

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

January 7, 2002

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, January 7, 2002 at 7:00 P.M.

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

Motion was made by Hanks, seconded by Dreyer and carried to correct the minutes of November 5, 2001 to show the recipient of subsidy funds as the Cornerstone Rescue Mission (not the Community Care Center) and **approve the minutes** of December 17 and December 27, 2001.

***Bid Openings***

The following bid for 2002 Police Vehicle Contract for Full Size "Police Package" Sedans was opened on January 4, 2002:

1.	McKie Ford	\$20,815 each	\$124,890.00
	Less Trade In	(7 vehicles)	- 27,100.00
	Total Bid		<u>\$ 97,790.00</u>

Staff has reviewed the bid and recommends award. Motion was made by Steinburg, seconded by Murphy and carried to award the bid for Police Vehicles to McKie Ford, the only bidder, in the net bid amount of \$97,790.

The following bids for Three New 2002 ADA Accessible Raised Floor **Paratransit Vehicles** were opened at 2:00:

1.	Grande American Bus Sales (bond submitted)	\$165,522
	Less Trade In	- 4,400
		<u>\$161,122</u>
2.	Harlow's Bus Service (bond submitted)	\$157,200
	Less Trade In	- 6,000
	Total Bid	<u>\$151,200</u>

Staff has reviewed the bids and recommends award to Harlow's Bus Sales. Motion was made by Steinburg, seconded by Hadley and carried to award the bid for three paratransit vehicles to Harlow's Bus Service, the lowest responsible bidder meeting specifications, based in their low unit prices bid, for a total contract amount of \$151,200.

***Mayor's Items***

Mayor Munson presented the Citizen of the Month Award to Hallie Brooks and commended her for outstanding volunteer service to the community.

Munson also commended the Rapid City Police Department for obtaining their fourth accreditation award. Chief Tieszen explained that the accreditation process provides a set of national standards for the department to follow. Being accredited means the department

complies with the list of over 300 standards set out by law enforcement agencies across the country.

Motion was made by Hadley, seconded by Dreyer and carried to move Agenda Item No. 44 forward on the agenda so that it can be discussed prior to the Mayor's veto item.

Motion was made by Hanks and seconded by Dreyer to leave the **traffic light** located at the Fifth Street/Meade Street Intersection in its current location. Hanks stated that this motion would negate the direction to staff to move the traffic light and there would be no need for a turning lane at this location. Public Works Director Dan Bjerke explained that a driveway at this intersection has been widened, but the striping for a turn lane has not been done. He requested direction from the Council on this project. Hanks amended his motion to include the language "that a turning lane not be installed". Dreyer concurred with the amendment. Murphy stated that he feels something should be done to move traffic through this intersection and he feels a turning lane should be added. Substitute motion was made by Murphy to direct staff to proceed with implementing a turning lane at the Fifth Street/Indiana intersection, but not move the light from Meade Street. Motion died for lack of a second. Johnson stated that he feels Indiana Street is the proper place for the traffic light on Fifth Street. Originally the Council took action to move a light to this intersection, and now they are saying it doesn't even need a turning lane. Hanks withdrew the amendment to the motion. The need for a turning lane can be discussed at a future meeting. Roll call vote was taken: AYE: Waugh, Kroeger, Hanks, Dreyer, Murphy and Hadley; NO: Kriebel, Steinburg and Johnson. Motion to leave the light at the existing location carried, 6-3.

The next item discussed by the Council was No. CC122701-09, a Memorandum from Mayor Munson vetoing the Council's action taken on December 17, 2001 approving the expenditure for a **parking pad at 2402 Fifth Street**. Hanks stated that the Council's action to leave the traffic light on Meade Street makes the Mayor's veto item moot. Motion was made by Hanks and seconded by Dreyer to table this item. Upon vote being taken, the motion carried with Kriebel voting no. Several council members expressed concern that there was no discussion on this item. Motion was made by Hanks and seconded by Kriebel to reconsider the motion to table the Mayor's veto. Murphy stated that he feels a turn lane is necessary, but he doesn't feel the City should pay for parking on private property. Upon vote being taken, the motion to reconsider carried with Murphy voting no. Discussion continued on the Mayor's veto and the need for a turning lane at the Fifth Street/Indiana Street intersection. Motion was made by Johnson and seconded by Kriebel to direct staff to **install a turning lane** at the Fifth Street/Indiana intersection. Roll call vote: AYE: Johnson, Hadley, Murphy, Dreyer; Waugh and Kriebel; NO: Hanks, Kroeger and Steinburg. Motion carried, 6-3. Motion was made by Kriebel and seconded by Dreyer to **override the Mayor's veto** on supplying a parking pad on the private property at 2402 Fifth Street. Johnson spoke against the City using tax dollars to replace on-street parking with parking on private property. He added that he feels it is the City's responsibility to put the driveway back to a usable condition. Roll call vote was taken: AYE: Kriebel, Waugh, Steinburg, Kroeger, Hanks, Dreyer and Hadley; NO: Johnson and Murphy. Motion carried, 7-2.

### ***Aldersperson Items/Liaison Reports***

Ray Hadley stated that he would like to have additional discussion on the proposal to move the City's annual election to the first Tuesday in June. Motion was made by Hadley and seconded by Johnson to consider moving the election from April to June to coincide with the State election. Hanks spoke against moving the City's election to coincide with the county primary election. It is possible to have many different races going on at the same time and the City's candidates will get lost on the ballot. Hanks also expressed concern about the ability for newly election council members to become familiar with the budgeting process if they take office in July rather than in May. Substitute motion was made by Murphy and seconded by Kriebel to continue this discussion to the next Legal & Finance Committee

meeting. Kriebel stated that the timing is a problem. If the School Board is going to change their election date, they must do it at their first meeting of the year, which is January 8th. Kriebel and Hadley spoke in favor of moving the election to encourage higher voter turnout and convenience to voters. Roll call vote was taken on referring this issue to the Legal & Finance Committee: AYE: Dreyer and Murphy; NO: Kriebel, Waugh, Steinburg, Kroeger, Hanks, Hadley and Johnson. Motion failed, 2-7. Roll call vote was taken on the original motion to move the election to June 4th: AYE: Kriebel, Waugh, Steinburg, Hadley and Johnson; NO: Kroeger, Hanks, Dreyer and Murphy. Motion carried, 5-4.

Motion was made by Kriebel and seconded by Hadley to move Item No.73 forward on the agenda. Upon vote being taken, the motion carried with Dreyer voting no.

The next item before the Council for discussion was second reading of **Ordinance 3773** (No. LF121201-18R) entitled An Ordinance Amending Sections 17.16.020(17); 17.18.020(12); 17.18.030(29); 17.22.020; 17.22.030(J); 17.24.020B(2); 17.24.030(C); and Adding Section 17.50.380 to Chapter 17.50 of the Rapid City Municipal Code Regarding Off-Premise Signs as Uses on Review. Motion was made by Johnson, seconded by Steinburg and carried to continue this item until February 18, 2002.

### ***Alcoholic Beverage License Applications***

This was the time set for hearing on the application of Wal-Mart Stores, Inc. dba **Wal-Mart Supercenter No. 1604**, 1200 N. LaCrosse Street, for an Off-Sale Malt Beverage License (New License). Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Liquor License (New License – No Video Lottery). Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for hearing on the application of Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard, Suite 3, for an On-Off Sale Malt Beverage License Transfer (from 530 Cambell Street). Motion was made by Hadley, seconded by Waugh and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Johnson and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, January 21, 2002:

7. Century Resources, Inc. dba **Howard Johnson Express Inn & Suites**, 950 North Street, for an On-Sale Liquor License Transfer (previously inactive)
8. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Off Sale Malt Beverage License Transfer (from Gold Rush Casino)

### ***Consent Calendar***

The following items were removed from the Consent Calendar:

12. No. 01UR057 - A request by Pennington County for a **Use On Review to allow a detention work release facility in the Public Zoning District** on Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 703 Adams Street.
52. No. LF010202-18 - Approve Travel Request for Mayor, Tom Johnson, Bill Waugh, Ron Kroeger, Mel Dreyer, and Ray Hadley to Attend National League of Cities

Congressional City Conference in Washington, D.C. from March 8-12, 2002, in the Amount of \$13,544.

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

**Set for Hearing** (January 21, 2002)

9. No. 01PD062 - A request by Wyss Associates for Web Real Estate Holdings Company LLC for a **Planned Development Designation** 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.
10. No. 01PD063 - A request by Lyle Henricksen for a **Initial and Final Development Plan - Planned Residential Development** on Tract A and Tract B, Fountain View Subdivision, Section 26, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Harmony Heights Lane.
11. No. 01PD064 - A request by Bryan K. Gonzales for Pride Neon, Inc. for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 640 Flormann Street.
11. No. 01PD065 - A request by Fisk Land Surveying for Dakota Land Development for a **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1 through 7 of 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.
13. No. 01UR058 - A request by Cornerstone Rescue Mission for a **Use On Review to allow the outdoor sales and storage of firewood in the General Commercial Zoning District** on Lot 15-16 and vacated east 10 feet of 1st Street Adjacent to Lot 16, Block 80, Original Town of Rapid City, Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 400 1st Street.
14. No. 01UR059 - A request by Lyle Henriksen for a **Major Amendment to a Use On Review to expand a group home in the Medium Density Residential District** on Lots 1, 2, 3, 4 and 5 of Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1205 East Saint James.
15. No. 01UR060 - A request by Dream Design International for a **Use On Review to allow a utility substation in the Low Density Residential District** on NE1/4 SW1/4 Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Prestwick Road north of Countryside Subdivision.

**Public Works Committee Items**

16. No. PW010202-01 - Approve Change Order No. 01F for DR00-961, Arrowhead Drainage Channel Improvements Project, Morris Construction Company for an increase of \$2,842.54.

17. No. PW010202-02 – Approve Change Order No. 02F for SSW00-970 & PR01-1024, Jackson Blvd. Sanitary Sewer Reconstruction and Water Construction Project to Hills Materials Company for a decrease of \$596.53.
18. No. PW010202-03 – Approve Change Order No. 01 for PR01-1001, Little League Ballfields Lighting Project to Muth Electric, Inc. for an increase of \$1,156.00.
19. No. PW010202-05 – Approve Change Order No. 02F for SS01-1059, West Rapid Street Alley Sanitary Sewer Reconstruction Project to Hills Materials Company for an increase of \$1,301.12.
20. No. PW010202-06 – Approve Change Order No. 01F for TS01-1117, Transit Shelter Installation Project to R P & H, Inc. for an increase of \$55.00.
21. No. PW010202-07 - Approve Change Order No. 02 for WRF01-1034A, Water Reclamation Facility – Equipment Procurement – Primary Sludge Pumps to Waterworks Industries. Inc. for an increase of \$17,430.
22. No. PW010202-08 – Approve Change Order No. 01 for WRF01-1034B, Water Reclamation Facility – Equipment Procurement – Air Handling Equipment to Blackhawk Equipment Corporation for an increase of \$16,637.
23. No. PW010202-09 – Approve Change Order No. 1 for WRF01-1035, Water Reclamation Facility – Equipment Installation to MAC Construction Company for a decrease of \$41,510.00.
24. No. PW010202-10 – Approve Change Order No. 01(F) for WRF01-1152, Water Reclamation Facility – Security Fence Installation to The Fence Connection, Inc. for a decrease of \$1,745.84.
25. No. PW010202-11 – Approve Change Order No. 02(F) for PR00-969, Sioux Park Phase 3 Improvements Project to RCS Construction for an increase of \$25,835.79.
26. No. PW010202-12 – Approve Change Order No. 01 for IDP01-1094, Rapid City Public Library Improvements Project to Jim Scull Construction for a decrease of \$1,881.72.
27. No. PW010202-13 - Authorize staff to advertise for bids for One (1) New Current Model Year Backhoe for Cemetery.
28. No. PW010202-14 - Authorize staff to advertise for bids for One (1) New Current Model Year Utility Vehicle for Cemetery.
29. No. PW010202-15 - Authorize staff to advertise for bids for One (1) New Current Model Year Diesel Powered 60” Outfront Mower with 4 Wheel Drive for Cemetery.
30. No. PW010202-16 - Authorize staff to advertise for bids for One (1) New Current Model Year High Capacity Mower for Parks Division.
31. No. PW010202-17 - Authorize staff to advertise for bids for One (1) New Current Model Year Skid-Steer Loader for Parks Division.
32. No. PW010202-18 - Authorize the Mayor and Finance Officer to sign Professional Service Agreement with The Alliance of Architects & Engineers to Prepare ST02-1185, Rapid City GPS Densification Surveys for an amount not to exceed \$25,650.
33. No. PW010202-19 – Approve the request by Pat Hall for an exception to Street Design Criteria Manual for an access driveway directly onto Flormann Street.
34. Authorize staff to advertise Request For Proposals for W02-1184, Red Rock Reservoir (design of 2-3 million gallon reservoir).
35. Approve request of Gale Thompson for an additional curb cut at 1012 East Oakland Street, with the condition that a miscellaneous document be filed at the Register of Deeds Office noting that if the existing garage is converted to living space, the existing curb cut will be removed.

**Legal & Finance Committee**

36. No. LF010202-01 - Authorize Mayor and Finance Officer to Sign Agreement for Independent Contractor Services with Dr. Jack Gaines.
37. No. LF010202-02 - Authorize Mayor and Finance Officer to Sign Agreement for Independent Contractor Services with Dr. Robert Looyenga.
38. No. LF010202-04 - Authorize Purchase of 2002 Dodge Durango for Air Quality Program from State Bid in the Amount of \$23,411.

- 39. No. LF010202-05 - Direct staff to proceed with annexation of the original plan of annexation for the South Valley Drive study area and take all of the property as one large piece.
- 40. No. LF010202-06 - Direct staff to proceed with the involuntary annexation of the area north of Deadwood Avenue.
- 41. No. LF010202-09 – Approve the following FY2002 CDBG Program: Big Brothers/Big Sisters \$3,000; Black Hills Legal Services \$20,000; CASA Program \$10,000; Rural America Initiative Mentoring Program \$5,000; The Salvation Army \$20,000; Senior Companions of SD \$2,500; Working Against Violence, Inc. \$7,000; Youth & Family Services – Counseling \$10,000; Cornerstone Rescue Mission \$100,000; Working Against Violence, Inc. (new facility) \$100,000; Affordable Housing \$120,000; BH Area Habitat for Humanity \$30,000; Owner Occupied Home Rehabilitation \$100,000; RC Community Development Department \$119,622; Contingency Funds \$33,305.
- 42. No. LF010202-10 - Approve Resolution of Governing Body Establishing Authorized Representatives for the South Dakota Federal Property Agency.

RESOLUTION OF GOVERNING BODY

BE IT RESOLVED by the City Council of the City of Rapid City that Jerry Munson, Mayor; James F. Preston, Finance Officer, Dan Bjerke, Public Works Director; and Coleen J. Schmidt, Assistant Finance Officer, shall be and are hereby authorized as representatives of the City of Rapid City, South Dakota, to obligate its funds and obtain the transfer to it, from the South Dakota Federal Property Agency, property upon and subject to the terms and conditions set forth in the State Agency's Distribution Document and the approved Plan of Operation.

BE IT FURTHER RESOLVED that the above-named individuals be and are hereby authorized to appoint, and request identification cards for, representatives to act in their behalf. Such delegation shall be in writing and shall be binding to said institution under the authority of this resolution.

BE IT FURTHER RESOLVED that any additions or deletions to the above listed authorized representatives shall be forwarded to the South Dakota Federal Property Agency immediately and be binding to said institution under the authority of this resolution.

AND BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be submitted to the South Dakota Federal Property Agency and that the same shall remain in full force and effect until written notice to the contrary is submitted to the South Dakota Federal Property Agency.

Dated this 7th day of January, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 43. No. LF010202-11 - Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Parks Department

Schweigers Plow Frame, SN 60381, Inv. No. 12970

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

Dated this 7th day of January, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 45. Reject the proposals for candy, video games, and hot drink vending in Roosevelt Park Ice Arena and to authorize staff to advertise for new proposals and to work with the Finance Office to make sure that the second go-around as far as letting the bids is done appropriately according to the ordinances and the statutes.
- 46. Direct staff to modify the panhandling ordinance.
- 47. Approve the Following Licenses: Electrical Contractor: Barry's Electric Service, Inc., Barry Tolsma; Master Electrician: Barry Tolsma; Journeyman Electrician: Shawn Shannon, Jesse Shine; Electrical Apprentice: Nick Jarnecke, Jay Noteboom, Justin Rantapaa, Lee Steenberg; Pawn Shop: Pawn-Derosa-Pawn, Carol Allison; Plumber: Rick DeHaven; Plumbing Apprentice: Wayne A. Riley; Second Hand: Big K Furniture, Kenneth D. Sheffield; Furniture Mart, Susan R. Sorbel; Game Exchange, Jacaline K. Sales; Sound Bytes Music, Thomas Anderson; Security Business: Peace Keeper Security, Inc., Ryan R. Schuler; Taxi Business: Rapid Taxi, Inc., Bryan V. Leui.
- 48. No. LF010202-20R - Approve Assignment of License to Maintain Parking Lot on Municipally-Owned Park Land between Canyon Lake L.L.C. and Derby Advertising, Inc.

RESOLUTION APPROVING LICENSE ASSIGNMENT

BE IT RESOLVED by the City of Rapid City that the assignment of the LICENSE TO MAINTAIN PARKING LOT ON MUNICIPALLY-OWNED PARKLAND from Canyon Lake Club, LLC to Derby Advertising, Inc. dated December 31, 2001, is hereby approved.

Dated this 7th day of January, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 49. No. LF010202-15 - Approve Appointment of Greg McDonald, Judy Tobin, and John Skulborstad to the RSVP Advisory Council.
- 50. No. LF010202-16 - Approve Appointment of Duane Sudman to the Air Quality Board.
- 51. No. LF010202-17 - Approve Appointment of Steve Doshier, Craig Grotenhouse, Larry Stoner, and Jacqueline Allen to the Mayor's Beautification Committee.

**Raffle**

53. No. CC010702-01 - Notification from South Dakota Tech Hardrock Club of intent to conduct an annual fundraising on Super Bowl Sunday.

## End of Consent Calendar

The next item discussed by the Council was No. 01UR057, a request by Pennington County for a **Use On Review to allow a detention work release facility in the Public Zoning District** on Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 703 Adams Street. Motion was made by Dreyer and seconded by Hadley to deny this item. Planning Director Elkins explained that this item should be set for hearing on January 21, 2002. The county has made application and they have a right to a hearing. Substitute motion was made by Johnson, seconded by Hadley and carried to set this item for hearing on January 21, 2002.

Motion was made by Waugh, seconded by Murphy and carried to approve No. LF010202-18 a Travel Request for Mayor, Tom Johnson, Bill Waugh, Ron Kroeger, Mel Dreyer, and Ray Hadley to Attend National League of Cities Congressional City Conference in Washington, D.C. from March 8-12, 2002, in the amount of \$14,978.

**Planning Department Consent Items**

54. No. 00PL127 - A request by Dream Design, Inc. for Doyle Estes for a **Preliminary & Final Plat** on Tract B of Neff's Subdivision No. 4 located in the unplatted portion of the S1/2 NW1/4 SW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Race Track Road and Elk Vale Road. (CONTINUE TO JANUARY 21, 2002)
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, BHM, Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO JANUARY 21, 2002)
56. No. 01PL083 - A request by Fisk Land Surveying for Justin Lena for a **Preliminary and Final Plat** on Lot 5-Revised and Lot 6-Revised of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition), Rapid City, Pennington County, South Dakota and dedicated ROW formerly all of Lots 5 and 6 of Block 7 of the NW1/4 NE1/4 of Section 9, T1N, R7E, BHM (aka Schamber Addition) Rapid City, Pennington County, South Dakota, located a 3610 and 3614 Cottonwood Street. (DENY WITHOUT PREJUDICE)
58. No. 01PL089 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots 7-9, Block 4; Lots 13-23, Block 6, Lot 6, Block 7; Lots 1-11, Block 8; Lots 1-2, Block 9 of Big Sky Subdivision and dedicated South Pitch Drive, Aurora Drive, Carl Avenue and major drainage easements located in NE1/4SE1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota, located at the current northern terminus of South Pitch Drive. (CONTINUE TO JANUARY 21, 2002)
59. 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. (CONTINUE TO JANUARY 21, 2002)

60. No. 01PL116 - A request by Doug Sperlich for James Letner for a **Preliminary and Final Plat** on Lot 2R and Lot 3 of Debra Subdivision, Section 4, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current northern terminus of Debra Drive. (CONTINUE TO JANUARY 21, 2002)
61. No. 01PL118 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots 5-11, Block 6, Red Rock Estates - Phase 3A, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sheridan Lake Road - Red Rock Estates Subdivision. (CONTINUE TO JANUARY 21, 2002)

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## END OF PLANNING CONSENT CALENDAR

The next item discussed by the Mayor was 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. Kroeger noted that the stipulations have not been met. Motion was made by Kroeger and seconded by Hadley to continue this item until January 21, 2002. Richard Stahl stated that he hopes to have the stipulations met by the next meeting date. Bill Kesloff spoke against continuing this item noting that it has been going on for almost one year. He stated that in his opinion Mr. Stahl has not shown good faith during negotiations and the neighboring property owners would like the Council to deny the application and have Mr. Stahl start the process over again. Stahl stated that he has been working with the architect suggested by the neighborhood group and should have all stipulations met by the January 21st meeting. Motion was made by Kriebel to deny without prejudice. Motion died for lack of a second. Discussion continued. Upon vote being taken, the original motion to continue to January 21, 2002 carried with Kriebel voting no.

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

The Mayor presented No. 01PD047, a request by Richard O. Stahl for a **Planned Residential Development - Final Development Plan** on Lots 1-5 of Stahl Victorian Addition (formerly Tracts J, K, L, M and N of Lot 6 of Block 19, Boulevard Addition) of the N1/2 of Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of West Street and South Street. Motion was made by Kroeger and seconded by Hadley to continue this item until January 21, 2002. Upon vote being taken, the motion carried with Kriebel voting no.

The Mayor presented No. 01PD060, a request by Dream Design International for a **Initial and Final Development Plan - Planned Residential Development** on the following property: a parcel of land located in SW1/4 NE1/4 of Section 29, T1N, R7E, BHM, City of Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Northeast Corner of Lot 1, Block 2 of Red Rock Estates as recorded with the Pennington County Register of Deeds in Book 29, Page 202; thence N14°58'00"W, 33.49 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius is 374.00 feet and whose delta angle is 12°33'13", an arc length of 81.94 feet to a point on said curve; thence N37°19'06"W, 30.86 feet to a point lying on a curve concave to the southwest and whose chord bears N47°10'58"W, 190.88 feet; thence continuing along the arc of said curve to the left whose radius is 370.00 feet and whose delta angle is 29°53'46", an arc length of 193.06 feet to a point of tangency; thence N62°07'51"W, 20.88 feet; thence N27°52'09"W, 68.00 feet; thence N46°00'20"E, 149.55 feet; thence N37°03'21"W, 122.32

feet; thence N67°14'10"E, 122.78 feet; thence S68°07'14"E, 142.96 feet; thence S21°41'30"E, 132.93 feet; thence S22°57'06"W, 132.93 feet; thence S57°27'46"W, 126.29 feet; thence S23°47'31"E, 174.70 feet to the Northeast Corner of Lot 4A, Block 6 of Red Rock Estates as recorded with the Pennington County Register of Deeds in Book 30, Page 14; thence S75°02'00"W, along the north line of said Lot 4A a distance of 160.00 feet to the Northwest Corner of said Lot 4A; thence S75°02'00"W, 42.00 feet to the Point of Beginning containing 3.840 acres, more or less, located west of Sheridan Lake Road - Red Rock Estates Subdivision. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until January 21, 2002.

The Mayor 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 Hadley and carried to continue this item until January 21, 2002.

The Mayor presented No. 01UR032, a request by Dream Design International, Inc. for a **Use On Review to allow a utility substation in the Low Density Residential Zoning District** on the NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the current northern terminus of Muirfield Drive. Motion was made by Kroeger, seconded by Hadley and carried to continue this item until January 21, 2002.

The Mayor 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 Waugh and carried to approve the requested Amendment, with the following amendments: 1) Prior to issuance of a Grading Permit or Building Permit, the applicant shall submit revised street, grading, water and sewer plans for review and approval; 2) A Grading Permit or Building Permit shall be required for the construction of the water supply system, sewer system, drainage improvements and road improvements; 3) Prior to issuance of a Grading Permit or Building Permit, the applicant shall submit a drainage plan for review and approval; 4) Prior to issuance of any Building Permits for mobile homes or the placing of mobile homes on lot sites, fire hydrants shall be installed and operational providing a minimum fire flow of 1000 gpm; 5) Prior to the issuance of Building Permits for mobile homes, addresses shall be posted on each lot in a location that is readily visible from the street; 6) Prior to the issuance of any building permits or grading permits, an Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed; 7) Building permits are required and shall be obtained for this project/development as required by the Rapid City Municipal Code; 8) Prior to City Council approval, a revised site plan shall be provided that shows the location of storage units and/or the patios for Lots 1 through 10; 9) Prior to City Council approval, a revised site plan shall be provided that shows the location of guest parking in accordance with the Rapid City Municipal Code for Lots 1 through 10; 10) Prior to City Council approval, plans shall be submitted indicating compliance with the provisions of Section 15.48.110 of the Rapid City Municipal Code or an ordinance amendment allowing cul-de-sac roads in mobile home parks shall be adopted; 11) All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met; and, 12) All provisions of Sections 17.50.110 and 15.48 of the Rapid City Municipal Code shall be continually met.

The Mayor 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 Hadley and carried to continue this item until January 21, 2002.

### ***Ordinances & Resolutions***

**Ordinance 3767** (No. CC120301-03R) entitled An Ordinance Amending Chapter 12.20 of the Rapid City Municipal Code by Adding Thereto New Sections 12.20.200, 12.20.210, 12.20.220, 12.20.230, 12.20.240, 12.20.250 and 12.20.260 To Allow for Permits Allowing Encroachment Into Right-of-Way, which passed the first reading on December 3, 2001, was discussed. Motion was made by Hadley and seconded by Dreyer to approve second reading. Kriebel spoke against the ordinance noting that this problem exists throughout the community. Hadley withdrew the motion to approve. Hanks expressed concern that if the City approves a permit for obstructions, there could be issues with who will replace the structures if they are removed for a city project. Kriebel also suggested that staff review the specifications for obstructions that are allowed in the right-of-way to see if they should be updated. Motion was made by Hanks and seconded by Kriebel to deny second reading of Ordinance 3767. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3767 was denied on its second reading.

**Ordinance 3768** (No. LF121201-12) entitled An Ordinance Rescinding Chapter 2.04.040 of the Rapid City Municipal Code Pertaining to Mandatory Retirement at the Age of Seventy, having passed first reading on December 17, 2001, it was moved by Hadley and seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3768 was declared passed upon its second reading.

**Ordinance 3769** (No. LF121201-13) entitled An Ordinance Repealing Section 2.80.060 of Chapter 2.80 of the Rapid City Municipal Code Pertaining to the Public Arts Committee, having passed first reading on December 17, 2001, it was moved by Hadley and seconded by Dreyer that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3769 was declared passed upon its second reading.

**Ordinance 3771**, (No. 01OA015) entitled An Ordinance Amending Section 17.54.030 of Chapter 17.54 of the Rapid City Municipal Code Pertaining to the Procedures for Authorizing Conditional Use Permits, having passed the first reading on December 17, 2001, it was moved by Hadley and seconded by Kriebel that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Dreyer and Kriebel; NO: Hadley, whereupon the Mayor declared the motion passed and Ordinance 3771 was declared passed upon its second reading.

**Ordinance 3772** (No. 01OA024) entitled An Ordinance Amending Section 17.18.020 of Chapter 17.18 of the Rapid City Municipal Code by Adding a New Subsection 30 "Indoor Used or Second-Hand Merchandise Sales Provided that Merchandise that is for Sale, Stored, or Displayed Cannot be Located Outside" as a Permitted Use in the General Commercial Zoning District, having passed the first reading on December 17, 2001, it was moved by Hadley and seconded by Kriebel that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3772 was declared passed upon its second reading.

**Ordinance 3774** (No. LF010202-03) entitled An Ordinance Amending Section 8.38.040 of Chapter 8.38 of the Rapid City Municipal Code Pertaining to Construction Permits and Compliance Plans, was introduced. Upon motion made by Hadley, seconded by Dreyer and carried, Ordinance 3774 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, January 21, 2002.

**Ordinance 3775** (No. LF010202-12) entitled An Ordinance Amending Section 15.32.110 of Chapter 15 of Section 32 of the Rapid City Municipal Code Pertaining to a Permit Fee in Floodplain Development, was introduced. Motion was made by Hadley and seconded by Murphy to approve first reading. Hanks objected to the \$100 fee for this permit. It will cost the citizens of Rapid City money every time someone makes an application for a floodplain development permit. Substitute motion was made by Hanks and seconded by Dreyer to approve first reading of this ordinance with a change in the permit application fee to \$250. Upon vote being taken, the motion carried with Kriebel voting no.

**Ordinance 3776**, (No. 01RZ070) a request by Pennington County for a **Rezoning from Medium Density Residential District to Public District** on Lots 1-21, Block 18, North Rapid Addition, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 703 Adams Street, was introduced. Motion was made by Hadley, seconded by Murphy and carried to continue this item until January 21, 2002.

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

Motion was made by Kroeger and seconded by Murphy to approve No. PW010202-04, **Change Order No. 01F** for SSD00-1022, Deadwood Avenue Erosion Control Project, Morris Construction Company for an increase of \$22,357.62. Hanks expressed concern about the amount of the change order for this project. He suggested that the contractor be at the next committee meeting to explain the numbers. Substitute motion was made by Hanks and seconded by Kriebel to continue this item to the next Legal & Finance Committee meeting and request that staff and the contractor come with documentation and justification for the large increase. Public Works Director Dan Bjerke explained that the work covered by the change order was outside the scope of the original contract and is beyond the responsibility of the contractor. Additional flows were generated at this location by a drainage pipe uncovered during excavation which staff did not know about when the original contract was prepared. Bjerke added that the State DOT has agreed to pay half of the cost of the additional work covered by the Change Order (in the approximate amount of \$13,700). City Attorney Altman stated that the change order being discussed is allowable under state law. Kriebel withdrew his second, so the substitute motion died for lack of a second. Upon vote being taken, the motion to approve carried with Hanks voting no.

Motion was made by Kroeger, seconded by Hanks and carried to approve the sewer holding tank agreement for **Skyline Pines Development Company**.

The next item discussed by the Council was proposed changes to the **Golf Course Rates** and length of season. Motion was made by Hanks and seconded by Johnson to refer this issue to the Golf Committee for review and recommendation. Ted Wolk presented a handout to the Council members outlining concerns he has with the operation of Meadowbrook Golf Course. Upon vote being taken, the motion carried unanimously.

### ***Addendum Items***

Motion was made by Hadley, seconded by Murphy and carried to set the following item for hearing on January 30, 2002:

80. No. 01VR007 - A request by Doug Sperlich for Chrisbro, LLC for a **Vacation of Right-of-way** on a portion of Pine Street located in the NW1/4 of the SE1/4 of Section 30,

T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, said location being a portion of Pine Street south of Motel 6.

**Bills**

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

Ardent Learning, dreamweaver training	1,644.50
Black Hills Power & Light, electricity	22,539.03
Casper Community College, loans	1,920.00
Century Resources, USGS Building lease	98,000.00
GFOA, GASB Basic Plan	110.00
Humane Society of the Black Hills, subsidy	14,568.75
IAPMO, 2002 dues	250.00
IIARC, insurance	483,655.00
International Assoc. for Identifiers, dues	60.00
MDU, gas service	3,288.31
Municipal Street Maintenance Assoc., dues	35.00
National Society of Prof. Engineers, dues	171.00
Board of Operator Certification, 2002 renewal	102.00
SD Building Officials Assoc., dues	60.00
SD Coalition of Citizens with Disabilities, dues	35.00
SD DENR, Wastewater fees	600.00
GFOA, 2002 dues	15.00
SD Municipal Attorney's Assoc., dues	35.00
SD Municipal League, dues	15,729.26
SD Municipal Police Chief's Assoc., dues	178.45
SD Safety Council, dues	195.00
SD School of Mines, Arcview Training fees	2,960.00
United Downtown Assoc, dues	75.00
US Postmaster, billing postage	1,500.00
Total	<u>\$647,726.30</u>

**Executive Session**

Motion was made by Hadley, seconded by Murphy and carried to go into executive session to discuss pending litigation. The Council came out of executive session at 9:50 P.M.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:50 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)