

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

April 1, 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, April 1, 2002 at 7:00 P.M.

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

Motion was made by Hanks, seconded by Hadley and carried to **approve the minutes** of March 18, 2002.

Bid Openings

The following bids for **In-Place Pipeline Reconstruction Project** SSW01-1105 were opened on March 28, 2002:

		<u>Schedule 1</u>	<u>Schedule 2</u>
1)	Insituform Technologies (bond submitted)	\$305,833.00	No Bid
2)	PEC, Inc. (bond submitted)	\$325,895.50	No Bid

Staff has reviewed the bids and recommends award of Schedule 1 to Insituform Technologies. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for SSW01-1105 (Schedule 1) to Insituform Technologies, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$305,833.

The following bids for **Rapid Ride Transit Shelters Project** TS02-1199 were opened at 2:00:

1)	Brasco International, Inc. (bond submitted)	\$29,640.00
2)	Duo-Gard Industries (check submitted)	\$30,780.00

Staff has reviewed the bids and recommends award to Brasco International. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for TS02-1199 to Brasco International, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$29,640.

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

1)	Stan Houston Equipment (no bond submitted)	\$16,566.86
2)	JD Evans, Inc. (check submitted)	\$16,121.00
3)	Butler Machinery (bond submitted)	\$20,660.00
4)	Bierschbach Equipment (bond submitted)	\$16,600.00
5)	Jenner Equipment (check submitted)	\$11,738.00
6)	RDO Equipment (bond submitted)	\$17,318.00

Staff has reviewed the bids and recommends award to Jenner Equipment. Motion was made by Hanks, seconded by Steinburg and carried to award the bid for a Skid Steer Loader for the Golf Course to Jenner Equipment Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$11,738.

The following bids for **Propane Gas** were opened at 2:30:

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|----|----------------------------|---------------------|
| 1) | Ameri-Gas (bond submitted) | \$.44137 per gallon |
|----|----------------------------|---------------------|

Staff has reviewed the bid and recommends award. Motion was made by Johnson, seconded by Rodriguez and carried to award the bid for Propane Gas to Ameri-Gas, the only bidder, in the bid amount of \$.44137 per gallon, and allow the option to extend the contract through 2003, 2004 and 2005.

Mayor's Items

Mayor Munson presented the **Citizen of the Month Award** to Margaret Rossknecht and commended her for outstanding volunteer service to the community.

Special Items and Items from Visitors

Alice Johnson asked if the City Council had reviewed the information she submitted on pedestrian safety for children. Hanks stated that a representative of the PATH Committee would contact Mrs. Johnson in the near future.

Consent Calendar

The following items were removed from the Consent Calendar:

16. No. PW032702-14 – Authorize the Mayor and Finance Officer to sign a Purchase Agreement for Lot 3, Holliridge Subdivision, NWNE4, Section 31, T1N, R7E, in the amount of \$70,000 with contingencies outlined in the purchase agreement.

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

Set for Hearing (None)

Public Works Committee Items

4. No. PW032702-04 – Approve the bid award of Hot Mixed Asphaltic Concrete and Asphalt Maintenance Mixtures for Various City Departments to Simon Contractors of South Dakota for Bid Items 1, 2 and 3, based on their low unit prices bid; and Hills Materials Company for Bid Items 4, 5, 6 and 7, based on their low unit prices bid with the option of extending the 2002 contract through the calendar years of 2003, 2004 and 2005.
5. No. PW032702-05 – Approve the bid award of Oxygen and Acetylene for Various City Departments to the lowest responsible bidder meeting specifications, A & B Welding Supply Company, Inc. based on their low unit prices bid with the option of extending the 2002 contract through the calendar years of 2003, 2004 and 2005.
6. No. PW032702-06 – Approve the bid award of Ready Mixed Concrete for Various City Departments to the lowest responsible bidder meeting specifications, Birdsall Sand & Gravel a division of Pete Lien & Sons, Inc. based on their low unit prices bid with the option of extending the 2002 contract through the calendar years of 2003, 2004 and 2005.
7. No. PW031302-01 – Authorize staff to advertise for bids for PR01-1051, Rapid City Community Centers.
8. No. PW032702-07 – Authorize staff to advertise for bids for IDP00-1036, Landfill Shop New Addition.
9. No. PW032702-08 – Authorize staff to advertise for bids for ST00-1039, Block 23 Alley Paving Project (Flormann Addition).

10. No. PW032702-09 – Authorize staff to advertise for bids for W02-1156, Water Well No. 12 Project.
11. No. PW032702-10 – Authorize staff to advertise for bids for ST02-1158, 2002 Mill and Overlay Projects.
12. No. PW032702-11 – Authorize staff to advertise for bids for One (1) New Current Model Year Triplex Collar and Tee Mower for Municipal Golf Courses.
13. No. PW031302-07 – Authorize the Mayor and Finance Officer to sign an Agreement between the City of Rapid City and Rapid City Area School District No. 51-4 for Joint Use of the Rapid City Community Centers.
14. No. PW032702-12 – Authorize the Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with CETEC Engineering Services, Inc. to Design SS98-806, Hawthorne Avenue Sanitary Sewer Reconstruction Project for an amount not to exceed \$7,690.
15. No. PW032702-13 – Authorize the Mayor and Finance Officer to sign Black Hills Power, Inc. Right-Of-Way Permit – OH/UG Corporation to install underground cable for the Water Reclamation Plant expansion project.
17. No. PW032702-15 – Approve Out-of-the-Dust Funds in the amount of \$3,000 for ST02-1204, Block 21, Wise Addition Alley Paving Project located from Maple Avenue to Herman Street between Van Buren and East Adams Streets.
18. No. PW032702-16 – Direct the Mayor to appoint a committee to Review City's Snow Removal Policy.
19. No. 02VE002 – Approve a Vacation of Utility Easement for petitioner David Reyelts, located at 5547 Barberry Circle.

RESOLUTION OF VACATION OF DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that a portion of the drainage and utility easement on Lot 12 of Block 2 of Countryside South Subdivision, Section 32, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, is not needed for public purposes; and

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

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

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

Dated this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

20. No. PW032702-17 – Approve a Travel Request for Daniel L. Bjerke, Public Works Director to attend 2002 American Water Works Association Annual Conference and Exposition, New Orleans, LA in the amount of \$2,094.

Legal & Finance Committee

21. No. LF032702-01 - Approve Travel Request for Todd "TJ" Nicolai to Attend Advanced HazMat Technician Classes at the Emergency Response Training Center in Pueblo, CO, from May 5-11, 2002, in the amount of \$1,789.72.
22. No. LF032702-02 - Authorize Staff to Enter into a Contractual Agreement with State of South Dakota for a Grant to Cover the Expenses of the Above Trip.
23. LF032702-03 - Authorize staff to advertise for a public hearing to consider the following option for amendments to provide appeal process for conditional use permits: require the Planning Commission to act on all Conditional Use Permits within sixty days of submission of the application.
24. No. LF032702-04 - Authorize Mayor and Finance Officer to Sign RSVP Grant Renewal for 2002/2003.
25. No. LF032702-05 - Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Human Resources Division

Cyborg Payroll/ Personnel System, Inv. No. 08437

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 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

26. No. LF032702-06 - Authorize Mayor and Finance Officer to Sign Agreement with Rapid City Racers Swim Club, Inc.
27. No. LF032702-07 - Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Black Hills Sports, Inc.
28. No. LF032702-08 - Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Rushmore Little League, Inc.
29. No. LF032702-09 - Authorize Mayor and Finance Officer to Sign Lease Agreement between City of Rapid City and Timberline Little League, Inc.
30. Authorize Staff to Add One FTE (Recreation Facility Maintenance Operator Worker) to Ice Arena.
31. No. LF032702-10 - Approve Request of Ken L. Gray, dba Goofy Moose Ice Cream, for Renewal of Concession Agreement for 2002.
32. No. LF032702-14 - Authorize Mayor and Finance Officer to Sign Contract with West Group in the sum of \$344 per month.
33. No. LF032702-11 - Approve the following abatement: Joshua S. Carlson, 2001, \$381.10.
34. No. CC040102-01 – Approve the following licenses: Mechanical Contractor: Kevin Broom, K & D Appliance; Gerald G. Cook, Accurate Plumbing & Heating; Lee Estes,

Aero Sheet Metal; John Hammond, Jr., Action Mechanical; Wayne Piebenga, Wyo-Dak Plumbing & Heating; J. Craig Waddington, High-Tech Mechanical; Curt Wieman, Wieman Plumbing; Dave Willard, FBI Mechanical Electrical; Raymond R. Winters, Ray's Heating & Air Conditioning; Mechanical Apprentice: Douglas Amick, David E. Bay, James D. Brunner, Frank Evans, Kenneth M. Gibson, Tim Hillestad, Mark A. Krolikowski, John LeFler, Jr., Travis Lykken, Jamey Nolan, Randy T. Palmer, Justin Peckham, Jeff Phelps, Mitch Shaffer, Paul R. Saenz, Mark Sigler, Leonard Snaveley, Victor Zepeda; Merchant Security License: DECO Security Services, Inc., Keith Lyle Emerson; Plumbing Contractor: Mike Buseti, Black Hills Plumbing; Tim Callahan, Callahan Plumbing & Heating; Gerald G. Cook, Accurate Plumbing & Heating; Dennis J. Dow, Roscamp Plumbing & Heating; Douglas W. Ficken; John D. Hammond, Jr., Action Mechanical; Dwight Kuntz, Action Mechanical; Michael K. Lindberg, MKL Plumbing; Wayne Piebenga, Wyo-Dak Plumbing & Heating; Albert Prestjohn, Black Hawk Plumbing; Robert Raczynski, AAA Plumbing; Alvin S. Rudd, Jr., Rudd Plumbing; John D. Shook, Action Mechanical; Curt Wieman, Wieman Plumbing; Apprentice Plumber: John Berglund, Jacob D. Kerns, Donald R. Lindberg, Bill Mathieu, Kirt Ratliff, Wayne R. Riley, James A. Stover, Ryan Strand, William Two Lance, Duane Venable, Loren A. Voss; Plumber: Gerald C. Barry, Eric T. Blackwell, Doug Brown, Joel Brown, Samuel Lloyd Foight, Roger Friedrichsen, Hilmen O. Hanson, Tim Hillestad, Cecil Lewton, Steve E. Prestjohn, Lloyd J. Roscamp, Tom Schultz, John F. Shorter, Rick A. Sidle, Leonard Snaveley, Myron Tatum, Louie J. Tippmann, Timothy Lee Van Buren; Security Business License: Elite Law Enforcement Services, Steven Gene Young; Sewer & Water Contractor: Scull Construction, Doug Wilson; Sewer & Water Installer Journeyman: William T. Schamber; Residential Contractor: Liberty Homes, Inc., Chad Lewis; Markco Construction, Inc., Mark Williams; Water Softening Contractor: Champion Water Systems, Inc., Paul Champion. Approve renewal of the following licenses: Sewer & Water Contractor: Stagebarn Excavating, Michael R. Schnell; Sewer & Water Installer Journeyman: Michael Irwin, Thomas Lester; Trenching Journeyman: Jerry Thompson

35. No. LF032702-12 - Approve Parks and Recreation Subcommittee recommendation of support for the Six Pillars of Character Pavilion proposal.
36. No. LF032702-13 - Approve Re-Appointment of Jared Wilhelmi to the Zoning Board of Adjustment.

Raffle

- 36A. Notification from Dakota Transitional Head Start of their intent to conduct a raffle on April 18, 2002

End of Consent Calendar

Motion was made by Murphy and seconded by Rodriguez to approve No. PW032702-14 – Authorize the Mayor and Finance Officer to sign a Purchase Agreement for Lot 3, Holliridge Subdivision, NWNE4, Section 31, T1N, R7E, in the amount of \$70,000 with contingencies outlined in the purchase agreement. Dreyer abstained from discussion or voting on this item. Upon vote being taken, the motion carried with Dreyer abstaining.

Public Hearings

The Mayor announced that the meeting was open for consideration of the assessment roll for **Highland Park Drive Street & Utility Reconstruction Project** W00-895 (No. CC030402-02). Notice of Hearing was published in the Rapid City Journal on February 25, 2002 and mailed to affected property owners on February 5, 2002. Engineering Division Manager Randy Nelson submitted a revised Assessment Roll for the Council's consideration. Council members and staff met with the property owners and everyone has agreed to the new numbers. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
HIGHLAND PARK DRIVE STREET & UTILITY
RECONSTRUCTION PROJECT W00-895

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the street & utility reconstruction project is the amount stated in the proposed assessment roll.
2. The assessment roll for Highland Park Drive Street & Utility Reconstruction Project W00-895 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor announced that the meeting was pen for consideration of the assessment roll for **Cleanup of Miscellaneous Properties**. Notice of Hearing was published in the Rapid City Journal on March 25, 2002 and mailed to affected property owners on March 6, 2002. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
CLEANUP OF MISCELLANEOUS PROPERTIES

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

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

Dated this 1st day of April, 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 Rodriguez. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Planning Department Consent Items

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

38. 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 15, 2002)
39. 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 15, 2002)
40. 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 MAY 20, 2002)
41. 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 15, 2002)
42. No. 01PL096 - A request by Gary Rasmusson for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sitka Street and Hemlock Street. (CONTINUE TO APRIL 15, 2002)
43. 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 Avenue), located at the intersection of Degeest Street and Homestead Avenue. (CONTINUE TO APRIL 15, 2002)

45. 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 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 15, 2002)
46. No. 01PL123 - A request by Rice Valley View Properties for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota, legally described as Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1033 Omaha Street. (CONTINUE TO APRIL 15, 2002)
47. 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 MAY 20, 2002)
48. 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 15, 2002)
49. 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 15, 2002)
50. 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 15, 2002)

52. No. 02PL014 - A request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** on Lots 1A and 1B of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 1 of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of East Oakland Street and Smith Avenue. (CONTINUE TO APRIL 15, 2002)
53. No. 02PL015 – Approve the request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** located at the southeast corner of the intersection of East Oakland Street and Sydney Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 4A and 4B of Block 4 (formerly Lot 4 of Block 4) of Park Meadows Subdivision, located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

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

Dated at Rapid City, South Dakota, this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

54. No. 02PL016 - A request by Doug Sperlich for Gordon Howie for a **Layout Plat** on Lots 1 thru 18 of Block 17 of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of the intersection of Teak Drive and Covington Street. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to Preliminary Plat approval, complete engineering drawings for the proposed cul-de-sac shall be submitted for review and approval; 2) Prior to Preliminary Plat approval, the applicant shall submit a utility master plan showing existing and proposed utility mains and service lines; 3) Prior to Preliminary Plat approval, the plat shall be revised to include non-access easements on proposed Lots 1 and 15 along the frontage of Teak Drive and along the proposed cul-de-sac for a

minimum distance of 50 feet from the intersection of Teak Drive and the proposed cul-de-sac; 4) Prior to Preliminary Plat approval the applicant shall provide design plans that provide common-use visitor parking at the rate of one paved parking stall per dwelling located within 300 feet of the residence, obtain a Special Exception to the common-use visitor parking requirement, or revise the street plans and plat to reflect sufficient width to allow on-street parking; 5) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer shall be submitted showing the extension of water mains for review and approval; 6) Upon submittal of the Preliminary Plat, grading plans and a complete drainage plan shall be submitted for review and approval; 7) Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 8) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, a complete street design plan shall be submitted showing the location of utilities, storm drainage, curb and gutter, and sidewalk improvements; 9) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 10) Upon submittal of the Preliminary Plat, the proposed road name shall be submitted for review and approval; 11) An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits; 12) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 13) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.

55. No. 02PL017 - A request by Kip M. Garland for a **Preliminary and Final Plat** on Lot 14R and Lot 15R of Block 14 of Trailwood Village, located in the NE1/4 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as formerly Lot 14 and Lot 15 of Block 14 of Trailwood Village located in the NE1/4 SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota located at 2821 Shad Street. (CONTINUE TO MAY 6, 2002)
56. No. 02PL018 - A request by Robert and Donald Grimm for a **Layout Plat** on Lot 4 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Balance of Tract B of Government Lot 3 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Creek Drive and Viewfield Avenue. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of the Preliminary Plat, the plat shall be revised to show a non-access easement along the Creek Drive property line and 50 feet along the Viewfield Drive from the intersection of Creek Drive and Viewfield Drive; 2) Upon submittal of the Preliminary Plat, sewer plans prepared by a Register Professional Engineer showing the extension of the sanitary sewer main along Creek Drive shall be submitted for review and approval; 3) Upon submittal of the Preliminary Plat, water plans prepared by a Register Professional Engineer showing the extension of water mains along Creek Drive and Viewfield Avenue shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, complete engineering plans prepared by a Register Professional Engineer shall be submitted for review and approval, including a complete street design plan and storm water drainage plan for Creek Drive and Viewfield Drive where they abut the subject property; 5) Prior to Preliminary Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division; 6) Prior to Preliminary Plat approval by the Planning Commission, the proposed plat shall be revised to show the existing right of way width along the Creek Drive frontage and show the dedication of additional

right of way as necessary to meet the requirements of the Street Design Criteria Manual for arterial streets; 7) Prior to Preliminary Plat approval by the Planning Commission, major drainage easements shall be shown on the plat as required by the Engineering Division; 8) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 9) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 10) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid or a variance to the Subdivision Regulations shall be obtained.

57. No. 02PL019 – Approve the request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** located south of the intersection of East Oakland Street and Smith Avenue.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1R, 2R, 3R, 4R, 5R, and 6R of Block 3 (formerly Lots 1, 2, 3, 4, 5 and 6 of Block 3) of Park Meadows Subdivision, located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

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

Dated at Rapid City, South Dakota, this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

58. No. 02PL020 - A request by Doug Sperlich for Gordon Howie for a **Preliminary and Final Plat** on Lots 1 thru 6 of Block 17 of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of the intersection of Teak Drive and Covington Street. (CONTINUE TO APRIL 15, 2002)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 01PL103, a request by Dream Design International, Inc. for a **Final Plat** located at the northern terminus of Enchanted Pines Drive. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Enchanted Pines Subdivision including Lots 1-6, Block 1; Lots 1-5, Block 2; Lots 1-9, Block 3 in the S1/2 of the NW1/4 of the NE1/4 of Section 23, T1N, R7e BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that Plat of Enchanted Pines Subdivision including Lots 1-6, Block 1; Lots 1-5, Block 2; Lots 1-9, Block 3 in the S1/2 of the NW1/4 of the NE1/4 of Section 23, T1N, R7e BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer 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 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 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. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until later in the agenda (after No. 74).

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 15, 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 SE1/4 of the NE1/4 of Section 13,

T1N, R6E, BHM, Pennington County, South Dakota, located at 6905 West Highway 44. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until April 15, 2002.

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, located west of the western terminus of Fairmont Boulevard and north of Tower Road. The following Resolution was introduced, read and Kroeger moved its adoption, in conjunction with the associated revocation of the applicable portions of the Initial Development Plan (Planned Development Application No. 01PD021) and approval of the related rezoning and Planned Development Designation:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 as follows: 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; and then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, and good cause appearing therefor

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

Dated this 1st day of April, 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 Rodriguez. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 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** located north of Catron Boulevard and east of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 located in the N1/2 of Government Lot 1 of the NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and good cause appearing therefor

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

Dated this 1st day of April, 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 Rodriguez. Kent Hagg requested that the City Council deny the changes in the City's comprehensive plan for development along Catron Boulevard. The City conducted a public forum at Grandview School last December and the residents of this area expressed overwhelming opposition to the proposed development in this area. Hagg stated that this will be a prime development area and he urged the Council to make sure it is not a shoddy or inferior development. He added that one of the main objections of the people living in this area is the proposal to locate a 53 acre mobile home court on a portion of this property. The residents of this area feel this would have a negative impact on their property values. Pat Hahn and Regina Jar also spoke against the proposed development of this property. The people living in this area have expressed concerns about the proposed mobile home court and deletion of the requirement for a Planned Commercial Development on certain portions of the property. Planning Director Elkins went through the compromises that were reached between the Planning Commission and the developer for each of the properties being discussed. She added that the Planning Commission recommendation relative to the mobile home park is to deny without prejudice (Item No. 02CA012), however, the petitioner can re-apply at any time and start the process over again. Dreyer stated that in order for a mobile home park to be located in this area, an application would have to be reviewed by the Planning Commission and approved by the City Council. This process would also require additional legal notification of surrounding property owners as well as legal advertisements. Elkins concurred. Hahn stated that most of the people who are concerned about this issue do not own property close enough to the subject property to be included in the required notification. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None; whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 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**, located North of Catron Boulevard and east of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 located in the S1/2 of Government Lot 1 of the NW1/4 NW1/4, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 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**, located north of Catron Boulevard and east of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 17.9 acre parcel from Office Commercial with a Planned Commercial Development to Office Commercial with the exception of that portion of property located within 550 feet of Catron Boulevard located in N1/2 of Government Lot 2 of the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

ATTEST:

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

s/ James F. Preston
Finance Officer
(SEAL)

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

The Mayor presented No. 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**, located north of Catron Boulevard and east of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 .82 acre parcel from General Commercial with a Planned Commercial Development to General Commercial with the exception of that portion of property located within 550 feet of Catron Boulevard located in 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, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

ATTEST:
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Steinburg. The following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson; whereupon said Resolution was declared duly passed and adopted.

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** located south of Catron Boulevard and east of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 9 acre parcel from Public Drainage and General Commercial with a Planned Commercial Development to General Commercial with the exception of that portion of the north 900 feet of Government Lot 3 lying within 550 feet of Catron Boulevard right-of-way located in the 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, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 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**, located south of Catron Boulevard and east of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 for Government Lot 3 less the north 900 feet in the NW1/4 SW1/4 and for Government 4 in the SW1/4 SW1/4, all located in Section 19, T1N, R8E, BHM, Pennington County, South Dakota, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 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 Steinburg and carried to deny the requested amendment without prejudice.

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 Murphy and carried to deny the requested amendment without prejudice.

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**, located south of Catron Boulevard and west of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 13.3 acre parcel from Low Density Residential with a Planned Residential Development and Medium Density Residential with a Planned Residential Development to Office Commercial for that area of property lying more than 550 feet from Catron Boulevard but within 1000 feet of Catron Boulevard located in the The NW 1/4 SE1/4 less Highway 16B Right of Way of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 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 with a Planned Residential Development to Medium Density Residential**, located south of Catron Boulevard and west of the proposed 5th Street extension. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider 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 8.5 acre parcel from Low Density Residential with a Planned Residential Development to Medium Density Residential on the north 280 feet of the SW1/4 SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02CA011, 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 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 Steinburg and carried to deny the requested Amendment without prejudice.

The Mayor presented No. 02CA012, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 53 acre parcel from Medium Density Residential with a Planned Residential Development to Mobile Home Park** on the south 420 feet of the NE1/4 SW1/4 and SE1/4 SW1/4 all in Section 24, T1N, R7E, Pennington County, South Dakota, located south of Catron Boulevard and west of the proposed 5th Street extension. Motion was made by Kroeger and seconded by Steinburg to deny the requested Amendment without prejudice. Kent Hagg and Pat Hahn spoke against allowing any mobile home parks in this area. Hagg requested that the City deny this item with prejudice so that no mobile home parks could be located on this property. He also requested that the notification requirements be broadened so that more people in this area would be notified. Planning Director Elkins added that the City's ordinance specifies the notification distance. If this is to be changed, it will have to be done by ordinance amendment. Alternatively, the Council could request that staff provide a courtesy notification to individuals if an application for a mobile home court is submitted on this property. This would be a courtesy provided by the City, not a requirement of the applicant. Substitute motion was made by Kriebel and seconded by Hadley to deny the requested amendment. Hanks reiterated that any request to locate mobile homes in this area will have to go through a conditional use process. He urged the council to have a note placed in the file to do a courtesy mailing to interested persons if any requests of this nature are submitted. Second substitute motion was made by Hanks and seconded by Murphy to deny the requested amendment without prejudice and direct staff to place a note in the file and have notification go out to all property owners within the South Robbinsdale Neighborhood Area, as identified on the Future Land Use Map if any applications for a mobile home park are submitted for this property. Johnson questioned the need to send notification to such a large area when many of the people in that area will not be affected to development on the subject property. He suggested that certain people be notified and they can relay the information to the interested neighborhoods. Roll call vote was taken on the second substitute motion: AYE: Murphy, Rodriguez, Hanks, Kroeger and Steinburg; NO: Johnson, Hadley, Dreyer, Waugh and Kriebel. The Mayor voted NO to break the tie and the second substitute motion failed, 5-6. Upon vote being taken, the first substitute motion to deny the requested amendment carried with Hanks, Kroeger, Steinburg and Rodriguez voting no.

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 and seconded by Waugh to deny the requested amendment without prejudice. Hani Shafai explained that this road is identified as a collector street on the City's Master Plan between Sheridan Lake Road and Catron Boulevard. The road system within the adjacent Springbrook Acres is sub-standard and does not meet criteria for a sub-collector road which is the type of road that serves most residential areas in the community. The traffic counts coming from this area are very low and are currently being handled by the existing road system. They do not warrant the need for a collector road. Shafai submitted a handout and explained that the petitioner is proposing to provide a road designed as a sub-collector with three lanes at the intersection with Catron Boulevard. The three lanes will allow the traffic to make a left turn onto Catron Boulevard and also will allow for a right turn from Catron Boulevard to the new street. The topography behind Springbrook Acres is very steep and will not allow connections to Highway 16 or Skyline Ranch Road. A collector road is designed for two 12' lanes with a right-of-way of 60'. Shafai stated that the petitioner is proposing a right-of-way of 59' with two lanes of 13.5' at the intersection. He requested that this application be approved and the road be allowed as a sub-collector. Planning Director Elkins stated that this application will only affect the portion of the road from Catron Boulevard to the edge of Springbrook Acres. Engineering Division Manager Randy Nelson stated that the issue of collector vs. sub-collector mainly deals with the width of the

right-of-way and the design speed. The design speed will dictate the vertical and horizontal curve alignment which can have an impact on the amount of grading that is required. A collector street is not intended to be three lanes in all cases; it will accommodate three lanes when needed, for instance at intersections. Nelson stated that this street is properly classified as it is shown now in the Major Street Plan (as a collector) although there may be room for discussion on pavement and right-of-way widths. He stated that the classification should remain as a collector since that is the function of this road. Kriebel stated that he doesn't see the traffic being generated from this area to engineer a road to a collector status especially when the rest of the roads in the area are sub-standard. Substitute motion was made by Kriebel and seconded by Kroeger to approve the requested amendment with the proposed road being classified as a sub-collector. Shafai stated that the pavement width being proposed is 27' compared to the City requirement of 24'. He added that the street will be designed to provide speeds in excess of 25 MPH. If the City is willing to work with the 59' right-of-way the petitioner will design the road in excess of the required design speeds for a collector. He added that the petitioner also intends to provide wider pavement width than required by the City. The only thing that will not be provided for a collector street is the 60' right-of-way. Because of the terrain in this area, only 52' is available for the right-of-way. Substitute Motion was made by Hanks to approve the following Resolution:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider an amendment to the Comprehensive Plan by revising the Major Street Plan to reclassify a portion of Nugget Gulch from a collector road to a local road with a 52 foot wide right of way on property legally described as the E1/2 SW1/4, less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

ATTEST:
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Dreyer (approve requested amendment based upon a collector status, but reduce the right-of-way width to 52'). Nelson stated that based on Shafai's design for three lanes at the Catron Boulevard intersection and that the required easements are available for utilities, he could accept this proposal. Johnson noted that by this motion, the Council is approving the widened street design as proposed by Hani Shafai. Upon vote being taken, the motion carried unanimously.

The Mayor presented 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. Motion was made by Kroeger and seconded by Waugh to continue this item until April 15,

2002. Substitute motion was made by Rodriguez, seconded by Johnson and carried to approve the Preliminary Plat with the following stipulations and continue the final plat until April 15, 2002: 1) Prior to City Council approval of the Preliminary Plat, the road construction plans shall be revised to show Nugget Gulch as a collector road or a Comprehensive Plan Amendment shall be approved eliminating Nugget Gulch as a collector road from the Major Street Plan; 2) Prior to City Council approval of the Preliminary Plat, Special Exceptions shall be requested, as specified by Section 1.2.5 of the Street Design Criteria Manual, and approved to allow a 42.5 foot cul-de-sac diameter width in lieu of the required 45 foot cul-de-sac diameter width and to reduce the intersection radii at the Howard Avenue/Nugget Gulch intersection from 25 feet to 15 feet or the road construction plans shall be revised to provide the minimum design standards required by the Street Design Criteria Manual; 3) Prior to City Council approval of the Preliminary Plat, the road construction plans shall be revised to show curb, gutter and sidewalk along Catron Boulevard or a Variance to the Subdivision Regulations shall be obtained; 4) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 5) Prior to City Council approval of the Preliminary Plat, geotechnical information demonstrating pavement design shall be submitted for review and approval; 6) Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Catron Boulevard and along Nugget Gulch except for approved approach location(s). In addition the plat shall be revised to show a non-access easement along the first fifty feet of the corner lots located at the Columbia Court/Harvard Avenue intersection and the Cornell Court/Harvard Avenue intersection and the first 75 feet of the corner lots located at the Harvard Avenue/Nugget Gulch intersection; 7) Prior to City Council approval of the Final Plat, surety shall be posted for Catron Boulevard and Arrowhead Basin Detention improvements as required by the "Agreement for Catron Boulevard Improvements Project and Arrowhead Basin Detention Pond Project" dated September 18, 2000 and addendums; 8) Prior to City Council approval of the Final Plat, a revised grading and drainage plan shall be submitted for review and approval; 9) Prior to City Council approval of the Final Plat, the applicant shall work with the Fire Department to develop and implement a Fire Mitigation Plan; 10) The Uniform Fire Code shall be continually met; 11) Prior to City Council approval of the Final Plat, an alternate road name for "Columbia Court" shall be submitted for review and approval and the plat shall be revised accordingly; 12) Prior to City Council approval of the Final Plat, the plat shall be revised eliminating "Phase II" from the title; 13) Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential District with a Planned Development Designation; 14) Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 15) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 16) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid; and, 17) Prior to City Council approval, applicant will submit revised construction plans for review and approval complying with all requirements of the Street Design Criteria Manual. The petitioner shall meet all design requirements for a collector road with the exception of the right-of-way width.

The Mayor presented No. 02CA015, a request by Dream Design International, Inc. for a Major Street Plan Amendment, an element of the Comprehensive Plan, by removing two proposed collector streets from the Major Street Plan, located within Red Rock Estates Subdivision in the NW1/4 NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington, County, South Dakota, located southwest Rapid City and surrounding area. Motion was made by Kroeger, seconded by Steinburg and carried to approve the requested Amendment, with the following stipulation: 1) That the intersection geometrics of Prestwick Road and Muirfield Drive and the future street in the northwest corner of Red Rocks Estates and Prestwick Road are designed to comply with all City standards.

The Mayor presented No. 02CA016, a request by FMG, Inc. for N.W. Engineering for an **Amendment to the Comprehensive Plan revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.9 acre parcel from Heavy Industrial to Medium Density Residential**, located north of East North Street and east of Riley Avenue. The following Resolution was introduced, read and Kroeger, moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN
OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 1st day of April, 2002 to consider an amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Area Future Land Use Plan to change the future land use designation on a 4.9 acre parcel from Light Industrial to Medium Density Residential located in 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, and good cause appearing therefor

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

Dated this 1st day of April, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

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

The Mayor presented No. 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: Area to be revoked: property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, on property described by metes and bounds beginning from a point 973.88 feet at a bearing S89°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 S89° 39' 0" East, then travel 107.83 feet at a bearing S57°14'9" West, then travel 63 feet at a bearing S38° 41' 0" West, then travel 89 feet at a bearing S68°55'0" West, then travel 47 feet at a bearing S54°43'0" West, then travel 95 feet at a bearing S47°3'0" West, then travel 77 feet at a bearing S69°31'0" West, then travel 254.50 feet at a bearing S45°26'11" West, then travel

363.99 feet at a bearing S34°35'20" East, then travel 300.07 feet at a bearing S45° West, then travel 305.00 feet at a bearing S34°36'5" East, then travel 165.44 feet at a bearing S45°W, then travel 26.8 feet at a bearing N89°39'0" West, then travel 431.35 feet at a bearing N22°2'42" West, then travel 178.19 feet along a 230 foot LHF curve with a chord bearing N0°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 S50°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 N0°21'0" East, 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 approve the request in conjunction with the Planned Development Designation.

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 Hanks and carried to approve the Development Plan with the following stipulations: 1) Prior to issuance of any building permit, information shall be submitted documenting that the septic system has been designed to allow the future abandonment of the septic system and allow a direct connection to the central sanitary sewer system when available; 2) All residential lowest finish floors shall be constructed higher than the minimum finished floor elevations as identified on the Final Development Plan. Prior to Final Development Plan approval by the City Council, the applicant shall identify on the Planned Residential Development Plan the lowest finish floor elevation for all lots; 3) All lots shall have a minimum of a 1,500 gallon septic tank; 4) A dry sanitary sewer system shall be installed along Enchanted Pines Drive prior to the issuance of any building permits or surety shall be posted; 5) Prior to the issuance of any building permits and prior to any on-site construction using combustible material(s), an all weather surface access shall be installed, an approved water supply shall be provided and all fire hydrants shall be installed and operational; 6) No building permit shall be issued until a Wild Land Fire Mitigation Plan has been submitted for review and approved by the Rapid City Fire Department; 7) In any area where the City Street Design Criteria Manual standards cannot be met with regards to access, turnarounds, grades and required fire flows, all structures in those areas shall be required to have a residential fire sprinkler system installed throughout; 8) All driveways shall meet the minimum standards of the Street Design Criteria Manual; 9) An Air Quality Permit shall be obtained prior to any development work or construction in excess of one acre; 10) A maximum of twenty (20) single family detached dwelling units shall be allowed. Any other use allowed in the Low Density Residential Zoning District may be allowed through a Major Amendment to this Planned Residential Development; 11) All provisions of the Low Density Residential Zoning District shall be met unless otherwise specifically authorized; 12) A minimum of two off-street parking spaces shall be provided for each residence; 13) No signs, other than regulatory street signs, are authorized unless a Major Amendment is submitted for review and approved; and, 14) The Planning Director may approve lighting customarily accessory to the residential use of the property; however, in no case shall the lighting be directed toward an adjacent property. Streetlights constructed in accordance with the City of Rapid City standard specifications are hereby authorized. Any additional lighting may be approved as 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 property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont

Boulevard and north of Tower Road. Motion was made by Kroeger, seconded by Rodriguez and carried to approve the requested PDD with the stipulation that no off-premise signs be allowed on the site.

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 and north of the Fish Hatchery. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until April 15, 2002.

The Mayor presented No. 02SV001, a request by Fisk Land Surveying for Dakota Land Development for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street on Feather Ridge Court and to waive the requirement to install sidewalk, curb and gutter, street light conduit, dry sewer and water on the access easement** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/Highway 44 west, north of the Fish Hatchery. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until April 15, 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 Rodriguez and carried to continue this item until May 20, 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 Hanks and carried to continue this item until April 15, 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 Johnson and carried to approve the requested variance.

The Mayor presented No. 02SV010, a request by CETEC Engineering for Park Hill Development Inc. for a **Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide** on the following property: Lots 1R, 2R, 3R, 4R, 5R, and 6R of Block 3 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 1, 2, 3, 4, 5, and 6 of Block 3 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of East Oakland Street and Smith Avenue. Motion as made by Kroeger, seconded by Hanks and carried to approve the requested variance.

The Mayor presented No. 02SV011, a request by Fisk Land Surveying & Consulting Eng. for Thomas Lee for a **Variance to the Subdivision Regulations to allow a lot more than twice as long as it is wide** 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, South Dakota, legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, located at 6905 West Highway 44. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until April 15, 2002.

The Mayor presented No. 02SV013, a request by Robert and Donald Grimm for a **Variance to the Subdivision Regulations to waive the requirement to install curb and gutter, street light conduit, water line and pavement on Viewfield Avenue and to waive the requirement to install sewer and street light conduit on Creek Drive** on Lot 4 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Balance of Tract B of Government Lot 3 of Grimm Addition, Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of Creek Drive and Viewfield Avenue. Motion was made by Kroeger, seconded by Waugh and carried to acknowledge the applicant's withdrawal of this item.

The Mayor presented No. 02VR002, a request by Thurston Design Group, LLC for Rapid City Arts Council for a **Vacation of Right of Way**, located at 713 Seventh Street. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears the public right of way described as: 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, is not needed for public purposes,

WHEREAS the owner of said property desires said right of way to be vacated and released,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that this right of way heretofore described, and as shown on Exhibit A attached hereto, be and the same is hereby vacated; and

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of right of way in regard thereto.

Dated this 1st day of April, 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 Murphy. Michael Collins spoke against vacating this alley. He expressed concern about the safety of the children which frequent this area because of their association with Faith Temple Church. He also expressed concerns about the deletion of needed parking in this area and questioned the need for an additional theatre in the community. Collins urged the Council to deny the request to vacate this right-of-way. Gail Gillespie, Wayne Zako, Richard Baum, Sharon Colquitt, Yan Severs, Tera Walker, Greg Stromen, Evelyn Kelly and Bishop Kelly also spoke

against vacating this right-of-way because of negative impacts on Faith Temple Church. They urged the City and the Dahl representatives to find another way to expand the center. Al Scovel spoke against vacating the right-of-way and read a letter from John Vucurevich who was also opposed to expanding the Dahl Center according to the current plan. Jabari Morgan spoke in favor of the vacation of right-of-way noting that he doesn't feel it will affect the church as much as the members think. He added that he feels the expansion of the Dahl Fine Arts Center will have a tremendous impact on the community and the people who live here. Eric Heikus, Linda Anderson, Ron Colrick, Judy Vidal and Fred Thurston also spoke in favor of the expansion project at the Dahl Center and the proposed vacation of the right-of-way. They urged the Council to move forward with this project for the benefit of the entire community. There was lengthy discussion about different proposals that have been discussed and the pros and cons of this project as they relate to Faith Temple Church and the Dahl Center expansion project. Stewart Wevik from Black Hills Power & Light Company explained that if the alley is vacated, the private utility companies have no legal right to be located in the alley. He requested that the City retain a temporary easement for utilities in the alley if the right-of-way is vacated. Hadley spoke against the motion because of the negative impacts on the Church's parking and operations. Thurston explained that relocation of the utilities would be a cost of the project and it has been budgeted for. Kroeger added the following wording to his motion to approve the Resolution: Approval of the vacation is contingent on the recording of a temporary access and utility easement for the private utility companies, and that the reconstruction of the utility easements will be part of the construction project. Roll call vote was taken: AYE: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger, Dreyer and Kriebel; NO: Hadley and Steinburg. Motion to approve carried, 8-2.

Ordinances & Resolutions

Ordinance 3738, (No. 01RZ054) a request by Wyss Associates for W.E.B. Partners for a **Rezoning from Office Commercial District to General Commercial District** on property described by metes and bounds beginning from a point 1795.13 feet at a bearing S89°39'0"E from the SW corner of the NW1/4 of the SE1/4 of Section 11, T1N, R7E, BHM, travel 431.35 feet at a bearing N22°2'42"W, Then travel 310.56 feet along a 230' LHF curve with a chord bearing N16°38'12" E, Then travel 161.93 feet at a bearing N55°19'17"E, Then travel 227.59 feet at a bearing S34°35'20"E, Then travel 300.07 feet at a bearing S45°W, Then travel 305.00 feet at a bearing S34°36'5"E, Then travel 165.44 feet at a bearing S45°W, Then travel 26.8 feet at a bearing N89°39'0"W, to the point of start, located west of the western terminus of Fairmont Boulevard and north of Tower Road, having passed the first reading on October 1, 2001, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3738 was declared duly passed upon its second reading.

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 Waugh and carried to continue this hearing until April 15, 2002.

Ordinance 3783 (No. LF013002-10) entitled An Ordinance Amending Section 2.08.090 of Chapter 2.08 of the Rapid City Municipal Code Relating to Rules, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3783 was placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, April 15, 2002.

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 Rodriguez and carried to continue this item until April 15, 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 Hadley and seconded by Waugh to continue this hearing until April 15, 2002. Dreyer abstained from discussion or voting on this item because of a conflict of interest. Leone Anderson requested that the Council make a decision on this question tonight rather than continuing the hearing until April 15th. No additional action will be taken until the City decides if the fill can remain where it is or if it has to be removed. Bill Caldwell spoke in favor of rezoning this property to general commercial. He noted that the property owner must abide by all the City's development regulations for flood hazard property. Brian Utzman, attorney for the Andersons, requested that the City take action on the requests before the Council at this time. Mr. Anderson has indicated that it would be acceptable to him to include a planned development overlay on this property to give the City some control of the development of the property. Utzman added that the fill has been on the property for 14 years and the City has not formally notified Mr. Anderson to have it removed during that time. Substitute motion was made by Johnson and seconded by Waugh to allow the fill to remain on this property. City Attorney Adam Altman stated that the fact that the fill has been there for 14 years does not make it legal. It is illegal and the burden is on the applicant to prove to the City that it is legal. The fact remains that the base flood elevation has increased dramatically as a result of the fill placed on the property. As a result it has subjected properties which are not naturally in the floodway, to floods in the 100 year flood event. Altman added that the City may face some liability based on these facts. Altman recommended that the City require the removal of this fill. Public Works Director Dan Bjerke explained that the City has an agreement with FEMA to manage the flood hazard zone. Under this agreement, FEMA provides underwriting for flood insurance and the City manages the flood hazard zone. Bjerke suggested that a representative from FEMA come to a meeting and discuss the program with the Council. Council action to allow this fill to remain could have an affect on the program because it will definitely have an impact on other properties. Johnson stated that based on a visual inspection of these properties, he questioned the validity of the FEMA maps. Hanks called the question and there were no objections. Upon vote being taken, the motion to allow the fill to remain carried with Murphy voting no and Dreyer abstaining.

Regarding **Ordinance 3789**, motion was made by Hanks and seconded by Kroeger to approve second reading. Planning Director Elkins noted that a stipulation cannot be added to a rezone ordinance. If the petitioner does not follow through and submit the appropriate applications for a planned development, the Council could vote to change the zoning back to flood hazard. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez,

Waugh, Kroeger, Hadley and Kriebel; NO: None, (Dreyer abstained) whereupon the Mayor declared the motion duly passed and read the title of Ordinance 3789 the second time.

The Mayor announced the meeting was open for hearing on 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. Notice of hearing on this ordinance was published in the Rapid City Journal on March 9 and March 16, 2002. Ordinance 3792, 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. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3792 the second time.

The Mayor announced the meeting was open for hearing on 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. Notice of hearing on this ordinance was published in the Rapid City Journal on March 9 and March 16, 2002. Ordinance 3793, 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. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3793 the second time.

The Mayor announced the meeting was open for hearing on 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. Notice of hearing on this ordinance was published in the Rapid City Journal on March 9 and March 16, 2002. Ordinance 3795, 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. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3795 the second time.

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, having passed the first reading on March 18, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. Pat Hahn stated that they used a similar refuse removal system when she lived in Great Falls, MT and it worked very well. She urged the Council to proceed with automated garbage removal. Tracy Gannon, President of the AFSCME Union, expressed the following concerns about the proposed change in the garbage removal system: 1) loss of jobs; 2) requirement for driver to get in and out of the truck, and 3) dollar amount of savings generated by change in service. Johnson spoke against approval of the ordinance at this time. He urged the Council to allow time for additional public comment and education. Asst. Public Works Director Ted Vore indicated that if the ordinance is approved, staff does not intend that it be implemented until March 1, 2003. Roll call vote was taken: AYE: Hadley, Murphy, Dreyer, Kroeger, Waugh and Kriebel; NO: Johnson, Rodriguez, Hanks and Steinburg. Motion carried, 6-4.

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), having passed the first reading on March 18, 2002, it was moved by Hadley and seconded by Dreyer that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3797 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **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. Notice of Hearing was published in the Rapid City Journal on March 23 and March 30, 2002. Ordinance 3798, having had the first reading on March 18, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3798 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3799**, (No. 02RZ015) a request by the 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. Notice of Hearing was published in the Rapid City Journal on March 23 and March 30, 2002. Ordinance 3799, having had the first reading on March 18, 2002, it was moved by Hadley and seconded by Dreyer that the title be read the second time. The

following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3799 the second time.

The Mayor announced the meeting was open for hearing on **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. Notice of Hearing was published in the Rapid City Journal on March 23 and March 30, 2002. Ordinance 3800, having had the first reading on March 18, 2002, it was moved by Hadley and seconded by Dreyer that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3800 the second time.

The Mayor presented No. 02OA002, First Reading, **Ordinance 3801**, a request by City of Rapid City for an **Ordinance Amendment** amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats. Motion was made by Hadley, seconded by Hanks and carried to continue first reading until May 6, 2002.

The Mayor presented No. 02OA003, First Reading, **Ordinance 3802**, a request by City of Rapid City for an **Ordinance Amendment** amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.037 pertaining to expiration of approved Layout Plat and Preliminary Plats. Motion was made by Hadley, seconded by Murphy and carried to continue first reading until May 6, 2002.

Ordinance 3803 (No. 02RZ017) a request by City of Rapid City for a **Rezoning from No Use District to Public District** on the following property, was introduced: A tract of land located in the E1/2 of Section 5 and the W1/2 of Section 4, all in T1N, R7E, BHM, Pennington County, South Dakota, more fully described as: Beginning at the North 1/16 Section corner of Section 4 and 5, T1N, R7E, said point being marked with a 2 inch diameter United States Department of Interior and Bureau of Land Management cadastral survey steel cap marker dated 1998, and also as shown on the plat of dedicated street right of way signed and approved by the Common Council of the City of Rapid City on the 19th day of May, 1969, said point being the True Point of Beginning; THENCE FIRST COURSE: A bearing of S°00°01' W, on the Section line, and a distance of 1314.04 feet to the 1/4 Section corner; THENCE SECOND COURSE: A bearing of S00°04' W, on the Section line, and a distance of 657.02 feet to the 1/32 Section corner; THENCE THIRD COURSE: A bearing of S89°51'30" E on the 1/32 Section line to the 1/16 Section line; THENCE FOURTH COURSE: Southerly on the 1/16 Section line to the 1/32 Section corner; THENCE FIFTH COURSE: A bearing of S89°40'W on the 1/32 Section line to a point 50 feet westerly of a centerline curve to the left with a radius of 286.48 feet and an arc length of 251.96 feet; THENCE SIXTH COURSE: Along a line 50 feet left of a center line curve to the left with a radius of 286.48 feet and an arc length of 106.37 feet; THENCE SEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N13°34'30"W and a distance of 616.51 feet; THENCE EIGHTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 904.67 feet and an arc length 464.61 feet; THENCE NINTH COURSE: Along a line 50 feet left of a tangent line bearing N43°00' W and a distance of 7.96 feet; THENCE TENTH COURSE: Along a line 50 left of a centerline curve to the left with a radius of 477.46 feet and an arc length of 337.64 feet; THENCE ELEVENTH COURSE: Along a line 50 feet left of a tangent line bearing N83°31'W and a distance of 125.76 feet; THENCE TWELFTH COURSE: Along a line 50 feet left of a centerline curve to the right with a radius of 238.73 feet and an arc length of 365.20 feet; THENCE THIRTEENTH COURSE: Along a line 50 feet left of a centerline tangent line bearing N04°08'E and a distance of 80.03 feet; THENCE FOURTEENTH COURSE: Along a line 50 feet left of a centerline curve to the left with a radius of 11,459.15 feet and an arc

length of 823.33 feet; THENCE FIFTEENTH COURSE: Along a line 50 feet left of a tangent line bearing N00°01'E and a distance of 859.22 feet to the 1/16 Section line of Section 5; THENCE SIXTEENTH COURSE: Easterly on the 1/16 Section line of Section 5 and a distance of 50 feet to the previously described True Point of Beginning. Said tract of land contains 21.28 Acres, more or less, located east of Hillview Drive immediately south of Stevens High School. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3803 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 15, 2002 at 7:00 P.M.

Ordinance 3804 (No. CC040102-02) entitled An Ordinance Amending Section 1.08.060 and Section 1.08.070 of Chapter 1.08 of the Rapid City Municipal Code Relating to Wards and Precincts, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3804 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, April 15, 2002.

There was discussion on the City's ward and precinct lines. Motion was made by Kroeger, seconded by Hadley and carried that the **issue of re-districting** be put on the first Legal & Finance Committee Agenda in July, 2002 for discussion.

Ordinance 3805 (No. CC040102-03) entitled an Ordinance Amending Chapter 12.20 of the Rapid City Municipal Code by Adding Thereto New Sections 12.20.200, 12.20.210, 12.20.220, 12.20.230, 12.20.240, 12.20.250, 12.20.260, and 12.20.270 To Allow For Permit Allowing Encroachment into Right-of-Way, was introduced. Motion was made by Hadley, and seconded by Rodriguez to approve first reading of Ordinance 3805 and set second reading for Monday, April 15, 2002. Upon vote being taken, the motion to approve first reading carried with Johnson voting no.

Ordinance 3806 (No. CC040102-04) entitled An Ordinance Amending Section 10.40.100 of Title 10, Chapter 40 of the Rapid City Municipal Code Relating to Handicapped Parking Fines, was introduced. Motion was made by Hadley and seconded by Hanks to approve first reading of Ordinance 3806, and set second reading for Monday, April 15, 2002. Upon vote being taken, the motion carried with Johnson voting no.

Legal & Finance Committee Items

The next item discussed by the Council was a proposed Agreement between the Dahl Fine Arts Center and the City of Rapid City for Operation and Management of the **MDU Building**. Motion was made by Hadley, seconded by Rodriguez and carried to continue this item to the next Legal & Finance Committee meeting.

Public Works Committee Items

Motion was made by Kroeger and seconded by Rodriguez to approve the **bid award** (No. PW032702-01) of WRF01-1132, Water Reclamation Facility Improvements Administration Building Project to the lowest responsible bidder meeting specifications, Scull Construction Service, Inc. for a total contract amount of \$1,978,000; contingent upon review and approval of the South Dakota Department of Environment and Natural Resources. Upon vote being taken, the motion carried with Johnson voting no.

Motion was made by Kroeger and seconded by Murphy to approve the **bid award** of (No. PW032702-02) WRF02-1173, Water Reclamation Facility Expansion Project to the lowest responsible bidder meeting specifications, Glenn C. Barber & Associates, Inc. for a total contract amount of \$8,500,000; contingent upon review and approval of the South Dakota Department of Environment and Natural Resources. Upon vote being taken, the motion carried with Johnson voting no.

Motion was made by Kroeger and seconded by Rodriguez to approve the **bid award** (No. PW032702-03) of One (1) New Current Model Year Articulating Motor Grader with Wing Plow for the Street Division to the lowest responsible bidder meeting specifications, Butler Machinery Company for a Total Cost Bid Option of \$174,883. Substitute motion was made by Hadley and seconded by Hanks to award the bid to RDO Equipment Company, in the bid amount of \$17,318. Johnson stated that it is a matter of opinion on who the low responsible bidder is because the bids were submitted in two ways; straight bid method and total cost method. Public Works Director Dan Bjerke stated that staff has reviewed and compared the bids submitted. This comparison shows that the Caterpillar product is the least costly machine based on the bids submitted. Hadley called the question and there were no objections. Roll call vote was taken: AYE: Johnson, Hadley, Waugh and Kriebel; NO: Murphy, Rodriguez, Dreyer, Hanks, Kroeger. The substitute motion failed, 4-5. Roll call vote was taken on the original motion: AYE: Murphy, Kroeger, Hanks, Dreyer and Rodriguez; NO: Kriebel, Waugh, Hadley and Johnson. The motion carried, 5-4, however six votes are necessary to approve an expenditure of funds. Motion was made by Hanks, seconded by Steinburg and carried to refer these bids to the Public Works Committee for additional review.

Special Items

Motion was made by Murphy, seconded by Waugh and carried to approve the Mayor's appointment of the following individuals to the **Snow Removal Review Committee**: Tom Johnson, Tom Murphy, Ron Kroeger, Don Brumbaugh and Dan Bjerke.

Bills

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

Payroll Ending 3-23-02, Paid 3-28-02	574,572.56
Payroll Ending 3-23-02, Paid 3-28-02	3,795.76
Payroll Ending 3-31-02, Paid 3-38-02	799,422.96
Pioneer Bank & Trust, taxes Paid 3-15-02	139,692.99
Pioneer Bank & Trust, taxes Paid 3-15-02	264.59
Pioneer Bank & Trust, taxes Paid 3-28-02	143,900.79
Pioneer Bank & Trust, taxes Paid 3-28-02	285.24
Pioneer Bank & Trust, taxes Paid 3-28-02	198,676.12
First American Administrators, claims Paid 3-20-02	35,496.06
First American Administrators, claims Paid 3-27-02	67,597.33
SD Department of Revenue, sales tax, Paid 3-13-02	36,678.52
US Post Master, billing postage	1,500.00
Computer Bill List	1,354,459.77
Total	<u>\$3,356,342.69</u>

Payroll Ending 3-23-02, Paid 3-28-02	2,552.80
Pioneer Bank & Trust, taxes Paid 3-15-02	185.28
Pioneer Bank & Trust, taxes Paid 3-28-02	195.29
City of Rapid City, postage	3.43
Marlin Leasing, copier lease	10.98
Simpson's Printers, newsletter	68.64
Total	<u>\$3,359,359.11</u>

Treasurers Checks

American Waterworks Association	625.00
Transportation Technology Center	1,295.00
Total	<u>\$3,361,279.11</u>

Executive Session

Motion was made by Rodriguez, seconded by Murphy and carried to go into executive session to discuss pending litigation.

The Council came out of executive session at 11:55 P.M. with the following members present: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel. Motion was made by Hanks and seconded by Dreyer to authorize staff to proceed with settlement authority as discussed in executive session. Upon vote being taken, the motion failed, 3-6.

As there was no further business to come before the Council at this time, the meeting adjourned at 12:10 A.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)