

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 19, 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, November 19, 2001 at 7:00 P.M.

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

Motion was made by Dreyer, seconded by Rodriguez and carried to **approve the minutes** of October 19 , November 5, and November 14, 2001.

Bid Openings

The following bids for **Miscellaneous Improvements** Project MIP01-1097 were opened on November 15, 2001:

1)	Stanley Johnsen Concrete (bond submitted)	\$28,390.33
2)	M-C Construction (bond submitted)	\$32,261.81
3)	RCS Construction (bond submitted)	\$46,218.50
4)	Ainsworth-Benning Construction (bond submitted)	\$47,821.75
5)	Mainline Contracting (bond submitted)	\$43,290.00
6)	Tru-Form Construction (check submitted)	\$32,369.75
7)	Simon Contractors of SD (bond submitted)	\$57,342.00

Staff has reviewed the bids and recommends award to Stanley Johnsen Concrete. Motion was made by Steinburg, seconded by Rodriguez and carried to award the bid for MIP01-1097 to Stanley Johnsen Concrete, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$28,390.33.

The following bids for **Golden Eagle Water Main Extension** Project W01-1058 were opened on November 15, 2001:

	Base Bid	Alt. No. 1	Alt. No. 2
Engineer's Estimate	\$55,000.00	\$22,500.00	\$15,000.00
1. Shovelhead Excavating	\$56,163.00	\$25,706.20	\$15,353.00
2. Hills Materials Company	\$49,158.00	\$19,450.00	\$10,846.00
3. Warax Excavating	\$59,098.73	\$20,137.49	\$11,684.30
4. Mainline Contracting	\$42,528.00	\$18,593.00	\$11,117.00
5. Site Work Specialists	\$49,256.69	\$17,423.40	\$ 9,307.91
6. Heavy Constructors	\$53,130.75	\$21,178.50	\$12,746.60
7. RCS Construction	\$59,851.00	\$28,909.00	\$14,040.00

All bidders submitted bonds.

Motion was made by Kriebel, seconded by Steinburg and carried to refer this item to the December 3, 2001, Council meeting.

The following bids for **Exterior Bus Advertising** were opened on November 19, 2001: No bids received. Motion was made by Kriebel, seconded by Steinburg and carried to direct staff to come back with a recommendation at some time in the future.

The following bids for **Bus Bench Advertising** were opened on November 19, 2001:

- | | | |
|----|---------------------------------|-------------|
| 1. | Lamar Advertising of Rapid City | \$27,000.00 |
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Motion was made by Johnson, seconded by Steinburg and carried to refer this item to the November 28, 2001, Legal and Finance Committee meeting for review and recommendation.

Mayor's Items

Council President Hanks and Daniel Bjerke, Public Works Director, presented a certificate of award for \$170 to Clyde Jones, assistant chemist at the Water Reclamation Plant. Mr. Jones saved the City \$1,700 with his suggestion to take the doors from the old generator building which will be torn down and put them at the waste water plant on the lift pump room.

Council President Hanks said there are vacancies on the Historic Sign Committee and the Beautification Committee. The Mayor will be making appointments to those Committees at the December 3, 2001, Council meeting. Any name suggestions from Council members should be given to the Mayor.

Executive Session

Motion was made by Rodriguez, seconded by Johnson and carried to go into executive session at 7:15 p.m. to discuss pending litigation. The Council came out of executive session at 7:35 p.m.

Aldersperson Items

Motion was made by Rodriguez, seconded by Waugh and carried to reject the mediated settlement on the City of Presidents issue. Motion was made by Kriebel and seconded by Steinburg that the City allow the City of Presidents to install the next four statues in December as recommended by the Public Arts Committee. A vote was taken with Johnson and Hadley voting "no". Tamara Pier, City Attorney, told the Council that Judge Tice had requested that no more statues be placed until after the hearing on December 14, 2001. Kriebel moved that the Mayor appoint a task force to address the public arts committee ordinance and bring it forward at some future date. Second by Johnson. Motion carried.

Special Items and Items from Visitors

Orville Davis, President of Lazy P-6 Land Company, said a packet of information about their land use request had been given to each Council member. He asked if there were any questions. The Council had no questions.

Mike Howe invited the council to a fundraiser chili feed for the Cornerstone Rescue Mission on December 1, 2001, at the Labor Temple.

Paul Bradsky on behalf of Wisdom, Inc. requested authorization to place geo-grid for a retaining wall in the right of way at the intersection of Disk Drive and LaCrosse Street for TCI Fridays Restaurant. This is a difficult site to develop and they are asking for flexibility. Hadley moved to allow Wisdom, Inc. to put the geo-grid in the right of way and that they work with the City Attorney's Office to prepare an agreement stating that in the future if the City has to access that right of way, it will be at the expense of Wisdom, Inc. and if the City needs to go into the right of way, the City will contact Wisdom, Inc. so that they can have their engineer ready to move since the City will be cutting into the geo-grid that is supporting the retaining wall. Second by Rodriguez. Staff recommended that they not be allowed to encroach on the right of way. Dan Bjerke said there are other alternatives in terms of designing the wall. The City has a water line that is located about 10 feet from the property

line, and that water line will be compromised by this design and by this construction. It will also take up about 10 feet of the right of way. Tamara Pier said the City ordinances prohibit structures in the right of way. Tom Johnson said he thinks this is something that we have done in the past, and he thinks it is a reasonable request. A vote was taken and carried.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Phatty McGee's, Inc. dba **Phatty McGee's**, 321 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Kurylas, Inc. dba **Imperial Inn**, 125 Main Street, for an On-Sale Liquor License Renewal. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Alta Lee, Inc. dba **Clock Tower Lounge**, 2525 W. Main Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of **American Legion**, 818 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of City of Rapid City dba **Airport Restaurant and Lounge**, RR 2 – Box 6336, Rapid City Regional Airport, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Retsel Corp. dba **Cheers/Ramada Inn**, 1721 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Retsel Corp. dba **Ramada Inn Package Store**, 1721 N. LaCrosse Street, for an Off-Sale Liquor License Renewal. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Rapid City **Elks Club**, Lodge No. 1187, 3333 E. 39th Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application Flannery Oil Company dba **Corner Pantry-LaCrosse Street**, 2130 LaCrosse Street, for an Off-Sale Liquor License Renewal. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of RGR, Inc. dba **Hara's**, 2200 N. Maple Avenue, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Dan's Super market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Liquor License Renewal. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of **Arrowhead Country Club**, 3675 Sheridan Lake Road, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Entertainment, Inc. dba **Robbinsdale Lounge**, 801 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Margaret Jefferson dba **Oasis Lounge**, 711 Main Street, for an On-Sale Liquor License Renewal. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of RC Boston Company LLC dba **Boston's Restaurant & Sports Bar**, 620 E. Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening. Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Murphy and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on December 3, 2001:

1. Albertsons, Inc. dba **Albertsons**, 855 Omaha Street, for an Off-Sale Liquor License Renewal
2. Rushmore Catering Company, Inc. dba **Rushmore Plaza Holiday Inn**, 505 N. 5th Street, for an On-Sale Liquor License Renewal and Sunday Opening
3. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Sale Wine License Renewal
4. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Sale Wine License Renewal
5. Shiba Investments, Inc. dba **Radisson**, 445 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
6. Brinker Restaurant Corp. dba **Chili's Grill & Bar**, 2125 N. Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
7. Rapid City Liquor, Inc. dba **FTC Express No. 657**, 3460 Sturgis Road, for an Off-Sale Liquor License Renewal
8. Rapid City Liquor, Inc. dba **Family Thrift Liquor No. 273**, 1516 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
9. Rapid City Liquor, Inc. dba **Prairie Bottle Market**, 13 New York Street, for an Off-Sale Liquor License Renewal
10. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Sale Wine License Renewal
11. Loveletta M. Gibson dba **Lovey's Outer Limits**, 10140 Pierre Lane, for an On-Sale Wine License Renewal
12. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening

13. Fox Family Enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Transfer (from Keith Fox)
14. Fox Family Enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Sale Liquor License Transfer (from Keith Fox)
15. Fox Family Enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
16. Sanford's Grub & Pub South Dakota dba **Sanford's Grub & Pub**, 306 Seventh Street, for an On-Sale Liquor License Renewal and Sunday Opening
17. Sooper Dooper Markets, Inc. dba **Sooper Dooper No. 1**, 913 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
18. Restech Partners, Inc. dba **TGI Fridays**, 2205 N. LaCrosse Street, for an On-Sale Liquor License Renewal and Sunday Opening
19. Blue Lantern Lounge, Inc. dba **Blue Lantern Lounge**, 1200 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
20. Loyal **Order of Moose**, 841 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening
21. Western Dakota Gaming, Inc. dba **Valley Sports Bar**, 1865 S. Valley Drive, for an On-Sale Liquor License Renewal and Sunday Opening
22. Hansen Investments, Inc. dba **Diamond Dave's Taco Co.**, Rushmore Mall, 2200 N. maple, for an On-Sale Liquor License Renewal and Sunday Opening
23. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Sale Wine License Renewal
24. The Retired Enlisted Association, **Chapter Home No. 29**, 906 E. Philadelphia, for an On-Sale Wine License Renewal
25. The Retired Enlisted Association, **TREA Chapter 29**, 1981 E. Centre Street, for an On-Sale Liquor License Renewal and Sunday Opening
26. GMRI, Inc. dba **Red Lobster**, 120 Disk Drive, for an On-Sale Liquor License Renewal and Sunday Opening
27. Porter Apple Company, Inc. dba **Applebee's Neighborhood Grill & Bar**, 2160 Haines Avenue, for an On-Sale Liquor License Renewal and Sunday Opening
28. Meadowood Lounge, Inc. dba **Meadowood Lounge**, 3809 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
29. Sam's West, Inc. dba **Sam's Club**, 1020 LaCrosse Street, for an Off-Sale Liquor License Renewal
30. B&L, Inc. dba **Boyd's Liquor Mart**, 2101 W. Main Street, for an Off-Sale Liquor License Renewal
31. Mills Drug, Inc. dba **Boyd's Liquor Mart**, 1424 Mt. Rushmore Road, for an Off-Sale Liquor License Renewal
32. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street, for an Off-Sale Liquor License Renewal
33. Dan Trieu Ly dba **Golden Fortune**, 1204 E. North Street, for an On-Sale Wine License Renewal
34. Beshara Enterprises, Inc. dba **The Pirate's Table**, 3550 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
35. Robert Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Sale Wine License Renewal
36. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2213 LaCrosse Street, for an On-Sale Wine License Renewal
37. WR Rapid City Ventures, LP dba **Minerva's Restaurant & Bar**, 2211 N. LaCrosse Street, for an On-Sale Liquor License and Sunday Opening
38. Sports Saloon, Inc. dba **Murphy's Bar**, 510 Ninth Street, for an On-Sale Liquor License Renewal and Sunday Opening
39. Cowboy Casino, Inc. dba **The Boot**, 826 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
40. Harley's Casino, Inc. dba **Harley's Casino**, 640 E. St. Patrick Street, for an On-Sale Liquor License Renewal and Sunday Opening

41. Joe Crawford dba **Smokin Joe's No. 12**, 4302 S. Highway 79, for an On-Sale Liquor License Renewal
42. Ashley Hospitality, Inc. dba **Uptown Bar & Grill**, 615 Main Street, for an On-Sale Liquor License Renewal
43. Merle Bach dba **The Hideaway**, 1575 N. LaCrosse Street, for an Off-Sale Liquor license Renewal
44. Faryat, Inc. dba **Botticellis Ristorante Italian**, 523 Main Street, for an On-Sale Wine License Renewal
45. Faryat, Inc. dba **Botticellis Ristorante Italian**, 523 Main Street, for an Off-Sale Liquor License Renewal
46. LaCroix Investments dba **Time Out Lounge**, 615 E. North Street, for an On-Sale Liquor License Renewal and Sunday Opening
47. LaCroix Investments dba **Bus's Bottle Shop**, 615 E. North Street, for an Off-Sale Liquor License Renewal
48. Casa Del Rey Rapid City, Inc. dba **Casa Del Rey**, 1902 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
49. Canyon lake Club LLC, dba **Canyon Lake Chophouse**, 2720 Chapel Lane, for an On-Sale Liquor License Renewal and Sunday Opening
50. **VFW**, Rushmore Post 1273, 420 Main Street, for an On-Sale Liquor License Renewal and Sunday Opening
51. Moyle Petroleum Company dba **Common Cents**, 2808 Sheridan Lake Road, for an Off-Sale Liquor License Renewal
52. Shooters, Inc. dba **Shooters**, 2504 W. Main Street, for an On-sale Liquor License Renewal and Sunday Opening
53. Harold's Prime Rib, Inc. dba **Harold's Prime Rib**, 318-320 East Boulevard, for an On-Sale Liquor License Renewal and Sunday Opening
54. Mai T. Goodsell dba **Saigon Restaurant**, 221 E. North Street, for an On-Sale Wine License Renewal
55. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Sale Liquor License Renewal and Sunday Opening
56. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Sale Liquor License Renewal and Sunday Opening
57. Century Resources (inactive), 1221 Omaha Street, for an On-Sale Liquor License Renewal and Sunday Opening
58. Canyon Lake Liquors, Ltd. Db a **Canyon Lake Liquors**, 4244 Canyon Lake Drive, for an Off-Sale Liquor License Renewal
59. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Sale Liquor License Renewal and Sunday Opening
60. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an Off-Sale Liquor License Renewal
61. Rushmore Rentals, Inc. dba **Alex Johnson Hotel – Jefferson Bar**, 523 Sixth Street, for an On-Sale Liquor License Renewal and Sunday Opening
62. Safeway Stores 46, Inc., dba **Safeway Store No. 581**, 2120 Mt. Rushmore Road, for an Off-Sale Liquor License Renewal
63. Safeway Stores 46, Inc., dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Liquor License Renewal

Consent Calendar

The following items were removed from the Consent Calendar:

48. LF111401-09 - Approve the following abatements: Bart Carmichael, 2001, \$292.86; Jerry or Kay Palmer, 2001, \$626.58.

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

Set for Hearing (December 3, 2001)

23. No. 01PD058 - A request by Dream Design International for a **Planned Residential Development - Final Development Plan to allow single family housing** on Lots 1, 2, 3 and 4 of Block 1 of Stoney Creek Subdivision Phase I, Section 22, 1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current western terminus of Stoney Creek Drive.
24. No. 01PD059 - A request by Harvey Colgrove for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 31-34 of Block 12 of Blakes Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 305 LaCrosse Street.

Public Works Committee Items

25. No. PW111401-01 – Approve the bid award of Two (2) New Current Model Year Front Mount 72” Rotary Mowers for the Parks Division to the lowest responsible bidder meeting specifications, North Star Turf for the low unit price bid of \$27,988 less trade-ins for \$1,500 for a total contract amount \$26,488.
26. No. PW111401-02 – Approve Change Order No. 03F for ST00-875, West Chicago Street Reconstruction, Phase III Project to Hills Materials Company for an increase of \$32,878.20.
27. No. PW111401-03 – Approve Change Order No. 02 for WSS00-943, Wildwood Drive Street and Utilities Construction Project to Hills Materials Company for an increase of \$15,555.72.
28. No. PW111401-04 – Approve Change Order No. 01F for PM01-1133, Taped Pavement Marking Contract to United Rentals Highway Technologies, Inc. for a decrease of \$3,270.
29. Rescind February 5, 2001 Council action authorizing staff to advertise for bids for SWO01-1048, Co-Compost Facility Equipment Procurement and Installation.
30. No. PW111401-05 – Authorize staff to advertise for bids SWO02-1168, Co-Composting Facility Construction Project.
31. No. PW111401-06 – Authorize staff to advertise for bids ST01-1166, Damaged Street Light Pole Replacement Project.
32. No. PW111401-07 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Phil Nichols Associates to Design W02-1156, Water Well No. 12 for an amount not to exceed \$21,420.
33. No. PW111401-08 – Authorize the Mayor and Finance Officer to sign the 2002 Maintenance Agreement with Advanced Weighing Systems, Inc. for Landfill Scale Software Support for an amount not to exceed \$1,200.
34. No. PW111401-09 – Approve the purchase of one new current model year, 1 Ton 4x4 Truck for the Street Division from Wegner Auto Company for a total purchase price of \$24,302 under State Contract No. 13387.
35. No. 01VE020 – Approve a Vacation of Utility and Minor Drainage Easement for petitioner Lage Development Company on Lots 5 and 6 of Block 7, Red Rock Estates – Phase II, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, at the intersection of Prestwick Road and Meadowlark Drive.
36. Refer the Mary Hall Project to the Parks & Recreation Committee.
37. Relocation of a street light at 1211 Alta Vista Drive: Require the affected property owner to present written agreements from the owners of Lots 12 and 13 agreeing to the placement of the light; and the City would not incur any expense in the relocation of the light.

Legal & Finance Committee

38. LF111401-02 – Authorize staff to purchase police sedans for FY2002.
39. Authorize staff to purchase a 2002 Chevy Malibu from Beck Motors in Pierre, SD, from State Contract No. 13382, in the amount of \$14,337.
40. Approve Vacation of Non-Access Easement for Charles LeRoy Hutton, Jr.

41. LF111401-03 - Authorize Mayor and Finance Officer to sign RTS Management Contract with Black Hills Council of Governments - 3 year contract with annual costs for 2003 and 2004 to be negotiated.
42. Authorize staff to advertise for bids for RTS vehicles - 3 para-transit vehicles - FY2002 budgeted item - 83% federal grant; 17% local fund.
43. LF111401-04 - Authorize Mayor and Finance Officer to sign Lease Agreement with Cornerstone Properties Partnership (bus barn for Rapid Transit).
44. Authorize staff to add an FTE for the Weed and Seed Program.
45. LF111401-05 - Approve Resolution Canceling Checks or Warrants not Presented for Payment within Two Years of Date of Issuance.

**RESOLUTION CANCELING CHECKS OR WARRANTS NOT PRESENTED
FOR PAYMENT WITHIN TWO YEARS OF DATE OF ISSUANCE**

WHEREAS SDCL 9-23-21 authorizes the governing body, by resolution, to cancel any check or warrant not presented for payment within two years of the date of issuance;

NOW, THEREFORE, BE IT RESOLVED that the checks described in Appendix A, totaling \$650.59, which have not been presented for payment within two years from the date of issuance, be canceled:

Dated this 19th day of November, 2001.

THE CITY COUNCIL
s/ Jerry Munson, Mayor

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

46. LF111401-06 - Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

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

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

1. The assessment roll for Property Cleanup was filed in the Finance Office on the 19th day of November, 2001. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, December 17, 2001 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 19th day of November, 2001.

CITY OF RAPID CITY
S/ Jerry Munson, Mayor

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

47. LF111401-08 - Authorize Mayor and Finance Officer to sign Assignment of Lease between Black Hills Polo Club, Inc. and Soccer Rapid City, Inc.
49. Approve the following licenses: Electrical Journeyman: Timothy J. Kellar, Travis W. Swift; Mechanical Apprentice: Jeff Gorr; Metals and Gems: Brown and Associates, Ray Brown; Silver Mountain Coins, Jack Meyer; Residential Contractor: Dakota Castles, Bill & Kathleen Timberman; Second Hand: Jack First, Inc., Jack First; Mick's Scuba Center, Michael L. Gerhard; Scheels Sports, Steve Scheel; Willy's Saw Shop, Douglas Williams; Security Business: Jack A. Werner, Ace Security, Inc.
50. LF111401-10 - Approve appointment of Marie Fast Wolf to the Planning Commission

End of Consent Calendar

Motion was made by Johnson, seconded by Hadley and carried to approve the following abatement: Jerry or Kay Palmer, 2001, \$626.58.

Motion was made by Hadley, seconded by Murphy and carried to deny the following abatement: Bart Carmichael, 2001, \$292.86.

Planning Department Consent Items

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

51. 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. (CONTINUED TO DECEMBER 3, 2001)
52. No. 01PL009 - A request by James Letner for a **Final Plat** on Lots 1 and 2 and dedicated R.O.W. of Debra Subdivision, (formerly Lots B & C of Lot 2 of OutLot 2 of the SE1/4 of the SW1/4 of Section 4, T1N, R7E, BHM and a portion of Debra Drive R.O.W.) located in the SE1/4 of the SW1/4, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Clifton Street and Debra Drive. (CONTINUED TO DECEMBER 3, 2001)
53. No. 01PL038 - A request by Dream Design International for a **Preliminary and Final Plat** on Lot 1 of Lamb Subdivision located in SE1/4 of NE1/4 of Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at the southwest corner of Reservoir Road and S.D. Highway 44. (CONTINUED TO JANUARY 21, 2002)
54. No. 01PL052 - A request by Ron & MaryAnn Davis for a **Preliminary 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, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Uranus Street. (APPROVE the preliminary plat with the following stipulations: a) Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval. In

addition, the plat shall be revised to show drainage easements as determined by the Engineering Division; b) Prior to Preliminary Plat approval by the City Council, a revised grading plan shall be submitted for review and approval; c) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; d) Prior to Final Plat approval by the City Council, proof of legal entity which will provide the mechanism for street maintenance and snow removal on all proposed subdivision dedicated right-of-ways shall be submitted for review and approval; e) Prior to Final Plat approval by the City Council, the plat shall be revised to show a shared approach to Lots 14 and 15; f) Prior to Final Plat approval by the City Council, the plat shall be revised to extend a 49 foot right-of-way to the east lot line; Prior to Final Plat approval by the City Council, the plat shall be revised to identify Lot 1 as a drainage easement; g) Prior to Final Plat approval by the City Council, a waiver of right to protest an assessment district for the remaining improvements for Reservoir Road for Lots 1 through 18, Buffalo Ridge Subdivision shall be signed and shall be recorded with the plat; h) The requirements of the Uniform Fire Code shall be continually met; i) Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement guaranteeing payment to Pennington County for the cost of the Pennington County Highway Department's improvement of Reservoir Road for that portion of the road that abuts the subject property; j) Prior to Final Plat approval by the City Council, the accessory structure located on Lot 14 and Lot 15 shall be removed from the property or surety shall be posted for the removal of the structure within 180 days of plat approval; k) Prior to Final Plat approval by the City Council, the plat shall be revised to identify "Buffalo Ridge Court" as "Shaw Court"; l) A Special Exception is hereby granted to reduce the separation requirement between driveways and intersections for the existing approach to proposed Lot 18; m) Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; n) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and all subdivision inspection fees paid; and, o) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.)

55. 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 (CONTINUED TO DECEMBER 3, 2001)
56. 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, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUED TO JANUARY 7, 2002)
57. No. 01PL071 - A request by City of Rapid City for a **Preliminary and Final Plat** on Lots 1, 2 and 3 of Owen Hibbard Subdivision and Tish Drive Dedicated Right of Way, all located in Tract A of Tract 1 of W1/2 SW1/4, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located U.S. Highway 16 north of Golden Eagle Drive and adjacent to the Old Marine Life. (APPROVE the preliminary plat a final plat with the following stipulations: a) Prior to City Council approval of the Final Plat, engineering plans shall be submitted and approved for the required

improvements of the section line highway right-of-way adjacent to Lot 2 or the section line highway right-of-way adjacent to Lot 2 shall be vacated or a Subdivision Regulation Variance shall be obtained waiving the improvements to that portion of the section line right of way adjacent to Lot 2; b) Prior to City Council approval of the Final Plat, the plat shall be revised to include a non-access easement on the south side of Lot 1 extending approximately 230 feet west from the southeast corner of Lot 1. The non-access easement shall allow for the development of an approach directly across from the existing permitted approach to Lot E, on the south side of Promise Road; c) Prior to City Council approval of the Final Plat, an eight foot utility easement shall be shown along all front lot lines; d) Prior to Final Plat approval by the City Council, a security bond for subdivision improvements that have not been completed shall be provided in accordance with Section 16.20.060 of the Rapid City Municipal Code; e) Prior to Final Plat approval by the City Council, all necessary road improvements along U.S. Highway 16 and the service road shall be completed; and, f) An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits.)

58. No. 01PL079 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lot 1 and Lot 2 of Lowe's Subdivision formerly Tract CR and Tract 1 of Martley Subdivision located in the NW1/4 of the NE1/4 of Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on the east side of Haines Avenue between Mall Drive and Disk Drive. (CONTINUED TO DECEMBER 3, 2001)
59. 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. (APPROVE with the following stipulations: a) Prior to Final Plat approval by the City Council, the Preliminary Plat shall be approved; b) Prior to Final Plat approval by the City Council, proof of legal entity which will provide the mechanism for street maintenance and snow removal on all proposed subdivision dedicated right-of-ways shall be submitted for review and approval; c) Prior to Final Plat approval by the City Council, the plat shall be revised to show a shared approach to Lots 14 and 15; d) Prior to Final Plat approval by the City Council, the plat shall be revised to extend a 49 foot right-of-way to the east lot line; e) Prior to Final Plat approval by the City Council, the plat shall be revised to identify Lot 1 as a drainage easement; f) Prior to Final Plat approval by the City Council, a waiver of right to protest an assessment district for the remaining improvements for Reservoir Road for Lots 1 through 18, Buffalo Ridge Subdivision shall be signed and shall be recorded with the plat; g) Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement guaranteeing payment to Pennington County for the cost of the Pennington County Highway Department's improvement of Reservoir Road for that portion of the road that abuts the subject property. h) Prior to Final Plat approval by the City Council, the accessory structure located on Lot 14 and Lot 15 shall be removed from the property or surety shall be posted for the removal of the structure within 180 days of plat approval; i) Prior to Final Plat approval by the City Council, the plat shall be revised to identify "Buffalo Ridge Court" as "Shaw Court"; j) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and all subdivision inspection fees paid; and, k) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.)
60. 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. (APPROVE with the following stipulations: a) Prior to Preliminary Plat approval by the City Council, a revised drainage plan shall be submitted for review and approval; b) Prior to Preliminary Plat approval by the City Council, a revised water and sewer plan shall be submitted for review and approval; c) Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show the "Access and Drainage Easement" located between Lots 7 and 8 of Block 4 as a "Drainage Easement" or road construction plans for the access easement shall be submitted for review and approval; d) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; e) Prior to Final Plat approval by the City Council, the plat shall be revised to preclude utility easements from any of the Major Drainage Easements; f) Prior to Final Plat approval by the City Council, the applicant shall submit a copy of a road maintenance agreement for review and approval. The agreement shall be recorded with the Final Plat; g) Prior to Final Plat approval by the City Council, the water and sewer services shall be built to Rapid Valley Sanitary District standards or surety shall be posted for the improvement; h) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and all subdivision inspection fees paid; i) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted; and, j) Prior to Final Plat approval by the City Council, the applicant shall sign an annexation agreement.)

61. No. 01PL095 - A request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of The Flannery Subdivision No. 2 formerly Lots 7, 8 and 9 of The Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Ireland Place south of Corral Drive. (APPROVE with the following stipulations: a) Prior to Preliminary Plat approval by the City Council, the applicant shall provide revised engineering plans for the elimination of Dublin Court for review and approval; b) Prior to Final Plat approval by the City Council, the applicant shall have all utility and street improvements for Ireland Place completed in accordance with the approved plans and specifications; and, c) All stipulations of Plat 99PL013 shall be met.)
62. No. 01PL096 - A request by Gary Rasmusson for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sitka Street and Hemlock Street. (CONTINUED TO DECEMBER 3, 2001)
63. No. 01PL097 - A request by Dream Design International for a **Preliminary and Final Plat** on Tract A and dedicated streets, Big Sky Subdivision - Phase VII located in the SE1/4 NW1/4 and the NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1, Block 13 and Lot 1, Block 14 of Big Sky Subdivision and dedicated public rights of way (Big Sky Drive and Degeest Street), as shown on the plat filed in Plat Book 29, Page 154, also excepting Lots 1 and 2, Block 13 and Lots 2, 3, 4 and 5, Block 14 and dedicated public rights of way (Degeest St., Buddy Ct. and Homestead Ave.), located at the intersection of Degeest Street and Homestead Avenue. (APPROVE with the following stipulations: a) Prior to Preliminary Plat approval by the City Council, the Master Plan shall be revised and submitted for review and approval; b) Prior to Preliminary Plat approval by the City Council, the water and sewer plans shall be revised and submitted for review and approval reflecting the revisions identified on the Master Plan; c) Prior to Preliminary

Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; d) Prior to Final Plat approval, the property shall be annexed into the City of Rapid City or the applicant shall enter into an agreement with the City providing for the annexation of the property by July 7, 2002 or when eligible for annexation. If the property has not been annexed into the City of Rapid City prior to Final Plat approval, the applicant shall provide evidence of a legally binding agreement from either the City of Rapid City or the Rapid Valley Sanitary District to provide water supply and wastewater disposal services until such time as the property has been annexed; e) Prior to Final Plat approval by the City Council, the applicant shall submit a copy of the Covenants for Big Sky Subdivision identifying that a Home Owners Association has been formed to maintain the roads within the proposed development; f) Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement long the first 85 feet of corner lots in accordance with the Street Design Criteria Manual; g) The requirements of the Uniform Fire Code shall be continually met; h) Prior to Preliminary Plat approval by the City Council, the street design plans shall be revised to show a bike path along the east side of Degeest Drive as shown on the Elk Vale Neighborhood Area Future Land Use Map. Subdivision improvements shall include grading for the eight foot wide bike path. If the property is not annexed into the City limits prior to Final Plat approval, a standard four foot wide sidewalk shall be constructed. Upon annexation of the property, the City shall assist the developer in the oversizing costs for the construction of the eight foot wide bike path, or the additional four feet of sidewalk; i) Prior to Final Plat approval by the City Council, the plat shall be revised to eliminate "Phase VII" from the title; j) Prior to Final Plat approval by the City Council, the plat shall be revised to identify "Homestead Avenue" as Homestead Street"; k) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and all subdivision inspection fees paid; and, l) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted.)

65. No. 01PL102 - A request by Alliance of Architects for American West Communities for a **Layout Plat** on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Reservoir Road and South Side Drive. (CONTINUED TO DECEMBER 3, 2001)
66. No. 01PL103 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. (CONTINUED TO DECEMBER 3, 2001, to allow the applicant to submit additional required information.)
67. No. 01PL110 - A request by Fisk Land Surveying for Dakota Land Development for a **Preliminary and Final Plat** on Lots 1-7, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery. (CONTINUED TO JANUARY 10, 2002)
68. No. 01PL111 - A request by Doty Volunteer Fire Department for a **Preliminary and Final Plat** on Lot 1 of Firehouse Subdivision, Section 23, T2N, R6E, BHM, Pennington County, South Dakota, located approximately 6 miles outside Rapid City on Nemo Road. (CONTINUED TO DECEMBER 17, 2001, to allow the applicant to submit additional required information.)

69. No. 01PL112 - A request by Dream Design International for a **Layout Plat** on Eastridge Estates Subdivision located in the unplatted balance of the NE1/4 NW1/4 NW1/4 NW1/4 SW1/4 NW1/4 SE1/4 NW1/4 of Section 24, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at Catron Boulevard and the future Fifth Street Intersection. (APPROVE with the following stipulations: a) Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In addition, a master water plan for the future phases of the proposed development shall be submitted for review and approval; b) Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, a master drainage plan, inclusive of future phases of the proposed development, shall be submitted for review and approval. In particular, a conceptual stormwater management plan shall be submitted for review and approval. In addition, the master drainage plan shall show the location of the future detention cell as identified in the draft drainage study for the area; c) Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, a sewer plan prepared by a Registered Professional Engineer shall be submitted showing dry sewer lines and future connection to the City's existing collection system. The plat shall also be revised identifying a utility easement on each lot for the proposed drainfield location(s); d) Upon Preliminary Plat submittal, the Master Plan shall be revised reconfiguring the lots along the future extension of Enchantment Road to preclude direct access onto the street. In addition, the plat shall be revised to show a non-access easement along Enchantment Road except for approved approach location(s); e) Upon Preliminary Plat submittal, a pavement design based on geotechnical soil testing and 20 year traffic volumes shall be submitted for review and approval; f) 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. A complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, street light conduit and sidewalk improvements. In addition, the street design plans shall show temporary turnarounds at the end of the proposed streets as required by the Street Design Criteria Manual; g) Prior to Final Plat approval by the City Council, the section line right-of-way located along the west lot line shall be constructed to City standards or the section line highway shall be vacated; h) 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; i) Prior to Preliminary Plat approval, the applicant shall negotiate with the South Dakota Department of Transportation concerning the construction of a turn lane on Catron Boulevard; j) Prior to Final Plat approval by the City Council, a revised road name for "East View Road" shall be submitted for review and approval. In addition, the plat shall be revised to show the revised road name; k) Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; l) Prior to Final Plat approval by the City Council, the property shall be rezoned or a variance must be obtained to waive the minimum lot size requirement; m) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and n) 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.)
70. No. 01PL113 - Approve the request by Doug Sperlich for Dr. Larry Teuber for a **Preliminary and Final Plat** on Lot A Revised of Block 2, and Lots 1R, 6R and 7R of Block 3, Spring Canyon Estates, Section 5, T1S, R7E, BHM, Pennington County, South Dakota, located north of Clarkson Road.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot A Revised of Block 2, and Lots 1R, 6R, and 7R of Block 3, Spring Canyon Estates, (formerly Lots A & B of Lot 1 Revision No. 1 of Block 2, Lots 1, 6, and 7 of Block 3, and portions of the previously dedicated public right-of-ways to be vacated this plat, All located in Spring Canyon Estates) Located in "Government" Lots 3 and 4 of Section 5, T1S, 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 a Plat of Lot A Revised of Block 2, and Lots 1R, 6R, and 7R of Block 3, Spring Canyon Estates, (formerly Lots A & B of Lot 1 Revision No. 1 of Block 2, Lots 1, 6, and 7 of Block 3, and portions of the previously dedicated public right-of-ways to be vacated this plat, All located in Spring Canyon Estates) Located in "Government" Lots 3 and 4 of Section 5, T1S, R7E, BHM, 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 19th day of November, 2001.

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

CITY OF RAPID CITY
s/Jerry Munson, Mayor

End of Planning Consent Calendar

Council President Hanks presented No. 01PL099 - A request by Doug Sperlich for Walgar Development Corp for a **Final Plat** on Lot 1 of Block 1, Terracita Park Subdivision, and Minnesota Street Right-of-Way (formerly a portion of the SW1/4 of the NW1/4 of the SE1/4 of Section 13) located in the SW1/4 of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Fifth Street and Minnesota Street. Motion was made by Kroeger, seconded by Hadley and carried to approve the final plat contingent on plat not being recorded until the surety is posted.

Council President Hanks presented No. 01PL105 - Approve the request by Doug Sperlich for Skyline Pines Development for a **Final Plat** on Lots 1-7, Block 1, Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Skyline Drive west of Skyview North Subdivision. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 Through 7 of Block 1 Skyline Pines Subdivision, (formerly Block 1 of Skyline Pines Subdivision) Located in the E1/2 of the SE1/4 of Section 10, the SE1/4 of the SW1/4, and the W1/2 of the SW1/4 of Section 11, 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 a Plat of Lots 1 Through 7 of Block 1 Skyline Pines Subdivision, (formerly Block 1 of Skyline Pines Subdivision) Located in the E1/2 of the SE1/4 of Section 10, the SE1/4 of the SW1/4, and the W1/2 of the SW1/4 of Section 11, 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 19th day of November, 2001.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

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

Council President Hanks presented No. 01PL106 - A request by Doug Sperlich for Skyline Pines Development for a **Final Plat** on Lots 15 and 16 of Block 3 of Skyline Pines Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located Pevans Parkway. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks presented 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. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until December 3, 2001.

Planning Department – Hearings

Council President Hanks presented No. 01CA032 - A request by Wyss Associates for W.E.B. Partners for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until December 3, 2001.

Council President Hanks 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 Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks 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 Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks presented No. 01PD050 - A request by Ozark Civil Engineering for Lowe's Companies Inc. for a **Planned Commercial Development - Initial and Final Development Plan** on Lots 1 and 2 of Lowe's Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Haines Avenue and Mall Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks presented No. 01PD052 - A request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks presented No. 01PD054 - A request by Mark A. Fetzer, Inc. for Lakota Community Homes, Inc. for a **Major Amendment to a Planned Unit Development to increase the density and allow for reduced side yard setbacks** on Tract A of Block 3, Lakota Subdivision No. 1, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2430 Gnugnuska Drive. Motion was made by Kroeger, seconded by Steinburg and carried to approve the requested Amendment, with the following stipulations: a) Prior to issuance of Building Permit, the applicant shall submit a grading and drainage plan for review and approval; b) Prior to issuance of Building Permit, the applicant shall submit a site plan identifying the location of adjacent parcels, water and sewer mains, and streets; c) Prior to issuance of Building Permit, the applicant shall provide documentation that the existing four inch water service line is adequate for the proposed expansion; d) That a total of twenty-six paved parking spaces shall be provided of which two shall be accessible spaces. All parking shall be in accordance with Section 17.50.270 of the Rapid City Municipal Code Parking Regulations including curb stops along the western parking stalls; e) That all landscaping shall be in accordance with Section 17.50.300 of the Rapid City Municipal Code Landscaping Regulations including curb stops or other physical barrier shall installed around plant material located in or next to the parking area; and, f) An additional six deciduous trees shall be installed along the south side of the building prior to the issuance of Certificate of Occupancy for the proposed class room expansion; and, g) A seventeen foot side yard setback shall be allowed.

Council President Hanks presented No. 01PD055 - A request by City of Rapid City for a **Planned Development Designation** on Tract A, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard. Motion was made by Kroeger, seconded by Waugh and carried to approve the Planned Development Designation contingent upon the approval of the associated rezoning from No Use District to Low Density Residential District.

Council President Hanks presented No. 01PD056 - A request by City of Rapid City for a **Planned Development Designation** on that portion of SE1/4 NW1/4 NW1/4 lying east of

U.S. Highway 16 less right-of-way and the 40 foot wide Tucker Street right-of-way all located within Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard. Motion was made by Kroeger, seconded by Steinburg and carried to approve the Planned Development Designation contingent on the approval of the associated Rezoning from No Use District to General Commercial District.

Council President Hanks presented No. 01PD057 - A request by City of Rapid City for a **Planned Development Designation** on Lot A of Tucker Subdivision and Tract AR2 of Needles Subdivision all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard. Motion was made by Kroeger, seconded by Steinburg and carried to approve the Planned Development Designation contingent upon the approval of the associated rezoning from No Use District to Low Density Residential District.

Council President Hanks presented No. 01SV024 - A request by Dream Design International for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, street light conduit, sidewalk, dry sewer and water on Reservoir Road and S.D. Highway 44** on Lot 1 of Lamb Subdivision, Section 15, T1N, R8E, BHM, Pennington County, South Dakota, located at the southwest corner of the intersection of Reservoir Road and S.D. Highway 44. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until January 21, 2002.

Council President Hanks 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 Steinburg and carried that the Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk, street light conduit, water and sewer for Reservoir Road be approved with the following stipulations: a) Prior to City Council approval, a waiver of right to protest an assessment district for the remaining improvements for Reservoir Road for Lots 1 through 18, Buffalo Ridge Subdivision shall be signed; and, b) Prior to City Council approval, the applicant shall enter into an agreement guaranteeing payment to Pennington County for the cost of the Pennington County Highway Department's improvement of Reservoir Road for that portion of the road that abuts the subject property.

Council President Hanks presented No. 01SV026 - A request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to waive the requirement for water, sewer, paving, curb, gutter, sidewalks, and street light conduit and to allow lots more than twice as long as they are wide** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue until December 3, 2001.

Council President Hanks presented No. 01SV030 - A request by Fisk Land Surveying for Dakota Land Development for a **Variance to the Subdivision Regulations to waive the requirement for sidewalks and street light conduit** on Lots 1-7, Vista Lake Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery. Motion was made by Kroeger, seconded by Johnson and carried to deny this item without prejudice.

Council President Hanks presented No. 01SV031 - A request by Alliance of Architects for American West Communities for a **Variance to the Subdivision Regulations to waive the**

requirement for curb and gutter, dry sewer, street conduit and to allow sidewalk on one side of the street on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Reservoir Road and South Side Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks 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 Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks 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 Steinburg and carried to continue this item until December 17, 2001.

Council President Hanks presented 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. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until December 3, 2001.

Council President Hanks presented No. 01UR055 - A request by Remodel King for Daniel M. Tackett for a **Use On Review to allow a private residential garage in excess of 1000 square feet** on the unplatted part of the NW1/4 SE1/4 NW1/4 of Section 14, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3751 Skyline Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until December 3, 2001.

Ordinances & Resolutions

Council President Hanks announced the meeting was open for hearing on No. 01RZ049, second reading of **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 Murphy and carried to continue this item until December 3, 2001.

Council President Hanks announced the meeting was open for hearing on No. 01RZ054, second reading of **Ordinance 3738**, a request by Wyss Associates for W.E.B. Partners for a **Rezoning from Office Commercial District to General Commercial District** on the following property: beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont

Boulevard and north of Tower Road. Motion was made by Hadley, seconded by Murphy and carried to continue this item until December 3, 2001.

The Mayor announced the meeting was open for hearing on **Ordinance 3745** (No. 01RZ056) a request by 3 T's Land Development for a **Rezoning from Low Density Residential District to Low Density Residential II District** on the following property: Tract B of Minnesota Ridge Subdivision located in the NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota less a portion of Tract B of Minnesota Ridge Subdivision located in the NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the corner of Lot 2R of Block 28 of Robbinsdale Addition No. 10, common with the northeasterly corner of Lot 3 of Block 28 of Robbinsdale Addition No. 10, said point being an angle point along the northerly boundary of said Tract B of Minnesota Ridge Subdivision, and the Point of Beginning; Thence, first course: N73°18'54"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 2R of Block 28, a distance of 124.95 feet; Thence, second course: S45°40'57"E along the southerly boundary of said Lot 2R of Block 28, common with the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 20.56 feet; Thence, third course: N44°19'03"E, along the southerly boundary common to said Lot 2R of Block 28, and the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 176.61 feet, to a point on the westerly boundary of Lot 1R of Block 17, Robbinsdale Addition No.10. Said point is a corner common to said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, fourth course: S36°33'28"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 1R of Block 17, a distance of 10.96 feet; Thence, fifth course: S44°19'03"W, a distance of 200.76 feet; Thence, sixth course: S73°18'54"W, a distance of 149.18 feet to a point on the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, seventh course: N21°40'47"E, along the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision, a distance of 51.02 feet to the corner common to said Lot 3 of Block 28, and said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision and the Point of Beginning, located west of 5th Street north of Minnesota Street. Notice of hearing was published in the Rapid City Journal on November 10 and November 17, 2001. Ordinance 3745, having had the first reading on November 5, 2001, it was moved by Hadley and seconded by Steinburg that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance 3745 was declared duly passed upon its second reading.

Council President Hanks presented No. 01RZ057, second reading of **Ordinance 3746**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. Motion was made by Hadley, seconded by Rodriguez and carried to continue this item until December 3, 2001.

Ordinance 3749, (No. 01RZ058) a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Tract A, Meadow View Subdivision, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance No. 3749 was declared duly passed upon its second reading.

Ordinance 3750, (No. 01RZ059) a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on that portion of SE1/4 NW1/4 NW1/4 lying east of U.S. Highway 16 less right-of-way and the 40 foot wide Tucker Street right-of-way all located within Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance No. 3750 was declared duly passed upon its second reading.

Ordinance 3751 (No. 01RZ060), a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on Lot A of Tucker Subdivision and Tract AR2 of Needles Subdivision all located in Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of the intersection of U.S. Highway 16 and Catron Boulevard, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance No. 3751 was declared duly passed upon its second reading

The Mayor announced the meeting was open for hearing on **Ordinance 3752** (No. 01RZ061), a request by 3 T's Land Development for a **Rezoning from Office Commercial District to Low Density Residential II District** on the following property: A portion of Tract B of Minnesota Ridge Subdivision located in the NE1/4 of SW1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more fully described as follows: Commencing at the corner of Lot 2R of Block 28 of Robbinsdale Addition No. 10, common with the northeasterly corner of Lot 3 of Block 28 of Robbinsdale Addition No. 10, said point being an angle point along the northerly boundary of said Tract B of Minnesota Ridge Subdivision, and the Point of Beginning; Thence, first course: N73°18'54"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 2R of Block 28, a distance of 124.95 feet; Thence, second course: S45°40'57"E along the southerly boundary of said Lot 2R of Block 28, common with the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 20.56 feet; Thence, third course: N44°19'03"E, along the southerly boundary common to said Lot 2R of Block 28, and the northerly boundary of said Tract B of Minnesota Ridge Subdivision, a distance of 176.61 feet, to a point on the westerly boundary of Lot 1R of Block 17, Robbinsdale Addition No.10. Said point is a corner common to said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, fourth course: S36°33'28"E, along the boundary common to said Tract B of Minnesota Ridge Subdivision, and said Lot 1R of Block 17, a distance of 10.96 feet; Thence, fifth course: S44°19'03"W, a distance of 200.76 feet; Thence, sixth course: S73°18'54"W, a distance of 149.18 feet to a point on the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision; Thence, seventh course: N21°40'47"E, along the boundary common to said Lot 3 of Block 28, and said Tract B of Minnesota Ridge Subdivision, a distance of 51.02 feet to the corner common to said Lot 3 of Block 28, and said Lot 2R of Block 28, and said Tract B of Minnesota Ridge Subdivision and the Point of Beginning. Said Parcel contains 7,790 square feet or 0.179 acres more or less, located west of 5th Street north of Minnesota Street. Notice of hearing was published in the Rapid City Journal on November 10 and November 17, 2001. Ordinance 3752, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance No. 3752 was declared duly passed upon its second reading.

Ordinance 3753 (No. 01OA019) entitled An Ordinance Amending Chapter 17.50 by Adding Section 17.50.335; Amending Section 12.20.30 of Chapter 12.20; Amending Section

15.40.080 of Chapter 15.40; Amending Sections 17.50.230, 17.50.250 (F) (2), 17.50.280 and 17.50.300 of Chapter 17.50 of the Rapid City Municipal Code Pertaining to Sight Triangles, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance No. 3753 was declared duly passed upon its second reading.

Ordinance 3754 (No. 01OA020) entitled An Ordinance Amending Section 17.22.030 of Chapter 17.22 of the Rapid City Municipal Code by Adding a New Subsection 17.22.030 (K) Allowing Wind Energy Conversion Systems in Uses Permitted on Review, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance No. 3754 was declared duly passed upon its second reading.

Ordinance 3755 (No. 01OA021) entitled An Ordinance Amending Chapter 17.18.020 of the Rapid City Municipal Code to Allow Outdoor Firewood Storage and Sales Lot as a Use On Review in the General Commercial Zoning District, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Steinburg that the title be read the second time. The following voted AYE: Johnson, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Murphy, whereupon Hanks declared the motion passed and Ordinance 3755 was declared duly passed upon its second reading.

Ordinance 3756 (LF103101-16) entitled An Ordinance Amending Section 15.48.110 of Chapter 15.48 of the Rapid City Municipal Code By Revising Certain Requirements Pertaining to Access Roads Within Mobile Home Parks, having passed the first reading on November 5, 2001, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon Council President Hanks declared the motion passed and Ordinance No. 3756 was declared duly passed upon its second reading.

Ordinance 3757 (LF111401-11) entitled An Ordinance Amending Sections 15.28.100, 15.28.110, and 15.28.120 of Chapter 15.28 of the Rapid City Municipal Code Relating to the Enforcement of the Sign Code, Removal of Signs, and Decisions of the Sign Code Board of Appeals, was introduced. Motion was made by Hadley and seconded by Rodriguez to approve first reading of Ordinance 3757 and set second reading for December 3, 2001. The following voted AYE: Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel. NO: Johnson. Motion carried, 8-1.

Ordinance 3758 (01RZ062), a request by Harvey Colgrove for a **Rezoning from Medium Density Residential District to General Commercial District** on Lots 31-34 of Block 12 of Blakes Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 305 LaCrosse Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3758 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, December 3, 2001.

Ordinance 3759 (01RZ063) a request by Alvin Aisenbrey for a **Rezoning from No Use District to Park Forest District** on Lot 13 of Block 2 of Cleghorn Canyon Subdivision No. 2, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5100 Cleghorn Canyon Road, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3759 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, December 3, 2001.

Legal & Finance Committee Items

The next item before the Council was LF103101-06 - Authorize Mayor and Finance Officer to sign **Petition for Annexation** of the city-owned property known as the Lytle property which is a part of the South Valley Drive Annexation area, upon recording of the deed. Motion was made by Hadley, seconded by Dreyer, and carried to approve this item.

The next item before the Council was to direct staff to proceed with annexation of the **South Valley Drive Annexation Area** on a step basis with the priorities listed as 1 through 5. Motion to approve was made by Hadley, seconded by Rodriguez and carried to approve this item. A separate motion was made Steinburg, seconded by Hadley, and carried to proceed with the annexation of three separate parcels immediately (sub area 1A).

The next item before the Council was LF111401-07 - Approve form of Roosevelt **Ice Arena** Ice Rental Contract. Motion was made by Hadley, seconded by Murphy, and carried to approve the form of ice rental contract.

The next item before the Council was CC111901-02 - Agreement relative to skateboard offenses being treated as traffic offenses. The following resolution was introduced, read and Hadley moved its adoption:

RESOLUTION SUPPORTING CLASSIFICATION OF RAPID CITY MUNICIPAL CODE
SECTION 10.52.010 AS A MUNICIPAL TRAFFIC OFFENSE

WHEREAS, Chapter 10.52 of the Rapid City Municipal Code is titled "MISCELLANEOUS TRAFFIC REGULATIONS"; and

WHEREAS, South Dakota Codified Laws section 26-8C-2 allows violations of municipal traffic laws by juveniles to be handled in the Magistrate Court rather than in juvenile court; and

WHEREAS, section 10.52.010 of the Rapid City Municipal Code prohibits skateboarding in the downtown area of Rapid City and is classified by the City of Rapid City as a municipal traffic regulation; and

WHEREAS, it is more efficient to handle violations of Rapid City Municipal Code section 10.52.010 in the Magistrate Court than by the juvenile delinquency process;

NOW, THEREFORE BE IT RESOLVED the City of Rapid City approves of classifying violations of Rapid City Municipal Code section 10.52.010 as municipal traffic offenses for purposes of South Dakota Codified Laws section 26-8C-2;

BE IT FURTHER RESOLVED the City of Rapid City approves of the prosecution of violations of Rapid City Municipal Code section 10.52.010 by juveniles in the Magistrate Court.

Dated this 19th day of November, 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. The following voted AYE: Hanks, Johnson, Steinburg, Murphy, Rodriguez, Waugh, Kroeger,

Hadley, Kriebel and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

Public Works Committee Items

The next item before the Council was to direct that items brought before the Public Works Committee and Legal and Finance Committee for consideration, without being listed on the published agendas, and requiring more than five minutes of discussion, be placed at the end of the Legal and Finance Committee agenda. Motion was made by Kroeger that we go back to having Public Works Committee meetings on Tuesdays at 1:15 p.m. and Legal and Finance Committee meetings on Wednesdays at 1:15. Second by Steinburg. Kriebel said he would hope the Council would not do this. Kroeger said the meetings have been running until 5:00 p.m. and that is really pushing it. By going to two days, if someone can't make one of the meetings, they can still make the other meeting. The only fair way to do this is to go back to two days. Kriebel suggested that we go to four Council meetings a month. He doesn't know what purpose the committee meetings serve. Hadley made a substitute motion to have a Council meeting once a week on Monday nights. Motion died for lack of a second. Johnson said we have to work with the Council members that are appointed at the time. The present Council is made up of retired people, of business owners, and also of working people. He said this item deserves more discussion. Steinburg said the committee meetings are to give the Council an idea of what is going to take place on Monday night. He is in favor of two meetings. A substitute motion was made by Johnson and seconded to refer this back to Public Works for discussion. Motion carried.

Motion was made by Kroeger and seconded by Steinburg to direct staff to proceed with a Roosevelt Park Master Plan scenario that includes Parking "A", bathhouse and outdoor pool facility. Lee Anthony, a swimming instructor who has taught swimming for the Red Cross for 25 years, gave the Council some background information on the swimming programs in Rapid City. She feels that Rapid City is way overdue in building an indoor swimming pool. If an indoor pool is built, Rapid City could host the state senior citizen games. She is willing to do anything in her power to see the indoor pool built. Scott Miller said it is the Council's responsibility to vote for what is best for the community and what the community wants. He said he has heard no comments against an indoor pool. He urged the Council to vote in favor of the indoor pool. Beth Baldwin, manager of the Jimmy Hilton pool this last summer, said the pool was not busy this summer. She thinks the novelty of the outdoor pools wears off within a year. The City needs a pool that can be opened year round and used daily. Kim Clark, a mother of four swimmers, requested a 25 yard by 50 meter pool for the Rapid City Racers. This would enable them to have both short course and long course and also to have competitive swimming. The City could then host state swimming meets. There would be a great economic impact on Rapid City. Dave Mortimer, president of the Rapid City Racers, said the Rapid City Racers had previously come with a proposal for an indoor water facility. He's heard that the indoor pool could not fit into the budget. He questions whether the City has been realistic in putting forth the numbers about what indoor water is actually going to cost from the standpoint of expenses. He believes we need to go back and look at the objectives and do another study on it. He thinks the numbers are way inflated. Lee Dennison, who lives on the north side of town, said Rapid City does need an indoor pool. The problem is he is wondering when there will be time at an indoor pool for the children to just splash and play. There are many organizations that could tie up all the time at an indoor pool. He thinks North Rapid needs just a play pool like the south side and the west side. Many other adults and children spoke in favor of an indoor pool. There were many other speakers who spoke in favor of an indoor pool. Johnson said he has supported indoor swimming since the beginning. He will not support the motion for an outdoor pool. He said if we don't move forward on an indoor pool now, we are looking at a minimum of four years before we get to the next round of the 2012 to have a pool. He's not comfortable with the figures. He thinks if we build an indoor pool in North Rapid, the need will be met for the entire city. Kroeger said he remembers the discussions about replacing the area swimming pools. The one in south

Rapid was replaced, the one in Sioux Park was replaced, and now it's time to replace the pool in north Rapid and now we have too many outdoor swimming pools. Roosevelt Park should definitely have an outdoor pool. There are many children that are walking distance from Roosevelt Park. It all boils down to there is a large area in the community that does not have an outdoor swimming pool. Murphy said the people he's talked to said they would like to see an outdoor pool first and perhaps an indoor pool in the future. The cost to keep an indoor pool open would be outrageous. Kriebel said this has never been about replacing a pool. He wants to replace the pool. He thinks an indoor pool could be built to act as both an outdoor and indoor pool. Hadley said he knows as a whole the community would support indoor water, but the overwhelming majority of the residents in the ward that he represents support an outdoor water facility in that area. A substitute motion was made by Hadley that we send this back to the Public Works Committee on November 28, 2001, to allow the community to get some more answers to some of the questions. Second by Johnson. The question was called. A vote was taken with Kroeger, Dreyer, and Murphy voting "no".

Finance Officer

Jim Preston told the Council that the School District did look at our proposals for the new City ward boundaries and did make one change. The change essentially is the area between Mount Rushmore and Ninth Street from Flormann Street to Columbus Street would be moved into Ward Two rather than Ward Five. He recommends that the Council approve this change. A motion was made and seconded to approve the proposed City ward boundaries with this change. Johnson said his concern over the whole process is that while the City is trying to balance wards, we also through an educated guess can assume that there is going to be significant growth in at least two out of the five wards and in a short period of time, we are going to have a disproportionate amount in those wards. Jim Preston said after checking with the City Attorney, he was informed that the City can redistrict less than every 10 years. Tamara Pier said that the problem with redistricting more often is that you are not only impacting City wards, but you are also impacting county commission wards, school district, and legislative. It provides a difficult juggling act. A vote was taken and carried.

Bills

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

Payroll Ending 11-03, Paid 11-09-01	509,812.73
Payroll Ending 11-03, Paid 11-09-01	3,582.44
Pioneer Bank, 11-09 taxes, Paid 11-09-01	132,391.12
Pioneer Bank, 11-09 taxes, Paid 11-09-01	269.48
First American Administrators, 11-06 claims, paid 11-07-01	34,452.60
First American Administrators, 11-13 claims, paid 11-13-01	137,987.21
Berkely Administrators, Oct. claims, paid 11-05-01	90,237.85
Gateway 2000 laptop	1,413.61
Portable computer systems - 3 touch screen computers	10,680.00
US Postmaster - billing postage	1,500.00
Computer Bill List	4,794,647.57
Subtotal	\$5,716,974.61
Payroll Ending 11-03, Paid 11-09-01	2,432.48
Pioneer Bank, 11-09 taxes, Paid 11-09-01	181.42
Carquest, repairs	14.82
City of Rapid City, postage	5.31
Petty cash - office supplies	40.66
City health insurance - Oct. health	560.40

SD Retirement System - Oct. pension	212.60
Standard Life - Nov. insurance	7.92
Angie Weeks 9/10 through 10/15 staff mileage	40.32
Total	<u>\$5,720,470.54</u>

Executive Session

Motion was made by Rodriguez, seconded by Johnson and carried to go into executive session at 10:15 p.m. to discuss contractual negotiations. The Council came out of executive session at 10:30 p.m.

Motion was made, seconded and carried to set a Special Council Meeting on November 28, 2001, at 1:15 p.m. for the following purpose: 1) Approve the January 1, 2002, through December 31, 2005, collective bargaining agreement with the City and AFSCME (General). 2) Approve the January 1, 2002, through December 31, 2005, collective bargaining agreement with the City and AFSCME (Library). 3) Approve the January 1, 2002, through December 31, 2005, collective bargaining agreement with the City and International Association of Firefighters. 4) Approve the January 1, 2002, through December 31, 2005, collective bargaining agreement with the City and Fraternal Order of Police. 5) Approve January 1, 2002, through December 31, 2005, wage and salary schedules for the City non-union personnel.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:30.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)