

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
June 4, 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, June 4, 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, Martha Rodriguez, Ron Kroeger, Ray Hadley, Mel Dreyer and Rick Kriebel; the following arrived during the course of the meeting: None; and the following were absent: None.

Motion was made by Dreyer, seconded by Hanks and carried to correct the minutes of March 5, 2001 to add Youth & Family Services to the list of approved projects for the Community Development Block Grant Program in the amount of \$10,000 and change the approved amount for Senior Companions of SD to \$2,500; amend the minutes of May 21, 2001 to add the name of S. Renee Kirst to the list of individuals appointed to the Mayor's Committee on Disabilities; and approve the minutes of May 21, 2001.

Bid Openings

The following bids for **Wildwood Street & Utilities Construction Project** WSS00-943 were opened on June 1, 2001:

1)	Mainline Contracting (bond submitted)	\$2,045,098.75
2)	Hills Materials Company (bond submitted)	\$1,778,916.21
3)	Heavy Constructors (bond submitted)	\$1,853,400.90

Motion was made by Hadley, seconded by Murphy and carried to refer these bids to a special council meeting to be held on Wednesday, June 13, 2001.

Motion was made by Hadley, seconded by Hanks and carried to continue the bids for a Storm Sewer Cleaning Combination Jet/Vacuum Machine to June 18, 2001.

Mayor's Items

Mayor Munson presented the **Citizen of the Month Award** to Marshall Curtis and commended him for outstanding volunteer service to the community.

Alcohol License Application Hearings

This was the time set for hearing on the application of Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West 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 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). 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 Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 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.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Burnell and Ann Lutz dba **Gas Plus**, 1903 North Maple Avenue, for an Off-Sale Malt Beverage License Transfer (from Gerald Lutz), until June 18, 2001.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Burnell and Ann Lutz dba **Gas Plus**, 1903 North Maple Avenue, for an Off-Sale Malt Beverage License Renewal, until June 18, 2001.

This was the time set for hearing on the application of Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 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 Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 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 Rapid Bow, Inc. dba **Meadowood Lanes**, 3809 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 Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 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 M&M Restaurants, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, Suite 121, 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 Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal. Upon motion made by Johnson, seconded by Hadley and carried, the Council approved the application.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Merle Bach dba **The Hideaway**, 1575 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal, until June 18, 2001.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Black Hills Sports, Inc. dba **Fitzgerald Stadium**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal, until June 18, 2001.

This was the time set for hearing on the application of Rapid City Softball Association, dba **Star of the West Softball Complex**, 1511 Sedivy Lane, 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 Continental Leisure, Inc. dba **Carousel Casino**, 2050 W. 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.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Central States Fair, Inc. dba **Central States Fair**, 800 San Francisco Street, for an On-Off Sale Malt Beverage License Renewal, until June 18, 2001.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal, until June 18, 2001.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal, until June 18, 2001.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal, until June 18, 2001.

Motion was made by Johnson, seconded by Hadley and carried to continue the application by Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road for an Off-Sale Malt Beverage License Renewal, until June 18, 2001.

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 18, 2001:

1. Black Hills **Amateur Baseball**, McKeague Field, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
2. Hotel Management company dba **Alex Johnson Hotel**, 523 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
3. Gary Bloomberg dba **Gold Rush Casino**, 1141 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
4. Loveletta Gibson dba **Lovey's Outer Limits**, 10140 Pierre Lane, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
5. MG Oil Company dba **Warehouse Bar & Casino**, 200 E. Main Street, for an On-Off Sale Malt Beverage License Renewal
6. MG Oil Company dba **Haines Avenue Smoke Shop**, 2601 N. Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
7. MG Oil Company dba **Amoco Food Shop No. 8**, 302 E. North Street, for an Off Sale Malt Beverage License Renewal
8. MG Oil Company dba **Amoco Food Shop No. 9**, Jct. 79 & St. Patrick Street, for an Off Sale Malt Beverage License Renewal
9. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road, for an Off Sale Malt Beverage License Renewal
10. MG Oil Company dba **East North Casino**, 230 E. North Street, for an On-Off Sale Malt Beverage License Renewal
11. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
12. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
13. MG Oil Company dba **LaCrosse Street Casino No. 1**, 720 N. LaCrosse Street, Suite A, for an On-Off Sale Malt Beverage License Renewal
14. MG Oil Company dba **LaCrosse Street Casino No. 2**, 720 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
15. MG Oil Company dba **BP Casino**, 901 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Renewal
16. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal

17. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 E. North Street, for an Off Sale Malt Beverage License Renewal
18. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road, for an Off Sale Malt Beverage License Renewal
19. China Buffet Express, Inc. dba **China Buffet**, 740 Mt. View Road, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
20. Charles & Holly Bossen dba **The Berry Patch Campground**, 1860 E. North Street, for an Off Sale Malt Beverage License Renewal
21. Faryat, Inc. dba **Botticelli's Ristorante Italiano**, 523 Main Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
22. Robert Johnson, dba **Canyon Lake Pub & Casino**, 4116 Jackson Blvd., for an On-Off Sale Malt Beverage License Renewal
23. James L. Wilcox dba **Smiley's House of Pizza**, 510 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
24. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
25. Robert L. Stiehl dba **Circle S Convenience Market**, 310E. Fairmont Blvd., for an Off Sale Malt Beverage License Renewal
26. Robin & Judy, Inc. (inactive), 712 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
27. Jumble, Inc. dba **Uncle Sam's West**, 2730 West Main Street, for an On-Off Sale Malt Beverage License Renewal
28. Kittens, Inc. dba **Uncle Sam's East**, 1122 E. North Street, for an On-Off Sale Malt Beverage License Renewal
29. Uncle Sam's Inc. dba **Uncle Sam's Casino & Eatery**, 2110 Jackson Boulevard for an On-Off Sale Malt Beverage License Renewal
30. Rapid City **Elks Lodge**, No. 1187, 3333 E. 39th Street, for an On-Off Sale Malt Beverage License Renewal
31. Nash Finch Company dba **Family Thrift Center No. 253**, 1516 E. St. Patrick Street, for an Off Sale Malt Beverage License Renewal
32. Black Hills Food Services, Inc. dba **Fuddruckers**, 2106 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal
33. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
34. Holway's Hideaway Investments, Inc. dba **VB's Hideaway Pub**, 1028 E. North Street, for an On-Off Sale Malt Beverage License Renewal
35. GF Pizza, Inc. dba **Godfather's Pizza**, 110 Cambell Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
36. Shooters, Inc. dba **Shooters**, 2424 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
37. Moyle Petroleum Company dba **Common Cents Food Store**, 1909 LaCrosse Street, for an Off Sale Malt Beverage License Renewal
38. Moyle Petroleum Company dba **Common Cents Food Store**, 2606 Mt. Rushmore Road, for an Off Sale Malt Beverage License Renewal
39. Moyle Petroleum Company dba **Common Cents Food Store**, 1129 W. Omaha Street, for an Off Sale Malt Beverage License Renewal
40. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off Sale Malt Beverage License Renewal
41. Moyle Petroleum Company dba **Common Cents No. 107**, 4128 Canyon Lake Drive, for an Off Sale Malt Beverage License Renewal
42. Kusler's Conoco, Inc. dba **Kusler's Conoco**, 701 E. St. Patrick Street, for an Off Sale Malt Beverage License Renewal
43. Superpumper, Inc. dba **Superpumper No. 16**, 3275 S. Highway 79, for an Off Sale Malt Beverage License Renewal
44. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue, for an Off Sale Malt Beverage License Renewal

45. Howe's Oil Company, Inc. dba **Windmill Truck Stop**, 2783 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
46. I-90 Truck Haven Service, Inc. dba **Windmill Restaurant**, 2803 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
47. H&B, Inc. dba **The Hall Inn**, 214 E. St. Joe Street, for an On-Off Sale Malt Beverage License Renewal
48. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
49. Keith L. Fox dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
50. Dakota Fresh-Mex, LLC dba **Qdoba Mexican Grill**, 741 Mt. View Road, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
51. Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joe Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
52. Flannery Oil, Inc. dba **Corner Pantry**, 501 Deadwood Avenue, for an Off Sale Malt Beverage License Transfer (from Shannon Capital, Inc.)
52. Flannery Oil, Inc. dba **Corner Pantry**, 501 Deadwood Avenue, for an Off Sale Malt Beverage License Renewal
53. Karen Johnson-Pochardt dba **Once Upon a Vine**, 507-513 Sixth Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
54. Harold's Prime Rib, Inc. dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Renewal
55. Mai T. Goodsell dba **Saigon Restaurant**, 221 East North Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
56. Four Diamonds, Inc. dba **Gramps Café & Catering**, 103 E. Omaha Street, for an On-Off Sale Malt Beverage License Renewal
56. High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
57. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
58. SSDH, Inc. dba **Sam's Too**, 2110 ½ Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
59. Dan Trieu Ly **Golden Fortune**, 1204 E. North Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
60. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
61. Thomas McCarty dba **The Marble Club**, 2315 ½ Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
62. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off Sale Malt Beverage License Renewal
63. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
64. Lybeck's Twenty-First Century, Inc. dba **Shenanigan's Casino**, 3788 East Highway 44, for an On-Off Sale Malt Beverage License Renewal
65. United Food, Inc. dba **Toby's Casino South**, 710 Cleveland Street, for an On-Off Sale Malt Beverage License Renewal
66. United Food, Inc. dba **Toby's Casino**, 720 E. North Street, for an On-Off Sale Malt Beverage License Renewal
67. The Retired Enlisted Association dba **Northgate Bingo**, 906 E. Philadelphia Street, for an On-Off Sale Malt Beverage License Renewal
68. CCKT, Inc. dba **Lucky Annies**, 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
69. MG Oil Company dba **BP Casino**, 901 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Transfer (location only)
70. Dos Ermonas dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)

71. Colonial House, Inc. dba **Colonial House Restaurant**, 2501 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
72. Cenex Petroleum, Inc. dba **Cenex Convenience Store No. 030**, 1160 LaCrosse Street, for an Off Sale Malt Beverage License Renewal
73. Cenex Petroleum, Inc. dba **Cenex Convenience Store No. 032**, 850 E. North Street, for an Off Sale Malt Beverage License Renewal
74. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
75. NPC International, Inc. dba **Pizza Hut No. 2776**, 2604 W. Main Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
76. NPC International, Inc. dba **Pizza Hut No. 2778**, 705 E. North Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
77. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off Sale Malt Beverage License Renewal
78. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off Sale Malt Beverage License Renewal
79. Omaha Players Company dba **Happy Jacks-Omaha**, 1117 West Omaha Street, for an On-Off Sale Malt Beverage License Renewal
80. Jenco, Inc. dba **Happy Jacks**, 909 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
81. Jenco, Inc. dba **Happy Jacks – Cambell Street**, 1601 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
81. Jenco, Inc. dba **Happy Jacks West**, 1925 West Main Street, Suite 1, for an On-Off Sale Malt Beverage License Renewal
82. Jenco, Inc. dba **Happy Jacks – Downtown**, 713 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
83. South Dakota Vending, Inc. dba **Happy Jacks, Too**, 909 St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
84. South Dakota Vending, Inc. dba **Happy Jacks Far West**, 1925 W. Main Street, Suite 2, for an On-Off Sale Malt Beverage License Renewal
85. Western Dakota Gaming, Inc. dba **Valley Sports Casino**, 1865 South Valley Drive, for an On-Off Sale Malt Beverage License Renewal
86. Poker Joe's Inc. dba **Poker Joe's**, 211 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
87. Albertsons, Inc. dba **Albertsons**, 855 Omaha Street, for an Off-Sale Malt Beverage License Renewal
88. Dean'O's Casino, Inc. dba **Dean'O's Casino**, 903 East North Street, for an On-Off Sale Malt Beverage License Renewal
89. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
90. Fat Boy's Inc. dba **Firehouse Brewing Company**, 610 Main Street, for an Off-Sale Malt Beverage License Renewal
91. Nifty Fifties, Inc. dba **Parkway Restaurant**, 312 East Boulevard North, for an On-Off Sale Malt Beverage License Renewal
92. Ranch Mart, Inc. dba **Ranch Mart**, 520 Birch Street, for an Off-Sale Malt Beverage License Renewal
93. 2004, Inc. dba **Time Square Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Renewal
94. Artis & Marilyn Holmes dba **Art's Smoke House Barbecue**, 609 Main Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
95. Mary Jane Freimark dba **The Embers**, 5412 S. Highway 16, for an On-Off Sale Malt Beverage License Renewal

Consent Calendar

The following items were removed from the Consent Calendar:

53. No. LF053001-07 - Approve Changes to the Rapid City Area Air Quality Board Bylaws.

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

Set for Hearing (June 18, 2001)

24. No. 01PD023 - A request by Doug Sperlich for Pat Tlustos for a **Major Amendment to a Planned Commercial Development to increase the boundaries** on Lot 2R of Block 28 of Robbinsdale Addition No. 10 (formerly Lot 2 of Block 28, Lot 2R of Block 17 and a portion of Tract C all in Robbinsdale Addition No. 10) located in the NE1/4 of the SW1/4 and in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the western end of Anamaria Drive.
25. No. 01PD024 - A request by Auto Body Crafters, Inc. for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 5, SSJE Subdivision, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1410 Jess Street.
26. No. 01PD025 - A request by Rapid City Regional Hospital for a **Planned Commercial Development - Initial and Final Development Plan** on Tract B and Tract AR-1, Regional Hospital Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 353 Fairmont Boulevard and 2908 Fifth Street.
27. No. 01PD026 - A request by Fisk Land Surveying for Ken Berglund for a **Planned Residential Development - Initial Development Plan** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the 1/4 Section Line; Thence, southerly along the Section Line, S 00 degrees, 03 minutes, 25 seconds E, a distance of 836.82 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 299.41 feet; Thence, N 00 degrees, 00 minutes, 00 seconds W, a distance of 187.14 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 214.26 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 41.37 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 100.56 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 432.55 feet to a point on the 1/4 Section Line; Thence, easterly along said 1/4 Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 259.25 feet; Thence, continuing easterly along said 1/4 Section Line, N 89 degrees, 34 minutes, 29 Seconds E, a distance of 33.12 feet to the point of beginning. Said tract of land contains 7.2 acres, more or less, located at 5501 Berglund Road.
28. No. 01PD027 - A request by Fisk Land Surveying for Ken Berglund for a **Planned Residential Development - Initial Development Plan** on a tract of land located in the Northeast One-Quarter of the Southeast One-Quarter (NE1/4 SE1/4) of Section Twenty-Two (22), Township One North (T1N), Range Seven East (R7E) of the Black Hills Meridian (BHM), Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the 1/4 Section Line; Thence, westerly along the 1/4 Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the 1/4 Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said

- 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the ¼ Section Line; Thence, easterly along said ¼ Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said ¼ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less, located at 5501 Berglund Road.
29. No. 01UR023 - A request by Chris Larson for Outback Steakhouse for a **Major Amendment to a Use On Review for an on-sale liquor establishment to allow temporary outdoor seating** on Lot 2 of Tract E of Marshall Heights Subdivision No. 2, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 665 East Disk Drive.
 30. No. 01UR024 - A request by Dream Design International for a **Use On Review to allow an on-sale liquor establishment** on Lots D-G of Lot 1 less Lot H and less highway right-of-way, Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 901 Mountain View Road.
 31. No. 01UR025 - A request by M & K Consulting for Western Wireless Corp. for a **Use On Review to allow a communication tower in the General Commercial Zoning District** on Lot A, Block 12, Providence Addition, Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2449 West Chicago.
 32. No. 01UR026 - A request by M & K Consulting for Western Wireless Corp. for a **Use On Review to allow a communication tower in the General Commercial Zoning District** on Lot 2, Block 9, McMahon Industrial Park No. 2, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3060 Haines Avenue - Duffield Construction Shop.
 33. No. 01UR027 - A request by M & K Consulting for Western Wireless Corp for a **Use On Review to allow a communication tower in the General Agriculture Zoning District** on W1/2 NE1/4, Section 29, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located between St. Martins Drive and Hidden Valley Road west of S.D. Highway 79.
 34. No. 01UR028 - A request by Joe Mustard for Native American Heritage Association for a **Use On Review to allow a Mission in the Central Business District** on Lots 1-7, Block 96, Original Town of Rapid City, Section T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 405 Saint Joseph Street.

Public Works Committee Items

35. Rescind Council action of February 5, 2001 in the bid award of WRF01-1034D, Water Reclamation Facility Improvements – Equipment Procurement of Primary Sludge Cross Collectors to the lowest responsible bidder meeting specifications, NRG Company, Inc. for a contract amount of \$44,000, contingent upon review and acceptance by the South Dakota Department of Environment and Natural Resources.
36. No. PW053001-01 – Approve bid award of WRF01-1034D, Water Reclamation Facility Improvements —Equipment Procurement for Primary Sludge Cross Collectors to the next lowest bidder meeting specifications, Hitachi Maxco, Ltd. for a contract amount of \$46,200, contingent upon review and acceptance by the SD DENR.
37. No. PW053001-02 – Continue the bid award of CDBG01-1057, North Middle School Outdoor Recreation Improvements Project to a Special Council meeting on June 13, 2001.
38. No. PW053001-03 – Approve Change Order No. 02 for DR00-913, Wilderness Park/Belmont Street Drainage Improvements Project to RCS Construction, Inc. for a decrease of \$11,446.21.
39. No. PW053001-04 – Approve Change Order No. 02F for PR00-934, Bicycle Path Repair Project to Simon Contractors of South Dakota for a decrease of \$2,596.08.

40. No. PW053001-05 – Approve Change Order No. 02 for SS00-941, Original Townsite Sanitary Sewer Reconstruction Project to Rapid Construction Company for an increase of \$50,335.50.
41. No. PW053001-06 – Approve Change Order No. 02 for W00-944, Jackson Springs Water Gallery Improvements Project to Mainline Contracting, Inc. for an increase of \$62,885.84.
42. No. PW053001-08 – Authorize staff to advertise for bids for ST01-1082, Third Street Reconstruction, Fairmont South Project.
43. No. PW053001-09 – Authorize staff to advertise for bids for PR01-1090, Roosevelt Park Site Improvements Project.
44. No. PW053001-10 – Authorize staff to advertise for bids for PR01-1125, Star of the West Parking Lot Project.
45. No. PW053001-11 – Authorize the Mayor and Finance Officer to sign Monitoring Service Agreement with Central Monitoring Service, Inc. to Provide Basic Monitoring Service at Parkview Swimming Pool for an annual cost of \$300.
46. No. PW053001-12 – Authorize the Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Ferber Engineering to Design ST01-917, Central Boulevard Reconstruction for an amount not to exceed \$3,170.
47. No. PW053001-13 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Designworks, Inc. to Design PR01-1073, Xeriscape Demonstration Garden Project at Roosevelt Park for a Time Extension Only.
48. No. PW053001-14 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with American Technical Services, Inc. for Material Testing Services for PR01-1089, Roosevelt Park Ice Arena for an amount not to exceed \$15,680.

Legal & Finance Committee

49. Authorize Mayor and Finance Officer to sign Lease Agreement with General Growth Properties.
50. No. LF053001-01 - Authorize Purchase of Office Furniture from Haworth Inc. State Contract #11829 and Authorized Dealer Dakota Business Center.
51. No. LF053001-02 - Approve Draft of Temporary Overnight Recreational Vehicle Parking Regulations.
52. No. 01TP003 - Authorize Mayor and Finance Officer to Sign Amendment No. 1 to Agreement for Professional Services between the Rapid City Area Metropolitan Planning Organization and the Alliance of Architects and Engineers for the Completion of the US Highway 16 Corridor Study (Time Extension Only).
54. No. 01RD001- Approve a request by Jerald and Luane Johnson and Everett and Ruth Call for a **Resolution naming the unnamed roadway to Promise Road:**

RESOLUTION CHANGING THE UNNAMED ROAD TO PROMISE ROAD

BE IT RESOLVED by the City of Rapid City that the unnamed roadway which is primarily located along the north/south section line located between Sections 26 & 27 and Sections 22 & 23 in T1N, R7E, BHM and also located in the NE ¼ NE1/4 of Section 27, T1N, R7E, BHM and E1/2 of SE1/4 of Section 22, T1N, R7E, BHM and all located within Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Promise Road.

DATED this 4th day of June, 2001.

ATTEST:

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

s/ James F. Preston
Finance Officer
(SEAL)

55. No. 01RD004 - Approve a request by Black Hills Properties, Inc. for MOJO, LLC for a **Resolution naming the unnamed roadway to Rocker Drive**, located adjacent to 1020 and 1032 Cambell Street.

RESOLUTION CHANGING THE UNNAMED ROAD
TO ROCKER DRIVE

BE IT RESOLVED by the City of Rapid City that the unnamed roadway which is primarily located in Tract 3A of Bradsky #2 Subdivision, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota be, and is hereby, renamed to Rocker Drive.

DATED this 4th day of June, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

56. No. LF053001-03 - Approve Funding Selection for Weed and Seed Mini Grant Applications and Authorize Mayor and Finance Officer to Sign Agreements.
57. No. LF053001-04 - Approve Change Order No. 4 for Downtown Node Reconstruction in the Amount of \$1,353.
58. No. LF053001-05 - Authorize Mayor and Finance Officer to Sign Lease with Frank Washburn - Weed and Seed Program.
59. No. LF053001-08 - Authorize Mayor and Finance Officer to Sign Gas Transportation Agreement.
60. No. LF053001-06 - Approve the Following Abatements: Robert A. Ross, 2000, \$1,140.40; Bryce K. Wilkes, 2000, \$89.08.
61. Approve the Following Licenses: Mechanical Installer: Brian Beman, Bryan Hermanson, Brad Madsen; Plumbing Apprentice: Christopher Alumbaugh, Samuel L. Foight, Jed Gaikowski; Residential Contractor: Seth Deurloo; T & D Custom Building, Timothy D. Eisenbraun/David R. Eisenbraun.

End of Consent Calendar

The next item discussed by the Council was No. LF053001-07, proposed Changes to the Rapid City Area **Air Quality Board Bylaws**. Planning Director Elkins explained that there was discussion at the Committee level on additional changes to the bylaws relative to emergency meetings. However those additional changes have not been considered by the Air Quality Board at this time. The only amendments being approved at this time are those which were distributed by the Air Quality Board and approved by the County Board. Additional changes will be brought up for consideration by the Air Quality Board. Motion was made by Johnson, seconded by Hadley and carried to approve the Bylaw Changes.

Public Hearings

The Mayor announced that the meeting was open for consideration of the Resolution of Necessity for **Parkview Drive Extension Project** ST01-1006. Notices were mailed to affected property owners on March 6, 2001 and published in the Rapid City Journal on March 10 and March 17, 2001. Tony & Doreen Talley spoke against the proposed assessment of

the costs involved with this project. They are not opposed to the project, but they feel the costs should be shared more equally by all the property owners. It was noted that there is a major drainage area going through the Talley property and they will be responsible for the development costs for this drainage. This will add considerably to their assessment. Doreen Talley stated that if the project is approved in its present format, it will force them to sell their home in order to pay the assessed costs. Johnson asked if there has been any additional compromises between the property owners. Sally Broucek stated that she will contribute \$10,000 to the Talley's property development, but she is not interested in sharing the costs for the drainage on their property. Hani Shafai added that there are other "problem" areas on some of these properties that the owners will have to deal with on their own. Hadley asked if the City has found funding for it's share of this road. Preston stated that no funds have been identified to date. Discussion ensued about changing the method of assessment and adding costs to the project. Bjerke stated that he feels if the scope of the project is changed drastically, the process should be started over, beginning with the petition submitted by the property owners. City Attorney Pier concurred. Substitute motion was made by Hadley and seconded by Johnson to deny the Resolution of Assessment. Roll call vote was taken: AYE: Johnson, Steinburg, Hanks, Hadley and Waugh; NO: Rodriguez, Kriebel, Dreyer, Murphy and Kroeger. Motion to deny failed because of a tie vote. Roll call vote was taken on the original motion to approve the Resolution of Necessity: AYE: Rodriguez, Kriebel, Dreyer, Waugh, Murphy and Kroeger; NO: Johnson, Steinburg, Hanks and Hadley. Motion carried, 6-4.

Planning Department Consent Items

Motion was made by Hadley, seconded by Waugh and carried to approve the Planning Commission recommendation on the following items, as shown in the Council Packet:

64. 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 18, 2001)
65. 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 18, 2001)
66. No. 00PL110 - A request by Renner & Sperlich Engineering for Buescher Frankenberg Assoc. Inc. for a **Preliminary and Final Plat** on Lots A & B of Lot 5R of Meridian Subdivision (formerly Lot 4B and Lot 5R of Meridian Subdivision) located in the SW1/4 of the SE1/4 of Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Anamosa Street and LaCrosse Street. (CONTINUE TO JUNE 18, 2001)
67. No. 00PL118 - A request by FMG, Inc. for Dean Kelly Construction for a **Final Plat** on Lots 1 through 14 of Sunshine Hills Subdivision and dedicated public right of way shown as Sunshine Trail, Coneflower Lane and Sheridan Lake Road, formerly Lots 1, 2 and 3 of the SE1/4 NE1/4 of Section 21, located in the SE1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Wildwood Subdivision on the west side of Sheridan Lake Road. (CONTINUE TO JUNE 18, 2001)

68. No. 00PL122 - A request by Paul Hunt for a **Layout Plat** on SW1/4 of the NW1/4 and the NW1/4 of the SW1/4 of Section 13, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 1/2 mile north of the intersection of S.D. Highway 44 and Anderson Road on the east side of Anderson Road. (DENY WITHOUT PREJUDICE)
69. No. 00PL127 - A request by Dream Design, Inc. for Doyle Estes for a **Preliminary & Final Plat** on Tract B of Neff's Subdivision No. 4 located in the unplatted portion of the S1/2 NW1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Race Track Road and Elk Vale Road. (CONTINUE TO JUNE 18, 2001)
70. 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 18, 2001)
71. 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 18, 2001)
72. 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 18, 2001)
73. 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 18, 2001)
74. 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 18, 2001)
75. No. 01PL024 - A request by Renner & Sperlich Engineering for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lot A, Block 16, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located south of the intersection of Covington Street and O'Brien Street. (CONTINUE TO JUNE 18, 2001)
77. 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. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, grading plans and a complete drainage plan shall be submitted for review and approval; 2) Upon submittal of the Preliminary Plat, site elevations shall be submitted for review and approval; 3)

Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements; 6) Upon submittal of the Preliminary Plat, the plat shall be revised to show the common lot line located between Lot 8 and Lot 9 of Block 4 shifted to the east to align with an existing drainage channel located directly south of the subject property; 7) Prior to Final Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division; 8) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 9) Upon submittal of the Preliminary Plat, the plat shall be revised to identify Kentucky Lane as Hanover Street; 10) Prior to City Council approval of the Final Plat, a Subdivision Regulations Variance to allow a lot more than twice as wide as it is long shall be obtained or the plat shall be revised to comply with the lot to width requirement; 11) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 12) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

78. No. 01PL031 - A request by Dream Design International, Inc. for a **Layout Plat** on Proposed Northbrook Village in the SE1/4 SE1/4, Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located one quarter mile east of the intersection of Haines Avenue and Country Road lying north of Country Road. (CONTINUE TO JUNE 18, 2001)
79. No. 01PL032 - A request by Renner & Sperlich Engineering for Gordon Howie for a **Preliminary and Final Plat** on Lot B1 of Trailwood Village (formerly a portion of Tract T of Trailwood Village) located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located 300 feet north of the intersection of East Highway 44 and Covington Street. (CONTINUE TO JUNE 18, 2001)
80. No. 01PL033 - A request by Renner & Sperlich Engineering for Gustafson Builders for a **Preliminary and Final Plat** on Lot 2 of Old Rodeo Subdivision located in the N1/2 of the SW1/4 of Section 26, T1N, R7E, BHM, Pennington County, South Dakota, located one quarter mile south of South Highway 16 and Catron Boulevard. (CONTINUE TO JUNE 19, 2001)
81. No. 01PL034 - A request by Centerline, Inc. for Olsen Development Company, Inc. for a **Layout Plat** on the proposed Settlers Landing in SE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located northwest of the intersection of Seger Drive and 143rd Street. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, grading plans and a drainage plan shall be submitted for review and approval; 2) Upon submittal of the Preliminary Plat, technical data shall be submitted for review and approval identifying that the soil(s) can meet the requirements for an on-site wastewater system. The on-site wastewater system shall only be allowed to serve Phase One of the proposed development. In addition, the applicant shall connect to City sewer, paying all connection fees, at such time that City sewer becomes available to the area and prior to any additional platting of the property; 3) Upon submittal of the Preliminary Plat, water plans prepared by a

Registered Professional Engineer shall be submitted showing the extension of water mains for review and approval; 4) Upon submittal of the Preliminary Plat, the plat shall be revised to show an additional 5 foot of right-of-way along 143rd Avenue and an additional 17 foot of right-of-way along Seger Drive; 5) Upon submittal of the Preliminary Plat, a traffic impact analysis shall be submitted for review and approval to determine what improvements may be necessary along 143rd Avenue and Seger Street; 6) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements; 7) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 8) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 9) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

82. No. 01PL035 - A request by Centerline, Inc. for CSU Properties, Inc. for a **Layout Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southeast intersection of 5th Street and North Street. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to City Council approval of the Layout Plat, the access issue along North Street shall be resolved; 2) Upon submittal of the Preliminary Plat, the geotechnical report shall be revised including the design of the retaining wall and submitted for review and approval; 3) Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements; 6) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 7) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 8) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.
83. No. 01PL036 - A request by Mike and Landa Titus for a **Layout Plat** on proposed Lots 12R and 13R, Block 2, Blakes Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 35 Madison Street. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to City Council approval of the Layout Plat, topographic information shall be submitted for review and approval; 2) Upon submittal of the Preliminary Plat, grading plans and a complete drainage plan shall be submitted for review and approval; 3) Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be

submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements; 6) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 7) Upon submittal of the Preliminary Plat, the plat shall be revised to show an alternate subdivision name and the proposed lots shall be labeled; 8) Prior to Final Plat approval by the City Council, the garage shall be removed from the lot; 9) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 10) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

84. No. 01PL037 - A request by FMG, Inc. for Harold Bies for a **Layout Plat** on Lots 3-20, Block 1; Lots 1-5, Block 2 and Lots 1-3, Block 3, MJK Subdivision (formerly Parcel A of MJK Subdivision), Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest corner of the intersection of U.S. Highway 79 South and Catron Boulevard. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, grading plans and a complete drainage plan shall be submitted for review and approval; 2) Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In particular, the sewer plans shall show a connection to the property located to the north of the subject property; 3) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer shall be submitted showing the extension of water mains for review and approval; 4) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements; 5) Upon submittal of the Preliminary Plat, a grading plan shall be submitted for review and approval for the proposed approach location(s) along Catron Boulevard; 6) Prior to City Council approval of the Preliminary Plat, approach permits shall be obtained; 7) Prior to constructing and/or improving the service road located along S. D. Highway 79, a permit to work in the right-of-way shall be obtained; 8) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 9) Upon submittal of the Preliminary Plat, the plat shall be revised to show non-access easements along S. D. Highway 79 and Catron Boulevard except for the approved approach locations; 10) Upon submittal of the Preliminary Plat, the plat shall be revised identifying the road names; 11) Upon submittal of the Preliminary Plat, the plat shall be revised to read "MJK Subdivision #2"; 12) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 13) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

END OF PLANNING CONSENT CALENDAR

The next item before the Council was 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. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until June 18, 2001.

The Mayor presented 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. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until June 18, 2001.

Planning Department Hearings

The Mayor presented No. 01PD012, a request by City of Rapid City for a **Planned Development Designation** on Lot C of NW1/4 SW1/4 less right-of-way, Section 17, T1N, R8E, BHM, Pennington County, South Dakota, located at 4302 S. Highway 79. Motion was made by Kroeger, seconded by Waugh 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 Hadley and carried to approve the PDD for Lot 13 of Block 2; and deny the PDD for the North Lot of Block 3 and Lot F4.

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 Hanks and carried to approve the requested Development Plan, with the following stipulations: 1) That all stipulations of Plat 01PL025 shall be met; 2) Prior to City Council approval, the applicant shall provided fire walls for those building located on proposed Lots 10A and 10B as per the Uniform Building Code or surety shall be posted for the construction of these improvements; 3) Signs shall be allowed as per Section 15.28 of the Rapid City Municipal Code; however, no off-premise signs shall be allowed; 4) All provisions of the Section 17.50.300 of the Rapid City Municipal Code regarding landscape shall be continually met; 5) All provisions of the Section 17.50.270 of the Rapid City Municipal Code regarding parking shall be continually met; 6) All uses as identified in Section 17.22.020 of the Rapid City Municipal Code shall be allowed; 7) All uses as identified in Section 17.22.030 of the Rapid City Municipal Code shall require a Major Amendment to the Planned Light Industrial Development; 8) A fourteen foot setback shall be allowed along the north property line and an eight foot setback shall be allowed on the south property line for the existing building located on Lot 10B; 9) A seventeen foot setback shall be allowed along the north property line for the existing building located on Lot 10A; and, 10) Any expansion of any of the building will require a Major Amendment to the Planned Light Industrial Development.

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 Race Track Road. Motion was made by Kroeger and seconded by Hadley to continue this item until June 18, 2001. Planning Director Elkins explained that the required documentation was submitted on Friday afternoon. Staff has reviewed the information and recommends approval. Substitute motion was made by Murphy, seconded by Hadley and carried to approve the Development Plan, as requested, with the following stipulations: 1) Prior to City Council approval of the Final Development Plan, revisions to the Jolly Lane road construction plans shall be submitted for review and approval; 2) Prior to City Council approval of the Final Development Plan, revisions to the drainage plan shall be submitted for review and approval; 3) Prior to City Council approval of the Final Development Plan and/or approval of a Footings and Foundation Permit, a drainage easement shall be obtained to allow for the construction of a drainage channel along Jolly

Lane; 4) Prior to City Council approval of the Final Development Plan, the erosion and sediment control plan shall be expanded identifying the proposed on-site detention pond as a temporary sediment pond; 5) The proposed on-site detention pond shall remain in place until downstream drainage improvements per the Race Track Drainage Basin Design Plan have been completed and written approval has been granted by the Pennington County Highway Department; 6) Prior to City Council approval of the Final Development Plan, the site plan shall be revised to show an on-site fire hydrant as determined by the Fire Department; 7) Prior to City Council approval of the Final Development Plan, the site plan shall be revised to provide a minimum 20 foot wide turnaround at the end of the proposed driveway; 8) Prior to issuance of a Certificate of Occupancy, all fire codes shall be met; 9) An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre; 10) A building permit shall be obtained prior to any construction and a Certificate of Occupancy shall be obtained prior to occupancy; 11) Upon submittal of a building permit, Architect/Engineered stamped plans shall be submitted; 12) Prior to issuance of a building permit, a pre-construction meeting shall be held with the Rapid Valley Sanitary District; 13) The Planned Residential Development shall allow the construction of an emergency foster home on the property. A maximum of twelve children shall be allowed at the emergency foster home at any one time. Any change in use or additional use, including a caretaker's residence, shall require a Major Amendment to the Planned Residential Development; 14) All exterior lighting shall be designed so as not to shine on the adjacent properties; 15) The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development; 16) All provisions of the Low Density Residential Zoning District shall be met unless otherwise specifically authorized; 17) All provisions of the Landscaping Regulations shall be continually met; 18) The site plan shall comply with all provisions of the Off-Street Parking Ordinance including the disabled parking requirements; and, 19) The Final Commercial Development Plan approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years.

The Mayor presented No. 01PD020, a request by Wyss Associates, Inc. for W.E.B. Partners for an **Initial Planned Residential Development** on property described by metes and bounds beginning at a point at the NW1/4 of the SE1/4 of Section 11, Township 1 North, Range 7 East, Black Hills Meridian, 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. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until July 2, 2001.

The Mayor presented No. 01PD021, a request by Wyss Associates, Inc. for W.E.B. Partners for an **Initial Planned Commercial Development** on the following described property: beginning at 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. Motion was made by Kroeger, seconded by Johnson and carried to continue this item until July 2, 2001.

The Mayor presented No. 01PD022, a request by Wyss Associates, Inc. for W.E.B. Partners for an **Initial Planned Residential Development** on property described by metes and bounds beginning at 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. Motion was made by Kroeger, seconded by Murphy and carried to continue this item until July 2, 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 July 16, 2001.

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 Hanks to approve the Use on Review, with the following stipulations: 1) Prior to issuance of a Building Permit, the petitioner shall provide an engineering evaluation of the existing wastewater disposal lines to determine if expansion or replacement of the existing sanitary sewer lines will be required; 2) Prior to City Council approval of the Use on Review, the petitioner must comply with all Building and Fire Codes including the provision of smoke detectors and escape windows; 3) Prior to City Council approval of the Use on Review, the petitioner shall submit a parking plan complying with all requirements of the Off-Street Parking Ordinance; 4) That the facility be limited to a maximum of four elderly, physically or mentally challenged adults, and that any future increase in number of type of clients or size of facility will require a Major Amendment to this Use on Review; 5) That the Use On Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years; and, 6) That the Use On Review shall be reviewed in one year. Upon vote being taken, the motion carried with Hadley voting no.

The Mayor presented 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 at Memorial Park. Motion was made by Kroeger, seconded by Hadley and carried to approve the Major Amendment for July 2-7, 2001 only.

The Mayor presented 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. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until June 18, 2001.

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, seconded by Hadley and carried to continue this item until June 18, 2001.

The Mayor presented 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 at 5444 Pinedale Heights. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested Use on Review with the following stipulations: 1) Prior to Certificate of Occupancy, the applicant shall complete all drainage improvements as identified on the approved drainage plan; 2) A building permit shall be obtained prior to any construction and a Certificate of Completion shall be obtained prior to occupancy; 3) That prior to issuance of a Certificate of Completion, the applicant shall pave the first fifty feet of the driveway from the street or curb line; 4) A statement declaring that the garage cannot be used for commercial purposes must be signed by the property owner and filed with the Register of Deeds prior to issuance of a building permit; 5) That the garage shall be constructed of the same materials and the same color(s) as the existing residence; and, 6) That no plumbing shall be allowed in the garage.

Ordinances & Resolutions

The Mayor presented No. 01AN006, a request by Marvin Herrmann for a **Petition for Annexation** located west of Chapel Valley, south of the Fish Hatchery and east of SD Highway 44. The following Resolution was introduced, read and Johnson moved its adoption:

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 1.24 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Lot A of Lot 6 of Tract B of Braeburn Addition, Section 8, T1N, R7E, BHM,
Pennington County, South Dakota

Dated this 4th day of June, 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 Kroeger. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Rodriguez, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 01CA009, a request by Centerline for Lazy P-6 Properties, LLC for an Amendment to the South Robbinsdale Neighborhood Area **Future Land Use Plan**, an element of the Comprehensive Plan, to change the future land use designation as follows: LDR: N 1/2 NW 1/4 NW 1/4, Section 19, T1N, R8E; MDR: S 1/2 NW 1/4 NW 1/4, Section 19, T1N, R8E; OC: N 1/2 SW 1/4 NW 1/4, Section 19, T1N, R8E; GC: S 1/2 SW 1/4 NW 1/4 less Hwy 16 B ROW, Section 19, T1N, R8E, BHM, all located in Rapid City, Pennington County, South Dakota and to change the future land use designation as follows: GC: The North 900 ft NW 1/4 SW 1/4 less Hwy 16 B ROW, Section 19, T1N, R8E; LI: The South 420 ft NW 1/4 SW 1/4 and SW 1/4 SW 1/4, Section 19, T1N, R8E; OC: The North 900 ft NE 1/4 SE 1/4 less Hwy 16 B ROW and the north 900 ft NW 1/4 SE 1/4 less Hwy 16 B ROW all in Section 24, T1N, R7E; GC: The south 420 ft NE 1/4 SE 1/4; the SE 1/4 SE 1/4; the south 420 ft NW 1/4 SE 1/4; the SW 1/4 SE 1/4 all in Section 24, T1N, R7E; MHP: NE 1/4 SW 1/4 less Hwy 16 B ROW; SE 1/4 SW 1/4 all in Section 24, T1N, R7E, BHM all located in Pennington County, South Dakota, all located north and west of the Rapid City Landfill. Motion was made by Johnson, seconded by Hadley and carried to deny the request without prejudice.

The Mayor presented No. 01CA010, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to change the land use designation on a .60 acre parcel from Agricultural Land Use designation to General Commercial Land Use designation** on Lot C of the NW1/4 SW1/4 less right of way, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 4302 S. Highway 79. Motion was made by Johnson, seconded by Hanks and carried to continue this item until June 18, 2001.

The Mayor presented No. 01CA011, a request by Wyss Associates, Inc. for W.E.B. Partners for an **Amendment to the Comprehensive Plan to change the land use designation on a 13.64 acre parcel from Limited Agriculture, Agriculture, Forest to Office Commercial** on property described by metes and bounds beginning at 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, 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. Motion was made by Johnson, seconded by Hanks and carried to continue this item until July 2, 2001.

The Mayor presented No. 01RZ008, second reading of **Ordinance 3655**, a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on Lot C of NW1/4 SW1/4 less right-of-way, Section 17, T1N, R8E, BHM, Pennington County, South Dakota, located at 4302 S. Highway 79. Motion was made by Johnson, seconded by Hanks and carried to continue this public hearing until June 18, 2001.

The Mayor presented 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 Kroeger and carried to approve the rezone of Lot 13, Block 2 and deny the rezone for the North Lot of Block 3 and Lot F4.

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. Notice was published in the Rapid City Journal on April 21 and April 28, 2001. Ordinance 3659, having had the first reading on April 16, 2001, it was moved by Johnson and seconded by Kroeger that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodrigues, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3659 the second time.

The Mayor presented No. PW051601-09, second reading of **Ordinance 3662**, 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. Motion was made by Johnson and seconded by Hanks to approve second reading. Asst. Public Works Director asked that second reading of this ordinance be continued indefinitely until we get information back from the State. Substitute motion was made by Kroeger, seconded by Hanks and carried to table second reading of Ordinance 3662.

The Mayor presented No. LF051601-08, second reading of **Ordinance 3663** entitled An Ordinance Amending Chapter 3.04, Section 3.04.030(B) of the Rapid City Municipal Code Relating to Purchasing Procedures. Ordinance 3663 passed first reading on May 21, 2001. Motion was made by Johnson and seconded by Waugh to approve second reading of Ordinance 3663. 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 Ordinance 3663 was duly passed upon its second reading.

Ordinance 3682, (No. CC060401-03) entitled An Ordinance Amending Section 13.08.370 of the Rapid City Municipal Code City of Rapid City Relating to the Sewer Service System, was introduced. Motion was made by Johnson and seconded by Hadley to approve first reading of this ordinance. Murphy stated that he would vote to approve first reading of this ordinance, however he thinks the amount is too low. He encouraged the Council to think about this rate prior to second reading of the ordinance. Hanks stated that he does not support the ordinance being considered at this time because he feels the City should look at a long-term pricing strategy for this operation. Also, this is not the

recommendation that was presented by the Wastewater Rate Committee. The following voted AYE: Kroeger, Murphy, Hadley, Kriebel and Johnson; NO: Waugh, Hanks, Dreyer, Steinburg and Rodriguez. Motion failed due to a tie vote. Johnson stated that he will be looking forward to discussion as to how we are going to pay for the plant expansion. Motion was made by Hanks to send this back to the Legal & Finance Committee for additional discussion. Motion died for lack of a second. Public Works Director Dan Bjerke stated that the existing water reclamation plant is in dire straits at the present time. We must do something and do it fast. Water Reclamation Division Manager Dave Van Cleave explained that the plant is down to one automatic screen. In high flow events, this situation creates problems and we are required to manually rake material out of manual screens. If there is a major rain in the middle of the night, the screen can bypass. Some of the main lift pumps have gone off line in the last two weeks. To replace one pump or fix the pump is approximately \$25,000. We are at the point where we have two pumps on line and we must have two pumps to keep the facility operating. We have no spare equipment. The emergency backup generator system is also in dire need of serious maintenance. These are just some of the major items needing attention at the plant and there are a whole host of minor pieces of equipment that are in need of serious repairs. Kriebel asked someone from the prevailing side to ask for reconsideration of this issue. The dollar amount contained in the proposed ordinance is the minimum amount needed to secure the loan and move forward with the renovation project. Motion was made by Hanks, seconded by Hadley and carried to reconsider the vote on first reading of Ordinance 3682. Marshall Curtis encouraged the Council to use 2012 funds for the water reclamation plant renovation project. Motion was made by Hanks and seconded by Murphy to approve first reading of Ordinance 3682 and direct staff to get the committee together for review of this item. Kriebel encouraged the Council to approve first reading of this ordinance. Other financing options can be considered in the future for this renovation project. Upon vote being taken, the motion to approve first reading of Ordinance 3682 carried unanimously.

Ordinance 3670 (No. LF051601-07) Regarding Supplemental Appropriation No. 5 for 2001, having passed the first reading on May 21, 2001, it was moved by Johnson and seconded by Murphy 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 Ordinance 3670 was declared duly passed upon its second reading.

Ordinance 3671 (No. 01OA005) entitled An Ordinance Amending Section 17.22.020(D) of Chapter 17.22 of the Rapid City Municipal Code by Adding a New Subsection 13 to Allow Indoor Storage of Class III(B) Combustible Liquids as a Use Permitted in the Light Industrial Zoning District, was introduced. Upon motion made by Johnson, seconded by Hadley and carried, Ordinance 3671 was placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 18, 2001.

The Mayor announced the meeting was open for hearing on No. 01RZ019, second reading of **Ordinance 3672**, 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. Notice of Hearing was published in the Rapid City Journal on May 26 and June 2, 2001. Ordinance 3672, having had the first reading on May 21, 2001, it was moved by Johnson and seconded by Hadley that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3672 the second time.

The Mayor presented No. 01RZ020, second reading of **Ordinance 3673**, 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 described property: 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. Motion was made by Johnson, seconded by Hadley and carried to continue this public hearing until July 2, 2001.

The Mayor presented No. 01RZ021, second reading of, **Ordinance 3674**, 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 described property: 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. Motion was made by Johnson, seconded by Hadley and carried to continue this public hearing until July 2, 2001.

The Mayor presented No. 01RZ022, second reading of **Ordinance 3675**, 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 described property: beginning 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. Motion was made by Johnson, seconded by Hadley and carried to continue this public hearing until July 2, 2001.

The Mayor presented No. 01VR001, a request by The Nature Conservancy for a **Vacation of Right-of-way** on that portion of Clarkson Road containing 1.745 acres, more or less, adjacent to Lot 1 of Block 1 of Spring Canyon Estates, located in the NW1/4 of the SW1/4, Section 5, T1S, R7E, as shown in plat filed in steel file and adjacent to Spring Creek Canyon Park of Copper Oaks No. 1 Subdivision, located in the NW1/4 of the SW1/4, Section 5, T1S, R7E, as shown in Plat Book 15 Page 121, Pennington County, South Dakota, located at the western terminus of Clarkson Road. Motion was made by Johnson, seconded by Hadley and carried to continue this public hearing until June 18, 2001.

Ordinance 3677, (No. 01RZ023) a request by Doug Sperlich for Pat Tlustos for a **Rezoning from Low Density Residential District to Office Commercial District** on the following property, was introduced: a portion of Tract C of Robbinsdale Addition No. 10 located in the NE1/4 of NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the corner of Lot 2 of Block 28 of Robbinsdale Addition No. 10, common with the northeasterly corner of Lot 3 of Block 28 of Robbinsdale No. 10, said point being an angle point of said Tract C of Robbinsdale Addition No. 10, and the Point of Beginning; Thence, first course: N73°18'00"E, along the boundary common to said Tract C, and said Lot 2 of Block 28, a distance of 125.00 feet; Thence, second course: N03°34'00"E, along the boundary common to said Tract C, and said Lot 2 of Block 28, a distance of 66.68 feet, to the corner common to said Lot 2 of Block 28, said Tract C, and Lot 2R of Block 17 of Robbinsdale Addition No. 10; Thence, third course: N44°15'12"E, along the boundary common to said Lot 2R of Block 17, and said Tract C, a distance of 136.45 feet, to the corner common to said Lot 2R of Block 17, Lot 1R of Block 17, and said Tract C; Thence, fourth course: S36°32'40"E, along the boundary common to said Tract C, and said Lot 1R of Block 17, a distance of 75.98 feet; Thence, fifth course: S44°15'12"W, a distance of 200.49 feet; Thence, sixth course: S73°18'00"W, a distance of 149.57 feet to a point on the boundary common to said Lot 3 of Block 28, and said Tract C; Thence, seventh course: N21°40'00"E, along the boundary common to said Lot 3 of Block 28, and said Tract C, a distance of 51.02 feet to the corner common to said Lot 3 of Block 28, and said Lot 2 of Block 28, and the Point of Beginning; Said Parcel contains 18,367 square feet or 0.422 acres more or less, located at the western end of Anamaria Drive. Upon motion made by Johnson, seconded by Hadley and carried, Ordinance 3677 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 18, 2001 at 7:00 P.M.

Ordinance 3678, (No. 01RZ024) a request by Fisk Land Surveying for Ken Berglund for a **Rezoning from General Agriculture District to Park Forest District** on the following property was introduced: a tract of land located in the NE1/4 SE1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the 1/4 Section Line; Thence, westerly along the 1/4 Section Line, S 89 degrees, 34 minutes, 29 seconds W, a distance of 33.12 feet; Thence, continuing westerly along the 1/4 Section Line, S 89 degrees, 28 minutes, 31 seconds W, a distance of 259.25 feet to the point of beginning; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 432.55 feet; Thence, S 23 degrees, 00 minutes, 00 seconds W, a distance of 100.56 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 41.37 feet; Thence, S 52 degrees, 14 minutes, 07 seconds E, a distance of 214.26 feet; Thence, S 00 degrees, 00 minutes, 00 seconds E, a distance of 187.14 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 1011.07 feet to the 1/16th Section Line; Thence, northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 234.10 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 548.32 feet; Thence, continuing northerly along said 1/16th Section Line, N 00 degrees, 02 minutes, 18 seconds E, a distance of 43.00 feet to the 1/4 Section Line; Thence, easterly

along said $\frac{1}{4}$ Section Line, N 89 degrees, 26 minutes, 06 seconds E, a distance of 621.74 feet; Thence, continuing easterly along said $\frac{1}{4}$ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 395.04 feet, to the point of beginning. Said tract of land contains 17.79 acres, more or less, located at 5501 Berglund Road. Upon motion made by Johnson, seconded by Hadley and carried, Ordinance 3678 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 18, 2001 at 7:00 P.M.

Ordinance 3679, (No. 01RZ025) a request by Fisk Land Surveying for Ken Berglund for a **Rezoning from General Agriculture District to Medium Density Residential District** on the following property, was introduced: a tract of land located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Beginning at the northeast corner of the Southeast One-Quarter of the previously described property, said point being along the easterly line of Section Twenty-Two and coincident with the $\frac{1}{4}$ Section Line; Thence, southerly along the Section Line, S 00 degrees, 03 minutes, 25 seconds E, a distance of 836.82 feet; Thence, S 89 degrees, 57 minutes, 28 seconds W, a distance of 299.41 feet; Thence, N 00 degrees, 00 minutes, 00 seconds W, a distance of 187.14 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 214.26 feet; Thence, N 52 degrees, 14 minutes, 07 seconds W, a distance of 41.37 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 100.56 feet; Thence, N 23 degrees, 00 minutes, 00 seconds E, a distance of 432.55 feet to a point on the $\frac{1}{4}$ Section Line; Thence, easterly along said $\frac{1}{4}$ Section Line, N 89 degrees, 28 minutes, 31 seconds E, a distance of 259.25 feet; Thence, continuing easterly along said $\frac{1}{4}$ Section Line, N 89 degrees, 34 minutes, 29 Seconds E, a distance of 33.12 feet to the point of beginning. Said tract of land contains 7.2 acres, more or less, located at 5501 Berglund Road. Upon motion made by Johnson, seconded by Hadley and carried, Ordinance 3679 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 18, 2001 at 7:00 P.M.

Ordinance 3680, (No. 01RZ026) a request by FMG for William Freytag for a **Rezoning from No Use District to Low Density Residential-II District** on the following property, was introduced: a tract of land located in the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24, T2N, R7E, BHM, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a property corner with LS Cap 6119 which is the northwest corner of Lot 9 of Block One of Tyler Knue Subdivision in NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, Thence N00°16'55"E a distance of 77.12', more or less, to a point; Thence N13°44'34"W a distance of 107.66', more or less, to a point; Thence S66°12'08"W a distance of 303.51', more or less, to a point; Thence N89°32'23"W a distance of 279.98', more or less, to a point; Thence N00°27'37"E a distance of 121.67', more or less, to a point; Thence N45°26'14"E a distance of 159.30', more or less, to a point; Thence S44°33'46"E a distance of 12.36', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 226.00' and an arc length of 57.47', more or less, to a point; Thence N45°57'12"E a distance of 54.45', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 174.00' and an arc length of 47.61', more or less, to a point; Thence N14°08'42"E a distance of 198.01', more or less, to a point; Thence N66°41'34"E a distance of 83.60', more or less, to a point; Thence N89°50'49"E a distance of 60.59', more or less, to a point; Thence S89°48'39"E a distance of 205.71', more or less, to a point; Thence N00°18'52"E a distance of 132.00', more or less, to a point; Thence S89°41'08"E a distance of 52.00', more or less, to a point; Thence S00°18'52"W a distance of 119.00', more or less, to a point; Thence S89°41'08"E a distance of 135.00', more or less, to a point; Thence S00°18'52"W a distance of 147.34', more or less, to a point; Thence southeasterly on a curve to the right with a radius of 124.00' and an arc length of 71.73', more or less, to a point; Thence southeasterly on a curve to the left with a radius of 176.00' and an arc length of 68.03', more or less, to a point; Thence S00°16'55"W a distance of 249.47', more or less, to a Property Corner with LS Cap 4225 which is the NE corner of Lot 18 of Block 3 of Tyler Knue

Subdivision; Thence N89°43'05"W a distance of 135.00', more or less, along the north property line of Lot 18 of Block 3 of Tyler Knue Subdivision, to a Property Corner with LS Cap 6119 which is the NW corner of Lot 18 of Block 3 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 52.00', more or less, to a Property Corner with LS Cap 6119 which is the NE corner of Lot 9 of Block 1 of Tyler Knue Subdivision; Thence N89°43'05"W a distance of 170.00' along the north property line of Lot 9 of Block 1 of Tyler Knue Subdivision, more or less, to the Point of Beginning, located west of Mall Ridge. Upon motion made by Johnson, seconded by Hadley and carried, Ordinance 3680 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 18, 2001.

Ordinance 3681, (No. 01RZ027) a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following described property, was introduced: a tract of land located in the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, more particularly described as follows: Beginning at the Northwest corner of the NE1/4 of the SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, thence S0°01'18"W a distance of 233.36 feet along the 1/16 line, to the point of beginning; thence, S11°16'08"E a distance of 329.83 feet; thence, S15°31'41"E a distance of 177.40 feet; thence, along a circular curve to the left with a radius of 1644.56 feet a distance of 292.92 feet, thence, S25°40'52"E a distance of 661.18 feet to the north right-of-way line of Sheridan Lake Road; thence, following the north right-of-way line of Sheridan Lake Road along a circular curve to the left with a radius of 1472.39 feet a distance of 286.48 feet, thence, S70°30'23"W a distance of 238.20 feet; thence, N0°00'27"W a distance of 417.58 feet; thence, N0°01'18"E a distance of 1094.65 feet to the point of beginning. The above described property is located in the NE1/4 of the SE1/4 and the SE1/4 of the SE1/4, Section 29, T1N, R7E, BHM, Pennington County, South Dakota, and contains 7.244 acres, more or less, located at the northeast corner of the intersection of Muirfield Drive and Sheridan Lake Road. Upon motion made by Johnson, seconded by Hadley and carried, Ordinance 3681 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 18, 2001.

Public Works Committee Items

Motion was made by Kroeger, seconded by Hadley and carried to authorize the Mayor and Finance Officer to sign an Agreement with Buntrock-Graziano-Ward Development Company, LLC for **drainage improvements oversize costs** for an amount not to exceed \$130,962.58.

Motion was made by Kroeger and seconded by Murphy to request that the Mayor appoint a **Drainage Committee**. Murphy spoke in favor of appointing a committee to look at the needs in the community and review possible funding sources. Johnson stated that it is easy to appoint a committee to review this issue. However, the crux of the matter is funding to solve these problems which will probably have to come in the form of some sort of property tax increase. Upon vote being taken, the motion carried with Johnson and Steinburg voting no.

Motion was made by Kroeger and seconded by Murphy to approve an expenditure of \$1,500 from the Council Contingency Fund to paint **murals at the Sioux Park Racquetball Courts**. Hadley stated that he feels the costs for this project should come from the Parks or Recreation budget, not the Council's contingency fund. Upon vote being taken, the motion carried with Johnson and Hadley voting no.

Motion was made by Dreyer and seconded by Hanks to declare that this project is a mural, not a sign. Hadley stated that the sign ordinance needs to be reviewed and definitions set for murals and signs. Substitute motion was made by Hadley and seconded by Johnson to declare that this is a mural, not a sign; and that we direct staff to look into restructuring this ordinance. Bjerke explained that under the City's current ordinance, there is no definition for a

mural. If you go strictly by the requirements for size, etc, this project would not meet the criteria and would not get a permit. He added that historically, the City has not required murals to have sign permits. City Attorney Tamara Pier stated that according to the current sign ordinance, this mural would be required to have a sign permit. It is not appropriate for the Council to exempt the City, but apply the ordinance to the community at large. She added that there will be additional information submitted to the council on this issue later in the meeting. Upon vote being taken, the motion failed with Kroeger voting yes. Motion was made by Kriebel and seconded by Johnson to table this issue. Roll call vote was taken: AYE: Rodriguez, Kriebel, Dreyer and Hanks; NO: Johnson, Steinburg, Hadley, Waugh, Murphy and Kroeger. Motion failed, 4-6. Substitute motion was made by Hadley, seconded by Murphy and carried to discuss this issue later under City Attorney's items.

Special Items and Items from Visitors

Planning Director Elkins requested that the City Council reconsider **Plat No. 00PL097**. The Council approved this plat contingent on it not being recorded until minor drainage items had been resolved with the Engineering Division. That has not happened. Mr. Rasmusson has requested that the Council reconsider the action taken at the May 21 meeting and continue action on the plat to the June 18, 2001 meeting. Motion was made by Kroeger, seconded by Hanks and carried to reconsider the Council action taken on May 21, 2001 relative to Plat No. 00PL097. Motion was made by Hadley, seconded by Hanks and carried to continue action on this plat until June 18, 2001.

Mark Maritzko requested authorization from the Council to sit on a billboard in Baken Park Shopping Center for three days to raise money for arthritis research (July 13-15, 2001). The Council urged Martizko to make all the necessary arrangements, including safety measures and come back with the request.

Police Department

Motion was made by Hanks, seconded by Johnson and carried to approve the Event Permit for **Cruiser Night** on June 15, 2001.

City Attorney

Asst. City Attorney Adam Altman presented information to the Council relative to the City's **sign code** and how murals fit into the code. He stated that if the City is going to enforce the code on murals, it will have to be for all murals, not just certain ones. It is possible that the City Council re-visit the sign code and exempt all murals. Under the existing City code, any mural would be required to have a sign permit. Altman asked for direction on how to proceed with this issue. Hanks suggested that the ordinance be amended to say that mural will be allowed, with the approval of the City Council. Altman stated that the City might have a problem with the free speech if this approach were used. The Ordinance would need to have an objective standard for approval. Bjerke stated that under the current City code, a permit for this mural was denied by City staff. If the project is put on hold until an ordinance change is completed, it will not be done this summer. Discussion continued on this issue. Motion was made by Johnson, seconded by Hanks and carried to table discussion on this issue.

Finance Officer

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

A RESOLUTION AMENDING THE PLAN FOR PROJECTS AND PROGRAMS TO BE FUNDED FROM THE RAPID CITY ECONOMIC DEVELOPMENT AND CIVIC IMPROVEMENTS FUND

WHEREAS on the 17th day of April, 2000, the City of Rapid City adopted a resolution entitled "A Resolution Adopting a Plan for Projects to be Funded from the Rapid City Economic Development and Civic Improvements Fund;" and

WHEREAS the Council has determined to make the following amendments to said plan;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Rapid City Economic Development and Civic Improvements Plan as adopted by the City on April 17, 2000, be amended by adding thereto the following:

1. Canyon Lake Drive Bridge is decreased to \$500,000 in 2001;
2. Infrastructure Development is decreased to \$300,000 in 2001;
3. Funding for Youth & Family Services/Girls, Inc. in the amount of \$1.5 million in 2002 and \$1.5 million in 2003; and
4. Funding for Design Construction Administration Costs for approved 2012 projects in the amount of \$143,241 in 2002, \$148,971 in 2003, \$154,929 in 2004, and \$161,127 in 2005.

Dated this 4th day of June, 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 Waugh. Marshall Curtis spoke in favor of using 2012 funds for renovation of the Water Reclamation Plant and other infrastructure needed in the City. Craig Pfeifle spoke in favor of the allocation for Youth & Family Services. The project is ready to move forward and the matching funds have been secured. Bill Wyatt addressed funding for the Dahl Expansion Project which has been moved to FY2004 and 2005. He explained the steps the Dahl Expansion Project has been through for the last year including the process used to attempt to acquire the MDU building. Wyatt said they have one simple problem. They have only two weeks to satisfy MDU that the Dahl Expansion Project will purchase the property. He added that if the expansion project is not built on this site, it will not be built anywhere. Wyatt stated that this project can live with an adjustment in the time frame and the dollar amounts. However, he requested that the City include \$500,000 in the Plan for this project in FY2001. Kriebel spoke against using 2012 funds for projects to benefit non-profit agencies. These are all very worthwhile projects, but the City should be focussing on infrastructure needed in the community. Kriebel also questioned the legality of using 2012 funds for construction projects that will not be owned by the City. Johnson stated that the 2012 Program was developed to make the community a better place to live, and to improve the economy. When the issue of using 2012 funds for the wastewater treatment plant was discussed at the public hearings, it was received very negatively and had very little support. Discussion continued on the merits of these projects and where the 2012 funds should be spent. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger and Dreyer; NO: Hadley and Kriebel.

Motion was made by Kroeger, seconded by Kriebel and carried to schedule a 2012 Committee meeting on June 13, 2001, after the Legal & Finance Committee meeting, and direct staff to notify all interested parties. The following items will be put on the agenda: 1) Dahl Expansion Project; 2) Track at the School of Mines; 3) Community Centers and Gyms;

and 4) Waste Water Treatment Facility. Johnson stated that any interested party should be allowed on the agenda.

Bills

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

Payroll Ending 05-19, Paid 05-25-01	535,118.71
Payroll Ending 05-31, Paid 05-31-01	741,549.82
Payroll Ending 05-19, Paid 05-25-01	3,502.83
Pioneer Bank, 05-25 taxes, Paid 05-25-01	137,025.61
Pioneer Bank, 05-25 taxes, Paid 05-25-01	262.94
First American Administrators, 05-17 claims, paid 05-18-01	71,213.11
First American Administrators, 05-24 claims, paid 05-25-01	49,700.24
First American Administrators, 5-31 claims, paid 6-01-01	71,987.02
US Postmaster, billing postage	1,400.00
Computer Bill List	1,380,617.41
Subtotal	<u>\$2,992,377.69</u>

Payroll Ending 05-19, Paid 05-25-01	2,307.40
Pioneer Bank, 5-25 taxes, Paid 5-25-01	171.59
BH Oil, gasoline	108.41
City of Rapid City, postage	151.43
RSVP Petty Cash, supplies	27.91
Dakota Radiator, repairs	100.00
Marcia Kadel, stipend	150.00
Donald Lantz, stipend	150.00
SD School of Mines, telephone	62.42
Angelique Weeks, travel expenses	129.00
Total	<u>\$2,995,735.85</u>

Treasurers Checks

Mainline Contracting	57,122.64
Simon Contractors	2,087.60
Total	<u>\$3,054,946.09</u>

As there was no further business to come before the Council at this time, the meeting adjourned at 10:40 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)