

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
March 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, March 4, 2002 at 7:00 P.M.

Mayor Jerry Munson, Asst. Finance Officer Coleen Schmidt, and the following Alderpersons were present: Alan Hanks, Tom Johnson, 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 February 18, 2002.

Bid Openings

The following bids for **44th Street Reconstruction**, W. Main To W. South Street, Project No. ST02-938 were opened on February 28, 2002:

1)	Simon Contractors of SD (bond submitted)	\$650,708.80
2)	Quinn Construction (bond submitted)	\$792,725.20
3)	RCS Construction (bond submitted)	\$834,524.32
4)	Hills Materials Company (bond submitted)	\$592,728.25

Staff has reviewed the bids and recommends award to Hills Materials Company. Motion was made by Steinburg, seconded by Waugh and carried to award the bid for ST02-938 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$592,728.25.

The following bids for **Hemlock, Sycamore, Sitka, Fir & Bluebird Street Reconstruction** Project ST02-1160 were opened on February 28, 2002:

1)	Simon Contractors of SD (bond submitted)	\$312,600.04
2)	Mainline Contracting (bond submitted)	\$278,425.60
3)	RCS Construction (bond submitted)	\$362,869.99
4)	Hills Materials Company (bond submitted)	\$319,841.95

Staff has reviewed the bids and recommends award to Mainline Contracting. Motion was made by Steinburg, seconded by Waugh and carried to award the bid for ST02-1160 to Mainline Contracting, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$278,425.60.

The following bids for **Memorial Park Improvements Project** PR01-1098 were opened on February 28, 2002:

1)	J.V. Bailey Company (bond submitted)	\$254,658.80
2)	Corner Construction (bond submitted)	\$203,178.64
3)	RCS Construction (bond submitted)	\$234,354.00
4)	Simon Contractors of SD (bond submitted)	\$193,167.90
5)	MAC Construction (bond submitted)	\$170,294.65

It was noted that the bid submitted by MAC Construction contained an error and the bid was withdrawn. Staff has reviewed the bids and recommends award to Simon Contractors. Motion was made by Waugh, seconded by Rodriguez and carried to award the bid for PR01-1098 to

Simon Contractors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$193,167.90.

The following bids for **Floor Mats & Dust Mop Service** for Various City Departments were opened at 2:30:

	<u>American Linen</u> Unit Price	<u>Servall Linen</u> Unit Price
Floor mat 3' x 5' – various colors, service every two weeks	\$1.75	\$1.90
Floor mat 4' x 6' – various colors, service every two weeks	\$2.80	\$3.10
Floor runner 3' x 10' – various colors, service every two weeks	\$3.10	\$3.50
Floor mat 4' x 8' – various colors, service every two weeks	\$3.60	\$3.55
22" or 24" treated dust mop, service as needed	\$0.90	\$0.90
30" or 36" treated dust mop, service as needed	\$1.00	\$1.00
42" or 48" treated dust mop, service as needed	\$1.25	\$1.25
60" treated dust mop, service as needed	\$1.95	\$2.00
Mop Head Cleaning, service as needed	\$0.75	\$0.75
12" x 18" Oil Treated Dust Rag, service as needed (100 lb. Bag)	\$0.20	\$0.20
15" x 17" Bar Mop Towel, service as needed	\$0.14	\$0.12
Laundry Bag, service as needed	\$0.20	\$0.00
Shop Towels, service as needed	\$0.07	\$0.08
Wet Mop, service as needed	\$1.25	\$1.20
Total Contract Amount	\$244.92	\$256.13

Staff has reviewed the bids and recommends award to American Linen. Motion was made by Hanks, seconded by Waugh and carried to award the bid for Floor Mats and Dust Mop Service to American Linen, based on their low unit prices bid.

Schmidt explained that the State DOT opened bids for the Omaha Street Project which includes **City Water Main Extension Project W01-1104**. The following bids were received:

1) Hills Materials Company	\$199,763.00
2) Heavy Constructors	\$231,382.50
3) Stanley Johnsen Concrete	\$238,609.63
4) Quinn Construction	\$267,938.00

The overall project was awarded to Stanley Johnson and staff recommended that the City water main project be awarded to them as well. Motion was made by Waugh, seconded by Steinburg and carried to concur with the State DOT and award the bid for W01-1104 to Stanley Johnson Concrete, based on their unit prices bid, for a total contact amount of \$238,609.63.

Mayor's Items

Mayor for the Day Zachary Abrahamson and Mayor Jerry Munson presented the **Citizen of the Month Award** to Bonnie Shulte and commended her for outstanding volunteer service to the community.

Mayor Munson also presented a Certificate of Appreciation to Zachary Abrahamson and explained that he received the honor of being Mayor for the Day by completing a block of five questions correctly at his school's geography bee.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of 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). 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 Derby Advertising, Inc. dba **Canyon Lake Chophouse**, 2720 Chapel Lane, for an Off-Sale Liquor 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 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). Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, March 18, 2002:

7. Black Hills Heritage Festival, Inc. dba **Black Hills Heritage Festival**, Memorial Park, for a special malt beverage license to be used July 3, 4, 5 and 6, 2002.
8. Gregory L. Serfling dba **Uptown Bar**, 615 Main Street, for an On-Sale Liquor License Transfer (from Jim Didier)

Other

Motion was made by Hadley, seconded by Rodriguez and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on Saturday, June 29, 2002 (No. CC030402-03).

Consent Calendar Items

The following items were removed from the Consent Calendar:

22. No. PW022702-09 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Kadrmas Lee & Jackson for a Preliminary Design for ST02-1189, Intersection Improvements at North LaCrosse & East Anamosa for an amount not to exceed \$16,710.49.

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

Set for Hearing (None)

Public Works Committee Items

10. No. PW022702-01 – Approve the bid award of Knollwood Metering Dam Maintenance Project DR02-1177 to lowest responsible bidder meeting specifications, Patino Construction Services, for the low unit prices bid for a total base bid amount of \$62,914.50.
11. No. PW022702-02 – Approve the bid award of Fifth Street PCC Panel Repair Phase 2 Project STCM02-1181 to lowest responsible bidder meeting specifications, Shovelhead Excavating for the low unit prices bid for a total contract amount of \$219,534.25.

12. No. PW022702-03 – Approve the bid award of One (1) New Current Model Year High Capacity 4-Wheel Drive Rotary Mower for Parks Division to the lowest responsible bidder meeting specifications, Midwest Turf and Irrigation for the base bid of \$40,735.
13. No. PW022702-04 – Approve Change Order No. 01 for ST01-917, Central Boulevard Reconstruction Project to R.C.S. Construction, Inc. for an increase of \$14,737.75.
14. No. PW022702-05 – Authorize staff to advertise for bids RD02-870, Rapid City Fire Department Station #6.
15. No. PW022702-07 – Authorize staff to advertise for bids One (1) New Current Model Year Skid Steer Loader for Golf Courses.
16. Authorize staff to advertise for bids Ready Mixed Concrete for Various City Departments.
17. Authorize staff to advertise for bids Asphalt Maintenance Mixtures for Various City Departments.
18. Authorize staff to advertise for bids Hot Mixed Asphaltic Concrete and Asphalt Maintenance Mixtures for Various City Departments.
19. Authorize staff to advertise for bids Transportation Natural Gas for City/School Common Energy Plant.
20. Authorize staff to advertise for bids Propane Gas for Various City Departments.
21. Authorize staff to advertise for bids Oxygen and Acetylene for Various City Departments.
23. No. PW022702-11 – Authorize the Mayor and Finance Officer to sign a South Dakota Department of Transportation Bridge Re-inspection Program Resolution for Use with South Dakota Department Of Transportation Retainer Contracts.
24. No. PW022702-12 – Authorize the Mayor and Finance Officer to sign a Federal Aid Bridge Replacement or Rehabilitation Program Resolution.
25. No. PW011602-17 – Deny the Proposed 38th Street Sidewalk Construction.
26. No. 02FV002 – Approve a Fence Height Variance for the Rapid City Police Department to allow an 8 foot chain link fence with a three strands barbed wire system on top for an overall fence height of 9.5 feet on Tract A of Wasteland Subdivision in Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located approximately 2900 feet south of the intersection of Catron Blvd. and South Highway 79 on the west side of South Highway 79.

Legal & Finance Committee

27. LF022702-01 - Authorize Mayor and Finance Officer to sign Worksite Agreement with Western Dakota Technical Institute.
28. No. LF022702-02 - Authorize Mayor and Finance Officer to sign Intergovernmental Agreement for Hazardous Materials Emergency Assistance with Hughes County, Harding County, Meade County, Butte County, Rosebud Indian Reservation, Lawrence County, Fall River County, and Custer County.
29. No. LF022702-03 - Authorize staff to apply for and accept grant money from The Homeland Defense Program in the Sum of \$14,865.
30. No. LF022702-04 - 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:

Water Division

Water Plant Telephone System, Inv. No. 00005

Police Department
Personal Breath Testers (22)

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 March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 31. No. LF022702-05 - Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

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

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

- 1. The assessment roll for Property Cleanup was filed in the Finance Office on the 4th day of March, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, April 1, 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 March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 32. Approve South Dakota Arts Council Project Grant Application for the Rapid City Children's Chorus.
- 33. No. LF022702-08 - Approve Resolution to Establish the Position of Facility Maintenance/Operations Worker.

RESOLUTION TO ESTABLISH THE POSITION
OF FACILITY MAINTENANCE/OPERATIONS WORKER

WHEREAS a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the City's compensation plan; and

WHEREAS the evaluation established that the duties and responsibilities of the described position of Facility Maintenance/Operations Worker justify placing this classification in Grade 12 of the American Federation of State County and Municipal Employees Union AFL-CIO (Library) pay scale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the AFSCME Library Pay Plan by adding this position classification description at Grade 12 as recommended in the job evaluation.

Dated this 4th day of March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 34. No. LF022702-09 - Approve Resolution to Establish the Position of Library Computer Operations Supervisor.

RESOLUTION TO ESTABLISH THE POSITION
OF LIBRARY COMPUTER OPERATIONS SUPERVISOR

WHEREAS a job evaluation has been conducted utilizing the Factor Evaluation System methodology to establish the City's compensation plan; and

WHEREAS the evaluation established that the duties and responsibilities of the described position of Library Computer Operations Supervisor justify placing this classification in Grade 17 of the Non-Union salary scale;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rapid City to revise the Non-Union Salary Plan by adding this position classification description at Grade 17 as recommended in the job evaluation.

Dated this 4th day of March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 35. No. LF022702-10 - Approve the following abatement: Ruben Pineiro, 2001, \$535.36.

- 36. Deny the following abatement: Kent Brugger, 2001, \$460.16.

- 37. No. CC030402-04 – Approve the following licenses: Electrical Journeyman: Shawn Bessette, William Paradis, Terry J. Weber; Electrical Apprentice: Robert H. Bandy, Brandon Brosz, Timothy Sutton; Mechanical Apprentice: Kevin Bad Wound, Todd Dietrich, Robert W. Eggers, Darrin Esser, Dale Sartorius, Jeremy Walla, Nick Williams; Mechanical Installer: Mark Bradley, Barry T. Bugenhagen, Dennis C. Carlton, Jerry P. Christensen, Alphonse Fleck, Chuck Hibbard, Stephen P. Hyk, Jr., Kenneth Kenitzer, Clyde Miller, John B. Miller, Kevin Morris, Johnny Reede, Ralph Schad, George

Thompson, Nick Walenta, Allan Weinand; Mechanical Contractor: Chino Caekaert, A to Z Maintenance & Repair; Milford E. Kast, K & K Sheet Metal; Quentin E. Kubas, Montana-Dakota Utilities Co.; Stanley Little, Star Sheet Metal; David L. Strand, K & D Appliance Service; Residential Contractor: Robert K. Danielson, Danielson Construction; Russell Douglas, Douglas Construction; Randy A. Long, Long Design & Construction; Rande Robinson, Robco Construction Services; Russell J. & Pamela Rysavy, Modern Builders; Sign Contractor: Red Letter Signs, Andrew C. Hade; Sewer & Water Installer Journeyman: Jack Corr, Dan Earley, Dave Mueller; Trenching Journeyman: Don Huber, Mike Mills, Kent Otto; Trenching Contractor (Contingent Upon Having Provided Proof of Insurance): Advanced Electrical, Inc., Thomas J. Gagliano; All Around Construction, Inc., Jamie Gerlach; Brink Electric Construction, Douglas F. Brink; Cable Communication Services, Inc., Don Williams; Cable Constructors, Inc., Timothy Ross; Checker Electric, Inc., Randall L. Albers; COMSCO, Inc., Ron Hazen; Crawford Cable Construction, Inc., Raymond 'Butch' Crawford; Diamond M, Inc., Gary Hamm; Energy Electric Co., Frank Watson; Flagler Trucking & Constr & Excavating, Nancy Flagler; Honey Creek Landscape, Inc., Dale P. Christiansen; In and Out Boring Co LLP, Tom Pettibone; Intermountain Constructors, Inc., Douglas Leigh; Iowa Pipeline Association, Inc., William E. Mudge; Iron Horse Excavating, Inc., Jacob A. Ankele, III; KASKI Homes, Keith Sarkinen; Lage Development Company, Inc., Willard W. Lage; Mann Construction Company, Guy Mann; MDU, Tim Kretschmar; Munyan Excavating LLC, Robert Munyan; Olson Dirt Work, David W. Olson; PUSH, Inc., Paul Ekstrom; Simon Contractors of South Dakota, Inc., Frank Commerford; Sprinkler Systems Service, Gregory E. Pogany; Scull Construction Service, Inc., Douglas Wilson; Trenching Journeyman: Richard J. Albers, Lee Ammons, Scott Bach, Tom Beetem, James D. Big Crow, Tony Bolton, George Brown, Randy Coffield, Chad Coleman, Donald D. Donaldson, Merritte E. Duffield, Lavern G. Foerster, Joe B. Ford, Paul Frey, Jerry Garner, Billy Gifford, Jim Giggee, Jim Gray, Gerald Hanks, Brian Hathorn, Terry Hefta, Jeffrey A. Hendricks, Gary Higlin, Rick Himmelpach, David R. Jedlicka, Todd E. Jones, Brett Larson, Jim Lien, Brant Scott Mann, Henry McIntosh, Patrick L. Mechaley, Kenneth A. Miller, Marc Myers, Larry J. Nelson, Delos H. Oldewurtel, Roger Packard, Justin Parker, Anthony Patino, Paul H. Petersen, John S. Pettyjohn, Reynold Rausch, Bob Richardson, John M. Robison, Robert A. Stanfiel, Paul Tedford, Kelly Thurman, Dar Voegele, Richard C. Walter, Johnny Ward, Wade Wasserburger, James Weeldreyer, Gary Wickman, Rick Wieczorek, David Woldt, Kevin Paugh, Bill Niles; Sewer & Water Contractor (Contingent Upon a Current State License and Proof of Insurance): Alan K. Schroeder; A-1 Ditching, Steve Moore; Beka Corp., Charles P. Beka; CN Stygles & Sons, Inc., Clifford N. Stygles; Chuck Ferguson Construction, Chuck Ferguson; Dan's Ditching, Inc., Daniel H. Wieczorek; Day & Night Plumbing, Jack Franke; De Haan Construction, Inc., James R. De Haan; Duffield Construction, Inc., John Duffield; Earhorizons, Inc., Robert Burns; Excavating Specialists, Terry Larson; Geidel Excavation, Melvin Geidel; Hills Construction Ltd., Jack C. Sagdalen; Hills Materials Company, William J. Keller; Howie Construction, R. Chris Howie; Iron Horse Excavating, Inc., John L. Long; J V Bailey Company, Inc., Jerald Mitzel; Jim's Plumbing & Heating, Inc., Jim Schnittgrund; Kingman Construction, Inc., Duane Oehlerking; Lind-Exco, Inc., Gregory A. Lind; M & E Excavating, Edward D. Thurman; Mainline Contracting, Inc., James B. Morris; Marv's Excavating, Inc., Marvin Erikson; Metro Plumbing, Inc., Kim A. Kerns; Midwestern Ditching, Charles E. Davis; Miller Construction, Cameron G. Miller; Nelson Ditching, Larry Nelson; Nielsen Construction, Royal N. Nielsen; Olson Excavating, Inc., Duane K. Olson; Piedmont Construction, Robert W. Powles; Plumbing Plus, Jon Anderson; Quinn Construction, Inc., Robert Quinn; RCS Construction, Perry Van De Steeg; RP&H, Inc., Gale Raymond; Rapid Construction Company, Steve Van Houten; Schumaker Excavation, Darrell Schumaker; Shovelhead Excavating, Inc., Dennis R. Turman; Site Work Specialists, Inc., Mike Ryan; Solinsky Construction, Inc., Don Solinsky; Spearfish Excavating, Kenneth Reinert; Summit, Inc., Owen H Emme; Warax Excavating, Robert A. Warax; Zandstra Construction, Dwight B. Hanna; Sewer &

Water Installer Journeyman (Contingent Upon a Current State License): Art Askland, Mike Archley, Jerry Bassett, Ron Berens, James D. Bice, Scott Bolton, William Bradford, Jeff K. Bradley, Lyle Bromwich, Donald Brumbaugh, Warren (Mike) Case, Jack Corr, Chris Garro, William W. Haas, Richard Harmon, Kevin Hein, Robert B. Hengen, Dave Hepburn, William S. Huber, Warren Jaasund, Newell M. Kallestad, Michael Leiby, Steve Lhotak, Dale Mogensen, Samuel Morris, III, Peter P. Nikkila, Howard L. Nold, Allen Olesen, Duane L. Olesen, Timothy R. Powles, Dale Raish, William G. Reasor, Rodney D. Rilling, Frank Roth, Scott Ryan, Floyd P. Schafer, James H. Schamber, Gale Schipke, Thomas Schumacher, Stephen M. Swanson, Glenn E. Taylor, John Tippman, Brett Torrey, Mike Von Colln, Norman Wiederich;
Sewer & Water Installer Apprentice: Jason R. Franke, Shelby Moore.

38. No. LF022702-12 - Approve the following appointments to the Mechanical Board: Buzz Hammerquist and Gene Kast as Contractor Reps, Duane Lassegard as Propane Rep, Steve Malone as Mechanical Engineer, and George Thompson as Mechanical Installer Rep.
39. No. LF022702-13 - Approve appointment of Pat Roseland and Jim Jackson to the Historical Preservation Commission.
40. Approve the following appointments to the Journey Museum Board: One year: Jerry Shoener, Bev Schlosser, Gary Brown; Two year: Al Cornella, Bill Colson, Tom Green; Three year: John Schmidt, Val Simpson, Pat Wyss.

Raffle

41. No. CC030402-01 - Notification of Intent to **Conduct Raffle** from CASA Program, on May 11, 2002
42. No. CC030402-05 – Notification of Intent to **Conduct Raffle** from the American Lung Association, from March 1 through September 17, 2002.

End of Consent Calendar

The next item discussed by the Council was No. PW022702-09 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Kadrmas Lee & Jackson for a Preliminary Design for **ST02-1189**, Intersection Improvements at North LaCrosse & East Anamosa for an amount not to exceed \$16,710.49. Motion was made by Hanks, seconded by Rodriguez and carried to authorize signing the Agreement.

Public Hearings

The Mayor announced that the meeting was open for consideration of No. CC030402-02, **Resolution Levying Assessment** for Highland Park Drive Street & Utility Reconstruction Project W00-895. Motion was made by Kroeger and seconded by Steinburg to approve the Assessments. Dean Potts and Monica Fuhrman requested information on the project costs and requested a meeting with staff on this assessment roll. Substitute motion was made by Hadley, seconded by Johnson and carried to continue this hearing until March 18, 2002.

Planning Department Consent Items

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

44. 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 18, 2002)

45. 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 MARCH 18, 2002)
46. 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 18, 2002)
47. 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 18, 2002)
48. 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 18, 2002)
49. 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 18, 2002)
53. 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, legally described as Formerly 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 18, 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.)

54. 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 APRIL 1, 2002)
55. No. 01PL124 - A request by Doug Sperlich for Orthopedic Building Partnership for a **Preliminary and Final Plat** located east of U.S. Highway 16, at the current northern terminus of Physician Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 4; and Physician Drive Right-of-Way, Old Rodeo Subdivision (formerly a portion of Lot 1 of Old Rodeo Subdivision) located in the NW1/4 of the SW1/4, and in the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

WHEREAS it appears that the system of streets set forth therein conforms with the system of streets of the existing plats of the City, that all provisions of subdivision regulations have been complied with, that all taxes and special assessments upon the

property have been fully paid, and that such plat and the survey thereof have been executed according to law.

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 4; and Physician Drive Right-of-Way, Old Rodeo Subdivision (formerly a portion of Lot 1 of Old Rodeo Subdivision) located in the NW1/4 of the SW1/4, and in the NE1/4 of the SW1/4, Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

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

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 56. No. 02PL003 - A request by Dream Design International, Inc. for a **Layout Plat** on the SE1/4NE1/4 & W1/2SE1/4 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 NW/14, 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 18, 2002)
- 57. No. 02PL005 - A request by Thurston Design Group, LLC for Youth & Family Services, Inc. for a **Preliminary and Final Plat** on Lot 2R and Lot 3 of Block 21, Wise's Addition, located in the W1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 Rev. and 4 Rev. of Block 6 and Lot 2 of Block 21, 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. (CONTINUE TO MARCH 18, 2002)
- 58. No. 02PL006 - A request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition and Lot 19R3 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota located East of Fairway Hills and Sandstone Ridge Subdivision. (CONTINUE TO MARCH 18, 2002)
- 59. No. 02PL007 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary and Final Plat** on Lot 1 of Tract A and Lot 2 of Tract A located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract 1 Minnesota Ridge Subdivision located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located southwest of the intersection of Anamaria and 5th Street. (CONTINUE TO MARCH 18, 2002)

END OF PLANNING CONSENT CALENDAR

The Mayor presented 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. Motion was made by Kroeger, seconded by Hanks and carried to approve the Preliminary Plat with the following stipulations and continue the Final Plat until March 18, 2002: 1) Prior to Planning Commission approval, revised information regarding the drainage shall be submitted to the Engineering Division for review and approval; 2) Prior to City Council approval, corrections to the drainage plans as previously noted must be submitted to the Engineering Division for review and approval; 3) Prior to City Council approval, the location of drain field easements for Lots 3, 4, 5, 8 and 9 shall be identified on the plat. The drain field easements shall be located in accordance with all required setbacks and the proper orientation and shall not be located in fill or on steep slopes; 4) Prior to City Council approval, the drainage easements around Lot 8 shall be revised and correctly shown on the plat; 5) Prior to City Council approval of the Final Plat, data from percolation tests shall be submitted for review and approval; 6) Prior to City Council approval of the Preliminary Plat, all red line corrections to the engineering plans shall be submitted for review and approval; 7) Prior to City Council approval of the Preliminary and Final Plat, the applicant shall submit written documentation from the adjoining landowners concurring with the vacation of portions of the easements for the spur roads connecting to the property to the north; and, 8) Prior to Final Plat approval all subdivision improvements shall be completed or surety posted with the City and all subdivision inspection fees shall be paid.

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

The Mayor presented No. 01PL118, a request by Dream Design International for a **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. Motion was made by Kroeger, seconded by Steinburg and carried to approve the final plat contingent on increased surety and inspection fees being paid prior to the plat being recorded at the Register of Deeds Office.

The Mayor presented No. 02PL008, a request by Fisk Land Surveying & Consulting Eng. for Thomas Lee for a **Preliminary and Final Plat** on Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE/14 of the NE/14 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, located at 6905 West Highway 44. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02PL010, a request by D.C. Scott Co. Land Surveyors for a **Layout Plat** on Lot A of Lot 12, Lot B of Lot 12, Lot 14 Revised, and dedicated street right-of-way of Pleasant View Subdivision, located in the SE1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 12 of the S1/2 SE1/4 and Lot 14 of the SW1/4 SE1/4, Pleasant View Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota located at the corner of Longview and Crane Drive. Motion was made by Kroeger, seconded by Rodriguez and carried to acknowledge the applicant's withdrawal of this layout plat.

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 continue this item until March 18, 2002. Substitute motion was made by Hanks and seconded by Steinburg to deny this item without prejudice. Roll call vote was taken: AYE: Murphy, Rodriguez, Hanks, Steinburg and Waugh; NO: Johnson, Hadley, Dreyer, Kroeger and Kriebel. Mayor Munson voted AYE to break the tie and the motion to deny without prejudice carried, 6-5.

The Mayor presented No. 02PL004, reconsideration of 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 Rodriguez and carried to table this item.

The Mayor presented No. 02SV003, reconsideration of 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 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 Rodriguez and carried to table this item.

Planning Department – Hearings

The Mayor presented No. 02CA001, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Low Density Residential to Low Density Residential II** on the N1/2 of Government Lot 1 of the NW1/4 NW1/4 Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located north of Catron Boulevard and east of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA002, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Medium Density Residential with a Planned Residential Development to Medium Density Residential** on the S1/2 of Government Lot of the NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located North of Catron Boulevard and east of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA003, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 20 acre parcel from Office Commercial with a Planned Commercial Development to Office Commercial** on the N1/2 of Government Lot 2 of the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located north of Catron Boulevard and east of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA004, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on an approximately 15 acre parcel from General Commercial with a Planned Commercial Development to General Commercial** on the S1/2 of Government Lot 2 of the SW1/4 NW1/4 less Highway 16 B Right of Way of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located north of Catron Boulevard and east of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA005, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from Public Drainage and General Commercial with a Planned Commercial Development to General Commercial** on the north 900 feet of Government Lot 3 of the NW1/4 SW1/4 less Highway 16 B Right of Way, Section 19, T1N, R8E, BHM, Pennington County, South Dakota located south of Catron Boulevard and east of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA006, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 52 acre parcel from Light Industrial with a Planned Commercial Development to Light Industrial** on the south 420 feet of Government Lot 3 of the NW1/4 SW1/4 and Government Lot 4 of the SW1/4 SW1/4 all in Section 19, T1N, R8E, BHM, Pennington County, South Dakota located south of Catron Boulevard and east of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA007, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 53 acre parcel from Public Drainage, General Commercial with a Planned Commercial Development and Office Commercial with a Planned Commercial Development to General Commercial** on the east 900 feet of the NE1/4 SE1/4 less Highway 16B Right of Way and the east 900 feet of SE1/4 SE1/4 all in Section 24, T1N, R7E, BHM, Pennington County, South Dakota located south of Catron Boulevard and west of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA008, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from General Commercial with a Planned Commercial Development and Low Density Residential with a Planned Residential Development to Office Commercial** on the west 420 feet of the NE1/4 SE1/4 less Highway 16B Right of Way and the west 420 feet of SE1/4 SE1/4 all in Section 24, T1N, R7E, BHM, Pennington County, South Dakota located south of Catron Boulevard and west of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA009, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 39 acre parcel from Low Density Residential with a Planned Residential**

Development and Medium Density Residential with a Planned Commercial Development to Office Commercial on the NW 1/4 SE1/4 less Highway 16B Right of Way of Section 24, T1N, R7E, BHM, Pennington County, South Dakota located south of Catron Boulevard and west of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA010, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 40 acre parcel from Low Density Residential District with a Planned Residential District to Medium Density Residential** on the SW1/4 SE1/4 Section 24, T1N, R7E, BHM, Pennington County, South Dakota located south of Catron Boulevard and west of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA011, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 25 acre parcel from Medium Density Residential with a Planned Residential Development to Neighborhood Commercial** on the north 900 feet of the NE1/4 SW1/4 less Highway 16B Right of Way, Section 24, T1N, R7E, Pennington County, South Dakota located south of Catron Boulevard and west of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA012, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 53 acre parcel from Medium Density Residential with a Planned Residential Development to Mobile Home Park** on the south 420 feet of the NE1/4 SW1/4 and SE1/4 SW1/4 all in Section 24, T1N, R7E, Pennington County, South Dakota located south of Catron Boulevard and west of the proposed 5th Street extension. Motion was made by Kroeger, seconded by Johnson and carried to continue this item until March 18, 2002.

The Mayor presented No. 02CA013, a request by City of Rapid City for a **Amendment to the Comprehensive Plan to change the future land use designation on an 18.39 acre parcel from General Agriculture District to Light Industrial District** on property located on Lange Road north of Interstate 90 and east of Deadwood Avenue North. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 4th day of March, 2002 to consider an Amendment to the Comprehensive Plan to change the future land use designation on an 18.39 acre parcel from General Agriculture District to Light Industrial District on 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, 2, and 3 and R&L Subdivision Lots 1, 2 and 3 all located in Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and good cause appearing therefore.

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 4th day of March, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The motion for adoption of the foregoing Resolution was seconded by 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. 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 deny this item without prejudice.

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 Hanks and carried to approve the Initial Development Plan and continue the Final Development Plan until March 18, 2002.

The Mayor presented No. 01PD060, a request by Dream Design International for an **Initial and Final Development Plan - Planned Residential Development** on 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 Waugh and carried to approve the Initial and Final Development Plans, with the following stipulations: 1) Prior to Final Development Plan approval by the City Council, Preliminary and Final Plat #01PL118 shall be approved; 2) Prior to Final Development Plan approval by the City Council, a revised grading plan shall be submitted for review and approval; 3) Prior to Final Development Plan approval by the City Council, geotechnical information addressing proposed fill shall be submitted for review and approval; 4) All Uniform Fire Codes must be continually met; 5) Prior to Final Development Plan approval by the City Council, a fire mitigation plan shall be submitted for review and approval; 6) An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre; 7) A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy; 8) A minimum 15 foot front yard setback for all principal structures and a minimum 18 foot setback for all garages(s) shall be

provided on Dornoch Court. A minimum 25 foot front yard setback for all structures shall be maintained on Muirfield Drive; 9) All provisions of the Low Density Residential Zoning District shall be met unless otherwise authorized; and, 10) The proposed townhome development shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development.

The Mayor presented No. 01PD061, a request by Patrick D. Coady 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. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until March 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 Waugh and carried to continue this item until March 18, 2002.

The Mayor presented No. 02PD001, a request by Lyle Henriksen 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. Motion was made by Kroeger, seconded by Waugh and carried to approve the Initial and Final Development Plan with the following stipulations: 1) Prior to the approval of the Final Development Plan by the City Council, construction plans for the extension of sanitary sewer, drainage improvements and road improvements for that portion of Harmony Heights Lane that abuts the subject property, extending to the east lot line of Tract A, Fountain View Subdivision, shall be submitted for review and approval; 2) Prior to approval of the Final Development Plan by the City Council, site grading, paving and drainage information and construction plans for the extension of private water system(s) and private sanitary sewer system(s) to serve Phase 3 shall be submitted for review and approval; 3) Prior to issuance of a Certificate of Occupancy the internal road shall be completed in Phase 2 and Phase 3 to insure a second point of access to the development. In addition, the internal parking lot(s) and that portion of Harmony Heights Lane located adjacent to Phase 2 and Phase 3 shall be constructed; 4) All Uniform Fire Codes must be continually met; 5) Prior to issuance of a building permit, fire hydrants shall be in place and operational; 7) A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy; 8) The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Planned Residential Development. In addition, the community center and swimming pool shall only be allowed as an accessory use to the proposed Harmony Heights Residential Development; 9) All provisions of the Medium Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment; 10) Prior to approval of the Final Development Plan by the City Council, the design and height of the fence to be constructed around the swimming pool shall be submitted for review and approval; 11) All signage shall conform to the design and location as shown in the sign package submitted as part of the Planned Residential Development; 12) All lighting, excluding street lighting, shall be directed so as to reflect away from the adjacent

residential development, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard; 13) A minimum of 61,900 landscaping points shall be provided. The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; 14) A minimum of 29 parking spaces shall be provided with two handicap accessible spaces. One of the Handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met; 15) The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

The Mayor presented No. 02PD002, a request by Dean Kelly Construction for Atonement Lutheran Church 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. Motion was made by Kroeger, seconded by Steinburg and carried to deny this item without prejudice.

The Mayor presented No. 02PD003, a request by Thurston Design Group, LLC for Youth and Family Services for a **Planned Commercial Development - Final Development Plan** 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. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until March 18, 2002.

The Mayor presented No. 00UR025, a request by Sara and Blair Anhorn for a **Review and Renewal of 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, South Dakota, located at 2710 North Haines Avenue. Motion was made by Kroeger, seconded by Waugh and carried to approve the Use on Review, with the following stipulations: 1) That all requirements of the Local and State Child Care regulations shall be continually met; 2) That the maximum number of children permitted in the facility shall be 53; 3) That Section 17.50.150, Child Care Centers, of the Rapid City Municipal Code shall be continually met; 4) That the Use on Review be shall be subject to renewal on a complaint basis; 5) That compliance with all stipulations of the original Use on Review (#1641) shall be continually met; and, 6) That the Use On Review approval shall expire if the use as approved has ceased for a period of two years.

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 approve the Variance to the Subdivision Regulations to waive the requirement for water, sewer, curb, gutter, sidewalks, and street light conduit for the private access easements providing access to the property to the north; and approve the Variance to waive the requirement to allow lots more than twice as long as they are wide; and, deny the Variance to waive the requirement for pavement for the private access easements providing access to the property to the north.

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 Waugh and carried to continue this item until March 18, 2002.

The Mayor presented No. 02SV004, a request by Fisk Land Surveying & Consulting Eng. for Thomas Lee for a **Variance to the Subdivision Regulations** to waive the requirement for paving, curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and to waive the requirement for curb, gutter, sidewalks, street light conduit, dry sewer and water along West Highway 44 Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota located at 6905 West Highway 44. Motion was made by Kroeger, seconded by Johnson and carried to approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and West S. D. Highway 44, with the condition that the applicant sign an agreement to consent to a future assessment project for the improvements; and that the Variance to waive the requirement for paving the access easement(s) be denied.

The Mayor presented No. 02SV005, a request by D.C. Scott Co. Land Surveyors for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer, street light conduit, water and sidewalks** on Lot 12 of the S1/2 SE1/4 and Lot 14 of the SW1/4 SE1/4, Pleasant View Subdivision, Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Anderson Road and Crane Drive. Motion was made by Kroeger, seconded by Waugh and carried to acknowledge the applicant's withdrawal of this item.

The Mayor presented No. 02SV006, a request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street** on Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until March 18, 2002.

The Mayor presented No. 01UR032, a request by Dream Design International, Inc. for a **Use On Review to allow a utility substation in the Low Density Residential Zoning District** on the NW1/4 NE1/4 of Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota located north of the current northern terminus of Muirfield Drive. Motion was made by Kroeger, seconded by Rodriguez and carried to approved the Use on Review with the following stipulations: 1) Prior to City Council approval, a letter of understanding shall be submitted from the applicant allowing the proposed graveled road to serve as temporary access to the lift station and identifying a schedule for completion for the permanent surfacing for the future street. The letter shall also identify that the applicant is aware that approval of the temporary driveway entrance does not preclude the possibility of changes to alignment or grades of the future improved street upon submittal of design plans for the finished or final improvements for the future street; 2) Prior to City Council approval, the applicant shall either construct the permanent paved future street or bond for the improvement to insure completion of the paving requirement no later than November 1, 2002; 3) Prior to City Council approval, an access easement shall be recorded at the Register of Deed's Office granting the City legal access to the proposed lift station and a utility easement shall be recorded at the Register of Deed's Office to allow for the location and maintenance of the lift station; 4) Prior to City Council approval, the site plan shall be revised to comply with all provisions of the Off-Street Parking Ordinance; and, 5) The Use on Review shall expire if the use for which it was granted has ceased for a period of two years or more. In addition, any other use of the property other than a utility substation shall require a Major Amendment to the Use on Review.

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 at 400 1st Street. Motion was made by Kroeger, seconded by Steinburg and carried to approve the requested Use on Review, with the following stipulations: 1) Prior to the initiation of the wood storage and sales use, the circulation aisle shall be paved to minimum city standards; 2) A building permit shall be obtained prior to any construction; 3) That the gate to be installed in the south fence shall be of adequate width to accommodate vehicle turning movements into the adjacent alley; 4) That the wood storage area shall be continually be kept clean and free of excessive bark, wood chips, sawdust and wood scraps; 5) That the wood shall be neatly stacked with applicable areas of separation; 6) That Fire Department access shall be continually maintained; 7) Prior to initiation of the wood storage and sales use, screening slats shall be installed and continually maintained in the existing chain link fence or a solid wood fence or masonry wall shall be constructed and maintained in lieu of the chainlink fence; 8) That the wood storage area shall be continually maintained free of rodents, insect and other pests; 9) That activities associated with the fire wood storage and sales shall be limited to stacking, bundling, loading and unloading of the fire wood; 10) That the Use On Review is granted for a period of eighteen months subject to renewal by the Planning Commission and City Council; 11) That approval of this Use On Review 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; and, 12) That the hours of operation shall be limited to the hours of 7:00 a.m. and 8:00 p.m.

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 Waugh and carried to approve the requested Use on Review, with the following stipulations: 1) Prior to City Council approval, the applicant shall sign an agreement identifying the commitment to transfer ownership and maintenance of the water booster station to the City; 2) Prior to City Council approval, a utility easement shall be recorded at the Register of Deed's Office for the booster station and for the corresponding water lines to and from the site; 3) Prior to City Council approval, the construction plans shall be revised to show a sidewalk along the front lot line; 4) All Uniform Fire Codes must be continually met; 5) Prior to issuance of a Certificate of Occupancy, the facility's address shall be posted. Said numbers shall be a minimum of seven inches in height and displayed on a contrasting background; 6) An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre; 7) The proposed structure shall conform architecturally to the plans and elevations submitted as part of this Use on Review; 8) Prior to City Council approval, the site plan shall be revised to comply with all provisions of the Off-Street Parking Ordinance; and, 9) The Use on Review shall expire if the use for which it was granted has ceased for a period of two years or more. In addition, any other use of the property other than a utility substation shall require a Major Amendment to the Use on Review.

The Mayor presented No. 02UR002, a request by Dream Design International, Inc. 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 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 $42^{\circ}31'26''$, an arc length of 351.79 feet to a point of tangency; thence $S11^{\circ}33'36''E$, 113.77 feet; thence $N78^{\circ}23'21''W$, 327.59 feet; thence $N12^{\circ}26'27''W$, 167.00 feet; thence $N62^{\circ}13'43''W$, 546.00 feet; thence $N89^{\circ}47'40''W$, 102.98 feet; thence $N89^{\circ}57'50''W$, 329.86 feet; thence $S35^{\circ}21'41''W$, 373.54 feet; thence $N77^{\circ}35'08''W$, 305.84 feet; thence $N77^{\circ}42'36''W$, 88.09 feet; thence $N50^{\circ}02'00''E$, 300.99 feet; thence $N39^{\circ}58'00''W$, 182.25 feet; thence $N50^{\circ}02'00''E$, 25.00 feet; thence $S39^{\circ}58'00''E$, 182.25 feet; thence $N49^{\circ}52'34''E$, 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 $N13^{\circ}46'17''W$, 409.64 feet to the true point of beginning; thence $S36^{\circ}49'13''E$, 483.42 feet; thence $S38^{\circ}00'41''E$, 60.57 feet; thence $S50^{\circ}02'00''W$, 223.94 feet; thence $N36^{\circ}45'27''W$, 54.20 feet; thence $S53^{\circ}54'29''W$, 68.74 feet; thence $N26^{\circ}01'35''W$, 81.02 feet; thence $N89^{\circ}58'00''W$, 405.24 feet; thence $S21^{\circ}27'02''W$, 74.40 feet; thence $N68^{\circ}32'58''W$, 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 $40^{\circ}50'33''$, an arc length of 303.67 feet to a point on said curve; thence $N33^{\circ}31'59''W$, 59.34 feet; thence $N89^{\circ}58'00''W$, 598.32 feet; thence $N75^{\circ}25'26''W$, 84.30 feet; thence $N56^{\circ}20'40''W$, 83.19 feet; thence $N33^{\circ}55'47''W$, 83.19 feet; thence $N11^{\circ}30'53''W$, 83.19 feet; thence $N00^{\circ}18'26''W$, 120.01 feet to a point lying on a curve concave to the north and whose chord bears $N75^{\circ}29'39''E$, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is $27^{\circ}35'26''$, an arc length of 158.91 feet to a point of tangency; thence $N61^{\circ}41'56''E$, 174.47 feet; thence $S48^{\circ}40'58''E$, 157.92 feet; thence $S89^{\circ}58'00''E$, 358.27 feet; thence $S70^{\circ}46'42''E$, 242.45 feet; thence $S85^{\circ}49'25''E$, 189.09 feet; thence $N86^{\circ}23'14''E$, 206.77 feet; thence $N34^{\circ}02'00''E$, 326.78 feet; thence $N47^{\circ}01'41''E$, 133.42 feet; thence $N34^{\circ}02'00''E$, 130.00 feet; thence $N44^{\circ}49'19''E$, 81.56 feet; thence $N67^{\circ}23'42''E$, 111.22 feet; thence $N22^{\circ}36'18''W$, 180.00 feet; thence $N67^{\circ}23'42''E$, 40.00 feet; thence $S22^{\circ}36'18''E$, 140.00 feet; thence $N67^{\circ}23'42''E$, 600.06 feet; thence $N11^{\circ}30'24''W$, 122.25 feet; thence $N78^{\circ}29'36''E$, 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 $39^{\circ}22'32''$, an arc length of 254.28 feet to a point of tangency; thence $S62^{\circ}07'51''E$, 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 $47^{\circ}09'51''$, an arc length of 304.57 feet to a point of tangency; thence $S14^{\circ}58'00''E$, 32.28 feet; thence $N88^{\circ}05'42''W$, 225.15 feet; thence $S00^{\circ}19'04''W$, 114.83 feet; thence $S76^{\circ}05'40''W$, 133.40 feet; thence $S60^{\circ}02'00''W$, 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 $N89^{\circ}59'29''W$, 1062.76 feet to the true point of beginning; thence $S00^{\circ}00'25''W$, 353.14 feet; thence $N89^{\circ}59'37''E$, 524.86 feet; thence $S36^{\circ}59'17''E$, 331.06 feet; thence $N69^{\circ}48'41''E$, 179.21 feet; thence $S00^{\circ}14'09''E$, 640.00 feet; thence $S89^{\circ}45'51''W$, 285.83 feet; thence $N00^{\circ}14'09''W$, 247.40 feet; thence $N45^{\circ}58'18''W$, 491.68 feet; thence $S86^{\circ}19'21''W$, 177.81 feet; thence $S20^{\circ}02'00''W$, 616.44 feet; thence $S14^{\circ}06'58''W$, 237.54 feet; thence $S22^{\circ}18'23''E$, 463.84 feet; thence $S62^{\circ}06'49''E$, 531.35 feet; thence $N27^{\circ}38'46''E$, 217.55 feet; thence $N10^{\circ}24'13''E$, 342.35 feet; thence $N00^{\circ}14'09''W$, 328.05 feet; thence $N89^{\circ}45'51''E$, 280.00 feet; thence $S00^{\circ}14'09''E$, 864.24 feet; thence $S80^{\circ}14'09''E$, 864.24 feet; thence $S80^{\circ}14'09''E$, 864.24 feet; thence $S80^{\circ}50'32''W$, 155.19 feet; thence $S27^{\circ}30'27''W$, 401.50 feet; thence $N75^{\circ}07'30''W$, 235.48 feet; thence $N35^{\circ}42'16''W$, 207.77 feet; thence $N82^{\circ}22'30''W$, 165.29 feet; thence $S53^{\circ}17'01''W$, 555.72 feet lying on a curve concave to the southwest and whose chord bears $N49^{\circ}25'37''W$, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is $09^{\circ}18'48''$, 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 $39^{\circ}07'01''$, an arc length of 323.61 feet to a point on said curve; thence $N75^{\circ}02'00''E$, 160.00 feet; thence $N14^{\circ}58'00''W$, 449.76 feet; thence $N23^{\circ}47'31''W$, 174.70 feet; thence $N57^{\circ}27'46''E$, 126.29 feet; thence $N22^{\circ}57'06''E$, 132.93 feet; thence $N21^{\circ}41'30''W$, 132.93 feet; thence $N68^{\circ}07'14''W$, 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 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 - Red Rock Estates Subdivision. Motion was made by Kroeger, seconded by Hanks and carried to approve the requested Conditional Use Permit, with the following stipulations: 1) Prior to issuance of a building permit, a grading plan and a drainage plan shall be submitted for the clubhouse, pump house, maintenance building and associated parking lots; 2) Upon City Council approval, a building permit for the existing pump house shall be submitted for review; 3) Prior to renovating the existing single family residence into the proposed clubhouse, a building permit shall be obtained; 4) Prior to the start of construction of the maintenance facility, a building permit shall be obtained; 5) A Certificate of Occupancy shall be obtained prior to occupying the structures; 6) All Uniform Fire Codes shall be continually met; 7) Prior to the start of any building construction, fire

hydrants shall be installed and operational; 8) Prior to the start of any building construction, all weather access roads shall be constructed to the building sites; 9) Prior to the start of any building construction, wildland fire mitigation shall be completed as required by the Fire Department; 10) Prior to the start of any building construction, street signs shall be posted. The street signs may be constructed of temporary material initially. Prior to issuance of a Certificate of Occupancy, permanent street signs shall be posted; 11) Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted. Said numbers shall be a minimum of seven inches in height and displayed on a contrasting background; 12) Any storage of golf carts within the clubhouse shall require that the clubhouse be sprinkled; 13) The proposed structures shall conform architecturally to the plans and elevations submitted as part of this Conditional Use Permit; 14) All provisions of the Low Density Residential District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment; 15) A minimum of one parking space shall be provided for the maintenance facility and the pump house, respectively. In addition, a minimum of 73 parking spaces including four handicap accessible spaces shall be provided for the clubhouse and golf course. One of the handicap spaces shall be "van" accessible. All provisions of the Off-Street Parking Ordinance shall be continually met; 16) Prior to City Council approval, a sign package shall be submitted for review and approval; 17) All lighting shall be so designed as to prevent shining on the adjacent residential development; and 18) The Conditional Use Permit shall expire if the use for which it was granted has ceased for a period of two years or more. Accessory use(s) keeping with the intent of the permitted use may be reviewed and approved as a Minimal Amendment by the Planning Director. A Major Amendment to the Conditional Use Permit shall be obtained prior to on-sale liquor being allowed as a part of the approved use(s).

Ordinances & Resolutions

The Mayor announced the meeting was open for hearing on 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. Notice of Hearing was published in the Rapid City Journal on December 8 and December 15, 2001. Ordinance 3761, having had the first reading on December 3, 2001, 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 3761 the second time.

The Mayor presented No. LF121201-18R, Second Reading, **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 to March 18, 2002.

The Mayor announced the meeting was open for hearing on 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 property legally described as 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 Lange Road north of Interstate 90 and east of Deadwood Avenue North. Notice of Hearing was published in the Rapid City Journal on January 26 and February 2, 2002. Ordinance 3780, 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 3780 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, having passed the first reading on February 18, 2002, it was moved by Hadley and seconded by Murphy 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 3785 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 02RZ006, second reading of **Ordinance 3786**, a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property: 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. Notice of hearing was published in the Rapid City Journal on February 23 and March 2, 2002. Ordinance 3786, having had the first reading on February 18, 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 3786 the second time.

Ordinance 3787, (No. LF022702-06) Supplemental Appropriation No. 1 for 2002, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3787 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, March 18, 2002.

Ordinance 3788, (No. 02RZ005) a request by FMG, Inc. for N.W. Engineering for a **Rezoning from Light Industrial District to Medium Density Residential District** on the following property, was introduced: Lot 1 and 2 of Block 3 of Feigel Subdivision; and the remaining balance of Block 3 of Feigel Subdivision; and the south 40' of previously vacated Madison Street right of way between Riley Avenue and Cambell Street; and the previously vacated 16' east-west right of way through Lots 1 and 2 of Block 3 of Feigel Subdivision and remaining balance of Block 3 of Feigel Subdivision; and the north 40' of previously vacated Watertown Street right of way located between Riley Avenue and the west lot line of Lot 3 of Block 2 of Feigel Subdivision; all located in the SE1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of East North Street and East of Riley Avenue. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3788 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 18, 2002 at 7:00 P.M.

Ordinance 3789, (No. 02RZ007) a request by Laverne Anderson for Leone Anderson for a **Rezoning from Flood Hazard District to General Commercial** on the following property, was introduced: Lot 3 less the southern portion being described as starting at the Southwest corner of the above described lot thence 337 feet due North, thence 297 feet bearing South 86 degrees 25 feet East, thence 116.68 feet bearing South 73 degrees 50' 34" East, thence 47.6 feet bearing South 04 degrees 36 feet West, thence 280.8 feet bearing South 31 degrees 51 feet West, thence 256.5 feet bearing due West to the point of origin all located in the NW1/4 SW1/4, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Cambell Street and East St. James Street. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3789 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 18, 2002 at 7:00 P.M.

Ordinance 3790, (No. 02RZ008) a request by Harold Bies for Bies Highway 79 LLP for a **Rezoning from Light Industrial District and Medium Density Residential to General Commercial District** on the following property, was introduced: The east 350' of Lot 2 of Hamilton Subdivision, and the 50' wide 278.52' of SD Highway 79 ROW adjacent to Lot 2 of Hamilton Subdivision, approximately 2.234 acres; and, the west 382.46' of Lot 2 of Hamilton Subdivision, approximately 2.44 acres, all located in Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located west of Highway 79 and north of Minnesota Street. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3790 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 18, 2002 at 7:00 P.M.

Ordinance 3791, (No. 02RZ009) a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property, was introduced: U.S. Interstate 90 and right-of-way from Deadwood Avenue eastward, all located within Section 21, 22, and 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, including Lot H1 NE1/4 SE1/4, Lot H1 SE1/4 SE1/4, all located in Section 21, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Lot H1, Lot H1 of Lot Y of Lot H2, Lot H1 of Lot X of Lot H2, all located in SW1/4 of Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, and Lot H W1/2 NW1/4 and NE1/4 NW1/4, and Lot H1 NE1/4, all located in Section 27, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located U.S. Interstate 90 from Deadwood Avenue eastward through Sections 21, 22 and 27. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3791 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 18, 2002 at 7:00 P.M.

Ordinance 3792, (No. 02RZ010) a request by City of Rapid City for a **Rezoning from No Use District Light Industrial District** on the following property, was introduced: That portion of Shadow Drive lying between Lots H1 in Lots 4, 5, and 6 of Block 1 and Lot H1 in Lots 3, 4, 5, 6, and 7 of Block 2 of the Johnson School Subdivision located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; that portion of School Drive lying south of Lot H1 in the east 88 feet of Lot D located in the NE1/4 NW1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; Lot H1 in Lot 8 of Block 2 of the Johnson School Subdivision located in the NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of SD Highway 44 and west of Twilight Drive. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3792 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 18, 2002 at 7:00 P.M.

Ordinance 3793 (No. 02RZ011) a request by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on the following property, was introduced: That portion of SD Highway 44 right-of-way lying south of Lot H1 in Lots A and B of the Johnson School Subdivision located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on a portion of SD Highway 44 right-of-way between School Drive and Twilight Drive. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3793 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 18, 2002 at 7:00 P.M.

Ordinance 3794 (No. 02RZ012) a request by Harold Bies for Bies Highway 79 LLP for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lot 1, Hamilton Subdivision, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 79 and north of Minnesota Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3794 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 18, 2002 at 7:00 P.M.

Ordinance 3795, (No. 02RZ013) a request by Dream Design International, Inc. for Stoney Creek Inc. for a **Rezoning from General Agriculture District and Neighborhood Commercial District to Low Density Residential District** on the following property, was introduced: A parcel of land located in the NE1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the southeast corner of Lot 3, Block 4 of Stoney Creek Subdivision Phase 1, as recorded in Pennington County Register of Deeds Office in Book 30, Page 4; thence N00°06'46"W, 344.73 feet; thence N89°50'04"E, 1319.78 feet; thence S00°10'01"E, 1164.55 feet to a point lying on a curve concave to the south and whose chord bears N62°17'18"W, 115.64 feet; said point is also lying on the northerly right-of-way line of Catron Boulevard; thence continuing along said northerly right-of-way line the following six (6) courses: Thence northwesterly along the arc of said curve to the left whose radius is 2513.09 feet and whose central angle is 02 38'12", an arc length of 115.65 feet to a point of tangency; thence N63°36'24"W, 52.54 feet; thence N32°27'56"W, 107.85 feet; thence N63°36'24"W, 23.24 feet; thence S80°51'12"W, 112.88 feet; thence N63°36'24"W, 459.58 feet; thence departing said northerly right-of-way line N26°23'36"E, 400.00 feet; thence N63°36'24"W, 400.00 feet; thence S26°23'36"W, 400.00 feet to a point on said northerly right-of-way line; thence continuing along said northerly right-of-way line the following two (2) courses; N27°46'08"W, 72.85 feet; thence N63°36'24"W, 85.30 feet; thence departing said northerly right-of-way line N25°26'46"W, 189.65 feet; thence S89°20'46"W, 21.08 feet, to the point of beginning; containing 21.246 acres more or less; and, a parcel of land located in the NE1/4 SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, described by metes and bounds: Beginning at the southeast corner of Lot 3, Block 4 of Stoney Creek

Subdivision Phase I, as recorded in Pennington County Register of Deeds Office in Book 30, Page 4; thence S73°54'41"E, 346.52 feet to the true point of beginning; thence N26°23'36"E, 400.00 feet; thence S63°36'24"E, 400.00 feet; thence S26°23'36"W, 400.00 feet to a point lying on the northerly right-of-way line of Catron Boulevard; thence N63 36'24"W, along said northerly right-of-way line, 400.00 feet to the true point of beginning; containing 3.673 acres more or less, located north of the intersection of Catron Boulevard and Sheridan Lake Road. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3795 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 18, 2002 at 7:00 P.M.

Legal & Finance Committee Items

The next item discussed by the Council was conditional use permit applications for **oversize garages**. Elkins submitted information on this issue. There have been 61 CUP applications for oversize garages from 1992 through December 31, 2001. Of those, 57 applications were acted on by the Council; four were withdrawn; four were denied by the Council; and 52 were approved with stipulations. Staff reviewed the data in the report of these applications and recommends that the Council consider increasing the square footage that would be exempt to 1500 square feet. However, if the garage exceeded the size of the house, it will be subject to the CUP procedure. Motion was made by Hanks and seconded by Dreyer to direct staff to draft the proper language to amend the City's code relative to oversize garages. Upon vote being taken, the motion carried unanimously.

Motion was made by Hadley, seconded by Johnson and carried to direct staff to prepare an amendment to the ordinance relative to the new procedure for **Conditional Use Permit applications** to incorporate a time frame; and if the application is not acted on within that time, then it is automatically approved (No. LF022702-14).

Motion was made by Hadley and seconded by Murphy to authorize Mayor and Finance Officer to sign Agreement for Professional Services for the City of Rapid City and the Rushmore Plaza Civic Center by and between the City of Rapid City and the **Rapid City Area Chamber of Commerce** (No. LF022702-07). There was discussion about the City's ability to terminate this agreement if the economy turns poor. Motion was made by Hanks, seconded by Johnson and carried to refer this agreement back to the Legal & Finance Committee for additional discussion.

Public Works Committee Items

Motion was made by Kroeger and seconded by Rodriguez to authorize the Mayor and Finance Officer to sign Amendment No. 01 to a Professional Service Agreement with Baffuto Architettura to Design FD02-870, Rapid City **Fire Station #6** (No. PW022702-08) for an amount not to exceed \$9,357.00. Hanks questioned the amount of funding in this Agreement to design a canopy. Mr. Baffuto explained the process his company will go through on this project. Other portions of the project that will be included in the Agreement are lightening protection for the building and a change in the heating system to be used. Roll call vote was taken: AYE: Hadley, Murphy, Rodriguez, Kroeger, Steinburg, Waugh and Kriebel; NO: Johnson, Dreyer and Hanks. Motion carried, 7-3.

Motion was made by Kroeger and seconded by Hanks to approve the Changes in Roosevelt **Ice Arena Seasonal Scheduling** to extend the season through April 30, 2002. Upon vote being taken, the motion carried with Kriebel voting no. Johnson stated that based on usage of the facility, the season could be extended again.

Bills

The following bills having been audited, it was moved by Kriebel, 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 2-28-02, Paid 2-28-02	770,024.83
Payroll Ending 2-23-02, Paid 3-1-02	552,614.64
Payroll Ending 2-23-02, Paid 3-1-02	3,540.90
Pioneer Bank & Trust, taxes Paid 2-28-02	193,068.18
Pioneer Bank & Trust, taxes Paid 3-01-02	134,239.35
Pioneer Bank & Trust, taxes Paid 3-01-02	265.04
First American Administrators, Claims paid 2-20-02	71,505.73
First American Administrators, Claims paid 2-27-02	33,360.61
US Postmaster, billing postage	1,500.00
Computer Bill List	<u>1,659,436.54</u>
Total	<u>\$3,419,555.82</u>

Payroll Ending 2-23-02, Paid 3-01-02	2,552.80
Pioneer Bank & Trust, taxes Paid 3-01-02	191.41
Carquest, repairs	2.00
City of Rapid City, postage	1.08
City of Rapid City, unemployment premium	131.00
Dakota Business Center, copier	9.73
Marlin Leasing, copier usage	6.17
Mayor Radio, repairs	15.00
Rapid Transit System, volunteer pass	20.00
Sinclair Fleet Fueling, gasoline	<u>40.37</u>
Total	<u>\$3,422,525.38</u>

City Attorney

Motion was made by Johnson, seconded by Hadley and carried to authorize Mayor and Finance Officer to sign **Bill of Sale, Release of Lease, and Quit Claim Deed** from the City of Rapid City to Medical and Dental Building, LLP (No. CC030402-06).

Executive Session

Motion was made by Hanks, seconded by Dreyer and carried to go into executive session to discuss contractual matters.

The Council came out of executive session at 9:00 and no report was given.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:00 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)