. 00PL134 – Approve the request by Peter Hendricksen for a **Lot Split** located at 5827 Wildwood Drive:

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 13R and 14R in Block 3 of Wildwood Subdivision, formerly Lot 13 and 14 in Block 3 of Wildwood Subdivision located in the W1/2 SE1/4 and the E1/2 SW1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 13R and 14R in Block 3 of Wildwood Subdivision, formerly Lot 13 and 14 in Block 3 of Wildwood Subdivision located in the W1/2 SE1/4 and the E1/2 SW1/4 of Section 21, 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 21st day of May, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

95. No. 00PL136 – Approve the request by Doug Sperlich for Suzanne Gabrielson for a **Final Plat**, located at the western terminus of City Springs Road.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 and 2 of Tract L Gray's Subdivision (formerly Tract L of Gray's Subdivision) located in the N1/2 of the NW1/4, Section 32, T2N, 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 Lots 1 and 2 of Tract L Gray's Subdivision (formerly Tract L of Gray's Subdivision) located in the N1/2 of the NW1/4, Section 32, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer 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 21st day of May, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

96. No. 01PL009 - A request by James Letner for a **Final Plat** on Lots 1 and 2 and dedicated R.O.W. of Debra Subdivision, (formerly Lots B & C of Lot 2 of OutLot 2 of the SE1/4 of the SW1/4 of Section 4, T1N, R7E, BHM and a portion of Debra Drive R.O.W.) located in the SE1/4 of the SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Clifton Street and Debra Drive. (CONTINUE TO JUNE 4, 2001)
97. No. 01PL013 - A request by G & R, Inc. for a **Final Plat** on Lots 22 thru 24, Block 6, Lots 9 thru 11, Block 8 and Lots 14 thru 16, Block 9 of Scenic Valley Subdivision, formerly: SE1/4 of NE1/4 of Section 10, T1N, R8E, BHM less Scenic Valley Subdivision and ROW and the balance of Tract A of Scenic Valley Subdivision all located in SE1/4 NE1/4 and NE1/4 NE1/4 Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Leroy Street and Basswood Street. (CONTINUE TO JUNE 4, 2001)
98. No. 01PL017 - A request by Renner & Sperlich Engineering for Jim's Plumbing & Heating for a **Layout, Preliminary and Final Plat** on Lot 14A Revised and Lot 14B Revised of Block 1 of Parkridge Village Subdivision No. 2 (formerly Lot 14A & Lot 14B of Block 1 of Parkridge Village Subdivision No. 2) located in the SW1/4 of the NE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3756 and 3758 Olympic Court. (CONTINUE TO JUNE 4, 2001)
99. No. 01PL019 - A request by Doug Sperlich for Jeffrey L. Devine for a **Layout Plat** on Lots 1 and 2 of Devine Subdivision (formerly Tract B less Lot H1 of Tract B) located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of intersection of Cambell Street and Philadelphia Street. (CONTINUE TO JUNE 18, 2001)
100. No. 01PL020 - A request by Fisk Land Surveying for Wisdom, Inc. for a **Lot Split** on Lot 1 Revised, Wisdom Subdivision, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2321 N. LaCrosse Street. (CONTINUE TO JUNE 4, 2001)
101. No. 01PL021 - A request by Dream Design International for a **Preliminary and Final Plat**, located at the current northern terminus of Meadowlark Drive.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Red Rock Estates – Phase II including: Lots 4-16, Block 3; Lots 2-3, Block 4; Lots 1-6, Block 7; Lots 1-3, Block 8; and dedicated Streets located in the N1/2 of the SW1/4 of Section 29, 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 Red Rock Estates – Phase II including: Lots 4-16, Block 3; Lots 2-3, Block 4; Lots 1-6, Block 7; Lots 1-3, Block 8; and dedicated Streets located in the N1/2 of the SW1/4 of Section 29, T1N, R7E, BHM, Rapid City Pennington County, South Dakota, be, and the same is hereby approved and the City 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 21st day of May, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

102. No. 01PL025 - A request by Richard E. Huffman for Bill Gikling and Ken Lipp for a **Preliminary and Final Plat** on Lots 10A, 10B and 10C of GLM Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3110 Eglin Street. (CONTINUE TO JUNE 4, 2001)
103. No. 01PL027 – Approve the request by Wyss Associates for a **Preliminary and Final Plat** located at the current terminus of Harney Drive:

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 25R-1 of Block 1 Minnewasta Subdivision (formerly Lot 25R of Block 1 of Minnewasta Subdivision and a portion of Dedicated Harney Drive ROW) located in the NE1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 25R-1 of Block 1 Minnewasta Subdivision (formerly Lot 25R of Block 1 of Minnewasta Subdivision and a portion of Dedicated Harney Drive ROW) located in the NE1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer 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 21st day of May, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

104. No. 01PL028 - A request by Dream Design International for a **Layout Plat** on Lots 7-11, Block 4 and Lots 7-16, Block 6, Meadows Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Kentucky Lane and Jockey Court. (CONTINUE TO JUNE 4, 2001)
105. No. 01PL029 – Approve the request by FMG, Inc. for William Freytag for a **Preliminary Plat** on Lot 7 of Block 1, Lots 6 through 9 of Block 4, Lots 1 through 6 of Block 6, Lots 1 through 13 of Block 7, Lots 1 through 5 of Block 8 and Dedicated Public Right of Way shown as Northridge Drive, Kyle Street and North Park Drive, CHMH Subdivision, all located in SW1/4 NW1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Northridge Subdivision. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to City Council approval, the applicant shall provide an erosion and sediment control plan for review and approval; 2) Prior to any construction, the applicant shall provide documentation of coverage under a South Dakota Storm Water Discharge permit; 3) Prior to City Council approval, the applicant shall provide corrections to the drainage and grading plans including lot reconfiguration and provide additional drainage information as identified in the red-line comments for review and approval; 4) Prior to City Council approval, the applicant shall provide a utility layout plan showing the location of all private utilities including natural gas, electric, phone, cable, lighting wiring, and street light locations; 5) Prior to City Council approval, the applicant shall provide geotechnical information and a pavement design for review and approval; 6) Prior to City Council approval, the applicant shall provide all corrections to the engineering plans for review and approval; 7) Fire hydrants shall be installed and operational before the start of any construction on any structures; 8) Street signs shall be installed at the time of paving of the streets; 9) If more than one acre of land shall be disturbed by construction, an air quality permit shall be obtained prior to any construction; 10) Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; and, 11) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.
106. No. 01PL030 – Approve the request by FMG, Inc. for William Freytag for a **Final Plat** located west of Northridge Subdivision.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 7 of Block 1, Lot 6 of Block 4, Lots 1 through 6 of Block 6, Lots 1 through 4 of Block 7 and Lot 1 of Block 8 all of CHMH Subdivision, and Dedicated Public Right-of-Way shown as Northridge Drive, Kyle Street and Sagewood Street, all located in SW1/4 NW1/4 of Section 24, T2N R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 7 of Block 1, Lot 6 of Block 4, Lots 1 through 6 of Block 6, Lots 1 through 4 of Block 7 and Lot 1 of Block 8 all of CHMH Subdivision, and Dedicated Public Right-of-Way shown as Northridge Drive, Kyle Street and Sagewood Street, all located in SW1/4 NW1/4 of Section 24, T2N 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 21st day of May, 2001.

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. 00PL097, a request by Doug Sperlich for Gary Rasmusson for a **Preliminary and Final Plat** located at the intersection of Annamaria Drive and Alta Vista Drive. The following Resolution was introduced, read and Kroeger moved its adoption, contingent upon the plat not being filed until a minor engineering plan correction has been made:

### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 15, 16 & 17 of Block 28 of Robbinsdale Addition No. 10 (formerly a part of Block 28 and a portion of Tract C of Robbinsdale Addition No. 10) located in the NE1/4 of the SW1/4 of Section 13, 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 Lots 15, 16 & 17 of Block 28 of Robbinsdale Addition No. 10 (formerly a part of Block 28 and a portion of Tract C of Robbinsdale Addition No. 10) located in the NE1/4 of the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City 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 21st day of May, 2001.

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 Hadley. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented 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. Motion was made by Kroeger, seconded by Johnson and carried to continue this item until June 4, 2001.

### ***Planning Department – Hearings***

The Mayor presented No. 00PD057, a request by SDC, Inc. for a **Major Amendment to a Planned Commercial Development to allow a motel and restaurant** on Tract A Revised, Tract C Revised and Tract D, Walpole Heights Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2710 Mount Rushmore Road. Motion was made by Kroeger, seconded by Johnson and carried to continue this item until June 18, 2001.

The Mayor presented No. 01PD013, a request by City of Rapid City for a **Planned Development Designation** on Lot 13 of Block 2, North Lot of Block 3 of Cleghorn Canyon Subdivision No. 2 and Lot F4 of Fish Hatchery Subdivision, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5100 Cleghorn Canyon Road. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until June 4, 2001.

The Mayor presented No. 01PD015, a request by Richard E. Huffman for Bill Gikling and Ken Lipp for a **Planned Light Industrial Development - Initial and Final Development Plan** on Lots 10A, 10B and 10C of GLM Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3110 Eglin Street. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until June 4, 2001.

The Mayor presented No. 01PD016, a request by City of Rapid City for a **Planned Development Designation** on the north 500 feet of the NE1/4 NE1/4 less Lot 1 and less Tract A of Hubbard Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive between North Haines Avenue and North Maple Avenue. Motion was made by Kroeger, seconded by Hadley and carried to approve the PDD with the following stipulations: 1) The approval of the associated rezoning from No Use Zoning District to Medium Density Residential Zoning District; and, 2) No sign permits or billboards shall be allowed unless approved as part of a Final Development Plan.

The Mayor presented No. 01PD017, a request by City of Rapid City for a **Planned Development Designation** on the E1/2 NE1/4 less the north 500 feet and less Lot 1 and less Tract A of Hubbard Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive between North Haines Avenue and North Maple Avenue. Motion was made by Kroeger, seconded by Hadley and carried to approve the PDD with the following stipulations: 1) The approval of the associated rezoning from No Use Zoning District to Low Density Residential Zoning District; and, 2) No sign permits or billboards shall be allowed unless approved as part of a Final Development Plan.

The Mayor presented No. 01PD018, a request by City of Rapid City for a **Planned Development Designation** on the NE1/4 SE1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive between North Haines Avenue and North Maple Avenue. Motion was made by Kroeger, seconded by Hadley and carried to approve the PDD with the following stipulations: 1) The approval of the associated rezoning from No Use Zoning District to Medium Density Residential Zoning District; and, 2) No sign permits or billboards shall be allowed unless approved as part of a Final Development Plan.

The Mayor presented No. 01PD019, a request by Thurston Design Group for Children's Home Society for a **Planned Residential Development - Initial and Final Development**

**Plan** on the west 340 feet of the unplatted portion of the S1/2 of the NW1/4 of the SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 1000 feet north of Jolly Lane Road off of Race Track Road. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until June 4, 2001.

The Mayor presented No. 01UR003, a request by Davis Engineering for Gary and Shirley Wolff for a **Use on Review to allow a mobile home park in the Medium Density Residential District** on SW1/4 SW1/4 and the N8/10ths of W1/4 SE1/4 SW1/4 of Section 20, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 2780 143rd Avenue. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until June 4, 2001.

The Mayor presented No. 01UR006, a request by Samuel J. and Faye E. Bice for a **Use on Review to allow a caretakers residence in the Light Industrial Zoning District** on Lot 2 of Lot K of Bice Subdivision located in the NW1/4 of the SW1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1220 1/2 Creek Drive. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until July 2, 2001.

The Mayor presented No. 01UR012, a request by Tetragenics for Qwest Wireless LLC for a **Use On Review to allow a communication tower in the General Commercial Zoning District** on Lot 2, Block 2, Rapp Addition, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 640 Farnwood Street. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested use on review, with the following stipulations: 1) A Building Permit shall be obtained prior to any construction; 2) Prior to issuance of a Building Permit, three sets of Architectural/Engineer stamped plans shall be provided for review and approval; and 3) A Certificate of Completion shall be obtained prior to any use of the tower.

The Mayor presented No. 01UR014, a request by Rich and Vicki Kennedy for a **Use On Review to allow a major home occupation in the Low Density Residential Zoning District** on Lots 1, 2 and 3, Block 3, C.D. Rounds Subdivision, Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3704 West Main Street. Motion was made by Kroeger and seconded by Johnson to continue this item until June 4, 2001. Substitute motion was made by Hadley and seconded by Johnson to deny this item without prejudice. Hadley noted that the property owners will have to go to significant expense to meet the stipulations which include installation of escape windows. Also, there is opposition to this use by other property owners in the neighborhood. Rich Kennedy stated that they have already purchased the necessary windows and they will be installed within the week. Also, they have had an open house for the neighborhood which provided an opportunity to show what the facility is going to be used for and how it will impact the community. Several people who previously expressed opposition to the project are now in favor. Hadley and Johnson withdrew the substitute motion to deny. Upon vote being taken, the motion to continue carried unanimously.

The Mayor presented No. 01UR021, a request by Moyle Petroleum Company for a **Use On Review to allow a Car Wash in the Neighborhood Commercial Zoning District in accordance with Section 17.20.030I of the Rapid City Municipal Code** on Lot 1 of Sheridan Park Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2808 Sheridan Lake Road. Motion was made by Kroeger and seconded by Hadley to continue this item until June 4, 2001. Clara Zechin submitted a petition signed by people who live in this immediate neighborhood who oppose this project. There are existing problems now with trash blowing around this property because the fence was removed. Also, there is a major drainage easement on the northeast corner of the property. Upon vote being taken, the motion to continue carried unanimously.

## ***Ordinances & Resolutions***

The next item before the Council was No. 01RZ010, second reading of **Ordinance 3657**, a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Lot 13 of Block 2, North Lot of Block 3 of Cleghorn Canyon Subdivision No. 2 and Lot F4 of Fish Hatchery Subdivision, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5100 Cleghorn Canyon Road. Motion was made by Johnson, seconded by Steinburg and carried to continue this hearing until June 4, 2001.

The Mayor presented No. 01RZ012 second reading of **Ordinance 3659**, a request by Richard E. Huffman for Bill Gikling and Ken Lipp for a **Rezoning from Heavy Industrial District to Light Industrial District** on Lot 10 of GLM Subdivision, Section 28, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3110 Eglin Street. Motion was made by Johnson, seconded by Hadley and carried to continue this item until June 4, 2001.

**Ordinance 3662**, (PW051601-09) entitled An Ordinance Amending Article III of Chapter 13.08 Of The Rapid City Municipal Code By Amending Subsection B Of 13.08.240 Relating To The Limits Of Materials Prohibited In Sewers, was introduced. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 3662 was placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 4, 2001.

**Ordinance 3663** (No. LF051601-08) entitled An Ordinance Amending Chapter 3.04, Section 3.04.030(B) of the Rapid City Municipal Code Relating to Purchasing Procedures, was introduced. Upon motion made by Johnson, seconded by Waugh and carried, Ordinance 3663 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 4, 2001.

The Mayor presented No. 01RZ014, second reading of **Ordinance 3664**, a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on Lot 1 of Block 5 of Red Rock Estates, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of the intersection of Muirfield Drive and Sheridan Lake Road. Motion was made by Johnson, seconded by Hadley and carried to deny this ordinance without prejudice.

The Mayor announced the meeting was open for hearing on No. 01RZ015, **Ordinance 3665**, a request by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on the north 500 feet of the NE1/4 NE1/4 less Lot 1 and less Tract A of Hubbard Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive between North Haines Avenue and North Maple Avenue. Notice of hearing was published in the Rapid City Journal on May 12 and May 19, 2001. Ordinance 3665, having had the first reading on May 7, 2001, it was moved by Johnson and seconded by Hadley that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3665 the second time.

The Mayor announced the meeting was open for hearing on No. 01RZ016, **Ordinance 3666**, a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on the E1/2 NE1/4 less the north 500 feet and less Lot 1 and less Tract A of Hubbard Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive between North Haines Avenue and North Maple Avenue. Notice of hearing was published in the Rapid City Journal on May 12 and May 19, 2001. Ordinance 3666, having had the first reading on May 7, 2001, it was moved by Johnson and seconded by Hadley that the title be read the second time. The following voted



AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3666 the second time.

The Mayor announced the meeting was open for hearing on No. 01RZ017, **Ordinance 3667**, a request by City of Rapid for a **Rezoning from No Use District to Medium Density Residential District** on the NE1/4 SE1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Mall Drive between North Haines Avenue and North Maple Avenue. Notice of hearing was published in the Rapid City Journal on May 12 and May 19, 2001. Ordinance 3667, having had the first reading on May 7, 2001, it was moved by Johnson and seconded by Hadley that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3667 the second time.

The Mayor announced the meeting was open for hearing on No. 01RZ018, **Ordinance 3668**, a request by FMG, Inc. for William Freytag for a **Rezoning from Mobile Home Residential District to Low Density Residential II District** on the following property described by metes and bounds: beginning at the point located at the South West corner of Lot 7, Block 11 (5/8 rebar with cap LS 880) of Northridge Subdivision, West 637.7 feet, then North 762.7 feet (to the South Boundary of Block 4 of CHMH Subdivision), then East 459.7 feet (along South Boundary of Block 4 of CHMH Subdivision), then South East (S62°16'41"E) 58.51 feet, then South 98.2 feet, then East 126 feet (to the West Boundary of Block 11 of Northridge Subdivision), then South 640.7 feet to South West corner of Lot 7, Block 11 (5/8 rebar with cap LS 880) of Northridge Subdivision, all located in Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Northridge Subdivision. Notice of hearing was published in the Rapid City Journal on May 12 and May 19, 2001. Ordinance 3668, having had the first reading on May 7, 2001, it was moved by Johnson and seconded by Hadley that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rolinger, Munson, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3668 the second time.

The next item on the agenda was No. CC050701-06, second reading of **Ordinance 3669**, entitled An Ordinance Amending Section 13.08.370 of the Rapid City Municipal Code City of Rapid City Relating to the Sewer Service System. Motion was made by Johnson and seconded by Waugh to approve second reading of this ordinance. Kriebel went through a list of rate increases which have recently been implemented by the City (water rates, golf rates, swimming pool rates, etc.) and spoke against the proposed increase in sewer rates. He stated that these are tremendous rate increases coming on the heels of very good revenue years for the City. Kriebel suggested that 2012 funds be used for the wastewater treatment plant renovation project. Johnson stated that if Rapid City wants to continue to grow, we will have to upgrade the infrastructure to handle it. It is responsible for the City to make sure that we have facilities to accommodate growth as well as satisfy EPA requirements. Johnson added that the proposed rate increase is what is necessary to secure a loan for this project. There is a cost to provide this service and it should be paid by the users. **Substitute motion** was made by Hadley and seconded by Steinburg to approve Ordinance 3669 with an increase to \$1.48 which includes the surcharge and an increase in the minimum charge to \$4.00. Tom Crawford encouraged the Council to implement tap fees. There must be a legal way to do it since they have been implemented in many states already. He also went through the increases over a ten year period for utilities. Ralph Siemonsma representing the Black Hills Homebuilders stated that if another home is not built in Rapid City, the wastewater plant will still need to be replaced. The costs for this project should be paid for by all users, not just new home builders. Steinburg called the question and there were no objections. The following voted AYE: Steinburg, Kriebel, Kroeger and Hadley; NO: Hanks, Waugh and Murphy. Motion carried, 4-3.

**Ordinance 3670** (No. LF051601-07) Regarding Supplemental Appropriation No. 5 for 2001, was introduced. Upon motion made by Kroeger, seconded by Hadley and carried, Ordinance 3670 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 4, 2001.

**Ordinance 3672** (No. 01RZ019) a request by Robert Antior and Leslie Stadel for a **Rezone from General Commercial District to Light Industrial District** on Lots 1-3 and East one-half (1/2) vacated alley adjacent to said lots in Block 1, Deadwood Avenue Tract, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 631 Deadwood Avenue, was introduced. Upon motion made by Kroeger, seconded by Kriebel and carried, Ordinance 3672 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, June 4, 2001 at 7:00 P.M.

**Ordinance 3673** (No. 01RZ020) a request by Wyss Associates, Inc. for W.E.B. Partners for a **Rezone from Park Forest District to Low Density Residential District** on the following property, was introduced: beginning from a point at the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 588.52 feet at a bearing N 0° 21' 0" East, then travel 11.02 feet at a bearing S 89° 59' 18" East, then travel 32.48 feet at a bearing S 82° 24' 9" East, then travel 23.11 feet at a bearing S 70° 5' 34" East, then travel 21.54 feet at a bearing S 59° 50' 58" East, then travel 26.96 feet at a bearing S 64° 38' 23" East, then travel 13.20 feet at a bearing S 8° 51' 5" East, then travel 25.36 feet at a bearing N 83° 54' 54" East, then travel 239.65 feet at a bearing N 10° 42' 7" West, then travel 259.99 feet at a bearing N 0° 21' 0" East, then travel 106.97 feet at a bearing N 34° 54' 43" East, then travel 101.59 feet at a bearing N 49° 16' 21" East, then travel 240.39 feet at a bearing East, then travel 356.39 feet at a bearing S 37° 33' 40" East, then travel 342.41 feet at a bearing East, then travel 692.59 feet at a bearing South, then travel 504.33 feet at a bearing S 62° 30' 29" West, then travel 597.31 feet at a bearing N 89° 39' 0" West to the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Upon motion made by Kroeger, seconded by Hanks and carried, Ordinance 3673 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, June 4, 2001 at 7:00 P.M.

**Ordinance 3674** (No. 01RZ021) a request by Wyss Associates, Inc. for W.E.B. Partners for a **Rezone from Park Forest District to Office Commerical District** on the following property, was introduced: beginning from a point 973.88 feet at a bearing S 89° 39' 0" East from the NW corner of SE1/4 of Section 11, T1N, R7E, BHM, travel 1363.79 feet at a bearing S 89° 39' 0" East, then travel 107.83 feet at a bearing S 57° 14' 9" West, then travel 63 feet at a bearing S 38° 41' 0" West, then travel 89 feet at a bearing S 68° 55' 0" West, then travel 47 feet at a bearing S 54° 43' 0" West, then travel 95 feet at a bearing S 47° 3' 0" West, then travel 77 feet at a bearing S 69° 31' 0" West, then travel 96.4 feet at a bearing S 34° 30' 44" East, then travel 254.50 feet at a bearing S 45° 26' 11" West, then travel 96.4 feet at a bearing S 34° 30' 44" East, then travel 161.87 feet at a bearing S 55° 19' 7" West, then travel 138.89 feet along a 270 foot RHF curve with a chord bearing of S 40° 34' 54" West, then travel 439.52 feet at a bearing N 45° West, then travel 248.58 feet at a bearing N 85° 49' 37" West, then travel 65.15 feet at a bearing West, then travel 392.28 feet at a bearing N 0° 21' 0" East to the point of start, and from a point 310.41 feet North and 1708.11 feet East of the SW corner of NW1/4 of SE1/4 of Section 11, T1N, R7E, BHM, travel 100.82 feet at a bearing N 22° 2' 42" West, then travel 256.55 feet along a LHF curve with a radius of 190 feet and a chord bearing N 16° 38' 12" East, then travel 161.187 feet at a bearing N 55° 19' 7" East, then travel 187.59 feet at a bearing S 34° 35' 20" East, then travel 300.07 feet at a bearing S 45° West, then travel 74.01 feet at a bearing S 51° 4' 20" West to the point of start, and From a point 921.75 feet North and 1044.68 feet East of the SW corner of NW1/4 of SE1/4 of Section 11, T1N, R7E, BHM, travel 248.58 feet at a bearing S 85° 49' 37" East, then travel 129.8 feet at a bearing South, then travel 319.54 feet at a bearing S 50° 52' 56" West, then

travel 349.50 feet at a bearing North to the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Upon motion made by Kroeger, seconded by Hadley and carried, Ordinance 3674 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, June 4, 2001 at 7:00 P.M.

**Ordinance 3675**, (No. 01RZ022) a request by Wyss Associates, Inc. for W.E.B. Partners for a **Rezone from Park Forest District to Medium Density Residential District** on the following property, was introduced: from a point 597.31 feet at a bearing S 89° 39' 0" East from the SW corner of NW1/4 of SE1/4 of Section 11, T1N, R7E, BHM, travel 504.33 feet at a bearing N 62° 30' 29" East, then travel 343.09 feet at a bearing North, then travel 319.54 feet at a bearing N 50° 52' 56" East, then travel 129.80 feet at a bearing North, then travel 439.52 feet at a bearing S 45° East, then travel 225.67 feet along a 270 foot radius curve RHF, chord bearing S 1° 53' 59" West, then travel 414.87 feet at a bearing S 22° 2' 42" East, then travel 1154.56 feet at a bearing N 89° 39' 0" West to the point of start, all located in Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Upon motion made by Kroeger, seconded by Hanks and carried, Ordinance 3675 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, June 4, 2001 at 7:00 P.M.

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

The next item before the Council was the **Public Art Committee** Recommendation on Presidential Statues. Richard Wahlstrom re-stated the request of the Committee for a 90-day extension on this issue. A tear-out mail-in type ballot has been prepared and it will be put in the Rapid City Journal. This will give the Committee public feedback on this issue. Secondly, if an extension is granted, a public forum will be conducted at City Hall. Also, a letter is being drafted to the City which will raise certain questions and issues that we feel are important. The Public Art Committee needs to get public input and then take a vote on this issue. At that time, a recommendation can be made to the City Council on this issue. Motion was made by Steinburg and seconded by Kroeger to allow the Public Art Committee an extension of 45 days to bring a recommendation on this City of Presidents project. Murphy stated that there has been a lot of public input on this project already and he doesn't feel the Committee needs additional time. **Substitute motion** was made by Kriebel and seconded by Hadley to accept the City of Presidents Project as it is currently proposed by the City of Presidents Committee. Doug Pitts and Marshall Curtis spoke against the placement of these statues in the public right-of-ways. Jim Hubbard, John Lopez, Elizabeth Brownstein, Dalarie Davis, Don Herrmann, Ken LaVon, Fred Whiting, Barry Winter, Jerry Freed and Paul Swedlund spoke in favor of the project and urged the Council to proceed. Upon vote being taken, the motion to approve the project carried unanimously.

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

Motion was made by Kroeger and seconded by Hadley to agree to pay the Pennington County **building permit fees** and drainage fees for the Water Reclamation Facility upgrade and expansion project. Johnson spoke against the motion noting that the County will do no inspections on this project, therefore, there will be no expenses incurred by the County. Substitute motion was made by Kriebel, seconded by Hadley and carried to deny the payment of these building permit fees.

Motion was made by Johnson, seconded by Kriebel and carried to table the proposed Resolution Rescinding City's Resolution exempting governmental entities from paying City **building permit fees**.

The next item before the Council was No. PW051601-12. Motion was made by Johnson, seconded by Hadley and carried to authorize the Mayor and Finance Officer to Sign a Contract for Services with Pennington County for **Protection Program Services**.

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

Bill Caldwell requested that the City Council approve a building permit for an addition to his building on Cambell Street. He submitted information on the elevation of this ground. Planning Director Elkins stated that there are two issues that must be addressed. The property is currently zoned Flood Hazard. Mr. Caldwell is asking for a building permit for office space which is not an allowable use in this zoning district. Secondly, if the property elevations as shown on the FEMA maps are incorrect, Mr. Caldwell should apply for a map amendment through FEMA. Caldwell added that there are additional problems now because development on property upstream has changed the flows onto his property. Johnson stated that the City Council has no authority to act on these issues tonight. Hanks urged staff to work with Bill Caldwell on these issues.

***Finance Officer***

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

**RESOLUTION DECLARING PROPERTY SURPLUS**

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

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

Police Department

1999 Crown Victoria, SN 173242

1999 Crown Victoria, SN 173236

1999 Crown Victoria, SN 173238

1993 Crown Victoria, SN 179784

1992 Chevrolet Lumina, SN 1162284

1991 Chevrolet Lumina, SN 9197577

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 21st day of May, 2001.

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

***Alderman Election – Ward 3***

Tamara Pier suggested the following procedure for the appointment of an Alderman for Ward 3: Suspension of the Rules; Distribute Ballots; Vote ballot and sign it; Record each round of ballots in the minutes; Voting continues until a majority vote is obtained for one nominee; If no nominee obtains a majority vote, the Council may adjourn the meeting and set a date for another meeting.

Motion was made by Hanks, seconded by Johnson and carried to suspend Roberts Rules of Order.

Hanks nominated Martha Rodrigues. Johnson nominated Steve Rolinger. Motion was made by Hadley, seconded by Murphy and carried that nominations close. Ballots were distributed and voted as follows: Steinburg-Rolinger; Ron Kroeger-Rolinger; Ray Hadley-Rolinger; Tom Johnson-Rolinger; Alan Hanks-Rodriguez; Bill Waugh-Rodriguez; Tom Murphy-Rodriguez; Rick Kriebel-Rodriguez. No nominee received a majority vote.

Motion was made by Steinburg and seconded by Hanks to close debate on this issue and put it on the agenda for the June 4, 2001 Council meeting.

Steve Rolinger withdrew his name from nomination so that a representative can be seated from Ward 3 tonight.

Steinburg and Hanks withdrew the motion to close debate. Waugh nominated Martha Rodriguez; Kroeger nominated Duncan Olney; Kroeger nominated Bill Kinder. Johnson asked for a five minute recess and left the meeting. The Council did not approve the recess. Ballots were distributed and voted as follows: Bill Waugh-Rodriguez; Alan Hanks-Rodriguez; Tom Murphy-Rodriguez; Babe Steinburg-Rodriguez; Ron Kroeger-Rodriguez; Ray Hadley-Olney; Rick Kriebel-Olney. Johnson chose not to vote when he returned to the meeting. Rodriguez was declared the winner with five votes. The Oath of Office was administered and Rodriguez took her seat on the Council.

***Bills***

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

Payroll Ending 05-05, Paid 05-11-01	538,785.07
Payroll Ending 05-05, Paid 05-11-01	3,529.61
Pioneer Bank, 05-11 taxes, Paid 05-11-01	138,856.95
Pioneer Bank, 05-11 taxes, Paid 05-11-01	265.45
First American Administrators, 05-11 claims, paid 05-11-01	55,862.84
Berkley Administrators, works comp claims, paid 5-10-01	13,477.71
MDU, gas service, paid 5-17-01	4,832.01
SD Dept. of Revenue, sales tax paid 5-17-01	22,401.09
SD Dept. of Revenue, sales tax paid 5-17-01	8,556.96
VWR Scientific Products, 2001 grant	2,472.30
US Postmaster, billing postage	1,400.00
Computer Bill List	<u>2,575,267.53</u>
Subtotal	<u>\$3,365,707.52</u>
Payroll Ending 05-05, Paid 05-11-01	2,269.10
Pioneer Bank, 5-11 taxes, Paid 5-11-01	168.92
Carquest Auto Parts, repairs	14.45

City of Rapid City, postage	7.97
City of Rapid City, health insurance	560.40
RSVP, stamps	34.00
OKON, copier usage	9.32
IOS Capital, copier lease	12.46
SD Retirement System, pension	200.10
Standard Life, insurance	7.92
Total	<u>\$3,368,992.16</u>

Treasurers Checks

Mainline Contracting	738.66
Total	<u>\$3,369,730.82</u>

***Items from Visitors***

Mark Bradsky and Tim Duda requested that the Council approve a building permit for a home at the intersection of Smith Street & Oakland Street. Staff denied the building permit because the driveway approach does not meet code. The code requires 50' from the driveway to the intersection, but this driveway will only be 25'. The reason that this driveway cannot be 50' from the intersection is due the small size of the lot. Also, it is a corner lot with 25' setbacks on three sides. This makes it very difficult to locate a house on this property. Motion was made by Johnson, seconded by Hadley and carried to grant this exception to the Street Design Criteria Manual.

Rod Johnson briefed the Council on the **Roosevelt Park Project**. Bids for the ice rink were awarded today and it is anticipated that the project will be complete by the end of this year. We will also be letting a site improvement contract which should be complete by the end of the year. Staff is currently working on the design for the demonstration garden which will be located in Roosevelt Park and a contract should be awarded this fall for that project. As far as the swimming pool goes, the City needs to make decisions within the next month on several issues. Johnson stated that he will be submitting information to the Council on the pool project in the near future so that these decisions can be made. Kroeger suggested that the old Roosevelt pool be demolished so that there are no questions about re-opening this pool. Johnson added that a portion of this facility did cave-in over the winter and it will definitely not be opened.

***Executive Session***

Motion was made by Hadley, seconded by Hanks and carried to go into executive session to discuss pending litigation. The Council came out of executive session at 1:20 A.M.

Motion was made by Johnson, seconded by Hanks and carried to authorize the City Attorney's Office to file an Interlocutory Appeal in Beck vs. City of Rapid City.

As there was no further business to come before the Council at this time, the meeting adjourned at 1:30 A.M.

CITY OF RAPID CITY

ATTEST:

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

(SEAL)