

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

February 4, 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, February 4, 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, Martha Rodriguez, 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 Hanks, seconded by Dreyer and carried to **approve the minutes** of January 21 and January 30, 2000.

Bid Openings

The following bids for Co-Compost Facility Project SWO02-1168 (No. CC020402-01) were opened on January 29, 2002:

1.	Glenn C. Barber & Assoc. (bond submitted)	\$10,785,980.00
2.	Corner Construction (bond submitted)	\$ 7,688,388.00
3.	R.C.S. Construction (bond submitted)	\$ 7,154,343.00
4.	Ainsworth-Benning Const. (bond submitted)	\$ 9,722,754.50
5.	Dean Kurtz Construction (bond submitted)	\$ 7,575,515.00
6.	Heavy Constructors, Inc. (bond submitted)	\$ 7,964,236.00
7.	SECO Construction (bond submitted)	\$ 7,894,825.00
8.	Scull Construction (bond submitted)	\$ 7,174,884.00
9.	Alliance of Architects (bond submitted)	\$ 8,020,009.00

Staff has reviewed the bids and recommends award to RCS Construction. Motion was made by Steinburg, seconded by Hadley and carried to award the bid for SWO02-1168 to RCS Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$7,154,343.

The following bids for **Mountain View Utility Improvement Project 24" Water Transmission Main Project W00-946** were opened on February 1, 2002:

1)	Shovelhead Excavating (bond submitted)	\$449,560.74
2)	Heavy Constructors (bond submitted)	\$421,621.25
3)	Mainline Contracting (bond submitted)	\$374,510.85
4)	Hills Materials (bond submitted)	\$361,993.56
5)	RCS Construction (bond submitted)	\$425,989.64

Staff has reviewed the bids and recommends award to Hills Materials Company. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for W00-946 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$361,993.56.

Mayor's Items

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

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

**RESOLUTION RECOGNIZING ELLSWORTH AFB PERSONNEL
AS AN OUTANDING COMPONENT OF OUR NATION'S DEFENSES**

WHEREAS Ellsworth Air Force Base's personnel have been an integral part of every facet of the Greater Rapid City Community's sense of identity and pride as a gateway to Mt. Rushmore, our Nation's Shrine of Democracy; and

WHEREAS Ellsworth personnel have been called upon to defend our nation in a continuing series of conflicts extending back to the earliest day of World War II. Ellsworth's personnel served through the past century's Cold War, spanning over forty-five years of East-West confrontations, occasionally punctuated by conflicts of the gravest magnitude; and

WHEREAS Ellsworth's personnel provided substantial contributions to our nation's involvement in the Korean Conflict, the Vietnam and Gulf Wars and numerous other conflicts and confrontations in the decades spanning the latter 20th Century; and

WHEREAS Ellsworth's personnel have been the U.S. Air Force's lead unit for the B-1B Lancer conventional mission upgrade program that has converted their bombers into Global Power strike aircraft capable of engaging an enemy within hours of being alerted; and

WHEREAS Ellsworth's 28th Bomb Wing flew their B-1B Lancers into their "birth of combat" in a Persian Gulf Operation and were subsequently returned to the same theater to repeat their newly developed capabilities; and

WHEREAS Their flawless performance was instrumental in achieving a decisive victory in the NATO liberation of Kosovo and most recently in response to direct attacks upon New York City and our Nation's Capitol, Washington, D.C.; and

WHEREAS In the current War Against Terror, Ellsworth's personnel, both those deployed in direct support of the Afghanistan Campaign against the al-Qaida and Taliban and those who remained at Ellsworth to protect its aircraft and facilities as valuable national defense assets have performed their wartime missions with the professionalism of true patriots; and

WHEREAS Many Ellsworth personnel have sacrificed their lives in the performance of their duties and numerous others were disabled by virtue of their dedication to service, their fellow personnel, and sense of commitment to their profession.

NOW THEREFORE BE IT RESOLVED, by the Common Council of the City of Rapid City, South Dakota, that February 6, 2002, be declared a day to "Salute to Ellsworth Air Force Base", its 28th Bomb Wing, the military and civilian personnel assigned to its critical national defense mission and to those family members who so proudly stand in support of our "Defenders of Democracy."

Dated 4th day of February 2002.

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

CITY COUNCIL
s/ Jerry Munson, Mayor

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

Alderson Items/Liaison Reports

Motion was made by Steinburg, seconded by Waugh and carried to direct staff to meet with representatives of the railroad to adjust the time on the traffic signal at the **intersection of St. Patrick and St. Joe Street** so that traffic will move better through the intersection; and report back to the Council on this issue.

Kriebel stated that there is a great deal of concern in the community relative to **adult oriented businesses** and where they are located. Motion was made by Kriebel, seconded by Rodriguez and carried to request that the Mayor appoint a committee to look into parameters for control of this type of business, and that this issue be discussed at the next Legal & Finance Committee meeting.

Special Items and Items from Visitors

Ted Wolk requested that the City Council establish a task force to review operation of the City's three **golf courses** to see if there are ways to improve operations and efficiency, and address the concerns of the golfing community. Motion was made by Hanks, seconded by Dreyer and carried to request that the Mayor appoint a task force to investigate the operation of the City's golf courses and report back to the City Council.

Dan Michaels urged the City Council to work with the School District to build community gym space in the neighborhoods rather than constructing one large recreation center.

Alcoholic Beverage License Applications

The Mayor presented No. 02UR001, a request by Paul Bradsky and Fisk Land Surveying for Manna Inc. for a **Use On Review to allow an on-sale liquor establishment in conjunction with a full service restaurant** on Lot 1 of Lot K2-C of Marshall Heights Tract, Section 30, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota located at the northeast corner of the intersection of North Maple and Interstate 90. Motion was made by Hadley, seconded by Rodriguez and carried to approve the requested Use on Review, with the following stipulations: 1) Prior to issuance of a Building Permit, a revised site plan showing the location of existing fire hydrants within 500 feet of the subject property shall be submitted for review and approval; 2) Prior to issuance of a Building Permit; an interior floor plan showing the fire loading shall be submitted for review and approval; 3) That prior to any construction, a Building Permit shall be obtained, and prior to occupancy a Certificate of Occupancy shall be obtained; 4) Upon submittal of a building permit, Architect/Engineer stamped plans shall be submitted. 5) That prior to issuance of a Certificate of Occupancy, the building shall comply with all requirements of the Uniform Building Code; 6) The primary use of the structure shall be a restaurant with the on-sale liquor use being allowed only as an accessory use to the restaurant, and that no video lottery shall be allowed; 7) The Use on Review approval shall expire if the use is not undertaken and completed within two years of the date of approval by City Council, or if the use as approved has ceased for a period of two years; 8) That the expansion of the restaurant to provide outdoor service shall require a Major Amendment to the Use on Review; and, 9) That all requirements of the Off-Street Parking and Landscaping Ordinance shall be continually met.

This was the time set for hearing on the application of **Manna, Inc.** dba (Name Pending), 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License (New License – No Video Lottery). Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

This was the time set for hearing on the application of **Manna, Inc.** dba (Name Pending), 1900 North Maple Avenue, for an On-Sale Wine License (New License – No Video Lottery).

Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

The next item discussed by the Council was a possible recommendation to SD Department of Revenue for revocation or suspension of On-Off Sale Malt Beverage License No. RB-2971 held by Slettens, Inc. dba **DD's Short Stop Bar**, 620 East Boulevard. Police Chief Tieszen explained that the Sletten's have agreed to a voluntary closure of this establishment from February 11 to February 25, 2002. They have also agreed to make the changes recommended by the Police Department including lighting in the parking lot and additional security both inside the bar and outside in the parking lot. As a result, Tieszen recommended that the hearing before the Council at this time be tabled. Motion was made by Hadley, seconded by Murphy and carried to table this hearing.

The next item before the Council was an application by 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). Motion was made by Hadley, seconded by Waugh and carried to continue this hearing until February 18, 2002.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the application of Richard B. Proell dba **Dick's Bar & Grill**, 615 Main Street, for an On-Sale Liquor License Transfer and Sunday Opening (from Alex Johnson Hotel-Jefferson Bar), said hearing to be held on Monday, February 18, 2002. Lee Geiger requested that the Council review the use on review information for this location when it was first approved and the changes that have occurred since.

Consent Calendar Items

The following items were removed from the Consent Calendar:

20. No. PW013002-10 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Thurston Design Group to Design PR01-1051, Rapid City Community Centers for an amount not to exceed \$2,790.
35. Grant an exception to the Street Criteria Manual to allow for a thirty-foot driveway at 5315 Carriage Hills Drive.
38. No. LF013002-05 - Direct staff to send a letter to the county asking it to relieve the city of its duties for the year 2003 since this first board of equalization is nothing but a recommending body to the county commissioners.
47. No. LF013002-14 - Approve Resolution Recognizing Ellsworth AFB Personnel as an Outstanding Component of Our Nation's Defense.

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

Set for Hearing (February 18, 2002)

9. No. 02UR002 - Red Rock Estates - A request by Dream Design International, Inc. for a Conditional Use Permit to allow a golf course with club house, pump house, irrigation facilities and maintenance facility on a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: beginning at the center of said Section 29; thence S41°36'22"W, 252.87 feet to the true point of beginning; thence N75°38'30"E, 466.70 feet; thence N60°57'28"E, 402.11 feet; thence N74°08'44"E, 324.31 feet to a point lying on a curve concave to the southwest and whose chord bears S45°01'42"E, 165.57 feet; thence southeasterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 18°06'38", an arc length of 166.26 feet to a point of reversed curvature; thence southeasterly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 42°31'26", an arc length of 351.79 feet to a

point of tangency; thence S11°33'36"E, 113.77 feet; thence N78°23'21"W, 327.59 feet; thence N12°26'27"W, 167.00 feet; thence N62°13'43"W, 546.00 feet; thence N89°47'40"W, 102.98 feet; thence N89°57'50"W, 329.86 feet; thence S35°21'41"W, 373.54 feet; thence N77°35'08"W, 305.84 feet; thence N77°42'36"W, 88.09 feet; thence N50°02'00"E, 300.99 feet; thence N39°58'00"W, 182.25 feet; thence N50°02'00"E, 25.00 feet; thence S39°58'00"E, 182.25 feet; thence N49°52'34"E, 238.01 feet to the true point of beginning containing 12.04 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: beginning at the center of Section 29, thence N13°46'17"W, 409.64 feet to the true point of beginning; thence S36°49'13"E, 483.42 feet; thence S38°00'41"E, 60.57 feet; thence S50°02'00"W, 223.94 feet; thence N36°45'27"W, 54.20 feet; thence S53°54'29"W, 68.74 feet; thence N26°01'35"W, 81.02 feet; thence N89°58'00"W, 405.24 feet; thence S21°27'02"W, 74.40 feet; thence N68°32'58"W, 40.13 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 40°50'33", an arc length of 303.67 feet to a point on said curve; thence N33°31'59"W, 59.34 feet; thence N89°58'00"W, 598.32 feet; thence N75°25'26"W, 84.30 feet; thence N56°20'40"W, 83.19 feet; thence N33°55'47"W, 83.19 feet; thence N11°30'53"W, 83.19 feet; thence N00°18'26"W, 120.01 feet to a point lying on a curve concave to the north and whose chord bears N75°29'39"E, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is 27°35'26", an arc length of 158.91 feet to a point of tangency; thence N61°41'56"E, 174.47 feet; thence S48°40'58"E, 157.92 feet; thence S89°58'00"E, 358.27 feet; thence S70°46'42"E, 242.45 feet; thence S85°49'25"E, 189.09 feet; thence N86°23'14"E, 206.77 feet; thence N34°02'00"E, 326.78 feet; thence N47°01'41"E, 133.42 feet; thence N34°02'00"E, 130.00 feet; thence N44°49'19"E, 81.56 feet; thence N67°23'42"E, 111.22 feet; thence N22°36'18"W, 180.00 feet; thence N67°23'42"E, 40.00 feet; thence S22°36'18"E, 140.00 feet; thence N67°23'42"E, 600.06 feet; thence N11°30'24"W, 122.25 feet; thence N78°29'36"E, 29.31 feet to a point of curvature; thence easterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 39°22'32", an arc length of 254.28 feet to a point of tangency; thence S62°07'51"E, 50.17 feet point of curvature; thence southeasterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 47°09'51", an arc length of 304.57 feet to a point of tangency; thence S14°58'00"E, 32.28 feet; thence N88°05'42"W, 225.15 feet; thence S00°19'04"W, 114.83 feet; thence S76°05'40"W, 133.40 feet; thence S60°02'00"W, 562.50 feet to the true point of beginning containing 19.18 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota, being more particularly described as follows: beginning at the northeast corner of Section 29, thence N89°59'29"W, 1062.76 feet to the true point of beginning; thence S00°00'25"W, 353.14 feet; thence N89°59'37"E, 524.86 feet; thence S36°59'17"E, 331.06 feet; thence N69°48'41"E, 179.21 feet; thence S00°14'09"E, 640.00 feet; thence S89°45'51"W, 285.83 feet; thence N00°14'09"W, 247.40 feet; thence N45°58'18"W, 491.68 feet; thence S86°19'21"W, 177.81 feet; thence S20°02'00"W, 616.44 feet; thence S14°06'58"W, 237.54 feet; thence S22°18'23"E, 463.84 feet; thence S62°06'49"E, 531.35 feet; thence N27°38'46"E, 217.55 feet; thence N10°24'13"E, 342.35 feet; thence N00°14'09"W, 328.05 feet; thence N89°45'51"E, 280.00 feet; thence S00°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°50'32"W, 155.19 feet; thence S27°30'27"W, 401.50 feet; thence N75°07'30"W, 235.48 feet; thence N35°42'16"W, 207.77 feet; thence N82°22'30"W, 165.29 feet; thence S53°17'01"W, 555.72 feet lying on a curve concave to the southwest and whose chord bears N49°25'37"W, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 09°18'48", an arc length of 85.50 feet to a point of reversed curvature; thence northerly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 39°07'01", an arc length of 323.61 feet to a point on

said curve; thence N75°02'00"E, 160.00 feet; thence N14°58'00"W, 449.76 feet; thence N23°47'31"W, 174.70 feet; thence N57°27'46"E, 126.29 feet; thence N22°57'06"E, 132.93 feet; thence N21°41'30"W, 132.93 feet; thence N68°07'14"W, 142.96 feet; thence S67°14'10"W, 122.78 feet; thence S37°43'48"W, 132.21 feet; thence S45°59'12"W, 139.54 feet; thence N62°07'51"W, 50.22 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 438.00 feet and whose delta is 26° 53'36", an arc length of 205.59 feet to a point on said curve; thence N48°34'56"E, 14.64 feet; thence N05°29'36"E, 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius is 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W, 185.45 feet; thence S75°26'05"W, 143.22 feet; thence S67°23'42"W, 500.00 feet; thence S22°36'18"E, 120.00 feet; thence S67°23'42"W, 40.00 feet; thence N22°36'18"W, 322.08 feet; thence N78°20'24"W, 1042.96 feet; thence S46°26'33"W, 146.11 feet; thence S65°13'50"W, 348.62 feet; thence S00°18'26"E, 371.55 feet; thence S89°58'00"E, 51.07 feet; thence S23°36'19"E, 147.45 feet; thence S11°43'15"W, 148.07 feet; thence S44°27'01"W, 112.01 feet; thence S28°18'04"E, 80.00 feet; thence S61°41'56"W, 203.13 feet to a point of curvature; thence westerly along the arc of said curve to the right whose radius is 262.03 feet and whose delta angle is 26°36'29", an arc length of 121.69 feet to a point on said curve; thence N00°18'26"W, 389.93 feet; thence N40°11'06"E, 170.94 feet; thence N00°18'26"W, 260.00 feet; thence S89°41'34"W, 275.00 feet; thence N00°18'26"W, 250.65 feet; thence N89°41'34"E, 259.46 feet; thence N11°26'25"W, 489.21 feet; thence N00°18'26"W, 120.00 feet; thence N73°26'56"W, 172.41 feet; to a point lying on a curve concave to the southeast and whose chord bears N35°11'50"E, 376.34 feet; thence northerly along the arc of said curve to the right whose radius is 326.00 feet and whose delta is 70°30'31", an arc length of 401.18 feet to a point on said curve; thence S19°17'53"E, 184.08 feet; thence S84°34'51"E, 222.17 feet; thence S42°07'06"E, 138.67 feet; thence S78°55'58"E, 360.35 feet; thence N48°08'07"E, 118.95 feet; thence S89°58'30"E, 499.94 feet; thence S84°36'27"E, 259.73 feet; thence S71°13'04"E, 327.49 feet; thence N51°56'05"E, 396.19 feet; thence N21°20'29"W, 369.45 feet; thence N81°50'43"W, 403.04 feet to a point lying on a curve concave to the west and whose chord bears N04°04'58"E, 60.50 feet; thence northerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 08°08'38", an arc length of 60.55 feet to a point of tangency; thence N00°00'39"E, 77.01 feet; thence S89°56'23"E, 525.93 feet; thence S89°59'55"E, 1318.15 feet; thence S89°59'29"E, 255.92 feet to the true point of beginning containing 127.19 acres more or less; and, a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N00°18'22"W, 263.37 feet to the point of beginning containing 11.27 acres more or less, located west of Sheridan Lake Road.

Public Works Committee Items

10. No. PW013002-01 – Concur in the award of combination bids for P-BRF 1746(2) PCEMS 4338 and SSW00-956, Canyon Lake Drive Bridge Replacement, Grading, Surfacing and Utilities (Dakota Drive to Mountain View Road) in the amount of \$1,605,700.21 to Heavy Constructors, Inc.
11. No. PW013002-02 – Approve Change Order No. 02F for CDBG01-1057, North Middle School Outdoor Recreation Improvements Project to RCS Construction, Inc. for a decrease of \$3,300.62.
12. No. PW013002-03 – Approve Change Order No. 02 for SS01-1086, Red Rock Estates Sanitary Sewer Lift Station to RCS Construction, Inc. for an increase of \$3,635.28.
13. No. PW013002-04 – Authorize staff to advertise for bids for ST02-938, 44th Street Reconstruction Project.
14. No. PW013002-05 – Authorize staff to advertise for bids for W01-1159, Highway 16 Water Main Extension Project, Fox Run to Fairmont Blvd.
15. No. PW013002-06 – Authorize staff to advertise for bids for ST02-1160, Hemlock, Sycamore, Sitka, Fir and Bluebird Reconstruction Project.
16. No. PW013002-07 – Authorize staff to advertise for bids for STCM02-1181, Fifth Street PCC Panel Repair – Phase 2 Project.
17. No. PW013002-08 – Authorize staff to advertise for bids for One (1) New Current Model Year Truck Mounted Vacuum Street Sweeper for the Street Division.
18. No. PW013002-09 – Authorize staff to advertise for bids for One (1) New Current Model Year 4x2 Combination Sand/Dump Truck for the Street Division.
19. Authorize staff to advertise for bids for Floor Mats and Dust Mop Service for Various City Departments.
21. No. PW013002-11 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Dream Design International, Inc. to Design DR01-1182, Red Rock Detention Cell 101 for an amount not to exceed \$26,300.
22. No. PW013001-12 – Authorize the Mayor and Finance Officer to sign a South Dakota Department Of Transportation Office of Railroads Pipeline Agreement WL991 for Water and Sewer Relocations for SE Connector North Phase, PCEMS X088, SSW01-1136.
23. No. PW013001-13 – Approve a Travel Request for Jim Clark to attend 2002 Code Forum Joint Annual Conference in Ft. Worth, TX in the amount of \$2,305.
24. No. PW013002-14 – Approve Out-Of-The-Dust fund request in the amount of \$18,000 for ST01-1108, East St. Charles Street Paving Project.
25. No. PW013002-15 – Approve Out-Of-The-Dust fund request in the amount of \$4,500 for ST02-1190, Block 1, Morgan Addition Alley Paving Project (located between E. St. Joe and Kansas City from East Blvd. To Myrtle Avenue).
26. No. PW013002-16 – Approve Resolution Setting Time and Place for Hearing on March 4, 2002 for Assessment Roll for W00-895, Highland Park Drive Street & Utility Reconstruction Project.

**RESOLUTION FIXING TIME AND PLACE FOR HEARING
ON ASSESSMENT ROLL FOR
HIGHLAND PARK DRIVE STREET & UTILITY
RECONSTRUCTION PROJECT W00-895**

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

1. The assessment roll for Highland Park Drive Street & Utility Reconstruction Project No. W00-895 was filed in the Finance Office on the 4th day of February, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, March 4, 2002 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 4th day of February, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 27. Approve the purchase of one (1) new current model year 3/4 Ton 4x4 Dodge Ram 2500 from Wegner Auto Company, Inc. for a total purchase price of \$21,562 under State Contract #13387 for the Recreation Division.
- 28. Approve the purchase of one (1) new current model year compact truck 4x4 Dodge Dakota from Lithia Dodge for a total purchase price of \$15,992 under State Contract #13386 for the Parks Division.
- 29. Approve the purchase of two (2) new current model year 1/2 Ton 2x4 Chevrolet C1500 from Lamb Chevrolet, Inc. for a total purchase price of \$31,532 under State Contract #13383 for the Parks Division.
- 30. Approve the purchase of one (1) new current model year compact truck 4x4 Chevrolet S10 from Beck Chevrolet, Inc. for a total purchase price of \$16,598 under State Contract #13382 for the Parks Division.
- 31. Direct staff to obtain an option on the property adjacent to the Star Of The West Complex for the proposed Girls' Softball Complex.
- 32. No. 02VE001 – Approve the following Vacation of Utility and Minor Drainage Easement for petitioner Roger Opp, located at 4021 Windslow Place:

RESOLUTION OF VACATION OF DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that a portion of the drainage and utility easement located on Lot 12, Block 23, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, is not needed for public purposes; and

WHEREAS the owner of said property desires said portion of drainage and utility easement to be vacated and released

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the drainage and utility easement heretofore described, and as shown on Exhibit A attached hereto, be and the same is hereby vacated.

BE IT FURTHER RESOLVED that the Mayor and Finance Officer are hereby authorized to execute a release of easement in regard thereto.

Dated this 4th day of February, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 33. No. 02RD001 – Acknowledge the petitioner’s (Dream Design International) withdrawal of his application to change the road named Bendt Drive to College Parkway on Bendt Drive right of way, Stoney Creek Subdivision Phase I, located in the SW1/4 NW1/4 and the NW1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Catron Blvd. and Sheridan Lake Road.
- 34. Direct the Chair of the Public Works Committee to set an information meeting for the purpose of hearing a presentation from Scott Kenner on the water quality study for Rapid Creek; and notify Council members of the date, time and location of the meeting.

Legal & Finance Committee

- 36. Authorize the purchase of a 2002 Ford F47 4-Wheel Drive, 1-Ton Truck Chassis from McKie Ford, in the amount of \$27,538 (the same price as the State bid); and authorize purchase of an optional front chrome bumper at a cost of \$115, for the purpose of constructing a New Brush Truck.
- 37. No. LF013002-03 - Authorize Mayor and Finance Officer to Sign Contract with Albertson Clark Associates in the Amount of \$8,000 for a Fair Housing Impediments Analysis to be Completed by July 1, 2002.
- 39. No. LF013002-15 - 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:

FIRE DEPARTMENT

1983 FMC 1000 GPM Pumper S/N 1FDYD84N7DVA23078 Inv # 001429

1990 Chevrolet 3500 4x4 w/Knapheide Enclosed Utility Body
S/N 1GBJK34N1LE210351 Inv. #001435

COMMUNITY DEVELOPMENT

150 Parking Meter Housings and Mechanical Mechanisms

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 4th day of February, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

- 40. No. LF013002-06 - Approve Form Lease for Use of City Facilities.
- 41. No. LF013002-07 - Approve Resolution of the City of Rapid City Authorizing Establishing a Payroll Deduction for American Family Life Assurance Company of Columbus (AFLAC).

RESOLUTION OF THE CITY OF RAPID CITY AUTHORIZING ESTABLISHING A PAYROLL DEDUCTION FOR AMERICAN FAMILY LIFE ASSURANCE COMPANY OF COLUMBUS (AFLAC)

WHEREAS, the City of Rapid City has employees rendering valuable services; and

WHEREAS, providing an opportunity for employees to purchase services provided by American Family Life Assurance Company of Columbus (AFLAC) through a payroll deduction will be a voluntary basis could benefit employees; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Rapid City hereby recognize and authorizes a payroll deduction for American Family Life Assurance Company.

BE IT FURTHER RESOLVED that such deductions for participation with AFLAC be in effect February 1, 2002;

Dated this 4th day of February, 2002.

CITY COUNCIL
s/ Jerry Munson, Mayor

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

- 42. No. LF013002-08 - Approve Request of Keith G. Storm, dba Pied Piper Ice Cream, for Renewal of Concession Agreement for 2002.
- 43. No. LF013002-09 - Hold the Legal and Finance Committee meeting first on February 13, 2002, prior to the Public Works Committee meeting.
- 44. No. LF013002-12 - Approve the Following Abatements: Katherine L. Giordano, 2001, \$504.90; Haines Avenue Prop., 2001, \$1,336.18; Herman F. Jones, 2001, \$8.38; Tara Alyss LLC, 2001, \$108.68; Bryce K. Wilkes, 2001, \$626.34; Winona Club, Inc., 2001, \$696.64; Linda Wolden, 2001, \$758.50.
- 45. Approve the Following Licenses: House Mover: O'Neil Company, Inc.; Mechanical Apprentice: Jeff Adam, Justin Burke, Jerry Cihak, Daniel V. Dejong, Mark Little, Dan Michael; Mechanical Installer: Michael P. Anderson, Steven S. Armour, Robert Caswell, David T. Del Soldato, Josh Eccleston, Corey L. Merrill, Lonny Ryman, Bret D. Sullivan, Donald P. Tischler, Jr.; Mechanical Contractor: Richard Morford, JBerd Mechanical Contractors, Inc.; Stuart A. Nelson, Black Hills Heating & Cooling; Gene Opstedahl, Opstedahl Plumbing; Ron Ryman, D & R Service; Jim Schnittgrund, Jim's Plumbing & Heating; Jim Swaby, Equipment Service Professionals; Mobile Home Court: Ash Avenue Mobile Home Park, Jennie Rosenkranz; Cherry Avenue Mobile Park, Don & Marlene Kechely; Hillsvie Mobile Home Court, Lyle Hendrickson; Huntington Park, Tom & Tammy Schreiner; Palmer Mobile Home Court, Raymond

Palmer; R J Country Court, Ross & Judy Rohde; Richland Mobile Home Estates, NGB Investment Co.; Wheel Estates Mobile Court, Kirk Simet/Mike Cooper; Pawn Shop: Pawn With Us, Robert M. Tschetter; Second Hand: St. Joe Antiques Mall, Doris M. Epperson; Sign Contractor: Budget Signs, Lanny Iwan; Stagecoach West Sign, Herman F. Jones; Travel Park: Lake Park Campground.

46. Direct staff to designate the City as the applicant for the festivals in Memorial Park, and proceed with the paperwork. (Since the City is the applicant, there will be no application fee assessed to the festivals.)

End of Consent Calendar

The next item discussed by the Council was No. PW013002-10, authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Thurston Design Group to Design PR01-1051, **Rapid City Community Centers** for an amount not to exceed \$2,790. Motion was made by Hanks and seconded by Kroeger to approve the Amendment. Fred Thurston explained that this Amendment is for work that has already been done on landscaping for the project. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks and seconded by Kroeger to grant an exception to the Street Design Criteria Manual to allow for a **thirty-foot driveway** at 5315 Carriage Hills Drive. Hadley explained that the petitioner has requested that this item be continued to the next Public Works Committee meeting. They had a family emergency and were not able to attend this meeting. Substitute motion was made by Hadley, seconded by Johnson and carried to continue this item to the next Public Works Committee meeting.

The next item discussed by the Council was No. LF013002-05, direct staff to send a letter to the county asking it to relieve the city of its duties for the year 2003 since this first **board of equalization** is nothing but a recommending body to the county commissioners. Motion was made by Johnson and seconded by Hadley to table this item. Roll call vote was taken: AYE: Murphy, Dreyer, Kroeger, Steinburg and Waugh; NO: Johnson, Hadley, Rodriguez, Hanks and Kriebel. The Mayor voted NO to break the tie and discussion continued. Motion was made by Hanks and seconded by Steinburg to deny. Substitute motion was made by Kriebel and seconded by Waugh to direct staff to send the letter to the County asking for a consolidated Board of Equalization for FY2003. Upon vote being taken, the motion carried unanimously.

The next item before the Council was No. LF013002-14 - approve Resolution Recognizing Ellsworth AFB Personnel as an Outstanding Component of Our Nation's Defense. Motion was made by Hanks, seconded by Murphy and carried to table this item because it was handled earlier in the meeting.

Planning Department Consent Items

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

48. 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 FEBRUARY 18, 2002)
49. 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 NW/14 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 FEBRUARY 18, 2002)
50. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO MARCH 4, 2002)
 51. 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 FEBRUARY 18, 2002)
 52. 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. (CONTINUE TO FEBRUARY 18, 2002)
 53. 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 FEBRUARY 18, 2002)
 54. 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. (CONTINUE TO FEBRUARY 18, 2002)
 55. 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. (CONTINUE TO FEBRUARY 18, 2002)
 56. 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 FEBRUARY 18, 2002)
 58. No. 01PL122 - A request by Dream Design International for a **Preliminary and Final Plat** on Lots 7-9, Block 7 and Lots 4-6, Block 8 and Lot 1, Block 9 and Lot 1, Block 10 and Lots 1-38, Block 11 and Lots 1-13, Block 12 and Lots 1-5, Block 13 and Lots 1-6, Block 14 and Lot P and Outlot G and dedicated streets, Red Rock Estates, located in

Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract 1 of the Red Ridge Ranch and the unplatted portion of SW1/4 and the unplatted portion of NW1/4 and the unplatted portion of the W1/2 NE1/4 all in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota located west of Sheridan Lake Road. (CONTINUE TO FEBRUARY 18, 2002)

59. No. 01PL123 - A request by Rice Valley View Properties for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located at 1033 Omaha Street. (CONTINUE TO FEBRUARY 18, 2002)
60. No. 01PL126 - A request by Cetec Engineering for Park Hill Development for a **Preliminary Plat** on Lot 1 of Block 1; Lots 1 thru 7 of Block 2; Lot 1 thru 7 of Block 3; and Lots 1 thru 4 of Block 4; containing 6.80 acres, of Park Meadows Subdivision located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the balance of the NE1/4 SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located between Wilma Street, Oakland Street and Hoefer Avenue. (ACKNOWLEDGE WITHDRAWAL OF LAYOUT PLAT, AND approve the Preliminary Plat with the following stipulations: 1) Prior to City Council approval of the Preliminary Plat, 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; 2) Prior to City Council approval of the Preliminary Plat, a revised water plan shall be submitted for review and approval. 3) Prior to City Council approval of the Preliminary Plat, a revised drainage plan shall be submitted for review and approval; 4) Prior to City Council approval of the Preliminary Plat, a geotechnical report shall be submitted for review and approval; 5) Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along the south 50 feet of the west lot line and the south lot line, except for the approved approach location, of Lot 4B, Block 2, the south 50 feet of the west lot line and the south lot line, except for an approved approach location, of Lot 7B, Block 2, the east 50 feet of the south lot line and the south 50 feet of the east lot line of Lot 1, Block 1 and the west 50 feet of the north lot line and the north 50 feet of the west lot line of Lot 4, Block 4; 6) Prior to City Council approval of the Preliminary Plat, the construction plans shall be revised to show a temporary turnaround at the end of Smith Avenue; 7) Prior to City Council approval of the Final Plat, a revised road name for "Smith Drive" shall be submitted for review and approval. In addition, road names for each of the proposed streets within the balance of the subdivision shall be submitted for review and approval upon Preliminary Plat submittal for each subsequent phase; 8) Prior to City Council approval of the Final Plat, the plat shall be revised to remove the platted 25 foot front yard setback; 9) Prior to City Council approval of the Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow the lot length to be greater than twice the lot width, or the plat shall be revised to comply with the length to width requirement; 10) Prior to City Council approval of the Final Plat, a miscellaneous document shall be recorded at the Register of Deed's Office granting an access easement for the temporary turnaround at the southern terminus of East Oakland Street; 11) Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and, 12) Prior to City Council approval, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)
61. No. 02PL001 - Approve the request by CETEC Engineering for Park Hill Development, Inc. for a **Final Plat** located between Wilma Street, Oakland Street and Hoefer Avenue.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 1 of Block 1; Lots 1, 2, 3, 4A, 4B, 5, 6 and 7A, 7B of Block 2; Lots 1, 2, 3, 4, 5, 6 and 7 of Block 3; and Lots 1, 2, 3 and 4 of Block 4 and dedicated right-of-way of Park Meadows Subdivision, located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 1 of Block 1; Lots 1, 2, 3, 4A, 4B, 5, 6 and 7A, 7B of Block 2; Lots 1, 2, 3, 4, 5, 6 and 7 of Block 3; and Lots 1, 2, 3 and 4 of Block 4 and dedicated right-of-way of Park Meadows Subdivision, located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 4th day of February, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

62. No. 02PL002 - A request by Dream Design International for a **Layout Plat** on Lot 24 of Block 3, Lots 4 and 5 of Block 4, and Lots 1 through 22 of Block 6, Stoney Creek Subdivision Phase II, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 of the SW1/4 less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota located north of the intersection of Catron Boulevard and Sheridan Lake Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) 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 shall be submitted for review and approval and the plat shall be revised to show utility easement(s) as necessary; 2) Upon Preliminary Plat submittal, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In addition, a master wastewater plan shall be submitted for review and approval and the plat shall be revised to show utility easement(s) as necessary. 3) Upon Preliminary Plat submittal, a minimum pad elevation for Lot 5, Block 4 shall be provided to insure sanitary sewer gravity flow; 4) Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In particular, conveyance of off-site drainage shall be addressed. In addition, drainage easements shall be provided as required; 5) Upon Preliminary Plat submittal, 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 particular, the right-of-way for Nugget Gulch shall be a minimum of

60 feet in width to meet the minimum width requirements for a collector road, or an amendment to the Major Street Plan shall be approved eliminating Nugget Gulch as a collector road; 6) Upon Preliminary Plat submittal, geotechnical information shall be submitted for review and approval; 7) Upon Preliminary Plat submittal, grading plans and an erosion control plan shall be submitted for review and approval; 8) Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Nugget Gulch except for approved approach locations. In addition a non-access easement shall be shown along the first fifty feet of the corner lots located at the Harvard Avenue/Nugget Gulch intersection, the Columbia Court/Harvard Avenue intersection and the Cornell Court/Harvard Avenue intersection; 9) Prior to Final Plat approval by the City Council, a fire mitigation plan shall be submitted for review and approval; 10) Upon Preliminary Plat submittal, 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. In addition, a fire mitigation plan shall be submitted for review and approval; 11) Prior to Final Plat approval by the City Council, the plat shall be revised eliminating "Phase II" from the title; 12) 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; 13) Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential with a Planned Development Designation; 14) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 15) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 01PL120, a request by Alliance of Architects for Black Hills Habitat for Humanity for a **Final Plat** located at the intersection of Herman Street and East Watertown Street. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 3 thru 6, Habitat Subdivision, formerly portions of Lots 4 thru 8, Lot 9, Lot 10, portions of Lots 11 thru 13, and a portion of the alley, Block 4, Schnasse Addition to the City of Rapid City, located in the NW1/4 of the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 3 thru 6, Habitat Subdivision, formerly portions of Lots 4 thru 8, Lot 9, Lot 10, portions of Lots 11 thru 13, and a portion of the alley, Block 4, Schnasse Addition to the City of Rapid City, located in the NW1/4 of the SW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 4th day of February, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 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 and seconded by Waugh to deny this item without prejudice. Substitute motion was made by Hanks to deny this item. If it is denied, the petitioner will have to pay the appropriate fees to begin this process again. Motion died for lack of a second. Jean Kessloff stated that this has been going on for more than six months. If the petitioner can't come up with the required surety, this raises questions about how he will complete the project. Elkins explained that all the stipulations for this item have been met with the exception of providing surety. **Substitute motion** was made by Dreyer and seconded by Johnson to continue this item until February 18, 2002. Roll call vote was taken: AYE: Johnson, Hadley, Murphy, Rodriguez, Dreyer, Steinburg, Waugh and Kriebel; NO: Hanks and Kroeger. Motion to continue carried, 8-2.

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 Johnson, seconded by Waugh and carried to continue this item until February 18, 2002.

The Mayor presented No. 01PD052, a request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on S1/2 NW1/4 NE1/4, 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 Rodriguez and carried to continue this item until February 18, 2002.

The Mayor presented No. 01PD060, a request by Dream Design International for an **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, described by metes and bounds: 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 Hanks and carried to continue this item until February 18, 2002.

The Mayor presented No. 01PD065, a request by Fisk Land Surveying for Dakota Land Development for an **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 located on Jackson Boulevard/Highway 44 west, north of the Fish Hatchery. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until February 18, 2002.

The Mayor 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 S1/2 NW1/4 NE1/4, 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 Hanks and carried to continue this item until February 18, 2002.

The Mayor presented No. 01SV036, a request by Dream Design International for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide** on Lots 7-9, Block 7 and Lots 4-6, Block 8 and Lot 1, Block 9 and Lot 1, Block 10 and Lots 1-38, Block 11 and Lots 1-13, Block 12 and Lots 1-5, Block 13 and Lots 1-6, Block 14 and Lot P and Outlot G and dedicated streets, Red Rock Estates, legally described as a portion of Tract 1 of the Red Ridge Ranch and the unplatted portion of SW1/4 and the unplatted portion of NW1/4 and the unplatted portion of the W1/2 NE1/4 all in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota located west of Sheridan Lake Road. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Variance.

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 Hanks and carried to continue this item until February 18, 2002.

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. Hanks abstained from discussion or voting on this item. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until February 18, 2002.

The Mayor presented 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. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until February 18, 2002.

The Mayor presented No. 02SV001, a request by Fisk Land Surveying for Dakota Land Development for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access**

easement 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 located on Jackson Boulevard/Highway 44 west, north of the Fish Hatchery. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until February 18, 2002.

The Mayor presented No. 02SV002, a request by CETEC Engineering for Park Hill Development, Inc. for a **Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide** on Lot 1 of Block 1; Lots 1, 2, 3, 4A, 4B, 5, 6, and 7A, 7B of Block 2; Lots 1, 2, 3, 4, 5, 6, and 7 of Block 3; and Lots 1, 2, 3, and 4 of Block 4 and dedicated right-of-way of Park Meadows Subdivision located in the NE1/4 of SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located between Wilma Street, Oakland Street and Hoefer Avenue. Motion was made by Kroeger, seconded by Hadley and carried to approve the requested variance.

Ordinances & Resolutions

The Mayor presented No. 01RZ057, second reading of **Ordinance 3761**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on S1/2 NW1/4 NE1/4, 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 hearing until February 18, 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, having passed the first reading on January 7, 2002, it was moved by Hanks and seconded by Murphy that the title be read the second time. Kriebel spoke against the ordinance noting that there are issues with floodplain development that need to be addressed. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley and Dreyer; NO: Kriebel; whereupon the Mayor declared the motion passed and Ordinance 3775 was declared duly passed upon its second reading.

The next item discussed by the Council was No. LF011602-12, second reading of **Ordinance 3777** entitled An Ordinance Repealing Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts and Adopting a New Revised Chapter 1.08 to the Rapid City Municipal Code. Motion was made by Hadley to continue second reading of this ordinance until February 18, 2002. Motion died for lack of a second. Motion was made by Hanks and seconded by Rodriguez to approve second reading of Ordinance 3777. Hadley spoke against the existing ward boundaries because ward three will grow very fast in the near future and this will make the population in each of the wards disproportionate. It was noted that state law mandates that the city use the population figures from the 2000 census when re-districting the wards. The following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Dreyer and Kriebel; NO: Hadley and Johnson; whereupon the Mayor declared the motion passed and Ordinance 3777 was declared duly passed upon its second reading.

Ordinance 3778 (No. LF013002-04) entitled An Ordinance Creating Section 1.16.010 and Creating New Chapter 1.16 of the Rapid City Municipal Code by Adding a New Section 1.16.010 to Provide for the Time of Opening the Polls for Municipal Elections, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3778 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, February 18, 2002.

The Mayor announced the meeting was open for hearing on **Ordinance 3779**, (No. 02RZ001) a request by City of Rapid City for a **Rezoning from No Use District to Heavy Industrial District** on the east 613 feet of the north 511 feet of the SW1/4 SW1/4, and NW1/4 SE1/4 SW1/4 all located in Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of S.D. Highway 44 East, east of Cambell Street and south of U.S. Highway 16. Notice of hearing was published in the Rapid City Journal on January 26 and February 2, 2002. Ordinance 3779, having had the first reading on January 21 200, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3779 the second time.

The Mayor presented No. 02RZ002, second reading of **Ordinance 3780**, a request by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on the following property: The 1548.92 feet of the 100 foot wide Lange Road right-of-way adjacent and parallel to the north side of Interstate 90 along Lot B of W1/2 SW1/4 including Lot Z, and along R & L Subdivision Lots 1 and 2 and 3, all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Lange Road north of Interstate 90 and east of Deadwood Avenue North. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until March 4, 2002.

The Mayor announced the meeting was open for hearing on No. 02RZ003, second reading of **Ordinance 3781**, a request by Fountain Springs Development for a **Rezoning from General Agriculture District to Light Industrial District** on the following property: Beginning at the northeast corner of Tract 13-Revised of S.G. Interstate Plaza, thence first course: N13 28'08"E, a distance of 281.01 feet, thence second course: N76 58'30"W, a distance of 400.01 feet, thence third course: S1 30'07"E, a distance of 349.33 feet, thence fourth course: N45 59'38"E, a distance of 22.36 feet, thence fifth course: S84 18'59"E, a distance of 300.31 feet to the point of beginning. Said parcel containing 2.493 acres, more or less, all located in the W1/2 of Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of North Plaza Drive and Fountain Plaza Drive. Notice of hearing was published in the Rapid City Journal on January 26 and February 2, 2002. Ordinance 3781, having had the first reading on January 21, 2002, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3781 the second time.

Ordinance 3782, (No. CC012102-05R) entitled An Ordinance Amending Sections 9.08.020 of the Rapid City Municipal Code to Prohibit Aggressive Soliciting, having passed the first reading on January 21, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3782 was declared duly passed upon its second reading.

Ordinance 3783 (No. LF013002-10) entitled An Ordinance Amending Section 2.08.090 of Chapter 2.08 of the Rapid City Municipal Code Relating to Rules, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading. Murphy spoke against the ordinance and suggested that the Council use the procedures in Roberts Rules of Order. Munson explained that this ordinance would allow any motions tabled at committee to be forwarded to the City Council. Roll call vote was taken: AYE: Johnson and Hadley; NO: Murphy, Rodriguez, Dreyer, Hanks, Kroeger, Steinburg and Waugh. Motion failed, 7-2.

Ordinance 3784, (No. 02RZ004) a request by the City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property was introduced:

Described by metes and bounds beginning at the center of Section 19, T2N, R8E, BHM, S89°48'30.2"E 2598.85 feet, S0°02'29.1"E 560.1 feet, N89°48'30.2"W 1275.26 feet, S0°03'24.1" 1128.65 feet, N89°50'00.0"W 1327.19 feet, N0°09'18.7"E 1611.86 feet to the Point of Beginning, located in Section 19, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Seger Drive and 143rd Street. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3784 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, February 18, 2002 at 7:00 P.M.

Public Works Committee Items

Motion was made by Kroeger and seconded by Rodriguez to direct that staff proceed with extending sanitary sewer main along Fulton Street which will be paid for by the City, with the understanding that the affected property owners replace and extend their sewer service line at their own expense (No. PW013002-17). Todd Esquibel and Tim Rangitsh spoke in favor of this item. They have a private, shared sewer line that has failed and must be replaced. This action will direct that the city pay the costs of extending the sewer main and the property owners will pay the costs to extend the service lines to their homes. Hanks stated that there are many similar situations throughout the community where properties share a service line and no city main serves the property. f the City pays to install these mains, it will cost a considerable amount of money which will be paid by the other rate users in the community. Hanks noted that the City has established a policy to help home owners in this situation by agreeing to pay 40% of the costs to extend the service main. The remaining 60% is paid by the property owner through the assessment process. **Substitute motion** was made by Hanks and seconded by Murphy to deny this request. Lengthy discussion continued on this issue and how it has been handled by the city in the past. Staff noted that a sewer main was extended to properties on 42nd Street and these costs were assessed to the property owners. Roll call vote was taken: AYE: Johnson, Murphy, Hanks, Kroeger, Steinburg and Waugh; NO: Hadley, Rodriguez, Dreyer and Kriebel. Motion to deny carried, 6-4.

Motion was made by Kroeger and seconded by Steinburg to deny the variance request for yard lights on both sides of the driveway at **5315 Carriage Hills Drive** which are located two feet inside the public right-of-way. Substitute motion was made by Hadley, seconded by Johnson and carried to continue this item to the next Public Works Committee meeting.

Bills

The following bills having been audited, it was moved by Hanks, 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 1-31-02, Paid 1-31-02	827,159.23
Payroll Ending 1-26-02, Paid 2-1-02	575,838.51
Payroll Ending 1-26-02, Paid 2-1-02	3,540.90
Pioneer Bank & Trust, taxes Paid 1-31-02	206,149.71
Pioneer Bank & Trust, taxes Paid 2-1-02	142,393.62
Pioneer Bank & Trust, taxes Paid 2-1-02	265.04
First American Administrators, Claims paid 1-23-02	29,352.59
First American Administrators, Claims paid 1-30-02	81,442.62
SD Department of Labor, unemployment, Paid 1-22-02	8,285.02
Wells Fargo, travel expenses	4,904.31
B&H Photo, lighting kit	2,592.05
SD Municipal League, registration	120.00
US Postmaster, billing postage	1,500.00
Computer Bill List	<u>2,106,436.97</u>

Total	\$3,989,980.57
Payroll Ending 1-26-02, Paid 2-1-02	2,514.50
Pioneer Bank & Trust, taxes Paid 2-1-02	192.36
Carquest, van repairs	14.82
Dakota Business, copier usage	5.47
Marlin Leasing, copier lease	8.86
Total	<u>\$3,992,716.58</u>
<u>Treasurers Checks</u>	
RCS Construction	1,716.48
Total	<u>\$3,994,433.06</u>

Public Works Director

Dan Bjerke reported on the hours of operation of the Ice Arena located in Roosevelt Park. There has been a tremendous response to the lessons that are offered at the facility, therefore the evening open skate times on Monday and Wednesday have been omitted. Those times are now used for lessons. Additional time has been added on Friday evenings; open skate is allowed until 10:00 P.M. Council members suggested that some advertising be done to let the public know when the open skate sessions are. Hadley also suggested that staff review the decision to close the facility in April. If there is enough interest, perhaps it should remain open through the summer.

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

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)