

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
September 17, 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, September 17, 2001 at 7:00 P.M.

Mayor Jerry Munson, Finance Officer James Preston, and the following Alderpersons were present: Tom Johnson, Alan Hanks, Babe Steinburg, Tom Murphy, Martha Rodriguez, Bill Waugh, 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 Hadley, seconded by Hanks and carried to clarify the minutes of September 4, 2001 relative to No. 00PL076 to show that only Lot 26 of Block 23 and Lot 6 of Block 24 were denied without prejudice (Lot 25 of Block 23 and Lot 5 of Block 24 were approved for final plat on February 5, 2001); and approve the minutes of September 4, 2001.

Bid Openings

The following bids for **Parks Division Maintenance Shop Radiant Heater** Project No. PR01-1146 were opened on September 13, 2001:

1.	Aero Sheet Metal (check submitted)	
	Base Bid	\$15,553.00
	Base Bid Plus Alternates	\$25,349.00
2.	Tessier's, Inc. (bond submitted)	
	Base Bid	\$12,430.00
	Base Bid Plus Alternates	\$20,925.00

Staff has reviewed the bids and recommends award to Tessier's. Motion was made by Steinburg, seconded by Waugh and carried to award the bid for PR01-1146 to Tessier's, Inc., the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$20,925.

Mayor's Items

Don Phillips and Geri Nicolai from the City/County Communications Center presented Mayor Munson with a plaque acknowledging that the Dispatch Center has received international accreditation for emergency medical dispatch excellence. The award comes from the National Academy of Emergency Medical Dispatch in Salt Lake City, UT. Phillips added that the City/County Communications Center is only the 63rd in the world to receive this honor.

Munson also recognized and commended Don Hamling from the Water Department for 20 years of service to the community.

Special Items and Items from Visitors

Marshall Curtis asked the Council to look into the issue of **realtor signs** which are placed in the right-of-way. Johnson stated that he feels this is a violation of City code. Motion was made by Johnson and seconded by Murphy to request that the City Attorney send a letter to the real estate agencies notifying them that it is against City Code to place realtor signs in the right-of-way. Dreyer and Kroeger abstained from voting on this issue. City Attorney Tamara Pier stated that the Building Inspection Department is charged with enforcement of the City's

sign codes. She will check with them on how this is being handled and report back to the Council. Upon vote being taken, the motion carried unanimously.

Curtis also asked what is happening with the traffic light that was to be located at the intersection of **Fifth and Indiana**. Motion was made by Steinburg and seconded by Johnson to direct staff to put a traffic light at the intersection of Indiana & Fifth Street and remove the light at the intersection of Fifth & Meade Street. Bjerke suggested that the Traffic Engineer make a presentation on this issue to the Council members at the next Public Works Committee meeting. Substitute motion was made by Hanks, seconded by Rodriguez and carried to request that staff make a presentation on this issue at the next Public Works Committee meeting and notify the affected property owners near Meade & Fifth Street as well as the Schools and PTAs that will be affected by this change.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Century Motels, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Off Sale Malt Beverage License (New License-No Video Lottery). Upon motion made by Hadley, seconded by Dreyer and carried, the Council approved the application.

This was the time set for hearing on the application of KSB, LLC dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Sale Liquor License Transfer (from Kelly's Sports Lounge, Inc.). Motion was made by Hadley, seconded by Hanks and carried to acknowledge the applicant's withdrawal of this application.

Consent Calendar

The following items were removed from the Consent Calendar:

19. No. 01CA030 – Approve a Comprehensive Plan Amendment to the Major Street Plan as requested by City of Rapid City for the proposed realignment of several collector and arterial roads located in Sections 20, 21, 27, 28, 29, 30, 32, 33 of T1N, R7E, BHM, Pennington County, South Dakota, located in southwest Rapid City and the surrounding area.
21. No. PW091201-12 – Authorize Mayor and Finance Officer to Sign an Agreement with Skyline Pines Development Company L.L.C. to provide water service to development.

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

Set for Hearing (October 1, 2001)

4. No. 01UR049 - A request by Dave M. Handley for a **Use On Review to allow an On-Sale Liquor Establishment in the General Commercial Zoning District** on the east 195 feet of Lot 2 and Lot 3, Block 1, Hansen Heights Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 420 East Saint Patrick Street.
5. No. 01UR050 - A request by FMG Engineering for Northwestern Engineering for a **Major Amendment to a Use On Review to allow for the expansion of a mobile home park in the Medium Density Residential District** on Lots 1 and 2 of Meadowlark Hills Subdivision and unplatted land located in SE1/4 of the NE1/4 all located in Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East North Street, east of LaCrosse Street.

Public Works Committee Items

6. No. PW091201-01 – Approve Change Order No. 01 for ST00-993, Block 5 Alley Paving (Schnasse Addition) to Hills Materials Company for a decrease of \$3,441.18.

7. No. PW091201-02 – Approve Change Order No. 01 for SS01-1086, Red Rock Estates Sanitary Sewer Lift Station to RCS Construction, Inc. for an increase of \$20,608.
8. No. PW091201-03 – Authorize staff to advertise for bids for SSW00-956, Canyon Lake Drive Water Transmission Main Line Relocation.
9. No. PW091201-04 – Authorize staff to advertise for bids for SSW01-1080, 38th Street Sanitary Sewer Project.
10. No. PW091201-05 – Authorize staff to advertise for bids for W01-1112, West Boulevard North Water Main Looping.
11. No. PW091201-06 – Authorize staff to advertise for bids for ST01-1148, Maintenance Contract for Street Lights.
12. No. PW091201-07 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Britton Engineering and Land Surveying, Inc. to Design SSW01-1080, 38th Street Sanitary Sewer Main Extension for an amount not to exceed \$3,250.
13. No. PW091201-09 – Authorize the Mayor and Finance Officer to sign a Contract for Services with Pennington County for funding the Drinking Water Protection Program for 2002.
14. No. PW091201-10 – Authorize the Mayor and Finance Officer to sign a Temporary Water Service Contract for October 1, 2001 to September 30, 2002 with the United States Department of the Interior, Bureau of Reclamation for the Pactola Reservoir for an amount not to exceed \$107,000.
15. No. PW091201-11 – Approve Out-of-the-Dust Funds for ST01-1147, Alley Paving of Block 38, Boulevard Addition between Mt. Rushmore Road and 9th Street, Fairview and St. James Streets for an amount not to exceed \$3,000.
16. Approve Permission to Solicit Bids for the Sale of 49 Hay Bales.
17. No. 01VE012 – Deny Without Prejudice, at request of petitioner Harry Burmeister, a Vacation of a portion of Utility and Drainage Easement on Lot 8, Block 5, Northridge Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3704 Champion Drive.
18. No. 01VE014 – Deny Without Prejudice a Vacation of existing 16 foot wide drainage easement for petitioner Davis Engineering for Ivan and Marlene Kundel on Lot 12, Block 6, Scenic Valley Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 5256 Basswood Drive.
20. Approve a Resolution Declaring Property Surplus for the Municipal Golf Courses.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Golf Course

Ryan Greens Aire II, SN 114068
 Cushman Core Harvester, SN A0076905
 Jacobsen 590 Aerator, SN 510524
 Cushman Truckster, SN 553580
 Jacobsen F10, SN 1992
 Turfco Meter Matic II, SN 788814
 Toro Greens Aerator, SN 71211
 1980 Dodge Pickup, SN D24JNAS126353
 Hanisch Feger Welder
 Cushman Core Destroyer, SN 400100020

Ryan Greensaire 24, SN 93520351

BE IT FURTHER RESOLVED that the Mayor and Finance Officer may do all acts necessary to dispose of this property according to state law.

Dated this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

22. No. PW091201-13 – Authorize Mayor and Finance Officer to Sign Amendment No. 01 to Professional Service Agreement with CETEC Engineering Services, Inc. to Conduct South Plaza Drive Drainage Evaluation for an amount not to exceed \$1,594.82.

Legal & Finance Committee

23. LF091201-02 - Approve Travel Request for Bradley A. Hagen to attend Aviation Issues Conference in Kamuela, Hawaii, from 1/05/02 through 1/10/02 in the amount of \$2,929.
24. LF091201-15 - Authorize Fire Department to use Liability Release Agreement.
25. LF091201-03 - Authorize Mayor and Finance Officer to sign Contracts with the Department of Environment and Natural Resources for the Air Quality Program.
26. LF091201-04 - Authorize staff to advertise a Request for Proposals to prepare a Master Plan for Telecommunication Facilities.
27. LF091201-05 - Approve Resolution Declaring Real Property Surplus, Establishing Its Fair Market Value, Setting the Terms of Sale, and Authorizing Its Sale.

RESOLUTION DECLARING REAL PROPERTY SURPLUS,
ESTABLISHING ITS FAIR MARKET VALUE,
SETTING THE TERMS OF SALE, AND AUTHORIZING ITS SALE

WHEREAS the following described property is no longer needed or useful for municipal purposes of the City of Rapid City

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following described real property is hereby declared surplus:

The West Five Feet (W5') of Lot A of Block Twenty-eight (28), Airport Addition, Rapid City, Pennington County, South Dakota.

BE IT FURTHER RESOLVED that Dan Bjerke, Gary Shepherd and Bonnie Hughes, real property owners of the City of Rapid City, are hereby appointed to appraise the fair market value for said property.

BE IT FURTHER RESOLVED that the City of Rapid City may dispose of these parcels of land to the highest bidder for cash; and

BE IT FURTHER RESOLVED that the City Finance Officer and all other officers and employees of the City of Rapid City are hereby authorized and directed to proceed with the sale of said property pursuant to SDCL 6-13.

Dated this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

28. Authorize Mayor and Finance Officer to Sign Temporary Construction Easement and Related Forms for SDDOT Project P-BRF1746(2) - Canyon Lake Drive Bridge Project.
29. LF091201-07 - Authorize Mayor and Finance Officer to Sign Contract with National American University for Basic Supervision Training for an Amount not to Exceed \$2,471.70.
30. LF091201-08 - Approve Resolution Designating Official Depositories.

RESOLUTION DESIGNATING OFFICIAL DEPOSITORIES

WHEREAS, Section 9-22-6, SDCL, as amended, requires the Governing Body to designate official depositories in which municipal funds may be deposited;

NOW, THEREFORE, BE IT RESOLVED that the following institutions be designated as official depositories for the City of Rapid City:

US Bank
First Western Federal Savings Bank
Rushmore Bank and Trust
American State Bank
Pioneer Bank and Trust
Wells Fargo
A.G. Edwards & Sons, Inc.
Dougherty, Dawkins, Strand & Yost
Dain Rauscher, Inc.
Investment Center of America, Inc.
KT Investments
First National Bank
Voyageur Investment Management
Edward Jones Investments
Black Hills Federal Credit Union

Dated this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

31. LF091201-12 - Approve Resolution Condemning Property for the Purpose of Public Right of Way.
32. Approve the following Licenses: Plumbing Contractor: Allan L. Spodnik, Custom Plumbing.
33. LF091201-13 - Approve Appointment of Al Campbell to the Parks and Recreation Committee.
34. LF091201-14 - Approve Appointment of Kelly Maguire to the RSVP Advisory Council.

Raffle

35. No. CC091701-02 – Belle Fourche Sportsman's Group, Raffle to be held on or before August 31, 2002
36. No. CC091701-03 – American Legion Auxiliary Unit 22, Raffle to be held on November 11, 2001

End of Consent Calendar

The Mayor presented No. 01CA030, a request for a Comprehensive Plan Amendment to the **Major Street Plan** as requested by City of Rapid City for the proposed realignment of several collector and arterial roads located in southwest Rapid City and the surrounding area. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION
A RESOLUTION APPROVING MAJOR STREET PLAN REVISIONS

WHEREAS the Major Street Plan must be current and periodically revised in order to be an effective planning document; and

WHEREAS revisions to the Major Street Plan have been drafted based on the research and study of the City of Rapid City Staff with input from the City Planning Commission and City Council; and

WHEREAS state law provides for amendments and additions to portions of the comprehensive plan of which the Major Street Plan is a part thereof; and

WHEREAS the Rapid City Planning Commission has carefully considered the amendments to the Major Street Plan, and held a public hearing in accordance with SDCL 11-6-17, and has recommended approval to the Rapid City Council; and

WHEREAS the Rapid City Council has also carefully considered the amendments to the Major Street Plan, and has also held a public hearing in accordance with SDCL 11-6-18;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF RAPID CITY that the attached amendment to the Major Street Plan for the City of Rapid City be, and is hereby, approved with the realignment of several collector and arterial roads located in Sections 20, 21, 27, 28, 29, 30, 32, 33 of Township 1 North, Range 7 East, Black Hills Meridian, Pennington County, South Dakota.

Dated this 17th day of September, 2001.

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

THE RAPID CITY COUNCIL
s/ Jerry Munson, Mayor

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

The next item before the Council was No. PW091201-12, authorization for the Mayor and Finance Officer to Sign an Agreement with **Skyline Pines Development Company** L.L.C. to provide water service to development. Hanks noted that no map was attached to the agreement as Attachment A. Motion was made by Hanks and seconded by Hadley to continue this item until October 1, 2001. Nelson stated that no notices have been sent to

property owners since the Public Works Committee meeting. However, a notice was mailed a few weeks earlier by the developer. Johnson suggested that tap fees also be addressed in the agreement. Upon vote being taken, the motion to continue carried unanimously.

Public Hearing

The Mayor announced that the meeting was open for consideration of No. CC091701-04 - Resolution Levying Assessment for Property Cleanup. The following Resolution was introduced, read and Hadley moved its adoption relative to Properties No. 1 and 3 and continue the hearing for No. 3 until October 1, 2001.

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTIES

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

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

Dated this 17th day of September, 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 Steinburg. Hadley noted that Property No. 2 is owned by Richard King who is deceased. Continuation will allow the City time to notify his heirs about this proceeding. Johnson stated that this is work that has been done by the City and this bill is valid against the property. Substitute motion was made by Johnson and seconded by Hanks that the Resolution be approved for all three properties listed on the Assessment Roll. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Dreyer and Kriebel; NO: Hadley; whereupon said Resolution was declared duly passed and adopted.

Planning Department Consent Items

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

38. No. 00PL110 – Approve the request by Renner & Sperlich Engineering for Buescher Frankenberg Assoc. Inc. for a **Preliminary and Final Plat** located at the intersection of Anamosa Street and LaCrosse Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots A & B of Lot 5R Meridian Subdivision (formerly Lot 4B and Lot 5R of Meridian Subdivision) located in the SW1/4 of the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots A & B of Lot 5R Meridian Subdivision (formerly Lot 4B and Lot 5R of Meridian Subdivision) located in the SW1/4 of the SE1/4, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

39. 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 OCTOBER 1, 2001)
40. No. 00PL131 - A request by Dream Design International for a **Final Plat** on Tract B of Meadow View Subdivision formerly the unplatted portion of the NW1/4NW1/4NE1/4 of Section 26, T1N, R7E, B.H.M., Pennington County, South Dakota, located 1/2 mile east of the intersection of U.S. Highway 16 and U.S. Highway 16B. (DENY WITHOUT PREJUDICE)
41. No. 01PL033 - A request by Renner & Sperlich Engineering for Gustafson Builders for a **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 OCTOBER 1, 2001)
42. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW1/4 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO OCTOBER 1, 2001)
43. No. 01PL055 - A request by Dream Design, Inc. for Legacy Land Company for a **Preliminary and Final Plat** on Tract A-1 and Tract B-1 a Replat of Tract A and Tract

B of The Meadows Subdivision, located in the W1/2 of SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the Minnesota Street and Derby Lane intersection. (CONTINUE TO OCTOBER 1, 2001)

44. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO OCTOBER 1, 2001)
45. No. 01PL068 - A request by Fisk Engineering for Ernest Barton for a **Preliminary and Final Plat** located at 230 and 232 East New York Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 31R and Lot 33R in Block 9 of Blake's Addition, formerly all of Lots 31 through 34 in Block 9 of Blake's Addition, located in the SW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 31R and Lot 33R in Block 9 of Blake's Addition, formerly all of Lots 31 through 34 in Block 9 of Blake's Addition, located in the SW1/4 SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

46. No. 01PL069 - A request by Polenz Land Surveying for Rose Schimke for a **Preliminary and Final Plat** on Lot 5R and 6R of Schimke Subdivision formerly Lot 5 and 6 of Schimke Subdivision all located in the S1/2 of the SW1/4 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota, located at 1650 Sweetbriar. (CONTINUE TO OCTOBER 1, 2001)
47. No. 01PL072 - A request by Centerline Inc. for Heartland Development Group LLC for a **Layout and Preliminary Plat** on Lots 1 thru 10 and Drainage Lot 11 in Block 1 and Lots 1 thru 12 in Block 2 of Northstar Industrial Park Subdivision located in the NE1/4 of the NE1/4 of Section 29, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southwest of Seger Drive and Dyess Avenue intersection. (CONTINUE TO OCTOBER 1, 2001)

48. No. 01PL076 - A request by Dream Design International, Inc. for a **Preliminary Plat** on Lot 1, Block 1; Lots 1-13, Tract A & Outlot C, Block 2; Lots 1-12, Block 3; Lots 1-29 & Outlot B, Block 4; Lots 1-8, Block 5; Lots 1-3 & Outlot A, Block 6; Lots 1-13, Block 7 & Lots 1-27, Block 8, Northbrook Village Subdivision, located in the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Nike Road. (APPROVE WITH THE FOLLOWING CONDITIONS: 1) Prior to City Council approval of the Preliminary Plat, revised engineering plans shall be submitted for review and approval; 2) Prior to City Council approval of the Final Plat, the applicant shall complete an agreement with the City for future upgrades to the sanitary sewer lift station; 3) Prior to City Council approval of the Final Plat, the applicant shall enter into an agreement for the purchase of the Outlots; 4) Prior to City Council approval of the Preliminary Plat, the applicant shall delineate an emergency temporary turnaround at the end of all streets; 5) Prior to City Council approval of the Final Plat, the applicant shall provide non-access easements as identified on the red-lined engineering plans; 6) Prior to City Council approval of the Final Plat, the applicant shall submit alternative names for "Offensive Drive" and for the north/south segment of "Viking Drive" 7) Prior to Final Plat approval by the City Council, all lots shall meet the width to length requirements of the Subdivision Regulations or a Subdivision Variance shall be obtained; 8) Prior to Final Plat approval by the City Council, the subject property shall be annexed into the City of Rapid City and shall be zoned Low Density Residential with a Planned Residential Development; 9) Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; 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, 11) If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit.)
49. No. 01PL078 - A request by Doug Sperlich for Tom Farrar for a **Layout Plat** on Lots 1-8 of Block 1; Lots 1-6 of Block 2; Lots 1-8 of Block 3; Lots 1-17 of Block 4; Lots 1-23 of Block 5; Lots 1-20 of Block 6; Lots 1-18 of Block 7; Lots 1-8 of Block 8; Lots 1-12 of Block 9 all located in Homestead Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located west of the intersection of East Fifty-Third Street and Meadowridge Drive. (APPROVE WITH THE FOLLOWING CONDITIONS: 1) Upon submittal of the Preliminary Plat, a revised 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; 3) 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; 4) Upon submittal of the Preliminary Plat, a revised utility plan shall be submitted for review and approval reflective of the increase in density on the subject property; 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. In addition, temporary turnarounds shall be provided at the end of the proposed roads located in the northwest, northeast and southwest corners of the property, respectively; 6) Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Reservoir Road. In addition, a non-access easement must be shown along Homestead Street except for approved approach location(s); 7) Prior to Final Plat approval by the City Council, the drainage lot and/or major drainage easements shall be shown on the plat as required by the Engineering Division; 8) Prior to Final Plat approval by the City Council, the applicant shall submit a copy of a road maintenance agreement; 9) 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; 10) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall meet with the Rapid Valley Sanitary District for a pre-construction meeting; 11) Upon submittal of the Preliminary Plat, road names for the unnamed streets located within the proposed subdivision shall be submitted for review and approval. In addition, the plat shall be revised to correctly identify the street names; 12) Upon submittal of the Preliminary Plat, a phasing plan shall be submitted for review and approval; 13) Prior to Final Plat approval, the property shall be rezoned to meet the minimum lot size of the Pennington County Zoning Ordinance or a variance shall be obtained waiving the lot size requirement; 14) Prior to Final Plat approval, the plat shall be revised to show a ten foot wide planting screen easement along Reservoir Road; 15) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 16) 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.)

50. No. 01PL080 - A request by Ferber Engineering Company for Farrar Real Estate, LLP for a **Preliminary and Final Plat** located on Deadwood Avenue North lying east of the Interstate 90 Right of Way.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, Farrar Business Park, formerly a portion of the N1/2 of the SE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lots 1 and 2 of Block 1, Lot 1 of Block 4 and Lot 1 of Block 5, Farrar Business Park, formerly a portion of the N1/2 of the SE1/4, Section 16, T2N, R7E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

51. No. 01PL084 - A request by Richard O. Stahl for a **Preliminary and Final Plat** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. (CONTINUE TO OCTOBER 1, 2001)
52. No. 01PL085 - A request by Doug Sperlich for Larry Lewis for a **Final Plat** located on Park Drive south of the intersection of Park Drive and Westridge Road.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 3A & 3B of Block 1 Parkridge Village Subdivision No. 2 (formerly a portion of the unplatted balance of the NW1/4 of the NE1/4) located in NW1/4 of the NE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lots 3A & 3B of Block 1 Parkridge Village Subdivision No. 2 (formerly a portion of the unplatted balance of the NW1/4 of the NE1/4) located in NW1/4 of the NE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved, and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

53. No. 01PL086 - A request by Mark Kirkeby for Robert and Willowdean Stephens for a **Layout Plat** on Lot 6, Miracle Pines Subdivision, Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3960 Corral Drive. (APPROVE WITH THE FOLLOWING CONDITIONS: 1) Prior to Preliminary Plat approval by the Planning Commission, topographic information and a drainage plan shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide documentation regarding the suitability of the proposed lots for on-site waste water facilities. A site plan shall be provided identifying the location of all wells on the property and within one hundred fifty feet of the property and the location of the proposed on-site waste water facilities. Two locations for on-site waste water facilities shall be identified on the eastern lot and the existing on-site waste water facility and one additional location shall be identified for the western lot; 3) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide plans for the connection to City water service for both lots; 4) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall identify the locations of the access points for both lots for review and approval. A non-access easement shall be identified for the frontage of Corral Drive except for the approved approach locations; 5) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a wildland hazard mitigation plan for review and approval; 6) Prior to Final Plat approval by the City Council, the applicant shall dedicate an additional seventeen feet of right-of-way for Corral Drive, 7) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide complete engineering plans for sidewalks, curb, gutter, and sanitary sewer for Corral Drive or enter into an agreement for a future assessment project; 8) Prior to Final Plat approval by the City Council, the subdivision improvement estimate form shall be submitted for review and approval and the subdivision inspection fees shall be paid; 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.)

54. No. 01PL087 - A request by George & Nancy Dunham for a **Layout Plat** on Lots 1-4, Block 1, Lots 1-10, Block 2, Lots 1-14, Block 3, Lots 1-11, Block 4, Lots 1-10, Block 5, Lots 1-15, Block 6, Lots 1-15, Block 7, Lots 1-7, Block 8, Dunham Subdivision, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of the current terminus of Palmer Drive, west of the current terminus of Meadowbrook Drive and north of the current terminus of Severson Street. (APPROVE WITH THE FOLLOWING CONDITIONS: 1) Prior to Preliminary Plat approval by the Planning Commission, complete engineering plans and related information as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval; 2) Prior to Preliminary Plat approval by the Planning Commission, a geotechnical report shall be submitted for the subject property; 3) Prior to Preliminary Plat approval by the Planning Commission, a detailed topographic survey shall be provided; 4) Prior to Preliminary Plat approval by the Planning Commission, a complete drainage report shall be provided including a design for the detention facility(s); 5) Prior to Preliminary Plat approval by the Planning Commission, a complete grading plan shall be provided including provisions for lot line drainage; 6) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a design for any pressure sewer system that may be needed; 7) The street providing access to the unplatted property to the west shall be moved to be a minimum of one hundred feet from the south property line of the Parkridge Village development; 8) Prior to Preliminary Plat approval by the Planning Commission, plans shall be submitted showing the proposed location of water lines and fire hydrants; 9) Prior to Final Plat approval by the City Council, that all requirements of the Uniform Fire Code shall be met; 10) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall delineate an emergency temporary turnaround at the end of all streets; 11) Prior to Preliminary Plat approval by the Planning Commission, the applicant shall provide a revised master plan eliminating the off-set intersection for Severson Street/Palmer Drive; 12) Prior to Final Plat approval by the City Council, all lots shall meet the width to length requirements of the Subdivision Regulations or a Subdivision Variance shall be obtained; 13) Prior to Final Plat approval by the City Council, sidewalks shall be provided on both sides of all streets or a Subdivision Variance shall be obtained; 14) Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential; 15) Prior to Final Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval and all the subdivision inspection fees shall be paid; 16) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted; and 17) If more than one acre shall be disturbed by construction, an air quality permit shall be obtained prior to issuance of a grading permit.)
55. No. 01PL088 - A request by Ron & Mary Ann Davis for a **Final Plat** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in: NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located 800 feet south of the intersection of Twilight Drive and Reservoir Road. (CONTINUE TO OCTOBER 1, 2001)
56. No. 01PL089 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots 7-9, Block 4; Lots 13-23, Block 6, Lot 6, Block 7; Lots 1-11, Block 8; Lots 1-2, Block 9 of Big Sky Subdivision and dedicated South Pitch Drive, Aurora Drive, Carl Avenue and major drainage easements located in NE1/4SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the current northern terminus of South Pitch Drive. (CONTINUE TO OCTOBER 1, 2001)

57. No. 01PL090 - A request by Dream Design International for a **Final Plat** on Lots 3A, 3B, 4A and 4B, being a subdivision of Lots 3 and 4, Block 6 of Red Rock Estates Phase 1A, located in the SW1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of Prestwick Drive and Muirfield Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 3A, 3B, 4A and 4B, formerly Lots 3 and 4, Block 6 of Red Rocks Estates, Phase 1A, located in the SW1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lots 3A, 3B, 4A and 4B, formerly Lots 3 and 4, Block 6 of Red Rocks Estates, Phase 1A, located in the SW1/4 of the NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th day of September, 2001.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

58. No. 01PL091 - A request by Cetec Engineering for Park Hill Development for a **Layout Plat** on unplatted portion of S1/2 of NE1/4 and N1/2 of SE1/4, Park Hill East Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located between Wilma Street, Oakland Street and Hoefer Avenue. (APPROVE WITH THE FOLLOWING CONDITIONS: 1) Upon submittal of the Preliminary Plat, a revised 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; 3) 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; 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. In addition, a temporary turnaround shall be provided at the southern end of Oakland Street; 5) Prior to Final Plat approval by the City Council, major drainage easements shall be shown on the plat as required by the Engineering Division; 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, an Approach Permit to allow for the expansion of use on Sydney Street shall be obtained. In

addition, any improvements to the Sydney Street/Campbell Street intersection as determined by the South Dakota Department of Transportation shall be completed; 8) Upon submittal of the Preliminary Plat, a revised road name for "Smith Drive" shall be submitted for review and approval. In addition, road names for each of the proposed streets within the subdivision shall be submitted for review and approval; 9) Upon submittal of the Preliminary Plat, a revised subdivision name shall be submitted for review and approval; 10) Upon submittal of the Preliminary Plat, a phasing plan shall be submitted for review and approval; 11) Upon submittal of the Preliminary Plat, Wilma Street right-of-way shall be vacated or road construction plans shall be submitted for the road and the plat shall be revised to maintain the minimum separation requirement(s) between intersections; 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 fees shall be paid.

End of Planning Consent Items

Planning Department – Hearings

The Mayor presented No. 01PD042, a request by Dream Design International, Inc. for a **Planned Development Designation** on the following property: A parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence N88°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 1/16 line; Thence S88°35'39"E, along said 1/16 line, 677.62 feet Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'43"E 155.36 feet; Thence N43°40'53"E 361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of S40°04'31"E 649.15 feet to where said right of way meets the east section line of said Section 24; Thence S01°24'21"W 730.34 feet along said section line to the point of beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of N40°04'31"W 649.15 feet to a point lying on the right of way of future Parkview Drive; Thence N45°40'53"E 626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence S01°24'21"W 945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, located north of Catron Boulevard and adjacent to the future right-of-way line of Fifth Street and Parkview Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 15, 2001.

The Mayor presented No. 01PD044, a request by Dream Design International, Inc. for a **Major Amendment to a Planned Commercial Development** on Tract A of The Meadows Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and a tract of land located in the W1/2 of the SE1/4 Section 18, T1N, R8E, B.H.M., Rapid City, Pennington County, South Dakota consisting of a portion of Tract B of The Meadows Subdivision as recorded in Plat Book 28 Page 173. More particularly described as follows: Beginning at the Northeast corner of said Tract B of The Meadows Subdivision a found rebar and cap stamped LS 4225, this being the true point of beginning. Thence S00°00'41"E

140.21 feet along the east boundary of said Tract B, Thence S89°50'18"W 189.16 feet to a point on the easterly right of way of Derby Lane, Thence N39°48'27"W 8.42 feet along said right of way of Derby Lane to a point of curve with a radius of 149.00 feet, Thence along said right of way of Derby Lane on said curve to the right an arc length of 103.44 feet to the point of tangency, Thence N00°12'34"W 39.02 feet along said Derby Lane right of way, Thence S89°59'52"E 229.04 feet along the westerly line of said Tract B to the point of beginning, said tract containing 1.71 acres more or less, located at the intersection of Derby Lane and Minnesota Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 1, 2001.

The Mayor presented No. 01PD045, a request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Nike Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 1, 2001.

The Mayor presented No. 01PD047, a request by Richard O. Stahl for a **Planned Residential Development - Final Development Plan** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until October 1, 2001.

The Mayor presented No. 01CA020, a request by Dream Design International, Inc. 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 from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on the following property: A parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along said northerly right of way line, 50.86 feet to the true point of beginning; Thence N88°35'39"W along said northerly right-of-way line, 350 feet; Thence departing said right of way N1°24'21"E 275 feet; Thence S88°35'39"E 346.06 feet to where said line intersects the westerly right of way of proposed Fifth Street; Thence S00°45'07"W 274.85 feet more or less to the point of beginning containing 2.20 acres more or less; from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 400.86 feet this being the point of beginning; Thence N88°35'39"W along said northerly right of way 919.13 feet; Thence departing said northerly right of way line N1°24'21"E 275 feet; Thence S88°35'39"E 919.13 feet; Thence S1°24'21"W 275 feet to the point of beginning containing 5.80 acres more or less; from Planned Residential Development with a maximum density of 6.7 dwelling units per acre to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N88°35'39"W along the northerly right of way of said Catron Boulevard 1320 feet to where said right of way meets the north south 1/16 line of the SE1/4 of said Section 24 this being the true point of beginning; thence along the said right of way N88°35'39"W 439.87 feet; Thence departing the north right of way N01°24'21"E 1245 feet to a point lying on the east west 1/16 line; Thence S88°35'39"E along said 1/16 line 677.62 feet; Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence

S82°36'49"E 303.17 feet; Thence S43°24'30"E 405.16 feet; Thence S49°37'01"E 52.92 feet to a point on a curve with a radius of 567 feet; thence along said curve to the right an arc length of 258.44 feet with a chord bearing of S30°36'54"E 256.21 feet Thence S1°24'21"W 244.35 feet; Thence N88°35'39"W 919.13 feet to a point on the north south 1/16 line; Thence S01°24'21"W 275 feet along said 1/16 line to the point of beginning containing 28.28 acres more or less; and, from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development on a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; Thence N00°45'07"E 274.85 feet this being the true point of beginning; Thence N88°35'39"W 348.88 feet; Thence N1°24'21"E 244.35 feet to where it intersects a curve with a radius of 567 feet; thence along said curve to the left an arc length of 258.44 feet and a chord bearing of N30°36'54"W 256.21 feet; Thence N49°37'01"E 350.36 feet to where said line intersects the south westerly right of way of proposed Fifth Street a curve with a radius of 917 feet; Thence along said curve to the right an arc length of 438 feet with a chord bearing of S28°44'00"E 433.85 feet; Thence S00°45'07"W along said proposed Fifth Street right of way 319.88 feet to the point of beginning containing 5.03 acres more or less, located north of Catron Boulevard lying adjacent to the future right-of-way line of Fifth Street and Parkview Drive. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until October 15, 2001.

The Mayor presented No. 01CA021, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Comprehensive Plan Amendment - South Robbinsdale Neighborhood Area Future Land Use Plan** to change the future land use designation from Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Mobile Home Park located in a portion of the E1/2 of the SW1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota; from Planned Residential Development with a maximum density of 6.7 dwelling units per acre and Medium Density Residential with a Planned Residential Development to General Commercial located in a portion of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota; from Planned Residential Development with a maximum density of 6.7 dwelling units per acre, General Commercial with a Planned Commercial Development and Medium Density Residential with a Planned Residential Development to Office Commercial located in the North 900 feet of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota; from General Commercial with a Planned Commercial Development, Park Site with alternative use of Mobile Home Residential and Office Commercial with a Planned Commercial Development to General Commercial located in the North 900 feet of the W1/2 of the SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota; from Office Commercial with a Planned Commercial Development and Park Site with alternative use of Mobile Home Residential to Light Industrial located in the South 420 feet of the NW1/4 of the SW1/4 and the SW1/4 SW1/4 of Section 19, T1N, R8E, BHM, Pennington County, South Dakota; from General Commercial with a Planned Commercial Development and Office Commercial with a Planned Commercial Development to General Commercial located in a portion of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; from Office Commercial with a Planned Commercial Development, Medium Density Residential, and Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Office Commercial located in a portion of the N1/2 of the SW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; from Low Density Residential and Planned Residential Development with a maximum density of 6.7 dwelling units per acre to Medium Density Residential located in a portion of the W1/2 of the S1/2 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and, from Medium Density Residential to Low Density Residential located in the E1/2 of the N1/2 of the NW1/4 of the NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located North and west of the Rapid City Landfill. Motion

was made by Kroeger, seconded by Murphy and carried to continue this item until October 15, 2001.

The Mayor presented No. 01SE001, a request by Bill Caldwell for a **Special Exception to the Flood Area Construction Regulations to allow permanent structures in the floodway** on Tract 5, Bradsky Subdivision No. 2, located in the NW1/4 SW1/4 Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1316 Cambell Street. Motion was made by Kroeger and seconded by Johnson to deny the request. Bill Caldwell urged the Council to approve the special exception. He noted that he has letters of support for this special exception from adjoining property owners. Engineering Division Manager Randy Nelson submitted a summary of the actions relative to the property located at 1310 Cambell Street, on the south side of Rapid Creek. The petitioner is requesting authorization to double the size of the existing building by adding 2600 square feet for use as an automobile service shop. The property is located entirely within the floodway and requires a floodplain development permit. Because the use and building are non-conforming, a special exception to the flood plain development permit must be approved by the City Council. There are two issues that must be addressed. First, the ordinance specifically states that no structural alteration, addition or repair can be made to any non-conforming structure if it exceeds 50% of its value at the time of becoming a non-conforming use. The building is non-conforming in that it is located in the floodway. Also, the existing building raises the base flood elevation approximately two-tenths of a foot. Secondly, the use of the property includes storage of materials (vehicles) in the floodway that could be hazardous to public safety and welfare. Nelson stated that the non-conformity of this property increased in 1995 when the use was changed to a car lot. It was noted that the petitioner has submitted the required information for a No Rise Certificate and Flood Proofing Design. When discussing this type of petition, the ordinance requires the Planning Commission and the City Council consider several factors, including the danger to health, safety, welfare and property due to increased flood types or velocities caused by encroachments. The City should also consider any danger that materials may be swept onto other lands or downstream to the injury of any person or property and also consider the availability of alternative locations not subject to flooding. The ordinance states that a variance shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship to the applicant and a determination that granting a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense. The Planning Commission's recommendation for denial was based on the fact that those conditions as established by City ordinance for granting a special exception are not met in this case. In addition, adding additional investment to the property adds to the permanency of the non-conforming use and reduces the likelihood of achieving the community's goals of the Floodplain Management Ordinance. Expansion of the building for purposes of expanding the business volume may likely lead to an increase in the average number of vehicles stored at this location in the floodway. The nature and degree of risk resulting from vehicles in the floodway is in fact real; it is significant. Nelson noted that cars can plug bridges and there is a bridge located on Creek Drive, about one-third of a mile downstream from this location. Nelson stated that this request constitutes re-building in the floodway, ignoring some of the lessons we learned as a result of the 1972 Flood. Further, allowing expansion at this time will increase the cost of future property acquisition if the City and the property owners are agreeable to add this property to the City's Greenway. Nelson stated that for these reasons, staff is recommending denial of the special exception.

Asst. City Attorney Adam Altman submitted a historical time line of the development of this property. The property has been out of compliance with City codes for several years, even before it was purchased by Mr. Caldwell. The property became an illegal non-conforming use in 1988 and has continued as such until the rezoning was approved in August of 2001. Altman went through the legal criteria that the Council is required to find that the applicant has met before a special exception is granted. He noted that the applicant has failed to meet nine out of eleven of these criteria (two of the criteria are not applicable). The Council must

also determine that the special exception is the minimum necessary to allow reasonable use of the property. Altman stated that it is not proper to grant an exception to alleviate financial hardship or permit financial growth. He added that the City Council must find as follows in order to approve the requested variance: 1) good and sufficient cause to grant the variance; 2) exceptional hardship to the petitioner in order to grant the variance; and 3) that there are no additional threats to public safety. If the Council finds that there is any additional threat to public safety, the variance shall be denied. Hanks questioned the discussion about vehicles being parked on this property when the question is for an addition to the building. Altman stated that if the parking area is not included in the variance application, then it will still be an illegal non-conforming use and subject to the City's spectrum of enforcement options. Caldwell stated that his special exception request is for an addition to the building only; nothing to do with the parking lot. Caldwell stated that any increase in risk of vehicles floating down the creek is because the elevation of the base flood has increased and not the result of anything he has any control over. Substitute motion was made by Kriebel and seconded by Hadley to approve the special exception to the Flood Area Construction Regulations to allow permanent structures in the floodway, with the stipulation that the available parking will stay the same (square footage). Johnson stated that he does not feel the Council has authority to grant this variance or special exception based on the criteria described by the City Attorney's Office. Altman reiterated that if the special exception that the Council is considering does not include the parking of cars on this paved section, the inventory storage (parking of cars) would continue to be an illegal non-conforming use and would be subject to the City's enforcement spectrum (anywhere from ignoring the use to removing the non-conforming use). Planning Commission representative Jeff Hoffman stated that everyone is aware of the history of this property. Since the base flood elevation has risen, there is more of an issue on this property than was originally thought. He added that since the Council knows the history, the City will have increased liability if this request is approved. Mayor Munson stated that if this request is approved, the City is saying that we know there will be cars on this property, we know they are illegal, we know they post a hazard, but we are going to allow additional money to be invested in this property and turn a blind eye. He urged the Council not to approve the request for a special exception and to continue the work of acquiring property that is located in the floodway. Second substitute motion was made by Murphy to continue this item until October 1, 2001 to give staff and Mr. Caldwell more time to discuss purchasing the property. Motion died for lack of a second. Upon vote being taken, the motion carried with Johnson voting no.

The Mayor presented No. 01SV022, a request by Polenz Land Surveying for Rose Schimke for a **Variance to the Subdivision Regulations to waive the requirement for sidewalk, curb and gutter and street light conduit** on Lot 5R and 6R of Schimke Subdivision formerly Lot 5 and 6 of Schimke Subdivision all located in the S1/2 of the SW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at 1650 Sweetbriar. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Variance with the following stipulations: 1) Prior to City Council approval, a drainage ditch shall be constructed along Sweetbriar Street, or surety shall be posted for the improvement; and, 2) Prior to City Council approval, a waiver of right to protest an assessment district for Lot 5R and 6R of Schimke Subdivision shall be signed.

The Mayor presented No. 01SV025, a request by Ron & Mary Ann Davis for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, street light conduit, water and sewer for Reservoir Road** on Lots 1 thru 18 of Buffalo Ridge Subdivision formerly: unplatted all located in: NW1/4 NW1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located 800 feet south of the intersection of Twilight Drive and Reservoir Road. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 1, 2001.

The Mayor presented No. 01UR032, a request by Dream Design International, Inc. for a **Use On Review to allow a utility substation in the Low Density Residential Zoning District**

on the NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the current northern terminus of Muirfield Drive. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until October 1, 2001.

The Mayor presented No. 01UR034, a request by Harland Danielsen for a **Use on Review to allow an On-Sale Liquor Establishment including an outdoor concert facility** on Lot 8 of Tract "B" of SW1/4 NE1/4; Lot 2 of Tract E of SE1/4 NW1/4 of Meadowwood Subdivision and Lot 3 of Lot 88A of Pine Hills Subdivision, all located in Section 33, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4095 Sturgis Road. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until October 1, 2001.

The Mayor presented No. 01UR037, a request by Anne Devlin for a **Use On Review for a Child Care Center** on Lot 2 less W250', Nicholl's Subdivision, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1241 E. St. Joseph Street. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until October 1, 2001.

The Mayor presented No. 01UR041, a request by Remodel King for W. Angela Wessel for a **Use on Review to allow a private residential garage in excess of 1000 square feet and more than 30% of the residence** on Lot 1, Block 3, Kepp Heights, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1200 Highland Park Drive. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested Use on Review, with the following stipulations: 1) Prior to issuance of a Building Permit, a wildland fire mitigation plan shall be submitted for review and approval; 2) That the existing driveway and the 43 foot wide emergency vehicle turnaround shall be continually maintained with an all weather surface; 3) That no parking shall be allowed in the emergency vehicle turnaround area; 4) Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion; 5) That no plumbing shall be allowed in the garage; 6) Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and, 7) That during construction, best construction practices shall be observed to avoid saturation of the construction area and the foundation.

The Mayor presented No. 01UR046, a request by Randy and Bobbie Greenway for a **Use On Review to allow a private residential garage in excess of 1000 square feet in the Low Density Residential Zoning District** on Lot 3R Revised and Lot 4R Revision #2, Block 5, Canyon Lake Heights Subdivision, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3204 Falls Drive. Motion was made by Kroeger, seconded by Waugh and carried to approve the requested Use on Review, with the following stipulations: 1) Prior to issuance of a Building Permit, a revised site plan shall be submitted identifying the location of a maximum of twenty foot wide paved approach on Falls Drive; 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) That no plumbing shall be allowed in the garage; 5) Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and, 6) That the garage shall be constructed of the same materials and stained the same color as the existing residence.

The Mayor presented No. 01UR048, a request by Ed and Julie Hericks for a **Use On Review to allow a garage(s) in excess of 1000 square feet in the Medium Density Residential Zoning District** on Lot 2 of Lot A, Lot 3 of Lot A less the south 20' and Lot A of Lot 4 of Lot A, E.E. Taylor Tract, Section 5, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4950 Berry Pine Heights Drive. Motion was made by Kroeger, seconded by Waugh and carried to approve the requested Use on Review, with the following stipulations: 1) Prior to issuance of a Building Permit, a revised site plan shall be submitted identifying the location

of the existing septic system and documentation shall be provided identifying that the existing septic system is adequate for the residential use of the property; 2) Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion; 3) Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and, 4) That the garage shall be constructed of the same materials and painted the same color as the existing residence.

Ordinances & Resolutions

The Mayor presented No. 01AN012 – A request by City of Rapid City for a **Resolution of Annexation** located north of SD Highway 44 East, east of Cambell Street and south of US Highway 16. The following Resolution was introduced, read and Hadley moved its adoption:

RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

WHEREAS the City Council of the City of Rapid City conducted a public hearing at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota at 7:00 p.m. on the 20th day of August, 2001, and adopted a Resolution entitled, “A Resolution Declaring Intent to Extend the Boundaries of the City of Rapid City by Annexing the Within Described Territory”; and,

WHEREAS the Pennington County Board of County Commissioners approved this Resolution of Annexation at the Pennington County Court House, Rapid City, South Dakota, at 9:00 a.m. on the 28th day of August 2001; and,

WHEREAS the City Council of the City of Rapid City held a public hearing to consider the adoption of this Resolution of Annexation at the City/School Administration Center, 300 Sixth Street, Rapid City, South Dakota, at 7:00 p.m. on the 17th day of September 2001.

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

1. That the territory to be annexed generally consists of 67.83 acres and includes platted and unplatted lands in Section 32 of Township Two (2) North, Range Eight (8) East, of the Black Hills Meridian, all located in Pennington County, South Dakota.
2. That ample and suitable resources exist to accommodate the orderly growth and development of said territory and that municipal utilities and a major street network are, and have been, considered in terms of the proposed boundary extension.
3. That the following is the timetable upon which municipal service will be extended into said territory:

TIMETABLE

- A. GENERAL SERVICES. All services provided by the City, except as set forth below, will be provided to the annexed area on the same basis such services are provided to the rest of the City upon annexation.
- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- C. FIRE. All services provided by the Rapid City Fire Department will be extended to the annexed area upon annexation on the same basis such services are provided to the rest of the City.
- D. WATER SERVICE. Water service, substantially equivalent in standard and scope to such service provided to the rest of the City, will be made available to the annexed area upon annexation, on the following basis:

- (1) Acceptance of additions. The City will accept into its system for operation and maintenance additional water service facilities constructed in accordance with City standards. Additions may be constructed by developers as future development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.
- (2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:
 - (a) the construction of such water lines as may be necessary and appropriate to serve such land; and
 - (b) the assessment of the costs thereof as provided by law.

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

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

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

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

- (1) Acceptance of Additions. The City will accept into its system for operation and maintenance such additional sewer lines constructed in accordance with City standards. Such additions may be constructed by developers as further development takes place, by private parties constructing such additions after notice to the City and in compliance with City standards, or by the City under a resolution of necessity therefor.
- (2) Construction of additions by the City. The City shall, within thirty (30) days after receipt by the Finance Officer of a written request therefor signed by one or more owners of land located in the annexed area, undertake all such proceedings authorized by SDCL 9-48 as may be necessary and appropriate to permit:
 - (a) the construction of such sewer lines as may be necessary and appropriate to serve such land; and
 - (b) the assessment of the costs therefor as provided by law.

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

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

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

- F. **STREETS.** Street maintenance, sweeping, snow removal and roadside mowing shall be provided for future public streets within the annexed area on the same basis as such services are provided to the rest of the City upon annexation.
- G. **SOLID WASTE COLLECTION AND DISPOSAL.** Within sixty (60) days after annexation the City will determine by ordinance whether the annexation area or any portion thereof is to be included within the Garbage Service District. In any area included within the Garbage Service District solid waste collection and disposal will be provided on the same basis and at the rates provided by ordinance. (Solid waste collection services provided by the City are limited to residential structures.)

In any event, within sixty (60) days after receipt by the City Finance Officer of a written request for such service signed by more than 50% of the residents of the annexation area, solid waste collection and disposal service will be provided to the annexation area on the same basis as such services are provided to the Garbage Service District.

Such written request need be in no particular form but need only convey in good faith the request being made and the name of the persons making the request. Nothing shall preclude the City from accepting petitions from less than the entire area or serving only a portion of the annexation area.

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

- H. PARKS AND RECREATION. All services provided by the Parks and Recreation Department shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.
- I. LIBRARY. All services provided by the Rapid City Public Library shall be made available to the residents of the annexed territory on the same basis such services are provided to the rest of the City upon annexation.
- 4. That the appropriate costs of the extended service to the residents of the said territory and to the City are as follows:

APPROXIMATE COSTS

- A. GENERAL SERVICES. All services as set forth in Paragraph A of the Timetable may be provided to the annexed area without discernible additional cost to the residents of the annexed area or to the City of Rapid City; provided, however, that the use of services requiring the payment of fees shall be provided in return for payment of such fees in accordance with the applicable ordinances and regulations.
- B. POLICE. All services provided by the Rapid City Police Department will be extended to the annexed area. The costs to the City are negligible.
- C. FIRE. All fire suppression services are now provided by the North Haines rural Fire Protection District through the North Haines Volunteer Fire Department. Upon annexation the Rapid City Fire Department will provide emergency services (including fire suppression, medical/rescue services, and hazardous material handling) and non-emergency services (including fire inspection/investigation and public education). The cost to the City will be negligible.
- D. WATER. The City's water system is operated on an enterprise fund basis, i.e., the revenue produced from water service charges are used to provide water supply and to maintain the system. The cost, not including costs to be assessed as set forth below, to the residents of the annexed area and other water users for water supply and system maintenance would be the monthly water service charges prescribed by ordinance for users of the system. The cost to the City for any given period is necessarily speculative but in the long run would be roughly equivalent to the revenue generated from water service charges. Revenues and expenditures associated with the annexed area would not be separated from the enterprise fund for the entire system.

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

Connection charges to the existing water and sewer system will be pursuant to the adopted "Resolution of Necessity" for assessed projects or on the same basis as such services are provided to the rest of the City.

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

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

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

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

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

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

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

- G. **SOLID WASTE COLLECTION AND DISPOSAL.** The City's sanitation system is operated on an enterprise fund basis. The sanitation system serves only residential occupancies. Some areas of the City presently are not included in the Garbage Service District at the request of the residents of those areas. If the annexed area is included within the Garbage Service District the cost to the residents would be the garbage service charges prescribed by ordinance, currently at the rate of \$11.57 per month per household.

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

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

- H. PARKS AND RECREATION. All services provided by the Parks and Recreation Department will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.
 - I. LIBRARY. All services provided by the Rapid City Public Library will be provided to the residents of the annexed area with no discernible additional cost to the City or the residents of the annexed area.
 - J. The foregoing notwithstanding, the residents of the annexed area will be subject to all of the various fees and charges provided by ordinance, regulations, or administrative action for numerous services provided by the City. The incidence of such charges is highly speculative and largely within the choice of the person to be charged. Examples of such charges range from building permit fees to library book fines, from xerox copy charges to charges for swimming pool passes.
 - K. All of the cost estimates set forth herein are based on 2001 costs.
5. That the estimated difference in the 2001 tax assessment rate applied to an owner occupied property within the subject territory upon annexation would be the addition of the City of Rapid City levy of 3.4252 mills and elimination of the combined Fire Administration, Library and unorganized road levy of 1.7234 mills and the North Haines Fire levy of 0.9826 mills. The total levy would therefore increase by .7192 mills, an estimated 3.95%.
- That the estimated difference in the 2001 tax assessment rate applied to a non agricultural property within the subject territory upon annexation would be the addition of the City of Rapid City levy of 3.4252 mills and elimination of the combined Fire Administration, Library, and unorganized road levy of 1.7234 mills and the North Haines Fire levy of 0.9826 mills. The total levy would therefore increase by .7192 mills, an estimated 2.68%.
- 6. That exclusions or irregularities in boundary lines are not the result of arbitrariness but are based upon existing city limit lines, existing features, existing property boundaries, and existing occupancies and uses.
 - 7. That there is reasonable present and demonstrable future need for annexing said territory.
 - 8. That population and census data indicate that the City has and may experience growth or development beyond its present boundaries.
 - 9. That there exists a commonality between the within described territory and the existing City of Rapid City.
 - 10. That there are no significant physical barriers between the within described territory and the existing City of Rapid City.
 - 11. That annexation of the within described territory to the City of Rapid City will result in a more compact, integrated City.

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

Tract C of SW1/4 SW1/4, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota;

Lot 3-4 of NW1/4 SW1/4 and vacated alley less RTY, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota;

The unplatted portion of NW1/4 SW1/4, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota;

East 613 feet of the North 511 feet of SW1/4 SW1/4, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota;

E1/2 SE1/4 SW1/4, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota;

NW1/4 SE1/4 SW1/4, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota;

Tract B of SW1/4 SW1/4 less RTY, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota;

SW1/4 SE1/4 SW1/4, Section 32, Township Two (2) North, Range Eight (8) East, Black Hills Meridian, Pennington County, South Dakota.

DATED this 17th day of September 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 Johnson. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 01AN016, a request by City of Rapid City for a **Petition for Annexation** on property located east of E. Cambell Street and north of S.D. Highway 44 East. The following Resolution was introduced, read and Hadley moved its adoption:

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less then three-fourths of the legal 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 is hereby included within the corporate limits of the City and annexed thereto:

Lot H1, Lot H2, Old Highway as shown on Plat of Lots 1 & 2, Lot H1 of Lots 7 & 8, Lot H1 of Lots 3,4,5, & 6, Lot H1 of Lot B of Lot 1, and Lot 2, all located in the NW1/4 SW1/4 Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and Lot H1, Lot H1 of Tract B, Lot H1 of Tract A all located in the SW1/4 SW1/4

Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and Cambell Street ROW lying in the W1/2 SW1/4 Section 32, T2N, R8E, BHM, Pennington County, South Dakota; and Lot H1 of Lot A, NW1/4 NW1/4 Section 5, T1N, R8E, BHM, Pennington County, South Dakota; and Cambell Street ROW lying in the NW1/4 NW1/4 Section 5, T1N, R8E, BHM, Pennington County, South Dakota, containing approximately 7.74 Acres.

Dated this 17th day of September, 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 Johnson. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. LF080101-14, second reading of **Ordinance 3689** entitled An Ordinance Amending Sections 15.13.015 and 15.13.020 of the Residential Contractor License Ordinance as Adopted by Reference in Chapter 15.13 of the Rapid City Municipal Code. Ordinance 3689, having passed the first reading on September 4, 2001, it was moved by Kroeger and seconded by Hanks that the title be read the second time. Johnson spoke against the ordinance stating that he feels it will keep qualified people from working in this field. The following voted AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger and Dreyer; NO: Johnson, Kriebel, Steinburg and Hadley; whereupon the Mayor declared the motion passed and Ordinance 3689 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 01RZ036, Second Reading of **Ordinance 3699**, a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on the North 182.3 feet of the South 745.3 feet of the East 85 feet of the SE1/4 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the east boundary of Chapel Valley, west of Cliff Drive. Notice of Hearing was published in the Rapid City Journal on July 7 and July 14, 2001. Ordinance 3699, having had the first reading on July 2, 2001, it was moved by Hadley and seconded by Waugh 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 3699 the second time.

The Mayor presented No. 01RZ042, Second Reading, **Ordinance 3710**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on the following property: A parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 75.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard this being the true point of beginning; Thence N88°35'39"W along said northerly right of way line, 1759.87 feet; Thence departing said northerly right of way line N01°24'21"E 1245 feet to a point lying on the 1/16 line; Thence S88°35'39"E, along said 1/16 line, 677.62 feet Thence departing said 1/16 line S02°11'17"W 154.18 feet; Thence S82°36'49"E 303.17 feet; Thence S43°24'43"E 155.36 feet; Thence N43°40'53"E 361.7 feet to where the line intersects the north easterly right of way of proposed Fifth Street; Thence along this said right of way on a curve to the right with a radius of 1017 feet and an arc length of 660.71 feet and a chord bearing of S40°04'31"E 649.15 feet to where said right of way meets the east section line of said Section 24; Thence S01°24'21"W 730.34 feet along said section line to the point of

beginning containing 45.5 acres more or less, and a parcel of land located in the NE1/4 of Section 24, T1N, R7E, BHM, being more particularly described as follows: Beginning at the east one-quarter corner of said Section 24, Thence N01°24'21"E, along the east line of said Section 24, 730.34 feet to the true point of beginning; said point is lying on the easterly right-of-way line of future Fifth Street; said point is lying on a curve with a radius of 1017 feet; Thence along said curve to the left an arc length of 660.71 feet with a chord bearing of N40°04'31"W 649.15 feet to a point lying on the right of way of future Parkview Drive; Thence N45°40'53"E 626.68 feet along said right of way of future Parkview Drive to a point on the east line of said Section 24; Thence S01°24'21"W 945.13 feet along said section line to the point of beginning containing 4.07 acres more or less, located north of Catron Boulevard and adjacent to the future right-of-way line of Fifth Street and Parkview Drive. Motion was made by Hadley, seconded by Hanks and carried to continue this hearing until October 15, 2001.

The Mayor presented No. 01RZ047, Second Reading, **Ordinance 3724**, a request by Dream Design International, Inc. for a **Rezoning from Medium Density Residential District to Office Commercial District** on the following property: A tract of land located in the W1/2 of the SE1/4 Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota consisting of a portion of Tract B of the Meadows Subdivision as recorded in Plat Book 28 Page 173. More particularly described as follows: Beginning at the Northeast corner of said Tract B of the Meadows Subdivision a found rebar and cap stamped LS 4225, this being the true point of beginning. Thence S00°00'41"E 140.21 feet along the east boundary of said Tract B, Thence S89°50'18"W 189.16 feet to a point on the easterly right of way of Derby Lane, Thence N39°48'27"W 8.42 feet along said right of way of Derby Lane to a point of curve with a radius of 149.00 feet, Thence along said right of way of Derby Lane on said curve to the right an arc length of 103.44 feet to the point of tangency, Thence N00°12'34"W 39.02 feet along said Derby Lane right of way, Thence S89°59'52"E 229.04 feet along the westerly line of said Tract B to the point of beginning, said tract containing .71 acres more or less, located at the intersection of Derby Lane and Minnesota Street. Motion was made by Hadley, seconded by Hanks and carried to continue this hearing until October 1, 2001.

The Mayor presented No. 01RZ049, Second Reading, **Ordinance 3728**, a request by Dream Design International, Inc. for a **Rezoning from No Use District to Low Density Residential District** on SE1/4 SE1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota, located at the northwest corner of the intersection of Country Road and Nike Road. Motion was made by Hadley, seconded by Hanks and carried to continue this hearing until October 1, 2001.

The Mayor announced the meeting was open for hearing on No. 01RZ051, second reading of **Ordinance 3730**, a request by D.C. Scott Co. for Paul Bradsky for a **Rezoning from General Commercial District and Medium Density Residential District to Light Industrial District** on the following property: 0.52 acre of land located in the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; said 0.52 acre of land being more particularly described by metes and bounds as follows: BEGINNING at the southwest corner of Lot 4 of Polar Bear Subdivision, as shown on survey plat recorded in Plat Book 28, Page 69 in the office of the Pennington County Register of Deeds; Thence South 89°56'58" East along the south line of said Lot 4 of Polar Bear Subdivision, a distance of 450.28 feet to the southeast corner of said Lot 4 of Polar Bear Subdivision on the west right-of-way line of South Dakota Highway 79; Thence South 00°09'00" East, along said west right-of-way line of South Dakota Highway 79, a distance of 50.00 feet to the northeast corner of a certain tract of land described in deed recorded in Book 111, Page 249 in the office of the Pennington County Register of Deeds; Thence North 89°56'58" West, along the north line of said tract of land, a distance of 450.36 feet to a point for corner; Thence North 00°03'38" West, a distance of 50.00 feet to the POINT OF BEGINNING and containing 0.52 acres of land, more or less, located on Highway 79 south of Sydney Drive. Notice of hearing was published in the Rapid City Journal on August 25 and September 1, 2001. Ordinance 3730, having had the first reading on August 20, 2001, it was moved by Hadley and seconded by Johnson that the title

be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion duly passed and read the title of Ordinance 3730 the second time.

Ordinance 3732, 2002 Appropriation Ordinance, having passed the first reading on September 4, 2001, it was moved by Hanks and seconded by Dreyer that the title be read the second time. The following voted AYE: Murphy, Rodriguez, Dreyer, Hanks, Kroeger and Waugh; NO: Johnson, Hadley, Steinburg and Kriebel; whereupon the Mayor declared the motion passed and Ordinance 3732 was declared duly passed upon its second reading.

Ordinance 3734 (No. 01OA012) entitled An Ordinance Amending Chapter 17.04 of the Rapid City Municipal Code by Adding New Section 17.04.483 Defining Microcell Cellular Communications Facilities; and Amending Sections 17.16.020, 17.18.020, 17.34.020, 17.36.020, 17.46.020, 17.48.020 and 17.56.020 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by Adding Microcellular Cellular Communication Facilities Meeting Certain Standards to the List of Uses Permitted and Amending Sections 17.16.030, 17.18.030, 17.34.030, 17.36.040, 17.46.030, 17.48.030, and 17.56.030 of Chapters 17.16, 17.18, 17.34, 17.36, 17.46, 17.48 and 17.56 of the Rapid City Municipal Code by Adding Microcellular Cellular Communication Facilities not Meeting Certain Standards to the List of Uses Permitted on Review, having passed the first reading on September 4, 2001, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson and Steinburg; whereupon the Mayor declared the motion passed and Ordinance 3734 was declared duly passed upon its second reading.

Ordinance 3735, Regarding Supplemental Appropriation No. 8 for 2001, having passed the first reading on September 4, 2001, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Kriebel, Steinburg, Waugh, Kroeger, Hanks, Dreyer, Rodriguez, Murphy and Hadley; NO: Johnson; whereupon the Mayor declared the motion passed and Ordinance 3735 was declared duly passed upon its second reading.

The Mayor presented No. LF091201-09, first reading of **Ordinance 3736** entitled An Ordinance Adding A New Section 13.04.005 Definitions to Article I; Amending Section 13.04.590, Pertaining to Service Charges and Adding Sections 13.04.595, 13.04.596 Capital Development Fees to Article IV; Adding New Sections 13.04.680 and 13.04.690 Appeals to New Article V of the Rapid City Municipal Code. Motion was made by Murphy and seconded by Hanks to approve first reading of Ordinance 3736. Adam Altman went through the major differences between this ordinance and ordinances which were submitted to the Council previously. Kriebel spoke in favor of the ordinance and urged the Council to pass first reading. The Ordinance can be amended in the future if changes are needed. Johnson stated that he will support first reading but he has concerns that he will want discussed and reviewed prior to second reading. Janette McIntyre and David Asbridge from the Black Hills Homebuilders spoke against the ordinance and urged the Council to defeat the issue of impact fees. Bill Freytag also spoke against the ordinance and outlined the cost differences between building a home in Rapid City compared to outside the City limits. An impact fee will make that cost difference even greater. Hadley called the question and there were no objections. Roll call vote was taken: AYE: Johnson, Murphy, NO: Hadley, Rodriguez,

86. LF091201-10 - First Reading, **Ordinance 3737** entitled An Ordinance Amending Sections 13.08.010, 13.08.370, and Adding A New Article VIII Sections 13.08.700 and 13.08.710 to Chapter 13.08 of the Rapid City Municipal Code City of Rapid City Relating to the Sewer Service System.

87. No. 01RZ053 – First Reading, **Ordinance 3739**, a request by Dave M. Handley for a **Rezoning from Neighborhood Commercial District to General Commercial District** on

the east 195 feet of Lot 2 and Lot 3, Block 1, Hansen Heights Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 420 East Saint Patrick Street.

Legal & Finance Committee Items

- 88. LF082901-01 - Approve Event Permit for **Festival of Lights Parade** to be held on either November 24, 2001, or November 25, 2001.
- 89. LF091201-06 – Deny the request for an **Extension of CDBG Deferred Assessment** with Frank Simpson and request payment in full.
- 90. LF091201-16 - Authorize staff to amend the existing Contract between City of Rapid City and TSP for **Golf Course Clubhouse**
- 91. Authorize staff to advertise for bids for **Golf Course Clubhouse**.

Public Works Committee Items

- 92. No. PW091201-08 – Authorize the Mayor and Finance Officer to sign a **Professional Service Agreement** with Iris Associates for Utility Rate Engineering Services for an amount not to exceed \$10,000.
- 93. Authorize the Mayor and Finance Officer to Sign a **Professional Service Agreement** with Thurston Design Group, LLP to Design Roosevelt Park Pool and Recreation Complex (preliminary services [Schematic Design Phase]) for an amount not to exceed \$60,000.