

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
February 18, 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 18, 2002 at 7:00 P.M.

Mayor Jerry Munson, Finance Officer James Preston, and the following Alderpersons were present: 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: Tom Johnson.

Motion was made by Hanks, seconded by Dreyer and carried to **approve the minutes** of February 4, 2002.

Bid Openings

The following bids for **Water Metering & Backflow Prevention** of Irrigation Systems Project W02-1169 were opened on February 14, 2002:

1)	Mainline Contracting (bond submitted)	\$62,265.75
2)	Shovelhead Excavating (bond submitted)	\$53,603.15
3)	Action Mechanical (bond submitted)	\$93,473.75
4)	Hills Materials Company (bond submitted)	\$51,573.75

Staff has reviewed the bids and recommends award to Hills Materials Company. Motion was made by Steinburg, seconded by Hadley and carried to award the bid for W02-1169 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$51,573.75.

The following bids for **Knollwood Metering Dam Maintenance** Project DR02-1177 were opened on February 14, 2002:

1)	Patino Construction Services (check submitted)	\$ 62,914.50
2)	Shovelhead Excavating (bond submitted)	\$ 93,026.25
3)	Site Work Specialists (bond submitted)	\$125,668.75
4)	Rapid Construction Company (bond submitted)	\$ 84,444.00
5)	Black Hills Excavating (check submitted)	\$ 95,160.00
6)	RCS Construction (bond submitted)	\$ 62,959.00
7)	Mainline Contracting (bond submitted)	\$ 97,891.25
8)	Hills Materials Company (bond submitted)	\$ 88,712.50
9)	Quinn Construction (bond submitted)	\$ 76,662.00

Motion was made by Hanks, seconded by Rodriguez and carried to refer these bids to the Public Works Committee for review and recommendation.

The following bids for **Fifth Street PCC Panel Repair** Phase 2 Project STCM02-1181 were opened at 2:00:

1)	Heavy Constructors (bond submitted)	\$270,365.75
2)	JV Bailey Company (bond submitted)	\$248,739.00
3)	Stanley Johnsen Concrete (bond submitted)	\$258,517.05
4)	Shovelhead Excavating (bond submitted)	\$219,534.25
5)	RCS Construction (bond submitted)	\$294,473.75
6)	Simon Contractors (bond submitted)	\$261,138.60

Motion was made by Hanks, seconded by Rodriguez and carried to refer these bids to the Public Works Committee for review and recommendation.

The following bids for One New Current Model Year High Capacity **4-Wheel Drive Rotary Mower** for Parks Division were opened at 2:30:

1)	Midwest Turf & Irrigation (bond submitted)	\$40,735.00
	Alt. Bid With Trade-In	\$36,735.00
2)	North Star Turf (bond submitted)	\$40,900.00
	Alt. Bid With Trade-In	\$33,900.00

Motion was made by Hanks, seconded by Rodriguez and carried to refer these bids to the Public Works Committee for review and recommendation.

The following bids for One New Current Model Year Compact 4-Wheel Drive **Skid Steer Loader** for Parks Division were opened at 2:30:

1)	Butler Machinery (bond submitted)	\$25,270.00
	Alt. Bid (powered trencher)	\$29,809.00
2)	JD Evans (bond submitted)	\$18,261.00
	Alt. Bid (powered trencher)	\$21,261.00
3)	Bierschbach Equipment (bond submitted)	\$20,083.00
	Alt. Bid (powered trencher)	\$23,433.00
4)	RDO Equipment (check submitted)	\$21,084.63
	Alt. Bid (powered trencher)	\$ 3,149.52
5)	Jenner Equipment Company (check submitted)	\$16,426.00
	Alt. Bid (powered trencher)	\$18,330.00

Staff has reviewed the bids and recommends award to Jenner Equipment. Motion was made by Hanks, seconded by Hadley and carried to award the bid for the skid steer loader to Jenner Equipment Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$18,330.

Mayor's Items

Mayor Munson presented the **Veteran of the Month Award** to George Knapp and commended him for outstanding service to the country.

Munson also presented Certificates of Appreciation to James Rippe and Steve Beshara acknowledging their 25 years of service to the community.

Special Items and Items from Visitors

Jim Albers asked the Council what can be done to delay or prohibit the County from using the building on Adams Street as an adult work release facility. City Attorney Altman explained that he intends to address this issue in an executive session at the end of the meeting.

Motion was made by Waugh, seconded by Rodriguez and carried to move Item No. 74 to the front of the Agenda. 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 Hanks and seconded by Steinburg to continue this hearing until March 4, 2002. Hanks abstained from discussion or voting on this item. Mr. Tackett explained that there are two issues he would like to address with the Council. First, his property is served by a privacy gate that was put in for security purposes. As a result of the permit request for a garage, he has found out that part of the gate is located in an easement on Skyline Drive. The gate was installed before the property was annexed into the city limits. The Planning Department has required that this gate be moved prior to a building permit being issued. The second issue is the request to have a restroom in the garage because of the work space that will be utilized there. Planning Director Elkins explained that it has been the policy of the City Council not to allow water or sewer to an over-size garage structure. The concern is that the living space could be converted to a commercial business or a separate residence. Elkins suggested that Mr. Tackett file a covenant that will run with the property that would exclude the use of this structure as a separate residence or for a business. Tackett stated that he would be more than willing to sign the proper documents concerning these issues. **Substitute motion** was made by Dreyer, seconded by Rodriguez and carried to approve the requested Use on Review, with the following stipulations: 1) Prior to City Council approval, a revised site plan shall be submitted identifying the location of the on-site septic system; 2) Prior to issuance of a Certificate of Completion, the applicant shall either remove the entry gate or the gate shall be re-located outside of the right of way; 3) Prior to City Council approval, a wildland fire mitigation plan shall be submitted for review and approval; 4) Prior to issuance of a Certificate of Completion, the wildland fire mitigation plan shall be implemented; 5) The first fifty feet of the driveway shall be paved and the remainder of the driveway shall be continually maintained with a minimum 20 foot wide all weather surface; 6) Prior to any construction, the applicant shall obtain a Building Permit and prior to occupancy, the applicant shall obtain a Certificate of Completion; 7) That the garage shall be constructed of the same materials and maintained with the same colors as the existing residence; 8) Prior to issuance of a Building Permit, the applicant shall file a notice with the Pennington County Register of Deeds Office indicating that the garage shall be used only for residential purposes; and 9) that the petitioner enter into a covenant regarding removal of the gate when necessary (at his cost); and noting that the over-sized garage structure cannot be used as a separate residence or for a commercial business.

Alcoholic Beverage License Applications

Motion was made by Hadley, seconded by Waugh and carried to continue the hearing until March 4, 3003 on the application submitted 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 acknowledge the petitioner's withdrawal of the application submitted by 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).

Upon motion made by Hadley, seconded by Steinburg and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, March 4, 2002:

8. Derby Advertising, Inc. dba **Canyon Lake Chophouse**, 2720 Chapel Lane, for an Off-Sale Liquor License (New License – No Video Lottery)
9. D&S Time Square Casino, Inc. dba **Time Square Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Transfer (from 2004, Inc.-same location)

Other

Motion was made by Hadley, seconded by Waugh and carried to authorize consumption of alcoholic beverages at The Journey Museum on March 16, 2002.

Consent Calendar

The following items were removed from the Consent Calendar:

28. Grant an exception to the Street Criteria Manual to allow for a thirty-foot driveway at 5315 Carriage Hills Drive.
29. Grant an exception to the Street Criteria Manual to allow for a thirty-foot driveway at 1706 Pevans Parkway.

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

Set for Hearing (March 4, 2002)

11. No. 00UR025 - Section 24, T2N, R7E - A request by Sara and Blair Anhorn to consider an application for a **Review and Renewal of a Use on Review to allow a Child Care Center** on the south 156.52 feet of Lot C of the SW1/4 of the SE1/4 of Section 24, T2N, R7E, BHM, Rapid City, Pennington County, SD, located at 2710 North Haines Avenue.
12. No. 01PD061 - Chapel Lane Village -A request by Patrick D. Coady to consider an application for a **Major Amendment to a Planned Residential Development to allow a 0 foot front yard setback for the existing deck from the east property line, to allow a 4 foot front yard setback for the existing residence from the east property line, to allow a 1 foot front yard setback for the proposed garage from the east property line, to allow a 6 foot front yard setback for the proposed garage from the north property line, to allow a 16.3 foot front yard setback for the existing residence from the west property line, to allow a 12.4 foot rear yard setback for the existing residence from the south property line and to allow for 32.5% lot coverage** on Lot 2P, Block 2, Chapel Lane Village, Section 8, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 3054 Lodgepole Place.
13. No. 02PD001 - Fountain View - A request by Lyle Henriksen to consider an application for a Planned Residential Development - Initial and Final Development Plan 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.
14. No. 02PD002 - Northern Heights - A request by Dean Kelly Construction for Atonement Lutheran Church to consider an application for a Planned Residential Development - Initial and Final Development Plan on Lot 1 of Lot A, Block 6, Northern Heights Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 522 Anamosa Street.
15. No. 02PD003 - Wise's Addition - A request by Thurston Design Group, LLC for Youth and Family Services to consider an application for a **Major Amendment to a Planned Commercial Development** on the east 26' of Lot 2 of Block 21, Lot 3 Revised and Lot 4 Revised of Block 6, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 120 East Adams Street and 202 East Adams Street.

Set for Hearing (March 18, 2002)

16. No. 02VR002 - A request by Thurston Design Group for Rapid City Arts Council for a **Vacation of Right of Way** on the alley adjacent to Lots 1-5 and Lots 28-32, Block 103 Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, SD, located at 713 Seventh Street.

Public Works Committee Items

- 17. No. PW021302-01 – Approve Change Order No. 01 for PR01-1089, Roosevelt Park Ice Arena Project to RCS Construction for an increase of \$30,070.62.
- 18. No. PW021302-03 – Authorize staff to advertise for bids PL02-1178, Sixth and Main Street Parking Lot Overlay and Landscape Project.
- 19. No. PW021302-04 – Authorize staff to advertise for bids PM02-1192, 2002 Roadway Marking Contract Project.
- 20. No. PW021302-05 – Authorize staff to advertise for bids PM02-1193, Taped Pavement Marking Contract Project.
- 21. Authorize staff to advertise for bids Portable Chemical Toilet Facilities for Various City Locations.
- 22. No. PW021302-06 – Authorize the Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Lund Associates to Design PR01-1089, Roosevelt Park Ice Arena Project for an amount not to exceed \$8,091.30.
- 23. No. PW021302-07 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Traffic Engineering Services, Inc. to Conduct ST02-1194, 5th Street/Omaha Intersection Study for an amount not to exceed \$20,000.
- 24. No. PW021302-08 – Authorize the Mayor and Finance Officer to sign South Dakota Department Of Transportation Amendment No. 02 to Agreement No. 711812 for P-BRF 1746(02) PCEMS 4338, Canyon Lake Drive.
- 25. Deny a request from Todd Esquibel, 1216 Fulton Street sewer service line spot repair in Right-of-Way.
- 26. No. 02FV001 – Approve with stipulations a Fence Height Variance for Mark Krenn for Western Wireless Corp. to allow a 9' fence in the front yard setback and to allow a 9' fence along the side and rear yard in the Public Zoning District on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Golden Eagle Drive and adjacent to old Marine Life.
- 27. No. PW013002-18 – Approve Request For Proposals for Tree Removal on City owned property at the east end of Orchard Lane (Rapid Valley).
- 30. No. PW021302-10 – Authorize Mayor and Finance Officer to Sign an Agreement with Harley F. and Adele M. Taylor for the purpose of constructing a water transmission main.

Legal & Finance Committee

- 31. No. LF021302-01 - Approve Resolution Dissolving Tax Increment District Number Twenty-Seven.

A RESOLUTION DISSOLVING TAX INCREMENT DISTRICT
NUMBER TWENTY-SEVEN

WHEREAS the City of Rapid City created Tax Increment District Number Twenty-Seven on June 6, 1994; and,

WHEREAS all expenditures have been made in accordance with the adopted amended project plan for Tax Increment District Number Twenty-Seven adopted on June 6, 1994; and,

WHEREAS the City Council of the City of Rapid City is authorized to dissolve this Tax Increment District pursuant to SDCL 11-9-46

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that Tax Increment District Number Twenty-Seven be, and the same hereby is, dissolved.

BE IT FURTHER RESOLVED that any funds which have accrued to the Tax Increment District Number Twenty-Seven, pursuant to SDCL 11-9-31, be distributed as provided by SDCL 11-9-45.

Dated this 18th day of February, 2002.

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

THE CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 32. No. LF021302-03 - Authorize Staff to Advertise for Bids for 10 Rapid Transit Bus Shelters.
- 33. No. LF021302-04 - Approve Resolution Writing Off Uncollectible Accounts Receivable Accounts.

RESOLUTION WRITING OFF UNCOLLECTIBLE
ACCOUNTS RECEIVABLE ACCOUNTS

WHEREAS the City Finance Office has determined that certain accounts receivable accounts, shown on Appendix A, and totaling \$306.98 are uncollectible, and

WHEREAS it is necessary to relieve the accounts receivable of the City of Rapid City for these accounts

NOW, THEREFORE, BE IT RESOLVED that the City Finance Officer be directed to remove such accounts of the City, said accounts being detailed in the official files of the Finance Office.

Dated this 18th day of February, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 34. No. LF021302-05 - 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
1992 Jacobson high capacity mower, SN 70554002155

Solid Waste Division
Gardner Denver Stationary GE Air Compressor, Inv. No. 18684

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 18th day of February, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

- 35. No. LF021302-07 - Approve Agreement with National American University to Provide Supervision Training for an Amount not to Exceed \$2,300 for Basic Supervision and \$2,400 for Advanced Supervision.
- 36. No. LF021302-08 - Authorize Mayor and Finance Officer to Sign Amendment to Professional Service Agreement with Golf Professional Tracy Hamblett III relative to facility rent.
- 37. No. LF021302-09 - Approve Resolution Authorizing the City of Presidents Foundation to Place Presidential Statues in the Downtown Area.

RESOLUTION AUTHORIZING THE CITY OF PRESIDENTS FOUNDATION TO PLACE PRESIDENTIAL STATUES IN THE DOWNTOWN AREA

WHEREAS the City of Rapid City has recently repealed section 2.80.060 of the Rapid City Municipal Code pertaining to the public art committee; and

WHEREAS the City of Rapid City previously approved the City of Presidents Foundation's proposal to place presidential statues in the downtown area of Rapid City; and

WHEREAS the City of Rapid City wishes to re-affirm its continuing approval of the placement of presidential statues in the downtown area by the City of Presidents Foundation;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City of Rapid City hereby approves the location and placement of the eight statues that have been completed and placed in the downtown area of the City of Rapid City;

BE IT FURTHER RESOLVED that the Common Council hereby approves the procedure of the City of Presidents Foundation in its continuing effort to cast and place additional presidential statues in the downtown area.

Adopted this 18th day of February, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

- 38. No. LF021302-10 - Approve the Following Abatement: Marty J. Jackley, 2001, \$915.78.
- 39. Approve the following Licenses: Commercial Refuse Collector: Fish Garbage Services; House Mover: Geoff Hooper, Dakota Hills Housemoving; Mechanical Apprentice: Mark Bradley, Jerry Bryant, Jeff Falk, Ronald E. Glasscock, Jeff Gorr, Daniel I. Hartman, Catherine Little, Wayne Sartorius, James Witte, Rodney Witte; Mechanical Installer: Brian Beman, Mark L. Chilstrom, James B. Copeland, Al Cornella, Scott Cornella, Glenn Delabarre, David Eccleston, Kent Eccleston, James H. Everton, Troy Finck, Theodore L. Foskett, Ernest Kouba, Jef Mattern, Michael J. Ogren, Richard J. Reif, Mark Sandgren, Shannon J. Sailer, Tim Scholl, Mark R. Thomas, Boyd Thompson, Joseph A. Trusty, William E. Willard, Jason Wold;

Mechanical Contractor: S. R. Anderson, Anderson Heating and Air Conditioning; Dennis Corcoran, Tessier's, Inc.; Al Cornella, Al Cornella Refrigeration; Roland W. Fielder, Mike's Mobile Home Service; Keith Gade, Black Hills Power & Light Co.; Wayne D. Gutzmer, Gutzmer Mechanical; Charles "Buzz" Hammerquist, B & H Heating; Irvin Hartman, Wolff's Plumbing & Heating; Scott E. Larson, AccuTemp Heating & A/C; Dave J. McCarthy, McCarthy Services; Larry L. Olson, Olson Plumbing & Heating; Wesley Scholl, Scholl Plumbing & Heating, Inc.; Brian Staton, Advanced Heating & Air Conditioning; Steven M. Street, Street Heating & Sheet Metal; Richard D. Trapp, Black Hills Power & Light Co.; Mobile Home Court: NWE Management, Darrell Borg; Plumbing Contractor: Darrell Barry; C & G Mechanical, Grover F. Jamison; Residential Contractor: Eugene M. Britton, Gene's Carpentry & Home Repair; Kevin & Tracey Fischer, Kevin Fischer Homes, Inc.; Bill Freytag; Dave Freytag; David L. Rietveld, Dave Rietveld Construction; Marlin L. White, White Mountain Craftsman; Sign Contractor: A-1 Construction, Inc., Curtis W. Smith & Vaughn Smith; Flat Earth Sign Co., Tim Peterson; Gordon Sign, Robert Monger.

40. No. LF021302-11 - Request that the Mayor re-appoint the adult-oriented business committee.
41. No. LF021302-12 - Approve Appointment of Mike Theis, Rod Gunn, and Perry Van De Steeg to the Trenching Board.
42. No. LF021302-13 - Approve Appointment of Kathy LaForest, Scott Backens, Dave Kurtz, Doug Puetz, Tom Collings, Margo Burton, Shelly Shock, and Brian Gosch to Mayor's Committee on Disabilities.
43. Approve Appointment of Dave Nobel, Tim Kretschmar, Ted Wolk, Bill Waugh, George Brown, Mike Sanborn, Pat Vital, and Barb Collins to the ad-hoc Golf Operations Assessment Committee.

Raffle

44. No. CC021802-02 - Notification of Intent to Conduct Raffle from Youth & Family Services Center Based Head Start Parent Association, beginning on March 1, 2002

End of Consent Calendar

The next item before the Council was a request to grant an exception to the Street Criteria Manual to allow for a **thirty-foot driveway** at 5315 Carriage Hills Drive. Motion was made by Kroeger and seconded by Hanks to grant the exception for a thirty foot driveway at 5315 Carriage Hills Drive. Upon vote being taken, the motion carried with Kriebel voting no.

The next item considered by the Council was a request to grant an exception to the Street Criteria Manual to allow for a **thirty-foot driveway** at 1706 Pevans Parkway. Alderman Kriebel read a letter submitted by Dr. Ries outlining the reasons for his request for a 45 foot driveway which include the topography of the property and the lack of on-street parking. Motion was made by Hanks and seconded by Waugh to grant a thirty-foot driveway at 1706 Pevans Parkway. Upon vote being taken, the motion carried with Kriebel voting no.

Public Hearing

The Mayor announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup. Notices were mailed to affected property owners on January 22, 2002 and published in the Rapid City Journal on February 11, 2002. No oral or written comments were submitted. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR CLEANUP OF MISCELLANEOUS PROPERTIES

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

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

Dated this 18th 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 Steinburg. The following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Planning Department Consent Items

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

46. No. 02AN001 – Approve the request by City of Rapid City for a **Petition for Annexation of Fairmont Boulevard right of way, formerly called Short Bull Street** located east of SD Highway 79 and south of East St. Patrick Street.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the following territory, containing .79 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Fairmont Boulevard right-of-way formerly known as Short Bull Street located in the SW1/4 of Section 8 and the NW1/4 of Section 17, T1N, R8E, BHM, Pennington County, south Dakota, containing .79 acres, more or less.

Dated this 18th day of February, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

47. 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 MARCH 4, 2002)
48. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** 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, B.H.M., Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO MARCH 4, 2002)
49. 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 MARCH 4, 2002)
50. 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 MARCH 4, 2002)
51. 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 MARCH 4, 2002)
52. No. 01PL102 - A request by Alliance of Architects for American West Communities for a **Layout Plat** on S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Reservoir Road and South Side Drive. (CONTINUE TO MARCH 18, 2002)
53. 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 MARCH 4, 2002)

54. 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 MARCH 4, 2002)
55. 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 MARCH 4, 2002)
56. No. 01PL122 - A request by Dream Design International for a **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 on 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. (APPROVE THE PRELIMINARY PLAT with the following stipulations, and continue the final plat until March 4, 2002: 1) Prior to City Council approval of the Preliminary Plat, revised construction plans and design reports for the required subdivision improvements shall be submitted and the red lined initial submittal documents returned. No construction of improvements shall be initiated prior to approval of the construction plans; 2) Prior to City Council approval of the Preliminary Plat, a revised sewer plan shall be submitted for review and approval. In particular, the revised plan shall address the sewer basin service area and sewer main sizing. In addition, revisions to the master sewer plan shall be submitted for review and approval showing the sewer system layout and the future extensions to the north, west, east and south of the subject property; 3) Prior to City Council approval of the Final Plat, a utility easement shall be recorded at the Register of Deed's Office granting a utility easement for the sewer line. In particular, the utility easement shall include that portion of the sewer line to be located on the unplatted balance of the property. In addition, an access easement shall be recorded at the Register of Deed's Office to allow access to the sewer line; 4) Prior to City Council approval of the Preliminary Plat, revisions to the master water plan shall be submitted for review and approval showing the water system layout including the transmission main extending to Sheridan Lake Road and the proposed upper storage reservoir. 5) Prior to City Council approval of the Final Plat, a utility easement shall be recorded at the Register of Deed's Office to allow a reservoir to be located in the southwest corner of the subject property. In addition, a Memorandum of Understanding shall be signed by the applicant identifying when utility easement(s) shall be recorded at the Register of Deed's Office for the future water transmission line from the Red Rock Estates to Sheridan Lake Road, to the proposed upper storage reservoir lot and for the site of the future upper storage. 6) Prior to City Council approval of the Preliminary Plat, calculations, reports and/or other information to document the extent of necessary drainage improvements, including detention facilities, necessary to manage storm runoff from the subdivision shall be submitted for review and approval. In addition, a drainage plan addressing the design of all drainage components shall be submitted for review and approval; 7) A Special Exception shall hereby be granted to allow a 750 foot and a 900 foot long cul-de-sac, respectively, in lieu of the maximum 500 foot long cul-de-sac length required by the Street Design Criteria Manual with the stipulation that prior to City Council approval of the Final Plat, the applicant shall enter into a covenant (with the City) running with the property

requiring that all residence(s) located beyond 500 feet to be sprinkled; 8) 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; 9) Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and, 10) Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

57. 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, on 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 MARCH 4, 2002)
58. No. 01PL124 - A request by Doug Sperlich for Orthopedic Building Partnership for a **Preliminary and Final Plat** on Lot 4; and Physician Drive right-of-way, Old Rodeo Subdivision, Located in the NW1/4 of the SW1/4, and in the NE1/4 of the SW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Lot 1 of Old Rodeo Subdivision), located east of U.S. Highway 16, at the current northern terminus of Physician Drive. (CONTINUE TO MARCH 4, 2002)
59. No. 01PL127 - A request by Doug Sperlich for Jeff Stone for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO MARCH 18, 2002)
60. No. 02PL003 - A request by Dream Design International, Inc. for a **Layout Plat** in the SE1/4 NE1/4 & W1/2 SE1/4 of Section 14, T2N, R7E BHM, Pennington County, South Dakota; and NE1/4 NE1/4 of Section 23, T2N, R7E, BHM Pennington County, South Dakota; and SW1/4 NW1/4, less Haines Avenue Right of Way and NW1/4 SW1/4 Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lots 5 and 6 of Madison's Subdivision, in the City of Rapid City, as shown on the final plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. (CONTINUE TO MARCH 4, 2002)

END OF PLANNING CONSENT CALENDAR

The Mayor present No. 02PL004, a request by Michael Hanson for Patrick Hall for a **Preliminary and Final Plat** on Lot 23R of Ridge Park Subdivision #4 (formerly Lots 23, 24 and 34 of Ridge Park Subdivision #4) located in NW1/4 NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 23, 24, and 34 of Ridge Park Subdivision #4 located in NW1/4 NE1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast corner of the intersection of Flormann Street and Hyland Drive. Motion was made by Kroeger, seconded by Hanks and carried to approve the Resolution Approving Plat with the stipulation that the a Waiver of Right to Protest being signed prior to the plat being recorded.

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. Stahl stated that he is meeting with his bank tomorrow to resolve the issue of surety. Motion was made by Kroeger, seconded by Kriebel and carried to continue this item until March 4, 2002.

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, seconded by Waugh and carried to continue this hearing until March 4, 2002.

The Mayor presented No. 01PD052, a request by Dream Design International, Inc. for a **Planned Residential Development - Initial and Final Development Plan** on the 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 Waugh and carried to continue this hearing until March 4, 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, 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 Waugh and carried to continue this hearing until March 4, 2002.

The Mayor presented 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. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this hearing until March 18, 2002.

The Mayor presented 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, located on Jackson Boulevard/Highway 44 west north of the Fish

Hatchery. Motion was made by Kroeger, seconded by Murphy and carried to continue this hearing until March 4, 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 the 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 hearing until March 4, 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 the 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 Hanks and carried to continue this hearing until March 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 Hanks and carried to continue this hearing until March 4, 2002.

The Mayor presented No. 02SV003, a request by Michael Hanson for Patrick Hall for a **Variance to Subdivision Regulations to waive the requirement to install curb, sidewalk, street light, dry sewer, and water** on Lots 23, 24, and 34 of Ridge Park Subdivision #4 located in NW1/4 NE 1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast corner of the intersection of Flormann Street and Hyland Drive. Motion was made by Kroeger, seconded by Hanks and carried to approve the Variance with the stipulation that the plat not be filed until a Waiver of Right to Protest an Assessment District is signed.

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 hearing until March 4, 2002.

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

The Mayor presented 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 400 1st Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this hearing until March 4, 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 the 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 Rodriguez and carried to continue this hearing until March 4, 2002.

The Mayor presented No. 02UR002, a request by Dream Design International, Inc. to consider an application for a **Conditional Use Permit to allow for a golf course with club house, pump house, irrigation facilities and maintenance facility**, on the following property: A parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota described by metes and bounds 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 described by metes and bounds 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, described by metes and bounds 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 f 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 described by metes and bounds 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 - Red Rock Estates Subdivision. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this hearing until March 4, 2002.

The Mayor presented No. 02VR001, a request by Thurston Design Group for Rapid City Arts Council for a **Vacation of Right of Way** on the alley adjacent to Lots 1-5 and Lots 28-32 of Block 103 of the Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 713 Seventh Street. Motion was made by Kroeger, seconded by Waugh and carried to deny this item without prejudice.

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 item until March 4, 2002.

The next item before the Council was No. LF121201-18R, second reading of **Ordinance 3773** 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 Hadley, seconded by Rodriguez and carried to continue this hearing until March 4, 2002.

Ordinance 3778 (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, having had the first reading on February 4, 2002, it was moved by Hadley and seconded by Dreyer that the title be read the second time. The following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None; whereupon the Mayor declared the motion passed and Ordinance 3778 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **Ordinance 3784** (02RZ004) a request by the City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property: 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. Notice of hearing was published in the Rapid City Journal on February 9 and February 16, 2002. Ordinance 3784, having had the first reading on February 4, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None; whereupon the Mayor declared the motion passed and read the title of Ordinance 3784 the second time.

Ordinance 3785 (No. 02OA001) entitled An Ordinance Amending Chapters 17.04 and 17.16 of the Rapid City Municipal Code to Add Art Centers as a Conditional Use in the Central Business Zoning District, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3785 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, March 4, 2002.

Ordinance 3786 (No. 02RZ006) a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property, was introduced: A tract of land located in the NW 1/4 of NW 1/4, NE 1/4 of NW 1/4, SE 1/4 of NW 1/4, SW 1/4 of NW 1/4 of Section 35, T1N, R7E, BHM and in the SE 1/4 of NE 1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota more particularly described as follows: Commencing at a point which is a 5/8" rebar which is the northwest corner of Section 35, T1N, R7E, BHM, Pennington County, South Dakota, Thence N89°53'06"E a distance of 283.67', more or less, along the section line to the Point of Beginning which is a 5/8" rebar with cap marked 4225 set on the north section line of Section 35, T1N, R7E and the easterly right-of-way line of U.S. Highway 16; Thence N89°53'06"E a distance of 1,042.05', more or less, along the north section of line of Section 35, T1N, R7E, to a point; Thence S89°42'56"E a distance of 1,327.92', more or less, along the north section line of Section 35, T1N, R7E, to a point at the N 1/4 corner of Section 35, T1N, R7E; Thence S00°00'06"E a distance of 1,338.24', more or less, along the section 1/4 line of Section 35, T1N, R7E, to a point; Thence S00°01'17"E a distance of 668.30', more or less, along the section 1/4 line of Section 35, T1N, R7E, to a point; Thence S00°01'54"E a distance of 668.47', more or less, along the north-south section 1/4 line of Section 35, T1N, R7E, to a point at the center of Section 35, T1N, R7E; Thence N89°24'46"W a distance of 1,326.32', more or less, along the east-west section 1/4 line of Section 35, T1N, R7E, to a point; Thence N89°24'46"W a distance of 1,326.32', more or less, along the east-west section 1/4 line of Section 35, T1N, R7E, to a point at the W 1/4 corner of Section 35, T1N, R7E and E 1/4 corner of Section 34, T1N, R7E; Thence S89°42'51"W a distance of 104.64', more or less, along the east-west section 1/4 line of Section 34, T1N, R7E, to a point at the intersection of the east-west section 1/4 line of Section 34, T1N, R7E and easterly right-of-way line of U.S. Highway 16; Thence northeasterly along said easterly right-of way of U.S. Highway 16 on a curve with a radius of 2,492.00' and an arc length of 692.47', more or less, to a point; Thence N82°41'04"W a distance of 50', more or less, along the east right-of-way line of U.S. Highway 16 to a point; Thence N07°18'56"E a distance of 658.85', more or less, along the easterly right-of-way line of U.S. Highway 16 to a point; Thence N07°18'56"E a distance of 1,338.03', more or less, along the easterly right-of-way line of U.S. Highway 16 to the Point of Beginning; and Lot H2 of the E1/2 of the NE1/4 of Section 34, T1N, R7E, BHM, Pennington County, South Dakota, located approximately 1/2 mile south of the intersection of Catron Boulevard and U.S. Highway 16. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3786 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, March 4, 2002 at 7:00 P.M.

Legal & Finance Committee Items

Motion was made by Hadley and seconded by Kroeger to discontinue the Use of **Cable Banner System** (No. LF021302-06) over Main Street and St. Joe on the west end of Halley Park. Upon vote being taken, the motion carried unanimously.

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

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

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

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

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

1. Change the designation on the 5th Street Project to Infrastructure.
2. Delete Funding for the Exposition Park in Years 2004 and 2005.
3. Add Funding in the amount of \$4,000,000 for the Exposition Park in Year 2006.
4. Delete Funding for the Canyon Lake Drive Bridge Loan in 2002.
5. Delete Repayment in the amount of \$500,000 for the Canyon Lake Drive Bridge Loan in 2005.
6. Change Funding for the Horace Mann/Roosevelt Pools to \$6,000,000 in 2003.
7. Change Funding for the Girls Softball Field to \$900,000 in 2002.

Dated this 18th 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 Hanks. Preston noted changes in the revenue portion of the spreadsheet and a revised spreadsheet will be attached to the Resolution. Upon vote being taken, the following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None; whereupon said Resolution was declared duly passed and adopted.

Motion was made by Hadley, seconded by Waugh and carried to direct staff to prepare a presentation on alternate rules of procedure for the February 27, 2002, Legal and Finance Committee meeting No. LF013002-09.

Public Works Committee Items

Gary McKinnon appeared before the Council and requested that his mailbox structure be allowed to remain in the public right-of-way. This action was continued from December 17, 2001. Motion was made by Kroeger and seconded by Hanks to deny the request. McKinnon stated that there are hundreds of similar structures in the right-of-way throughout the community. All he is asking for is to be treated the same as the others. It was noted that Mr. McKinnon's project is new and his building permit clearly stated that no obstructions were allowed in the right-of-way. The obstruction in question was discovered during inspection of the property. Hanks noted that there are also issues with the site triangles at this location. Kriebel stated that he feels Mr. McKinnon should be offered the same consideration the Council gave Mr. Tackett earlier in the meeting (signing documents which would be filed at

the Register of Deeds Office). Discussion continued. Upon vote being taken, the motion carried with Kriebel voting no.

Motion was made by Kroeger, seconded by Murphy and carried to authorize staff to advertise for bids PR01-1098, **Memorial Park Improvements** Project, Phase I (No. PW021302-02).

Motion was made by Kroeger, seconded by Hanks and carried to table No. PW013002-17, Initial Resolution Setting Time and Place for Hearing on March 18, 2002 for SS02-1191, Fulton Street Sanitary Sewer Extension Project.

Motion was made by Kroeger, seconded by Hanks and carried 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.

Bills

The following bills having been audited, it was moved by Kroeger, 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 2-09-02, Paid 2-15-02	642,781.03
Payroll Ending 2-09-02, Paid 2-15-02	3,540.90
Pioneer Bank & Trust, taxes Paid 2-15-02	157,083.58
Pioneer Bank & Trust, taxes Paid 2-15-02	264.59
First American Administrators, Claims paid 2-06-02	72,515.60
First American Administrators, Claims paid 2-13-02	54,541.40
Berkley Risk Admin., workers comp claims paid 2-08-02	13,307.51
SD Department of Revenue, sales tax, paid 2-12-02	16,487.03
SD Department of Revenue, sales tax, paid 2-12-02	16,578.52
ICAD, software	45,000.00
JC Trailer Sales, trailer	6,830.00
Mark Umbreit, grant training	3,600.00
US Postmaster, billing postage	1,500.00
Computer Bill List	<u>2,769,849.29</u>
Total	<u>\$3,803,879.45</u>

Payroll Ending 2-09-02, Paid 2-15-02	2,552.80
Pioneer Bank & Trust, taxes Paid 2-15-02	195.02
City of Rapid City, postage	15.78
City of Rapid City, premium	378.00
City of Rapid City, workers comp. Premium	923.00
RSVP, petty cash	34.00
City of Rapid City, insurance premium	608.56
IIARC, blanket bond	3.96
SD Retirement System, pension	218.62
SD School of Mines, telephone	64.44
Standard Life, insurance	<u>7.92</u>
Total	<u>\$3,808,881.55</u>

Police Department

Chief Tieszen reported that the sixth traffic fatality happened earlier today in Rapid City. He informed the Council that the department remains committed to an active traffic enforcement and traffic education program. In July of 2001, the Department was short sixteen officers. Since that time, officers have been hired on two occasions and the Department is almost fully staffed. Tieszen stated that when the officers have completed their training and the

Department is at full strength, he intends to “beef up” efforts relative to traffic control throughout the community.

City Attorney

Altman requested an **executive session** to discuss contractual matters and pending litigation. Motion was made by Hanks, seconded by Waugh and carried to go into executive session. The Council came out of executive session at 8:50 P.M. with the following members present: Hanks, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel.

Motion was made by Hanks and seconded by Rodriguez to authorize the Mayor and Finance Officer to sign a Memorandum of Understanding with **Youth & Family Services**, as recommended by City Attorney Altman. Roll call vote was taken: AYE: Murphy, Rodriguez, Dreyer, Hanks, Kroeger and Waugh; NO: Hadley and Kriebel. Motion carried, 6-2.

Motion was made by Hanks, seconded by Hadley and carried to authorize the City Attorney to proceed with a **lawsuit** against Pennington County, asking for an injunction stopping their action to move forward on the adult work-release facility project being proposed for the former JDC Building on Adams Street.

As there was no further business to come before the Council at this time, the meeting adjourned at 8:55 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)