

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
March 18, 2002

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, March 18, 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, Ron Kroeger, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: Martha Rodriguez.

Motion was made by Hanks, seconded by Dreyer and carried to correct the minutes of February 18, 2002 to delete Stipulation No. 2 relative to File No. 01UR055 for Daniel Tackett at 3751 Skyline Drive; and **approve the minutes** of March 4, 2002.

Bid Openings

The following bids for **Sixth & Main Parking Lot Overlay** and Landscaping Project PL02-1178 were opened on March 14, 2002:

- | | | |
|----|--|--------------|
| 1) | Black Hills Landscapes (check submitted) | \$ 7,784.50* |
| 2) | Hills Materials Company (bond submitted) | \$14,598.00 |
| 3) | Simon Contractors of SD (bond submitted) | \$19,478.00 |
| 4) | J&J Asphalt Company (bond submitted) | \$24,573.65 |
- * Incomplete bid

Staff has reviewed the bids and recommends award to Hills Materials. Motion was made by Hanks, seconded by Steinburg and carried to award the bid for PL02-1178 to Hills Materials Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$14,598.

The following bid for 2002 **Roadway Marking Contract** Project PM02-1192 was opened on March 14, 2002:

- | | | |
|----|--|-------------|
| 1) | United Rentals Hwy. Tech., Inc. (bond submitted) | \$60,500.00 |
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Staff has reviewed the bids and recommends award. Motion was made by Kriebel, seconded by Hanks and carried to award the bid for PM02-1192 to United Rentals Highway Technologies, the only bidder, for a total contract amount of \$60,500.

The following bid for **Taped Pavement Marking Contract** Project PM02-1193 was opened on March 14, 2002:

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|----|--|-------------|
| 1) | United Rentals Hwy. Tech., Inc. (bond submitted) | \$42,928.00 |
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Staff recommends that the bid be rejected. Motion was made by Kriebel, seconded by Steinburg and carried to reject this bid and pursue an alternate method of pavement marking.

The following bids for **Water Reclamation Facility Improvements Administration Building** Project WRF01-1132 were opened on March 15, 2002:

- | | | |
|----|--|----------------|
| 1) | Glenn Barber & Associates (bond submitted) | \$2,073,000.00 |
| 2) | Dean Kurtz Construction (bond submitted) | \$2,038,000.00 |
| 3) | John Jones Construction (bond submitted) | \$2,900,000.00 |

4)	MAC Construction (bond submitted)	\$2,030,000.00
5)	Corner Construction (bond submitted)	\$2,192,000.00
6)	Scull Construction (bond submitted)	\$1,927,000.00
7)	Seco Construction (bond submitted)	\$1,942,000.00
8)	Heavy Constructors (bond submitted)	\$2,057,000.00

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

The following bids for Water Reclamation **Facility Expansion Project** WRF02-1173 were opened on March 15, 2002:

1)	Glen Barber & Associates (bond submitted)	\$8,500,000.00
2)	Dean Kurtz Construction (bond submitted)	\$8,755,000.00
3)	John Jones Construction (bond submitted)	\$9,315,000.00

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

The following bid was received for a surplus **1990 Chevrolet Utility Truck** from the Fire Department:

1)	David Garrett	\$4,559.00
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Staff has reviewed the bid and recommends award. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for the surplus 1990 Utility Truck to David Garrett, the only bidder, in the amount of \$4,559.

The following bid was received for a surplus **1983 FMC, 1000 GPM Pumper** from the Fire Department:

1)	Hermosa Volunteer Fire Department	\$21,000.00
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Staff has reviewed the bid and recommends award. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for the surplus 1983 Pumper Truck to the Hermosa Volunteer Fire Department, the only bidder, in the amount of \$21,000.

The following bids for One New Current Model Year Articulating **Motor Grader** with Wing Plow for the Street Division were opened at 2:30:

	DMI	JD Evans	RDO	Sheehan Mack	David McFarland
Base Bid w/o Trade In	\$135,962	\$129,442	\$140,139	\$147,079	No Bid
Alternate Bid w/Trade In	\$125,962	\$116,000	\$131,139	\$139,579	
Trade In	\$10,000	\$13,442	\$9,000	\$7,500	\$9,500
Alternate A	\$1,700	\$1,000	N/C	\$3,500	
Alternate B	\$1,000	\$1,000	N/C	\$5,000	
Alternate C	\$1,200	\$1,000	N/C	\$6,100	
Alternate D	\$1,500	\$1,000	N/C	\$7,600	
Alternate E	\$1,850	\$1,000	\$150	\$9,200	
Alternate F	\$2,350	\$1,000	\$300	\$11,100	
Total Cost Bid Option	No Bid	No Bid	No Bid	No Bid	No Bid

Butler Machinery (Total Cost Bid Option)

\$104,883

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

The following bids for **Hot Mixed Asphaltic Concrete** and Asphalt Maintenance Mixtures for Various City Departments were opened at 2:30:

	Simon Contractor	Hills Materials
1. Class G Type 1, per ton	\$14.60	\$14.65
2. Class G Type 2, per ton	\$14.95	\$16.05
3. AC10 Asphalt, per ton	\$165.00	\$170.00
4. Cold Mix, Class G Type 2 MC250, per ton	\$29.00	\$27.50
5. SS1H Asphalt, per ton	No Bid	\$250.00
6. AE150 Asphalt, per ton	No Bid	\$250.00
7. MC70 Asphalt, per ton	\$250.00	\$250.00

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

The following bids for **Oxygen and Acetylene** for Various City Departments were opened at 2:30:

	<u>Lindweld</u>		<u>A & B Welding</u>	
	per CF	per Tank	per CF	per Tank
PRICE OF GAS				
1) Small Oxygen Tank (approximately 122 cf)	\$0.073	\$8.91	\$0.055	\$8.47
2) Large Oxygen Tank (approximately 244 cf)	\$0.049	\$11.96	\$0.045	\$11.21
3) Small Acetylene Tank (approximately 100 cf)	\$0.16	\$16.00	\$0.17	\$23.80
4) Large Acetylene Tank (approximately 300 cf)	\$0.16	\$48.00	\$0.14	\$42.56
TANK PURCHASE PRICE				
5) Filled Oxygen Tank (approximately 80 cf)	\$0.087	\$6.96	\$0.08	\$6.64
6) Empty Oxygen Tank (approximately 80 cf)	No Bid	\$140.00	No Bid	\$148.00
7) Filled Acetylene Tank (approximately 60ccf)	\$0.16	\$9.60	\$0.24	\$14.40
8) Empty Acetylene Tank (approximately 60 cf)	No Bid	\$110.00	No Bid	\$143.00
9) ADDITIONAL CYLINDER, per month charge (For any cylinder needed by the City that is not currently owned or leased)		\$1.00		\$3.50

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

The following bids for **Ready Mixed Concrete** for Various City Departments were opened at 2:30:

	Birdsall Sand & Gravel per CY	Hills & Materials per CY	Croell per CY
CLASS M-6 CONCRETE, VARIOUS CITY JOB SITES			
1) 1/4 to less than 1 CY	\$90.00	\$124.00	No Bid
2) 1 to less than 2 CY	\$78.00	\$80.00	\$62.00
3) 2 or more cubic yards	\$52.50	\$64.00	\$62.00
CLASS M-6 CONCRETE, Rapid City Regional Airport and Water Reclamation Facility			
4) 1/4 to less than 1 CY	\$94.50	\$150.00	No. Bid
5) 1 to less than 2 CY	\$82.50	\$97.00	\$62.00

6) 2 or more cubic yards PORTLAND CEMENT (PCC Paving) [A31], Various City job sites	\$64.50	\$69.00	\$62.00
7) 1/4 to less than 1 CY	\$90.00	\$126.00	No Bid
8) 1 to less than 2 CY	\$78.00	\$82.00	\$65.00
9) 2 or more cubic yards	\$62.50	\$66.00	\$65.00
10) HEATING	\$3.00	\$3.00	\$3.00
11) CALCIUM CHLORIDE, ONE PERCENT (1%) ADDITION	\$2.00	\$2.00	\$2.00

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

Mayor's Items

Mayor Munson read Certificates of Recognition for Harvey Smith and Rhonda Berger and commended them for 20 years of service to the City.

Munson also recognized members of Boy Scout Troop No. 4 who were present and working on the Citizenship in the Community merit badge.

Motion was made by Murphy, seconded by Hanks and carried to approve the Mayor's appointment of the following individuals to the **Adult Oriented Business Committee**: Loveletta Gibson, Elizabeth Brownstein, Wayne Williams, Tim Sigman, Tom Murphy, Rick Kriebel and Mike Booher.

Aldersperson Items

Hadley expressed concern about the Council's action to approve **2012 funding** for Youth & Family Services. He stated that he is not against YFS, however, he doesn't feel contributing funding to a non-profit organization is a legal use of 2012 funding which has restricted uses. Hanks stated that the City Attorney has reviewed this issue at length and it is his determination that these transactions are legal according to State Code. Johnson also expressed concern about using 2012 funds for non-profit organizations.

Special Items and Items From Visitors

Mayor Munson informed the Council and the public that he has initiated a charity petition drive to put the question of **water & sewer connection fees** to a vote of the public. He stated that he has paid for all costs involved with printing the petitions and there will be no cost to the public. Munson stated that the proposal contained in the petitions is to collect reasonable fees from new construction that hooks onto the City's water and sewer systems.

Alice Johnson submitted a handout to each of the Council members relative to **Child & Pedestrian Safety** issues and encouraged the Council to consider and implement safety measures for the children near the schools throughout the community.

Alcohol Hearings

This was the time set for hearing on the application of 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. Motion was made by Hadley, seconded by Waugh and carried to approve the application.

This was the time set for hearing on the application of Gregory L. Serfling dba **Uptown Bar**, 615 Main Street, for an On-Sale Liquor License Transfer (from Jim Didier). Police Chief Craig

Tieszen expressed concern about the location as well as the applicant for this license transfer. The Police Dept. has experienced considerable problems with a liquor license operating at this location. The petitioner is a student and has a clean record. However, his experience in the liquor business comes from his association with the prior management of the Uptown Bar at the same location. Mr. Serfling also proposes to employ other members of the previous management team which operated at this location. Tieszen also expressed major concerns about allowing another liquor license at this location. Because of the applicant's association with prior management and the difficulties the Police Department has had at this location, Tieszen did not recommend approval. Motion was made by Hadley and seconded by Murphy to deny the transfer application. Fire Chief Shepherd also objected to the location of the proposed transfer. The Fire Department has requested information about the detailed plans of the business, however, no information has been submitted. The Fire Department cannot make a recommendation for approval until more information is submitted. Greg Geiger, Dennis Matkins and Lee Geiger spoke against allowing another liquor license at this location. The other business owners in this area have had to endure a lot of negative things because of the bar at 615 Main Street (trash, fighting, broken windows, etc.) Also, the bar management has never made an attempt to clean up the messes caused by its patrons. Serfling stated that he understands that the bar at this location has had a lot of problems in the past, but he intends to do his best to change that. Also, they will be serving food at this location. Johnson stated that he is not comfortable with the fact that the applicant did not contact the Fire Department about the information they need relative to this location. Upon vote being taken, the motion to deny the transfer carried unanimously.

Other

Motion was made by Hadley, seconded by Hanks and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on Wednesday, September 18, 2002 (No. CC031802-01).

Consent Calendar

The following items were removed from the Consent Calendar:

21. No. PW022702-14 – Approve the Proposed 2002 Swimming Pool Rates.
22. Authorize staff to prepare for year round ice operations.
23. Approve the Pool & Ice Committee recommendation to obtain a contract with Lund Associates to design the entire recreation complex, based on the 1997 plan to adapt to the Roosevelt site and allow phased construction.
28. No. PW031302-12 – Approve the Mayor's Golf Course Assessment Committee's recommended changes to existing Resolution Establishing Golf Course Fees adopted January 15, 2001.
30. Authorize staff to apply for funds under the Fire Grant Act in the sum of \$72,000.
47. No. CC031802-04 – Approve the Resolution extending the moratorium on receiving new applications for off-premise signs to June 30, 2002, and to continue the Off-Premise Signs Task Force Report and recommendation to the March 27, 2002, Legal and Finance Committee meeting.
48. Request that the Mayor bring the list of committee members on the adult-oriented businesses committee to the Council meeting on March 18, 2002, for approval.

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

- 15. No. PW031302-04 – Authorize the Mayor and Finance Officer to sign Professional Service Agreement with Phil Nichols Associates to Design PR02-1201, Canyon Lake Park Electrical Service Project for an amount not to exceed \$1,995.
- 16. No. PW031302-05 – Authorize the Mayor and Finance Officer to sign Professional Service Agreement with Alliance of Architects & Engineers to Design WRF02-1195, Water Reclamation Facility Waterline for an amount not to exceed \$67,862.
- 17. No. PW031302-06 – Authorize the Mayor and Finance Officer to sign Professional Service Agreement with Alliance of Architects & Engineers to Design SWO02-1203, Yard Waste Composting Facility Surface Water Management Plan for an amount not to exceed \$6,375.
- 18. No. PW031302-08 – Authorize the Mayor and Finance Officer to sign SD DOT Amendment No. 01 to Agreement No. 612607 – Erosion Control Project on Deadwood Avenue.
- 19. No. PW031302-09 – Approve an Initial Resolution Setting Time and Place for Hearing on April 15, 2002 for SS02-1191, Fulton Street Sanitary Sewer Extension Project.

INITIAL RESOLUTION FOR
 FULTON STREET SANITARY SEWER EXTENSION PROJECT SS02-1191

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

- 1. This Council deems it necessary to improve by constructing approximately 140 feet of sanitary sewer main and associated street pavement patching, as described in the proposed Resolution of Necessity for Fulton Street Sanitary Sewer Extension Project SS02-1191 which is on file with the Finance Officer. Payment for the costs of such improvements will be assessed to benefiting properties.
- 2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 15th day of April, 2002 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 18th day of March, 2002.

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

THE CITY COUNCIL
 s/ Jerry Munson, Mayor

- 20. No. PW031302-10 – Approve the Land Acquisition for future site for water reservoir.
- 24. No. PW031302-11 – Approve the purchase of one (1) new current model year ½ Ton, 4x4 pickup from Beck Motors for a total purchase price of \$17,513 under State Contract #13382 for the Solid Waste Operations Division.
- 25. Approve upsizing the water service for Big Sky Subdivision and new elementary school.
- 26. No. 02FV003 – Approve with stipulations a Fence Height Variance for petitioner Lyle Henriksen for WellSpring, Inc. to allow an existing 6 foot fence along Cherry Street to remain at existing height and location on Lot 1-5 of Block 11, Bradsky Subdivision, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1205 East St. James Street.

- 27. Approve a request to reduce Drainage Basin Fee to \$6,769.96 for 718 Steele Avenue, Montana Dakota Utilities Company.
- 29. No. PW031302-13 – Approve a Permanent Drainage Easement and Temporary Construction Easement in the amount of \$13,063 for Ray Tyler and Bunny Tyler.

Legal & Finance Committee

- 31. LF031302-01 - Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Professional Agreement between the City of Rapid City and Short Elliott Hendrickson Inc. for the Completion of the Telecommunication Facilities Master Plan for a No Cost Time Extension to December 31, 2002.
- 32. No. CC031802-03 - Approve the attached policy for providing utility services to areas outside the City limits

A RESOLUTION ESTABLISHING A POLICY REGULATING THE PROVISION OF CITY UTILITY SERVICES TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS

WHEREAS the City of Rapid City has established water and sewer systems; and

WHEREAS the City of Rapid City is growing and new property is regularly annexed into the City; and

WHEREAS the City of Rapid City desires to support orderly growth and development and extension of infrastructure; and

WHEREAS the City of Rapid City desires to ensure the beneficiaries of the extension of City utility service bear the cost thereof rather than the City taxpayers; and

WHEREAS the utility services provided by the City of Rapid City to property located outside of the City limits constitutes an expense to the taxpayers of the City of Rapid City; and

WHEREAS the City of Rapid City determines it is in the best interests of the City of Rapid City to establish a policy that encourages the annexation of property located outside of the City limits that receives City utility service;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby adopts the following policy to regulate extraterritorial provision of utility services:

The Rapid City Council will consider providing water and/or sewer utility services to property located outside of the corporate limits when the utility extensions are necessary to serve either existing or proposed development, subject to the following requirements:

If the City Council agrees to provide utility services to property located outside of the corporate limits, it is desirable that both water and sewer services be extended when physically and economically feasible. If services are extended outside the corporate limits, the applicant shall comply with the following requirements:

- 1. The water and wastewater service shall be sold at a rate of 150% of the retail water/wastewater rate charged to customers within Rapid City. Once the property is annexed into the City of Rapid City, the rate charged shall be 100% of the retail water rate charged to water customers located within Rapid City.
- 2. If the property is eligible for annexation, the property shall be annexed prior to the provision of the requested services. If the property is not eligible for annexation,

the owners of all property served shall enter into an irrevocable agreement running with the property petitioning the City for annexation of the property. System improvements shall be transferred to the City of Rapid City at no cost to the City upon annexation of the property. If the property is annexed into another municipality, the City of Rapid City shall no longer provide utility services.

3. The property served shall be part of a water and/or sewer district. However, the incorporation documents for the water and/or sewer district shall require that the district be dissolved upon annexation of the property into the City of Rapid City.

4. Those requesting service shall pay all of the costs of improvements, including but not limited to the master planning of facilities, as well as the design and oversizing costs required to extend the utility services. Oversizing costs may be recaptured through connection fees from development benefiting from the improvements. All improvements shall be constructed in accordance with the adopted standards of the City of Rapid City and the State of South Dakota.

5. The same conservation standards shall apply to property located outside the corporate limits as those applied to property located inside the corporate limits.

DATED this 18th day of March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 33. No. 01TI001 - Approve Dissolution of Tax Increment District No. 31, Generally Described as Being Located West of Elk Vale Road South of Interstate 90.

A RESOLUTION DISSOLVING
TAX INCREMENT DISTRICT NUMBER THIRTY-ONE

WHEREAS the City of Rapid City created Tax Increment District Number Thirty-One on August 6, 2001; and

WHEREAS no financial obligations have been incurred regarding said Tax Increment District Number Thirty-One; and

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

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

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

Dated this 18th day of March, 2002.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

(SEAL)

34. No. 02TI001 - Approve a Resolution Creating Tax Increment District No. 35, Generally Described as Being Located West of Elk Vale Road and North of SD Highway 44 East.

A RESOLUTION CREATING TAX INCREMENT DISTRICT NUMBER THIRTY-FIVE
CITY OF RAPID CITY

WHEREAS the property within the following described District meets the qualifications and criteria set forth in SDCL 11-9; and,

WHEREAS the Council of the City of Rapid City finds that the aggregated assessed value of taxable property in this District, plus the assessed values of all other districts currently in effect, does not exceed ten percent (10%) of the total assessed value of taxable property in the City of Rapid City; and,

WHEREAS the Council finds that:

- (1) Not less than twenty-five percent (25%), by area, of the real property within the district is a blighted area as defined in SDCL 11-9-9 through 11-9-11; and,
- (2) The improvement of the area is likely to significantly enhance the value of substantially all of the other real property in the district.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the real property legally described as:

West 340 feet of the unplatted portion of the S1/2 NW1/4 SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot A of NE1/4 NW1/4 & NW1/4 NE1/4, Lots A and B of Lot 1 of Lot D of NW1/4 NE1/4, Lot B of NW1/4 NE1/4, Lot 2 of Lot D of NW1/4 NE1/4, Lot C of NW1/4 NE1/4, Lot 1 less Lot H1 in Block 1, Lots 2-4 less Lot H1 in Lot 4 in Block 1, Lot 9 less Lot H1 in Block 1, Lots 6-8 less Lot H1 of Lot 6 in Block 1, Lot 1 less Lot H1 in Block 2, Lot 2 in Block 2, Lot 3 less Lot H1 in Block 2, all located in Johnson School Subdivision, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

School Lot & Lot "RS" in NW1/4 NE1/4, Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Balance of SE1/4 less Lot H1, less Lot H3 of W1/2 SE1/4 & less Lots H3 & H4 of E1/2 SE1/4, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H6 in the Hawthorne Ditch located in the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lot H1 in the east 88 feet of Lot D of the NE1/4 NW1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lots H1 in Lots 6, 7, & 8 in Block 2, Lot H1 in Lot 6 in Block 1, Lots H1 in Lots 4 & 5 in Block 1, and Lots H1 in Lots 3, 4, & 5 in Block 2, all located in the Johnson School Subdivision of the NW1/4 NE1/4 of Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Lots H1 in Lots A & B of the Johnson School Subdivision in the NE1/4 NW1/4 and Lot A of the Johnson School Subdivision in the NW1/4 NE1/4, all in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

School Drive right-of-way south of Lot H1 in the east 88 feet of Lot D of the NE1/4 NW1/4 and south of Lot H1 in Lot 8 in Block 2 of the Johnson School Subdivision of the NW1/4 NE1/4 and south of Inca Drive right-of-way, and the vacated School Drive right-of-way south of Lot C of NW1/4 NE1/4 and south of School Lot & Lot "RS" in NW1/4 NE1/4, all located in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota;

Shadow Drive and Inca Drive rights-of-way in Section 9, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and Jolly Lane Road right-of-way in Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

is hereby designated as Tax Increment District Number Thirty-Five, City of Rapid City.

DATED this 18th day of February 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 35. No. 02TI002 - Approve Tax Increment District No. 35 Project Plan, Generally Described as being Located West of Elk Vale Road and North of SD Highway 44 East.

RESOLUTION APPROVING THE PROJECT PLAN FOR TAX INCREMENT DISTRICT NUMBER THIRTY-FIVE AS SUBMITTED BY THE RAPID CITY PLANNING COMMISSION

WHEREAS the Council of the City of Rapid City has determined that it is in the best interest of the City to implement plans which promote economic development and growth in the City; and,

WHEREAS the Council embraces the concept of Tax Increment Financing as a tool to encourage this desirable growth and redevelopment; and,

WHEREAS there has been established Tax Increment District Number Thirty-five; and,

WHEREAS the Council deems desirable to promote economic development and create jobs in the corporate limits of the City of Rapid City; and,

WHEREAS the Project Plan submitted helps make this development feasible by assisting with the costs of required drainage improvements necessary to safely allow the development of the property; and,

WHEREAS the use of Tax Increment Funding to promote this development is in keeping within the statutes adopted by the South Dakota State Legislature; and,

WHEREAS there has been developed a Project Plan for this Tax Increment District which proposes this improvement; and,

WHEREAS the Council has determined that the Project Plan for Tax Increment District Thirty-five is economically feasible; and,

WHEREAS the Council has further determined that this Project Plan is in conformity with the adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Tax Increment District Project Plan for Tax Increment District Number Thirty-five be, and is hereby, approved as submitted by the Rapid City Planning Commission.

DATED this 18th day of February 2002.

ATTEST: s/ James F. Preston Finance Officer (SEAL)	CITY OF RAPID CITY s/ Jerry Munson, Mayor
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- 36. No. LF031302-02 - Approve Request Approval for Farmer's Market to Operate on City Land at 145 E. Omaha.
- 37. No. LF031302-03 - Approve the bus advertising program and authorize Mayor and Finance Officer to sign the following contracts for advertising on Rapid Transit vehicles: the Millstone (\$50 a month for 10 months), Culvers (\$50 a month for 10 months), JoAnne O'Brien (\$50 a month for 6 months), Juanita Christianson (\$50 a month for 6 months), Sue Drysdale (\$50 a month for 6 months), Gene Hensley (2 spaces each \$50 a month for 6 months), Signature Development (\$50 a month for 6 months), JoAnne O'Brien (Dial A Ride \$50 a month for 6 months), Karen Soderquist (\$50 a month for 6 months), Paula Lewis (2 spaces each \$50 a month for 6 months).
- 38. Direct staff to bring to the March 27, 2002, Legal and Finance Committee meeting an agreement between the Dahl Fine Arts Center and the City for operation and management of the MDU building.
- 39. No. LF031302-04 - 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:

Golf Course
 1988 Bobcat, Model 643, SN 5015M22106

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

Dated this 18th day of March, 2002.

ATTEST: s/ James F. Preston Finance Officer (SEAL)	CITY OF RAPID CITY s/ Jerry Munson, Mayor
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- 40. No. LF022702-07R - 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.
41. Approve Travel Request for Tory Richardson, Executive Director of the Airport, to attend AAAE/ACI-NA Spring Legislative Conference in Washington, DC, from 3/16/02 to 3/19/02 at an approximate cost of \$1,775.50.
 42. No. LF013002-09R - Continue discussion of alternate rules of procedure to the March 27, 2002, Legal and Finance Committee meeting and to change the schedule so that the Legal and Finance Committee meeting on that date will be held at 1:15 p.m.
 43. No. LF031302-06 - Approve the Following Abatements: Thomas H. Barber, 2001, \$470.32; Steven S. Taylor, 2001, \$749.08.
 44. No. CC031802-02 – Approve the following licenses: Commercial Refuse Collector: Alan & Cliff Kieffer; Mark Kostaneski, MK Services Mechanical Installer: Marvin H. Anderson, Joel Brown, Craig Chmelka, Jack Corean, Mark A. Deperte, Chris Derrick, Roger Friedrichsen, Chris Johnson, Todd Johnson, Shawn Kast, Scott Latuseck, Zakary Leier, Ron Lineweber, James Little, Brad Madsen, Randi L. Miller, Edwin Noble, Kenneth Noble, Richard J. Petersen, Philip G. Pulse, Michele Seaman, Christy M. Simons, John B. Thompson, III, Steve Van Dam, Robert Witte Mechanical Apprentice: Todd Chase, Garry Colasardo, Erik Dudley, Terry Englebert, Luke Ronneberg, John Shook, John Shorter, Dan Smith Mechanical Contractor: Richard E. Anderson, Western SD Community Action; Tony Baumstarck, Dakota Heating & A/C; Cody Champion, Champion Home Service; Allen Daly, Geo-Aire, Inc.; Mark Deperte, Mark's Home Services; Harold Lund, Western SD Community Action; Kenneth Noble, Noble Heating & Air Conditioning; Steve E. Prestjohn, Black Hawk Plumbing; Ron Ronneberg, Ronneberg HVAC, Inc.; Alvin S. Rudd, Jr., Rudd Plumbing; William N. Scoular, Iseman Mobile Homes; Lee Seaman, L & M Appliance Specialists, Inc.; Wade Shorb, Geo-Aire, Inc.; Randy Smart, The Trane Service Company; Everett L. Smith, Skinny's Sheet Metal; Kenneth L. Ward, Iseman Mobile Homes; Apprentice Plumber: Christopher Alumbaugh, Josh G. Jamison, Andy Kauffman, Nick Kraft, David C. McClaskey, Dan McGlothlen, Bruce A. Nash, Aaron L. Olson, Scott Skalicky, Brian D. Swenson, Brad Weiland Plumber: James Allen, Bradley E. Anderson, Dennis Brown, Jerome W. Bryant, Dennis C. Carlton, Gayle Christianson, Jerald L. Cihak, Bernard L. Curl, Lonnie G. Evans, Richard E. Godfrey, Terry L. Godfrey, Keith R. Harrison, Daniel I. Hartman, Gregory A. Hartman, Scott C. Hartman, Brian Huckins, Chad Iseminger, Michael A. Johnson, Mike Kasper, Michael Keller, Leo S. Kline, Kelly Krueger, Rodney V. Lagasse, Jef Mattern, Dan A. Michael, Robert A. Mitchell, Michael J. Ogren, John E. Paulson, Tim Podoll, Douglas D. Ries, Estes P. Rothenberger, Timothy L. Saylor, Tim Scholl, Jim Shuman, Leonard Roy Smith, Brian J. Ulmer, Shoun Vanderpol, Doug A. Van Dierendonck, Leo F. Volin, Mark Weglin, Steven J. Wolters; Plumbing Contractor: Barry A. Akley, Precision Plumbing; Gary Algeo, C & S Plumbing; Jon Anderson, Plumbing Plus; David Berdan, J-Berd Mechanical Contractors, Inc.; Brad Bilka, Pine Tree Plumbing; Dennis H. Corcoran, Tessier's, Inc.; Kevin B. Curl, Diamond C Mechanical; Paul Dollman, Paul's Plumbing Service; John K. Drewitz, JKD Plumbing; Chad Erlenbusch, Always Plumbing; Joseph Fischbach, Fischbach Plumbing & Heating; Jack Franke, Day & Night Plumbing; Jason Franke, Day & Night Plumbing; Wayne Gutzmer, Gutzmer Mechanical; Thomas Hagemann, Action Mechanical, Inc.; Carol M. Hallock, Town-N-Country Plumbing; Benjamin (Bruce) Hartley; Irvin Hartman, Wolff's Plumbing & Heating; Robert F. Hillman, Hillman Plumbing & Heating; Rod Holmes, Holmes Plumbing, Inc.; Paul L. Iseminger, Western Mechanical Service; Keith E. Jackson, Action Mechanical; Robert Kenzy, Kenzy Plumbing; Kim A. Kerns, Metro Plumbing, Inc.; Kelly Klein, Hills Plumbing & Heating; Frank Krohmer, Krohmer Plumbing; Larry Nelson, Nelson Ditching & Excavating, Inc.; Larry L. Olson, Olson's Plumbing & Heating; Gene Opstedahl, Opstedahl Plumbing; Gary Pleinis, Pleinis Plumbing; Randy Redinger, Redinger Plumbing & Heating; James Rensch, Rensch Plumbing & Heating; Jim Schnittgrund, Jim's Plumbing & Heating, Inc.; Wesley Scholl, Scholl Plumbing & Heating, Inc.; Terry A. Sharkey, Sharkey Plumbing & Heating, Inc.; Ted Simonson, Western Mechanical; Kenneth Skyberg,

Seepco - Seepco Storage; Scott R. Smith, Aqua Plumbing and Heating; Allan L. Spodnik, Custom Plumbing; Ed Stiefvater, Sr., Action Mechanical, Inc.; Leddy Vanderpool; Dana Walker, Dana's Plumbing; Elmer Wiede, Wiede Plumbing Repair; Residential Contractor: Andrew LeGare Construction Co., Andrew & Helen LeGare; Water Softening Contractor: Culligan Water Conditioning, Gary Robinson

- 45. No. LF031302-07 - Approve a one-time funding request from Front Coalition to provide 1,000 booklets and wallet cards to each person receiving QPR training with said funds coming from the Council Contingency Fund.
- 46. No. LF031302-08 - Authorize the Mayor and Finance Officer to Sign the 2002-2003 CLG Grant Application and Assurances.

End of Consent Calendar

The next item discussed by the Council was No. PW022702-14, Proposed **2002 Swimming Pool Rates**. Motion was made by Johnson and seconded by Murphy to approve the proposed pool rate increases. Johnson spoke in favor of the rate increases noting that it is better to raise the rates by a small amount more often rather than one large increase every 4-5 years. Upon vote being taken, the motion carried with Kriebel and Hadley voting no.

Motion was made by Kriebel and seconded by Hadley to authorize staff to prepare for year round **ice operations**. Hanks noted that if the City goes to year-round operations, the subsidy amount for this facility would be approximately \$170,000 rather than previously anticipated \$140,000. Hanks also requested that staff keep the Council informed if there are drastic changes in the numbers of people using the ice arena during the summer months. Kriebel suggested that the annual shut-down period be delayed until July so that the City doesn't inadvertently hurt the attendance by not being open right when school dismisses for the summer. If the numbers are down considerably, the City could consider not re-opening until the fall season. Upon vote being taken, the motion carried unanimously.

Motion was made by Johnson and seconded by Murphy to approve the **Pool & Ice Committee** recommendation to obtain a contract with Lund Associates to design the entire recreation complex, based on the 1997 plan to adapt to the Roosevelt site and allow phased construction. Hanks stated that he assumes Lund Assoc. will review the amenities that will go into the facility. Rod Johnson noted that this plan will include plans for an outdoor pool, however no funding has been identified for this portion of the project. Upon vote being taken, the motion carried unanimously.

The next item before the Council was No. PW031302-12, approval of recommended changes to existing **Golf Course Fees**. The following Resolution was introduced, read and Dreyer moved its adoption:

RESOLUTION ESTABLISHING GOLF COURSE FEES

BE IT RESOLVED by the City of Rapid City that the following fees are established for use at the Rapid City Municipal Golf Courses, to be effective from January 1, 2002, through December 31, 2002.

- (1) Meadowbrook Golf Course Daily Green Fees (Includes sales tax and development fee)

2002

9 - Hole Weekday	\$ 14.50
9 - Hole Weekend/Holiday	\$ 17.25
9 - Hole Jr./Sr. Weekday	\$ 10.75
18 - Hole Weekday	\$ 25.50

18 – Hole Weekend/Holiday	\$ 28.50
18 – Hole Jr./Sr. Weekday	\$ 20.50

(2) Meadowbrook Golf Course Season Passes / Punch Cards / Range Passes (Season Passes do not include development fee or sales tax.) (Punch Cards include sales tax.)

2002

Adult Single	\$475.00
Adult Couple	\$760.00
Senior Single(Weekdays Only)	\$405.00
Senior Single (Anytime)	\$425.00
Senior Couple	\$660.00
Each Additional Family Member	\$ 75.00
City Employee Season Pass	\$145.00
Child (14 & Under)	\$ 90.00
Junior (15-18)	\$145.00
School Team	\$ 55.00
Driving Range Unlimited (25 Lg Bags)	\$175.00*
Driving Range Unlimited (With Pass)	\$110.00*
Range Balls (Small Bag)	\$ 2.50*
Range Balls (Large Bag)	\$ 4.00*
25 – 9 Hole Punch Card	\$330.00

* includes sales tax

(3) Meadowbrook Golf Course Cart Storage / Cart Rental / Trail Fees / Lockers

2002

Gas Cart Storage	\$275.00**
Electric Cart Storage	\$295.00**
Trail Fee Annual	\$180.00**
Trail Fee Daily	\$ 12.00*
Cart Rental (9 Hole)	\$ 14.00*
Cart Rental (18 Hole)	\$ 24.00*
Yearly Cart Rental	\$525.00**
Lockers	\$ 40.00**

* includes sales tax

** does not include sales tax

(4) Executive and LaCroix Links Daily Green Fees (Includes sales tax and development fees)

<u>Executive</u>	<u>2002</u>
9 – Hole Weekday	\$ 9.00
9 – Hole Weekend	\$ 9.00
<u>LaCroix Links</u>	<u>2002</u>
9 – Hole Weekday	\$ 8.00
9 – Hole Weekend	\$ 8.00

(5) Executive and LaCroix Links Season Passes / Punch Cards / Cart Rentals

2002

12 – 9 Hole Punch Card	\$ 85.00*
25 – 9 Hole Punch Card	\$ 150.00*
50 – 9 Hole Punch Card	\$ 275.00*
75 – 9 Hole Punch Card	Eliminate
100 – 9 Hole Punch Card	Eliminate
Senior Single (Conditional, M-Friday)	Eliminate
Senior Single	\$375.00**
Senior Couple	\$500.00**
Junior (15-18)	\$125.00**
Child (14 & Under)	\$ 80.00**
Cart Rental (Per 9–Hole)	\$ 8.00*

* includes sales tax

** does not include sales tax

BE IT FURTHER RESOLVED by the City of Rapid City that the following Development Fee is established for use at the Rapid City Municipal Golf Courses, effective from January 1, 2002, through December 31, 2002:

Development Fee: (Does Not include tax)

Meadowbrook: The development fee is \$0.93 per 9 – Hole round or \$1.86 per 18 – Hole round.

Executive/LaCroix The development fee is \$0.47 per 9 – Hole round.

The development fee is included in the daily green fees. The development fee is NOT included in the punch card or the season pass fee and will be charged to all season pass holders and punch card holders at tee time. This fee will be used for course improvements as recommended by the Golf Course Operation/Planning Committee. Projects funded from the Development Fund will be posted at each golf course.

BE IT FURTHER RESOLVED by the City of Rapid City that the following fees are established for passes at the Rapid City Municipal Golf Courses, effective from January 1, 2002, through December 31, 2002:

1. Family passes at Meadowbrook = Couple dollar amount plus \$65.00 per each additional family member.

2. Child's pass good weekdays only, and includes play on weekdays at Executive and LaCroix Links.

3. Junior Pass 15-18 years old and area resident students living at home to age 23. Junior passes good at all three courses.

4. "All City" passes are available for Meadowbrook Season Pass Holders. An additional \$65.00 per person fee allows the pass holder to play at all three municipal golf courses and applies to the following season pass holders: Adult Single; Adult Couple; Senior Single (Unconditional); and Senior Couple.

5. Cart usage is limited to two (2) carts per group.

BE IT FURTHER RESOLVED that as used in this Resolution, "senior" means persons 62 years of age or over; "child" means persons 14 years of age or under; "junior" means persons

15 to 18 years of age or is a full time student under the age of 23 living with a parent who is a season pass holder.

BE IT FURTHER RESOLVED that the golf Pro is hereby authorized to offer special rates for play on Meadowbrook, Executive and LaCroix Links as he shall determine to be appropriate for the purpose of encouraging play on said courses.

DATED this 18th day of March, 2000.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Waugh. George Brown explained that the new rates have been reviewed and approved by the Golf Committee as well as the Men's and Women's Golf Associations. Vidal stated that the Committee has recommended these changes in an attempt to keep golfers at the City's courses. Upon vote being taken, the motion to approve the Resolution carried unanimously.

Motion was made by Kroeger and seconded by Steinburg to authorize staff to apply for funds under the **Fire Grant Act** in the sum of \$72,000 to be used to purchase self-contained breathing apparatus. Fire Chief Shepherd explained that the Fire Grant application is for FY02 and FY03 funding so we need to submit next year's application at this time as well. The 2003 grant will be used to purchase 40 portable radios. Revenue from the sale of surplus fire vehicles will be used to off-set the matching funds needed for this grant. Substitute motion was made by Johnson, seconded by Hadley and carried to authorize staff to apply for funds under the Fire Grant Act for FY 2002 & 2003 in the total amount of \$175,000. The grant will be a 70/30 split with local matching funds in the amount of \$52,000.

Motion was made by Kroeger, seconded by Kriebel and carried to authorize the Mayor and Finance Officer to sign the grant agreement with the State for reimbursement of **HAZ-MAT travel expenses**.

The next item before the Council was No. CC031802-04, Resolution extending the moratorium on receiving new applications for off-premise signs to June 30, 2002, and to continue the Off-Premise Signs Task Force Report and recommendation to the March 27, 2002, Legal and Finance Committee meeting. The following Resolution was introduced, read and Hanks moved its adoption:

A RESOLUTION CREATING A MORATORIUM ON THE APPLICATIONS FOR BILLBOARDS/ OFF-PREMISE SIGNS

WHEREAS the City of Rapid City has received numerous complaints regarding the proliferation of billboards in the City of Rapid City; and

WHEREAS the Council finds that it would be in the best interest of the City of Rapid City to research possible regulations for controlling the number, placement, and size of these billboards; and

WHEREAS the City finds these billboards to be a threat to the City's immediate health, safety, and welfare; and

WHEREAS the City enacted a 120 day moratorium on receiving new billboard/off-premise signs on December 17, 2001; and

WHEREAS the City has determined that additional time is necessary to give full and complete consideration to options for addressing the proliferation of billboards;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby extends the moratorium on receiving applications for new billboards/off-premise signs approved on December 17, 2001 until such time as the Council has addressed the regulation of placement, size, and/or number of billboards/off-premise signs through the passage and effective date of a city ordinance, or June 30, 2002, or such time as the Council agrees to lift this moratorium, whichever is shorter.

BE IT FURTHER RESOLVED that this resolution is necessary for the immediate preservation of the public peace, health, or safety, or support of the municipal government and its existing public institutions and that this resolution takes effect from and after the 18th day of March, 2002.

DATED this 18th day of March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

Munson noted that the Committee regarding adult-oriented businesses was approved under the Mayor's items earlier in the meeting.

Public Hearings

The Mayor announced the meeting was open for consideration of the Assessment Roll for **Highland Park Drive Street** & Utility Reconstruction Project W00-895 (No. CC030402-02). Motion was made by Kroeger and seconded by Steinburg to approve the Resolution. Dean Potts requested that this hearing be continued for two weeks in order to meet with staff on this issue. Substitute motion was made by Hanks, seconded by Johnson and carried to continue this hearing until April 1, 2002.

Planning Department Consent Items

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

- 50. No. 02AN002 – Approve the request by Pennington County Commission for a **Petition for Annexation**, located north of E. St. Patrick Street and south of SD Highway 44.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 5.3946 acres, more or less, is hereby included within the corporate limits of the City annexed thereto:

The 50 foot E. St. Charles Street right-of-way lying north of Lots A,C, D, E, F, G, & H in Schlottman Addition and the 66 foot E. St. Andrew Street right-of-way lying north of Lots O, P, Q, R, S, & T in Schlottman Addition, and the east half of Sedivy Lane lying south of SD Highway 44 and north of the railroad tracks, all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota

Dated this 18th day of March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

- 51. No. 02AN003 – Approve the request by City of Rapid City for a **Petition for Annexation**, located east of SD Highway 79, south of Fairmont Boulevard and north of Minnesota Street.

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 32.1217 acres, more or less, is hereby included within the corporate limits of the City annexed thereto:

The 80 foot wide vacated Brave Heart Street right-of-way on the southern boundary of Lot 1 and Lot 2 of Deblen Subdivision and the northern boundary of Block 1 and 4 as shown on the plat of Block 1 and 4 of Lot 2 of NW1/4 NW1/4 and of Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4, Section 17, T1N, R8E, and the 80 foot wide vacated Red Cloud street right-of-way lying within Lot A and B of Tract 2 of Kormylo Subdivision and Block 1 and 2 as shown on the plat of Blocks 1 and 4 of Lot 2 of NW1/4 NW1/4 and Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4 Section 17, T1N, R8E, all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota.

Dated this 18th day of March, 2002.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

(SEAL)

52. 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 APRIL 1, 2002)
53. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW1/4 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO APRIL 1, 2002)
54. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO APRIL 1, 2002)
55. 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 APRIL 1, 2002)
56. No. 01PL096 - A request by Gary Rasmusson for a **Final Plat** 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 APRIL 1, 2002)
57. 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 APRIL 1, 2002)
58. No. 01PL102 - A request by Alliance of Architects for American West Communities for a **Layout Plat** on the S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Reservoir Road and South Side Drive. (ACKNOWLEDGE THE APPLICANT'S WITHDRAWAL)
59. No. 01PL103 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-6, Block 1; Lots 1-5, Block 2; and Lots 1-9, Block 3 of Enchanted Pines Subdivision,

Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the northern terminus of Enchanted Pines Drive. (CONTINUE TO APRIL 1, 2002)

60. 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. (CONTINUE TO APRIL 1, 2002)
61. No. 01PL127 - A request by Doug Sperlich for Jeff Stone for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO APRIL 15, 2002)
63. 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 APRIL 15, 2002)
64. 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 APRIL 1, 2002)
65. 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 APRIL 1, 2002)
66. No. 02PL009 - A request by Polenz Land Surveying for Chuck Farrar for a **Preliminary and Final Plat** on Lots 16P Revised and Lot 17P revised in Block 2 of Chapel Lane Village Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. (CONTINUE TO APRIL 1, 2002)

- 67. No. 02PL011 - A request by Centerline, Inc. for 3 T's Land Development LLC for a **Preliminary Plat** on Lots 23 thru 30 and Lots 41 thru 48, Minnesota Ridge Subdivision, located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract C of Robbinsdale Addition No. 10 located in the SW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of the intersection of Minnesota Street and 5th Street. (CONTINUE TO APRIL 1, 2002)
- 68. No. 02PL012 - A request by Dream Design International, Inc. for Stoney Creek Inc. for a **Preliminary and Final Plat** on Lot 24, Block 3; Lots 4, 5, and Outlot "A", Block 4; Lots 1-22, Block 6 of Stoney Creek Subdivision and dedicated Nugget Gulch Drive, Harvard Avenue, Columbia Court, Cornell Court and major drainage easements located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Catron Boulevard and Sheridan Lake Road. (CONTINUE TO APRIL 1, 2002)
- 69. No. 02PL013 – Approve the request by Fisk Land Surveying & Consulting Engineers for Franklin Simpson for a **Preliminary and Final Plat**, located north of North Plaza Drive and west of Fountain Plaza Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Tract 13R2 of S.G. Interstate Plaza (formerly all of Tract 13 Revised of S.G. Interstate Plaza and a portion of Tract B – Fountain Springs – Golf Course and Gardens) located in NE1/4 of Section 27, T2N, 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 Tract 13R2 of S.G. Interstate Plaza (formerly all of Tract 13 Revised of S.G. Interstate Plaza and a portion of Tract B – Fountain Springs – Golf Course and Gardens) located in NE1/4 of Section 27, T2N, 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 18th day of March, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

End of Planning Department Consent Calendar

The next item discussed by the Council was No. 02PL003, a request by Dream Design International, Inc. for a **Layout Plat** on the SE1/4 NE1/4 & W1/2 SE1/4 of Section 14, T2N, R7E BHM, Pennington County, South Dakota; and NE1/4 NE1/4 of Section 23, T2N, R7E,

BHM Pennington County, South Dakota; and SW1/4 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. Motion was made by Kroeger and seconded by Waugh to approve the Layout Plat with stipulations. Hani Shafai explained that the applicant has requested that this plat be withdrawn. They will discuss options with staff and re-apply at a later time. Substitute motion was made by Hanks, seconded by Kroeger and carried to acknowledge the applicant's withdrawal of this item.

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 April 1, 2002.

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 and seconded by Waugh to continue this item until April 1, 2002. Carol Peterson submitted petitions signed by many of the adjoining property owners who will be affected by the platting request. The people signing the petition object to the proposed use of the property as proposed by Mr. Lee. She added that her attorney is reviewing this issue and her objections and he will be submitting documents on her behalf. Upon vote being taken, the motion to continue carried unanimously.

Planning Department – Hearings

The Mayor presented No. 01CA032, a request by Wyss Associates for W.E.B. Partners for an **Amendment to the Comprehensive Plan to change the future land use designation on a 3.202 acre parcel from Office Commercial to General Commercial** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34d36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until April 1, 2002.

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 Johnson and carried to continue this item until April 1, 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 Johnson and carried to continue this item until April 1, 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 Waugh and carried to continue this item until April 1, 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 Waugh and carried to continue this item until April 1, 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 Waugh and carried to continue this item until April 1, 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 Waugh and carried to continue this item until April 1, 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 Waugh and carried to continue this item until April 1, 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 Steinburg and carried to continue this item until April 1, 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 Waugh and carried to continue this item until April 1, 2002.

The Mayor presented No. 02CA010, 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 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 Steinburg and carried to continue this item until April 1, 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 Waugh and carried to continue this item until April 1, 2002.

The Mayor presented No. 02CA012, 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 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 Waugh and carried to continue this item until April 1, 2002.

The Mayor presented No. 02CA014, a request by Dream Design International, Inc. for Stoney Creek Inc. for a **Comprehensive Plan Amendment by revising the Major Street Plan from a collector road to a local road with a 52 foot right of way on that portion of Nugget Gulch** on the E1/2 SW1/4, less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Catron Boulevard and Sheridan Lake Road. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until April 1, 2002.

The Mayor presented No. 01PD021, a request by Wyss Associates, Inc. for W.E.B. Partners for a **Revocation of Initial Development Plan - Planned Commercial Development** on the following property: Beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, legally described by metes and bounds beginning from a point 973.88 feet at a bearing S 89° 39' 0" East from the NW corner of SE1/4 of Section 11, Township 1 North, Range 7 East, Black Hills Meridian, travel 1363.79 feet at a bearing S 89° 39' 0" East, then travel 107.83 feet at a bearing S 57° 14' 9" West, then travel 63 feet at a bearing S 38° 41' 0" West, then travel 89 feet at a bearing S 68° 55' 0" West, then travel 47 feet at a bearing S 54° 43' 0" West, then travel 95 feet at a bearing S 47° 3' 0" West, then travel 77 feet at a bearing S 69° 31' 0" West, then travel 254.50 feet at a bearing S 45° 26' 11" West, then travel 363.99 feet at a bearing S 34° 35' 20" East, then travel 300.07 feet at a bearing S 45° West, then travel 305.00 feet at a bearing S 34° 36' 5" East, then travel 165.44 feet at a bearing S 45° W, then travel 26.8 feet at a bearing N 89° 39' 0" West, then travel 431.35 feet at a bearing N 22° 2' 42" West, then travel 178.19 feet along a 230 foot LHF curve with a chord bearing N 0° 8' 58" East, then travel 482.32 feet at a bearing N 45° West, then travel 129.8 feet at a bearing South, then travel 319.54 feet at a bearing S 50° 52' 56" W, then travel 349.50 feet at a bearing North, then travel 65.15 feet at a bearing West, then travel 392.28 feet at a bearing N 0° 21' 0" East, to the point of start, parcel described contains approximately 16.87 acres, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until April 1, 2002.

The Mayor presented No. 01PD052, a request by Dream Design International, Inc. for a **Planned Residential Development - 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 Steinburg and carried to continue this item until April 1, 2002.

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, R7E, BHM, Rapid City, Pennington County, South Dakota located at 3054 Lodgepole Place. Motion was made by Kroeger, seconded by Steinburg and carried to approve the requested Amendment, with the following stipulations: 1) That the new driveway shall be constructed to incorporate the existing drain pan profile; 2) That the drain pan shall be continually maintained; 3) That any repair of the drain pan shall be the home owner's responsibility; 4) That the drainage channel shall be continually kept clear of any obstructions; 5) A Building Permit shall be obtained prior to any construction; 6) Prior to Final Inspection of the garage, the deck attached to the east side of the residence shall be reconstructed to remove that portion of the deck that encroaches into the adjacent common area; and, 7) That any further expansion of any structure on the property will require a Major Amendment to the Planned Residential Development.

The Mayor presented No. 01PD062, a request by Wyss Associates for Web Real Estate Holdings Company LLC for a **Planned Development Designation** on the following property:

Beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until April 1, 2002.

The Mayor presented No. 01PD064, a request by Bryan K. Gonzales for Pride Neon, Inc. for a **Major Amendment to a Planned Commercial Development to revise the sign package** on , legally described as Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 640 Flormann Street. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until April 15, 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 Johnson and carried to continue this item until April 1, 2002.

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** on the east 26' of Lot 2 of Block 21, Lot 3 Revised and Lot 4 Revised of Block 6, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 120 East Adams Street and 202 East Adams Street. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until April 15, 2002.

The Mayor presented No. 01SV031, a request by Alliance of Architects for American West Communities for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, dry sewer, street conduit and to allow sidewalk on one side of the street** on the S1/2 of the NE1/4 and the SE1/4 except Bradeen Subdivision of Section 22 and NE1/4 Section 27, T1N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Reservoir Road and South Side Drive. Motion was made by Kroeger, seconded by Steinburg and carried to acknowledge the applicant's withdrawal of this item.

The Mayor presented No. 02SV001, a request by Fisk Land Surveying for Dakota Land Development for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access easement** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/Highway 44 west north of the Fish Hatchery. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until April 1, 2002.

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 Steinburg and carried to continue this item until April 1, 2002.

The Mayor presented No. 02SV007, a request by Polenz Land Surveying for Chuck Farrar for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk and street light conduit** on Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until April 1, 2002.

The Mayor presented No. 02SV008, a request by Dream Design International, Inc. for Stoney Creek Inc. for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide** on the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Catron Boulevard and Sheridan Lake Road. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until April 1, 2002.

The Mayor presented No. 02VR002, a request by Thurston Design Group, LLC for Rapid City Arts Council for a **Vacation of Right of Way** on the alley adjacent to Lots 1-5 and Lots 28-32 of Block 103 of the Original Town of Rapid City located in the NW1/4 of the NW1/4 of Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 713 Seventh Street. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until April 1, 2002.

Ordinances & Resolutions

The Mayor presented No. 01RZ054, second reading of **Ordinance 3738**, a request by Wyss Associates for W.E.B. Partners for a **Rezoning from Office Commercial District to General Commercial District** on the following described property: Beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until April 1, 2002.

The Mayor presented No. 01OA025, second reading, of **Ordinance 3773**, entitled an Ordinance Amending Sections 17.16.020(17); 17.18.020(12); 17.18.030(29); 17.22.020; 17.22.030(J); 17.24.020B(2); 17.24.030(C); and Adding Section 17.50.380 to Chapter 17.50 of the Rapid City Municipal Code Regarding Off-Premise Signs as Uses on Review. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until April 1, 2002.

Ordinance 3787 (No. LF022702-06) Supplemental Appropriation No. 1 for 2002, having passed the first reading on March 4, 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, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3787 was declared duly passed upon its second reading.

The Mayor presented No. 02RZ005, second reading of **Ordinance 3788**, 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: 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. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until April 1, 2002.

The Mayor announced the meeting was open for hearing on No. 02RZ007, second reading of **Ordinance 3789**, a request by Laverne Anderson for Leone Anderson for a **Rezoning from Flood Hazard District to General Commercial** on the following property: 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. Motion was made by Hanks and seconded by Waugh to continue this hearing to April 1, 2002 to allow the applicant to provide a revised legal description and to remove the fill from the hydraulic floodway. Mel Dreyer abstained from discussion or voting on this item. Glen Plummer spoke in favor of rezoning this property to commercial. He is interested in this site as the location of a fitness center on this side of Rapid City. Bill Caldwell and Dave Williams also spoke in favor of rezoning this property to commercial. Dean Scott submitted a topographic survey of the subject property which delineates the floodway, flood fringe and base flood elevations. The map also shows the location of the fill which was added to the property by Mr. Anderson. Leone Anderson explained that he and his brother have owned the property since 1985 and to the best of their knowledge have followed all the City's regulations (even though there is a dispute). Attorney Brian Utzman, representing Mr. Anderson, asked the Council to focus on the motion which requires the applicant to remove fill that was put on the property. The fill has been on the property for 14 years and the applicant has received four grading permits during that time. Anderson has received no correspondence from the City requiring that the fill be removed. The applicant is requesting that the City allow the fill to remain as it has been for the last 14 years. Utzman added that there have been no objections to the rezoning of this property to general commercial. He added that Mr. Anderson is aware that he will have to abide by all ordinances governing the floodway. Utzman requested that the City Council vote on whether or not the fill should be removed. City Attorney Adam Altman stated that nothing in the grading permits that were issued authorizes the placement of fill on this property. The fact that it has been there for 14 years does not make it legal. Public Works Director Dan Bjerke explained that in 1988, the applicant had a consultant review the hydraulic floodway area for this property. The consultant indicated that there was material that had been added to the floodway and it needed to be removed. Bjerke stated that over the years the City has advised Mr. Anderson that the fill had to be removed, but no written documents were submitted. Bjerke added that if the fill is allowed to remain, it will increase the flood boundaries on either side of the creek. Properties that were not originally included in the floodplain will now be located in that designation. Randy Nelson, Engineering Division Manager explained that some of the information that was submitted was incomplete. The grading permit issued in 1997 states very explicitly that 1) all requirements of Scott Kenner's 1988 letter must be met and account for new BFEs; 2) provide new topo showing progress of grading and 3) no embankment within 14' of the back property line. These are the conditions put on the grading permit and it was signed by Mr. Anderson. Nelson submitted a map showing the impact of

allowing the fill to remain and the properties that would be pulled into the flood plain area. The development done by Mr. Anderson has been to the detriment of the properties that will be pulled into the floodplain area. Johnson asked when the most recent revision was done to the FEMA maps. Nelson stated they were revised in 1998, however they did not take into account the fill on the subject property. They used the topography that existed prior to the fill being placed on the property. Johnson stated that he is not comfortable directing that the fill be removed after 14 years. This should have been done by a previous City Council and they will have to live with it. Kriebel stated that he feels the Council should consider this issue in more detail. He would like to find a way to protect the floodway and keep the City's policy in tact and accommodate a landowner to the maximum extent possible. Substitute motion was made by Hadley, seconded by Kriebel and carried to continue this hearing to the Public Works Committee Meeting on March 27, 2002.

The Mayor announced the meeting was open for hearing on No. 02RZ008, second reading of **Ordinance 3790**, 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 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. Notice of hearing was published on March 9 and March 16, 2002. Ordinance 3790, having had the first reading on March 4, 2002, it was moved by Hadley and seconded by Hanks that the title be read the second time. Upon vote being taken thereon, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3790 the second time.

The Mayor announced the meeting was open for hearing on No. 02RZ009, second reading of **Ordinance 3791**, a request by City of Rapid City for a **Rezoning from No Use District to General Agriculture District** on the following property: 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. Notice of hearing was published on March 9 and March 16, 2002. Ordinance 3791, having had the first reading on March 4, 2002, it was moved by Hadley and seconded by Johnson that the title be read the second time. Upon vote being taken thereon, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3791 the second time.

The Mayor presented No. 02RZ010, second reading of **Ordinance 3792**, a request by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on the following property: 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. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until April 1, 2002.

The Mayor presented No. 02RZ011, second reading of **Ordinance 3793**, a request by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on 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. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until April 1, 2002.

The Mayor presented No. 02RZ012, second reading of **Ordinance 3794**, 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. Motion was made by Hadley, seconded by Steinburg and carried to continue this hearing until April 1, 2002.

The Mayor presented No. 02RZ013, second reading of **Ordinance 3795**, 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: 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. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until April 1, 2002.

Ordinance 3796 (No. LF031302-05) entitled An Ordinance Amending Section 8.08.030, Section 8.08.070, and Section 8.08.090 of Chapter 8.08 of the Rapid City Municipal Code Relating to Garbage and Refuse, was introduced. Motion was made by Hadley and seconded by Murphy to approve first reading. Lois Owens, Norma Thomsen and Barbara Dodd spoke against automated garbage. They expressed concerns about the size of the containers, where they would be housed and how they would look in neighborhoods. Johnson stated that he feels the City should have more public comment on this issue. Roll call vote was taken: AYE: Hadley, Murphy, Dreyer, Kroeger, Waugh and Kriebel; NO: Johnson, Hanks and Steinburg. Motion carried, 6-3, and second reading of Ordinance 3796 was set for Monday, April 1, 2002.

Ordinance 3797 (No. 02OA004) entitled An Ordinance Adding "Pet Stores" as a permitted use in certain zoning districts by amending Section 17.04 of the Rapid City Municipal Code by adding a new section 17.04.546 and amending Sections 17.18.020(30), 17.30.020(B)(1), and 17.32.020(B)(1), was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3797 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 1, 2002.

Ordinance 3798 (No. 02RZ014) a request by City of Rapid City for a **Rezoning from No Use District to General Commercial District** on Tract B of SW1/4 SW1/4 less right-of-way, less the east 318.2 feet of Tract B of SW1/4 SW1/4 less right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 262 North Cambell Street, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3798 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, April 1, 2002 at 7:00 P.M.

Ordinance 3799 (No. 02RZ015) a request by City of Rapid City for a **Rezoning from No Use District to Heavy Industrial District** on the east 318.2 feet of Tract B of SW1/4 SW1/4 less right-of-way, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1513 E. Philadelphia Street, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3799 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, April 1, 2002 at 7:00 P.M.

Ordinance 3800 (No. 02RZ016) a request by City of Rapid City for a **Rezoning from No Use District to Flood Hazard District** on the North Lot of Block 3 of Cleghorn Canyon No. 2 and Lot F4 of Fish Hatchery Subdivision, located in Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 5100 Cleghorn Canyon Road, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3800 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, April 1, 2002 at 7:00 P.M.

Legal & Finance Committee Items

Motion was made by Hadley and seconded by Hanks to approve the following language for amendments regarding **oversize garages**: (No. CC031802-05) 17.04.315 Garage, private. "Private garage" means an accessory building or part of a main building used primarily for storage and which shall not be used for commercial purposes. The maximum cumulative allowable size of all garages or carports shall be one thousand **five hundred** square feet or thirty percent of the size of the gross floor area of the dwelling unit(s), whichever is greater. In no event shall the size of the building footprint of the garage(s) or carport(s) exceed the footprint of the dwelling unit(s). The garage(s) or carport(s) shall be used only by persons residing on the premises. Any garage not meeting these requirements shall be allowed only as a conditional use pursuant to 17.08.030(J). Johnson stated that he opposed the amendment because he feels it creates a system where we accommodate more of the people of wealth in the community. It was noted that this will have to go through the ordinance amendment procedure. Upon vote being taken, the motion carried with Johnson voting no.

Public Works Committee Items

Motion was made by Kroeger, seconded by Murphy and carried to approve No. PW022702-06 – Authorize staff to advertise for bids PR02-1197, **McKeague Field Lighting Project**.

Motion was made by Kroeger and seconded by Waugh to authorize staff to advertise for bids **New Automated Garbage Trucks** (No. PW031302-02). Johnson spoke against the request noting that staff should wait until the ordinance has taken effect. Bjerke stated that staff will not submit the notice for advertising until the ordinance has taken effect. Substitute motion was made by Waugh, seconded by Kriebel and carried to continue this item until April 15, 2002.

Motion was made by Kroeger, seconded by Hadley and carried to continue No. PW031302-03 – Authorize staff to advertise for bids **New Automated Garbage and Recycling Containers**, until April 15, 2002.

Motion was made by Kroeger, seconded by Murphy and carried to authorize the Mayor and Finance Officer to sign Professional Service Agreement (No. PW022702-10) with West Plains Engineering to Design PR02-1197, **McKeague Field Lighting Project** for an amount not to exceed \$2,845.80.

Bills

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

Payroll Ending 3-09-02, Paid 3-15-02	564,387.26
Payroll Ending 3-09-02, Paid 3-15-02	3,540.90
First American Admin., 3-04-02 Claims, Paid 3-6-02	59,031.33
First American Admin., 3-11-02 Claims, Paid 3-13-02	51,492.99
Berkley Risk Administrators, 2-02 Claims, Paid 03-05-02	6,350.33
Pioneer Bank, bond payments, Paid 3-5-02	56,234.35
SD Department of Revenue, sales tax, Paid 3-13-02	14,968.63
Park Hill Development, Oakland Street, revised design	667.50
US Post Master, billing postage	1,500.00
Computer Bill List	<u>2,461,624.08</u>
Total	<u>\$3,219,797.37</u>

Payroll Ending 3-09-02, Paid 3-15-02	2,476.21
City of Rapid City, postage	166.57
City of Rapid City, liability insurance	116.00
Sinclair Fleet Fueling, gasoline	35.76
SD Retirement System, pension	224.64
SD School of Mines, telephone	64.40
Standard Life, insurance	7.92
Travel Center, Sr. Corp. Conference	<u>643.00</u>
Total	<u>\$3,223,531.87</u>

City Attorney

Altman requested that the Council reconsider Item No. 27 from the Consent Calendar. It did not receive unanimous approval at Committee and should not have been on the Calendar. Motion was made by Hadley, seconded by Johnson and carried to reconsider Item No. 27 which was approved on the Consent Calendar. Motion was made by Kroeger and seconded by Hanks to approve a request to reduce Drainage Basin Fees to \$6,769.96 for 718 Steele Avenue, Montana Dakota Utilities Company. Bjerke stated that staff does not support the request to reduce the drainage fees in the approximate amount of \$6,700 for this project. This developed area will be a contributing factor to the drainage basin. Upon vote being taken thereon, the motion carried with Murphy voting no.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:10 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)