

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

May 6, 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, May 6, 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 Johnson and carried to **approve the minutes** of April 15, 2002.

Bid Openings

The following bids for **Rushmore Business Park, Phase III Infrastructure**, Project ST01-1138 were opened on April 25, 2002:

1)	Site Work Specialists, Inc. (bond submitted)	\$960,883.24
2)	Rapid Construction (bond submitted)	\$848,710.62
3)	Heavy Constructors (bond submitted)	\$927,465.74
4)	Quinn Construction (bond submitted)	\$993,701.26
5)	Mainline Contracting (bond submitted)	\$880,840.00
6)	Hills Materials Company (bond submitted)	\$996,118.22

Staff has reviewed the bids and recommends award to Rapid Construction. Motion was made by Hanks, seconded by Hadley and carried to concur with the recommendation of the Economic Development Office and award the bid for ST01-1138 to Rapid Construction Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$848,710.62.

The following bids for **Detailed Pavement Marking Contract** Project PM02-1193 were opened on May 2, 2002:

1)	United Rentals Highway Tech, Inc. (bond submitted)	
	Base Bid	\$77,186.00
	Alt. No. 1	<u>\$12,508.00</u>
	Total Bid	\$89,694.00

Staff recommends that the bid be rejected. Motion was made by Steinburg, seconded by Hanks and carried to reject all bids for PM02-1193.

The following bid for **McKeague Field Lighting Project** PR02-1197 was opened on May 2, 2002:

1)	Muth Electric, Inc. (bond submitted)	\$80,212.00
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Staff has reviewed the bid and recommends award. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for PR02-1197 to Muth Electric, Inc., the only bidder, in the total contract amount of \$80,212.

The following bids for **Rapid City Community Centers – South and West Project PR01-1051** were opened at 2:00:

	Bidder	Base Bid	Base Bid Plus Alternates
1.	Heavy Constructors (bond submitted)	\$3,037,000	\$3,187,987
2.	Scull Construction (bond submitted)	\$2,847,700	\$2,964,910
3.	Dean Kurtz Const. (bond submitted)	\$3,199,000	\$3,337,700
4.	Seco Construction (bond submitted)	\$2,975,000	\$3,109,500
5.	MAC Construction (bond submitted)	\$3,015,000	\$3,147,400
6.	Corner Construction (bond submitted)	\$3,143,000	\$3,266,500

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

The following bids for **Roosevelt Park Demonstration Gardens Project PR01-1073** were opened at 2:00:

1)	Shamrock Enterprises (bond submitted)	\$108,775.00
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Motion was made by Hanks, seconded by Waugh and carried to refer these bids to the Public Works Committee for review and recommendation.

The following bid for **Portable Chemical Toilet Facilities** for Various City Departments was opened at 2:30:

1)	Kieffer Sanitation (check submitted)	
1)	Meadowbrook, 3 sites	\$2,808
2)	Executive Golf, 3 sites	\$585
3)	LaCroix Links	\$585
4A)	Skateboard Park	\$348
4B)	Canyon Lake Park	\$348
4C)	Bike Path & 32nd Street	\$174
4D)	Founders Park	\$348
4E)	Sioux Park Playground	\$174
4F)	Sioux Park Tennis Courts	\$174
5)	Civic Center	\$600
6)	Landfill	\$936
7)	Special Events, Per Day	\$ 30
8)	Special Events, Per Month	\$ 60
9)	Handicapped Acc., Special Event, Per Day	\$ 50
10)	Handicapped Acc., Special Event, Per Month	\$100
11)	Clean & Sanitize, once per week	\$9.50
12)	Clean & Sanitize, twice per week	\$ 17

Staff has reviewed the bid and recommends award. Motion was made by Steinburg, seconded by Waugh and carried to award the bid for portable chemical toilet facilities to Kieffer Sanitation, based on their low unit prices bid as listed above.

The following bids for One New Current Model Year **Sander/Dump Combination With Plow** for Street Division were opened at 2:30:

1)	Sanitation Products (check submitted)	
	Base Bid with Trade	\$90,015.49
	Alt. A	\$98,315.00

2)	Sanitation Products (check submitted)	
	Base Bid With Trade	\$ 94,559.00
	Alt. A	\$103,561.00
3)	Eddie's Truck Sales (bond submitted)	
	Base Bid With Trade	\$ 86,403.00
	Alt. A	\$ 89,853.00
4)	Drake Equipment (bond submitted)	
	Base Bid With Trade	\$ 41,068.32
	Alt. A	\$ 45,344.02
5)	West River International (check submitted)	
	Base Bid With Trade	\$ 99,720.00
	Alt. A	\$ 98,170.00

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

The following bids for One New Current Model Year **Loader/Backhoe for Cemetery** were opened at 2:30:

1)	JD Evans, Inc. (check submitted) Base Bid/Trade	\$26,449.00
	Alt. 1	\$ 3,614.00
	Alt. 2	\$ 3,163.00
	Alt. 3	\$ 783.00
21)	RDO Equip. Inc. (bond submitted) Base Bid/Trade	\$29,500.00
	Alt. 1	\$ 4,375.00
	Alt. 2	\$ 3,640.00
	Alt. 3	\$ 554.00
3)	Jenner Equip. (check submitted) Base Bid/Trade	\$31,641.00
	Alt. 1	\$ 4,187.00
	Alt. 2	\$ 2,629.00
	Alt. 3	\$ 829.00
4)	Butler Machinery (bond submitted) Base Bid/Trade	\$46,695.00
	Alt. 1	Included
	Alt. 2	Included
	Alt. 3	Included
5)	Butler Machinery (bond submitted) Base Bid/Trade	\$38,650.00
	Alt. 1	\$ 5,050.00
	Alt. 2	\$ 3,225.00
	Alt. 3	\$ 885.00
6)	DMI, Inc. (bond submitted) Base Bid/Trade	\$40,886.00
	Alt. 1	\$ 2,600.00
	Alt. 2	\$ 2,450.00
	Alt. 3	\$ 1,250.00

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

Mayor's Items

Mayor Munson presented the Citizen of the Month Award to Cindy Wilson and commended her for outstanding volunteer service to the community.

Mayor Munson also presented Certificates of Recognition to the following members of the **Katharsis Critical Incident Response Team** which recently returned from assisting the clean-up efforts in New York City: Rich Holt, James Johnson, Ron Bedard, Sue Fox, Jane Kobal, Gale Brumbaugh and Karen Griffith. Police Chief Tieszen explained that this team of individuals offered support to the emergency workers who continue to work at Ground Zero with the clean up project.

Special Items and Items from Visitors

Maxine Stevens requested that the City Council investigate the possibility of locating a pedestrian crossing at the intersection of Tower Road and Cathedral Drive. Since this road was been widened, it is very difficult for citizens with walkers, canes, wheelchairs, etc. to get across this road to go to appointments at the medical buildings across the street from the high rise. Motion was made by Hanks, seconded by Johnson and carried to forward this request to the PATH Committee for review, and recommendation back within 60 days.

Marie Lange presented the Council with documents relative to economic genocide of the native American people in the community. She also stated that she felt she was "stereotyped" at the last Council meeting and asked that the Mayor and Council be more understanding of the Native American culture. She asked for the Mayor's resignation or that he be recalled. She stated that the Lakota people are highly offended and tired of being stonewalled.

Steve Dick requested that the discussion on Agenda Item No. 114, first reading of Ordinance 3813, be moved forward on the agenda because of the number of people present on that issue. Motion was made by Dreyer and seconded by Kriebel to discuss Agenda Item No. 114 right before the Consent Calendar Items; and limit discussion to 15 minutes for each side of the issue. Substitute motion was made by Rodriguez to allow 30 minutes discussion on each side. Motion died for lack of a second. Hanks stated that if we are talking about discussing an issue for an hour, it should not be moved up on the agenda. Roll call vote was taken: AYE: Kriebel, Waugh, Dreyer, Rodriguez and Hadley; NO: Steinburg, Kroeger, Hanks, Murphy and Johnson. Munson voted AYE to break the tie and the motion carried.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of James Berendes dba **Queen of Hearts Casino**, 316 E. Boulevard, for an On-Off Sale Malt Beverage License Transfer (from Harold's Prime Rib, Inc.). Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, May 20, 2002:

1. M&M Restaurants, Inc. dba **Piesano's**, 3618 Canyon Lake Drive, No. 121, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
2. Rapid City **Noon Optimist Club**, for a special malt beverage license to be used on August 6, 2002 at the corner of 6th & Main Streets
3. Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
4. City of Rapid City dba **Meadowbrook Golf Course**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)

5. City of Rapid City dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
6. City of Rapid City dba **Rushmore Plaza Civic Center**, 444 N. Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
7. Dan Trieu Ly dba **Golden Fortune**, 1204 E. North Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
8. James Barry Stoick dba **Stoick's**, 2303 Jackson Boulevard, for an Off-Sale Malt Beverage License Renewal
9. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Transfer (from Charles & Holly Bossen)
10. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Renewal
11. **United Downtown Association**, for a special malt beverage license to be used on June 21, 2002 on 6th Street between Rapid Street and Main Street.
12. Black Hills Sports, Inc. dba **Fitzgerald Stadium**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
13. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
14. Ken-Ben, Inc. dba **8th Street Lounge**, 2201 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
15. Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
16. Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
17. Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
18. Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
19. Wyngard Pot-O-Gold Casino, Inc. dba **Pot-O-Gold Casino**, 1300 Centre Street, for an On-Off Sale Malt Beverage License Renewal
20. Robin & Judy, Inc. (inactive), 712 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
21. SSDH, Inc. dba **Sam's Too**, 2110 ½ Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
22. Kittens, Inc. dba **Uncle Sam's East**, 1122 E. North Street, for an On-Off Sale Malt Beverage License Renewal
23. Uncle Sam's, Inc. dba **Uncle Sam's Casino & Eatery**, 2110 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
24. Jumble, Inc. dba **Uncle Sam's West**, 2730 West Main Street, for an On-Off Sale Malt Beverage License Renewal

The next item before the Council was No. LF041002-11R, first reading of **Ordinance 3813**, entitled An Ordinance Revising the **Regulation of Signs** Within the City of Rapid City by Amending Chapter 15.28 of the Rapid City Municipal Code. Motion was made by Hadley and seconded by Murphy to approve first reading of Ordinance 3813. Steven Dick, representing Scenic Black Hills, spoke in favor of the proposed ordinance. He noted that there are over 700 communities who have enacted controls to prohibit new billboards, reduce their size and sometimes remove signs. Many communities have also required re-structuring of signs to reduce the size by a certain time frame. The ordinance before the Council at this time uses some of the same wording to accomplish these issues. Dick added that legal counsel assisted with development of the proposed ordinance and feels it will stand any legal challenge, including the issue of "taking". Fred Thurston spoke in favor of enacting the proposed ordinance, in its entirety. Billboards are a form of visual pollution and they should be regulated. Paul Swedlund urged the Council to approve the ordinance in total. He stated that he doesn't feel the ordinance goes far enough, but it is a compromise that will begin to eliminate what he feels is a serious problem in the community. Craig Grotenhouse and Dawn

Mashek also spoke in favor of the ordinance and urged the Council to adopt it in its entirety. If the Council decides to eliminate the portions dealing with the five and ten year modifications, the rest of the ordinance can still be enacted. The cap and replace provision will go a long way to stop the speculative construction of billboards which needs to happen.

Reone Rupert spoke against the proposed ordinance. She stated that these billboards were constructed legally according to all city codes and now the City wants to change the rules. Existing signs should be grandfathered in. Rupert stated that she feels the City is having a knee-jerk reaction to the large billboards that were constructed recently along I-90 and at various locations in Rapid City. Brenden Casey stated that his business deals with tourists throughout the year and he receives very few complaints about billboards in the community. Casey stated that he feels portions of the proposed ordinance are anti-business, anti-landowner, anti-competitive and unlawful. Casey asked that the proposed ordinance be sent back to a "fair" committee that represents businesses and landowners as well as consumers. Paul Bradsky spoke against the ordinance noting that the billboards owned by his company were constructed legally and at significant cost. They are a vital part of the marketing plan for hotels owned by his company. He added that the ordinance is so broad, it is forcing businesses that own only a few billboards to get involved in this battle. Rick Kahler spoke against the proposed ordinance because of the "taking" issues that are raised. Mike Derby also spoke against the ordinance noting that the industry has come a long way to reduce the sizes of billboards and the spacing issues. He urged the Council to refer the ordinance back to the Committee for additional consideration.

Johnson stated that he cannot support an ordinance that is retroactive. This would punish people who made a legal investment in the community. Kriebel stated that he feels the people who own the signs should get some consideration in this ordinance. He also urged the Council to discuss the ordinance at the Council level rather than sending it back to a committee. Kriebel stated that he supports reasonable controls on billboards, but not the ordinance before the Council at this time. Hadley stated that he has a problem with the five and ten year "downsizing" provisions. He does support a great deal of the ordinance, but not all of it. Hanks and Murphy spoke in favor of approving first reading and making the proposed changes prior to second reading. Substitute motion was made by Johnson and seconded by Hadley to approve first reading of Ordinance 3813 and direct staff to remove the five and ten year downsizing provisions in both sections prior to second reading. Hanks noted that the downsizing provisions are not the only issues to be discussed in this ordinance. Upon vote being taken, the substitute motion carried with Johnson and Murphy voting no.

Consent Calendar

The following items were removed from the Consent Calendar:

15. No. PW050102-04 – Authorize staff to advertise for bids for PR02-1179, Mt. View Cemetery Street Overlay Project.
28. Approve a skin patch at the intersection of Canyon Lake Drive and Sheridan Lake Road.

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

Set for Hearing (None)

Public Works Committee Items

12. No. PW050102-01 – Approve Change Order No. 04F for SSW97-696, Haines Avenue Water & Sanitary Sewer Force Main Improvements Project to Heavy Constructors, Inc. for an increase of \$1,800.

13. No. PW050102-02 – Approve Change Order No. 03 for SS01-1086, Red Rock Estates Sanitary Sewer Lift Station Project to RCS Constructions, Inc. for an increase of \$6,655.40.
14. No. PW050102-03 – Authorize staff to advertise for bids for ST01-1027, Anaconda and Grandview Street and Utility Reconstruction Project.
16. No. PW050102-05 – Authorize staff to advertise for bids for PR02-1212, Parkview Softball Complex Project.
17. No. PW050102-06 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with FMG, Inc. to Design South Truck Route Drainage Basin Plan for an amount not to exceed \$12,745.
18. No. PW050102-07 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Clark Engineering Company to Design ST02-1160, Hemlock, Sycamore, Sitka, Bluebird, Fir and Fir Court Reconstruction Project for an amount not to exceed \$25,867.
19. No. PW050102-08 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Kadrmas, Lee & Jackson for ST02-1189, Preliminary Analysis/Design for North LaCrosse/East Anamosa Intersection Improvements Project for an amount not to exceed \$45,424.54.
20. No. PW050102-09 – Authorize the Mayor and Finance Officer to sign a South Dakota Department of Transportation Agreement for the Concourse Drive Extension to Highway 437 (SE Connector).
21. No. PW050102-10 – Authorize the Mayor and Finance Officer to sign a Permanent Utility Easement with Mary Anne Curry, Trustee of 5583 Wildwood Drive.
22. No. PW050102-11 – Authorize the Mayor and Finance Officer to sign an Application and Agreement for Electric Service Extension with Black Hills Power and Light Company for a new service to vending sites in Memorial Park.
23. No. PW050102-12 – Authorize the Mayor and Finance Officer to sign an Easement with Basin Electric Power Cooperative.
24. Approve a three-way stop sign intersection at 9th Street and Saint Charles Street.
25. Approve the Water Conservation Measures for 2002.
26. No. 02VE003 – Approve with stipulations a Vacation of Major Drainage and Sanitary Sewer Easement for Stephen Bareis, PE for James Steele located at 2927 Evergreen Drive.

RESOLUTION OF VACATION OF DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that a portion of the major drainage and sanitary sewer easement on Lots 1 thru 7 of Steele Subdivision formerly Lot 2 of Lot C of the NW1/4 SE1/4 of Section 9 and Lot 1 of The NW1/4 SE1/4 of Section 9, all located in NW1/4 SE1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2927 Evergreen Drive, is not needed for public purposes; and

WHEREAS the owner of said property desires said portion of a portion of the major drainage and sanitary sewer 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 6th day of May, 2002.

CITY OF RAPID CITY

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

s/ Jerry Munson, Mayor

27. No. 02VE004 – Approve a Vacation of Major Drainage Easement for Fisk Land Surveying & Consulting Engineers for Eddie's Truck Sales, located at the northeast corner of South Highway 79 and Minnesota Street.

RESOLUTION OF VACATION OF DRAINAGE EASEMENT

WHEREAS it appears that a portion of the major drainage easement on Lot A of Tract 2 of Kormylo Subdivision, located in the SW1/4 NW1/4, Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northeast corner of South Highway 79 and Minnesota Street, is not needed for public purposes; and

WHEREAS the owner of said property desires said portion of a portion of the major drainage 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 6th day of May, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

Legal & Finance Committee

29. Authorize staff to apply for 2002 Universal Hiring Grant.
30. No. LF050102-01 - Approve Travel Request for Chief Gary Shepherd to attend International Association of Fire Chiefs Conference, "Fire Rescue International", in Kansas City, MO, from August 21-26, 2002, in the approximate amount of \$1,822.50.
31. No. LF050102-02 - Approve Resolution to Amend the Non-Union Compensation Schedule Regarding Airport Security.

RESOLUTION TO AMEND THE NON-UNION COMPENSATION SCHEDULE REGARDING SECURITY AT AIRPORT

WHEREAS the events of September 11, 2001 have indicated a need for increased security at our nation's airports; and

WHEREAS the Rapid City Fire Department has been called upon to help meet that need; and

WHEREAS certain Rapid City Fire Department personnel are appropriate to contribute to an increased security presence at the Rapid City Regional Airport; and

WHEREAS certain members of the Rapid City Fire Department are salaried employees, and therefore exempt from overtime requirements; and

WHEREAS it is appropriate to compensate exempt personnel for services provided over and above the ordinary call of their duties.

NOW, THEREFORE, IT IS HEREBY RESOLVED that exempt personnel of the Rapid City Fire Department who serve for special employment shifts at the Rapid City Regional Airport shall be compensation at the rate of Thirty-five Dollars (\$35.00) per hour in addition to their ordinary salary.

Dated this 6th day of May, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

32. No. LF050102-03 - Approve Resolution to Amend the Non-Union Compensation Schedule Regarding Other Employment Reimbursement.

RESOLUTION TO AMEND THE NON-UNION COMPENATION SCHEDULE
REGARDING OTHER EMPLOYMENT REIMBURSEMENT

WHEREAS from time to time exempt employees who have specialized training to respond to emergency situations outside of the normal operation of the Fire and Emergency Services Department may be called upon to voluntarily provide a service to an outside organization; and

WHEREAS the City of Rapid City recognizes and acknowledges Section 553.227 of the Fair Labor Standards Act, Outside Employment; and

WHEREAS the City of Rapid City is reimbursed for the employee's specialized services performed for the outside organization when deemed an emergency or special situation by local, state or federal officials; and

WHEREAS it is appropriate for the employee to be compensated for the services provided over and above the ordinary call of their duties, and the payment shall be made upon completion of the special service and upon reimbursement by the outside organization for the service;

NOW, THEREFORE, IT IS HEREBY RESOLVED that exempt personnel of the City of Rapid City Fire and Emergency Service Department who serve in this capacity be compensated at \$25 per hour.

Dated this 6th day of May, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

33. No. LF050102-04 - Authorize Mayor and Finance Officer to sign a Contract with Malcolm Chapman for Undoing Racism Task Force Strategic Planning Session.
34. No. LF050102-05 - Authorize Mayor and Finance Officer to Sign Agreement between State of South Dakota and City of Rapid City for operating subsidy for Rapid Transit.

35. Authorize staff to advertise for bids for re-siding of the MBTC building.
36. Authorize staff to advertise for bids for installation of bus shelters.
37. No. LF050102-06 - Approve Weed and Seed Application/Budget for FY2003 in the amount of \$300,000 and authorize Mayor and Finance Officer to sign Application and Grant Agreement.
38. No. LF050102-07 - Authorize Mayor and Finance Officer to sign Agreement with Rushmore Communications, Inc. for Wireless Connection at Weed & Seed Office in the amount of \$2,875.
39. No. LF050102-08 - Accept the PATH Committee Report on 8th and Franklin Street.
40. No. LF050102-09 - Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Water Division

1993 Dodge Spirit, Inv. No. 004168

Police Department

1995 Ford Crown Victoria, SN 143292

1993 Ford Crown Victoria, SN 179777

1999 Chevrolet Blazer, SN 191889

2000 Ford Crown Victoria, SN 210854

2000 Ford Crown Victoria, SN 219856

2000 Ford Crown Victoria, SN 210853

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 6th day of May, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

41. No. LF050102-10 - Approve Rapid City Youth Boxing signs.
42. No. LF050102-11 - Authorize Mayor and Finance Officer to sign Lease Agreement between City of Rapid City and Black Hills Pony League, Inc.
43. No. LF050102-12 - Authorize Mayor and Finance Officer to sign Lease Agreement between City of Rapid City and Harney League Sports.
44. No. LF050102-13 - Authorize Mayor and Finance Officer to sign Lease Agreement between City of Rapid City and Post 320 Baseball, Inc.
45. No. LF050102-14 - Authorize Mayor and Finance Officer to sign Lease Agreement between City of Rapid City and Black Hills Amateur Baseball.
46. No. LF050102-15 - Authorize Mayor and Finance Officer to sign Lease Agreement between City of Rapid City and Canyon Lake Little League, Inc.
47. No. LF050102-17 - Authorize Mayor and Finance Officer to sign Assignment of Contract between Clark Engineering Corporation and Kadrmas, Lee & Jackson,

- Project No. ST02-1160, Reconstruction of Portions of Hemlock, Sycamore, Sitka, Fire & Bluebird Court Streets.
48. No. LF050102-18 - Authorize Mayor and Finance Officer to sign Assignment of Contract between Clark Engineering Corporation and Kadrmas, Lee & Jackson, Project No. W99-845, Dyess Avenue Water Main.
49. No. LF013002-11 - Approve Resolution Relating to Motions Laid on the Table.

RESOLUTION

WHEREAS the City has adopted for its meetings Robert's Rules of Order; and

WHEREAS Robert's Rules of Order provides for a motion entitled "motion to lay on the table;" and

WHEREAS the function of the motion to lay on the table is to "lay the pending question aside temporarily...in such a way that: there is no set time for taking the matter up again; but ...its consideration can be resumed at the will of a majority..."; and

WHEREAS the matter which was laid on the table must only be brought up by the body which laid the matter on the table; and

WHEREAS the City Council wishes to provide that those items laid on the table at the Public Works Committee and/or the Legal and Finance Committee be brought to the City Council;

NOW, THEREFORE it is hereby resolved that all items laid on the table at the Public Works Committee and/or Legal and Finance Committee shall be brought forward to the City Council.

Dated this 6th day of May, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

50. No. LF041002-13 - Authorize Mayor and Finance Officer to sign Lease Agreement between Rapid City Arts Council, Inc. and City of Rapid City.
51. No. LF050102-19 - Authorize Mayor and Finance Officer to sign Contract for Private Development Tax Increment District Number Thirty Two.
52. No. LF050102-20 - Authorize Mayor and Finance Officer to sign Contract for Private Development Tax Increment District Number Thirty Three.
53. No. LF050102-21 - Authorize Mayor and Finance Officer to sign Contract for Private Development Tax Increment District Number Thirty Four.
54. No. LF050102-23 - Authorize Mayor and Finance Officer to sign Utility Easement for vacated alley between the Dahl Fine Arts Center and the MDU Building.
55. No. LF050102-30 - Authorize Mayor and Finance Officer to sign Commencement Notice for a Site Lease with WWC License LLC (commencement date to be February 1, 2002).
56. No. LF050102-24 - Authorize Mayor and Finance Officer to sign Amendment to Western Wireless Lease.
57. No. LF050102-25 - Amend the License Agreements for ice cream vendors to 12-month contracts.

58. No. LF050102-26 - Approve request of Scott Petz, dba Circuit Express Ice Cream, for renewal of Concession Agreement through December, 2002.
59. Approve the following Licenses: Electrical Apprentice: Brandon Z. Arnold, Melvin Brassfield, Nick Cockrell, Nathan Cole, Adam Daigle, Dustin Graesser, Todd Jewett, Grant Marshall, Dustin Namanny, Paul Nelson, Aaron Quinn, Brad Sharp, Paul Stoppel; Journeyman Electrician: Todd Hvam; Mechanical Installer: Michael Dickson, Jason D. Fenner, Tammy Shoemake, Jeremy Sloan; Mechanical Apprentice: Lynn Amick, Michael Beck, Christopher D. Cerveney, Craig A. Connell, Chuck Short, Dan Suurmeier, Russell Timm, Matt Wood; Plumber: Ezra A. Ahrendt, Brian Boock, Michael Delaney, Shayne Tines; Residential Contractor: Geranen Homes of South Dakota, Russell D. Geranen; Quality Concrete and Building, Duane E. Filholm; Smits Remodeling, Peg & Jay Smits; Thomas Contracting, Thomas N. Douglas; Sign Contractor: Sign Service & Supply, Todd Koehne; Journeyman Sewer & Water Installer: Bryan Wildberger; Trenching Journeyman: Brian C. Ducote, Daren Potter, Steve Quenzer; Trenching Contractor (Renewal): John Ebbens, Nortex Communications, Inc.
60. No. LF050102-27 - Approve reappointment of Tom Hageman and Rod Holmes, Contractor Representatives, and Bill Wener, Plumber, to the Plumbing Board.
61. No. LF050102-28 - Approve reappointment of Robert Schlotman and Crystal Thompson to the Parks and Recreation Committee.
62. No. LF050102-29 - Approve Reappointment of David Johnson, William Hankee and Jim Kissel to the Urban Forestry Board.

End of Consent Calendar

The next item discussed by the Council was No. PW050102-04 – Authorize staff to advertise for bids for PR02-1179, **Mt. View Cemetery Street Overlay Project**. Public Works Director Dan Bjerke explained that the City will utilize the Street Department equipment to do the overlay work using CIP funds rather than bid this project. Motion was made by Hanks, seconded by Waugh and carried to table this item.

Motion was made by Johnson, seconded by Steinburg and carried to approve a **skin patch** at the intersection of Canyon Lake Drive and Sheridan Lake Road. Staff noted that the cost of this project will be less than \$3,000.

Planning Department Consent Items

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

63. 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 MAY 20, 2002)
64. 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, BHM, Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street (CONTINUE TO MAY 20, 2002)
65. 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 MAY 20, 2002)

66. 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 MAY 20, 2002)
67. No. 01PL122 – Approve the request by Dream Design International for a **Final Plat** located west of Sheridan Lake Road.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Red Rock Estates including Lots 7 thru 9, Block 7 and Lot 1, Block 10 and Lots 1 thru 37, Block 11 and Lots 1 thru 13, Block 12 and Lots 1 thru 5, Block 13 and Lots 1 thru 6, Block 14 and Lot P and Outlot G and Dedicated Streets, formerly a portion of Tract 1 of the Red Ridge Ranch and the unplatted portion of SW1/4 & the unplatted portion of NW1/4 & the unplatted portion of the W1/2 NE1/4, all in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Red Rock Estates including Lots 7 thru 9, Block 7 and Lot 1, Block 10 and Lots 1 thru 37, Block 11 and Lots 1 thru 13, Block 12 and Lots 1 thru 5, Block 13 and Lots 1 thru 6, Block 14 and Lot P and Outlot G and Dedicated Streets, formerly a portion of Tract 1 of the Red Ridge Ranch and the unplatted portion of SW1/4 & the unplatted portion of NW1/4 & the unplatted portion of the W1/2 NE1/4, all in Section 29, 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 6th day of May, 2002.

ATTEST:
s/ Jim Preston
Finance Officer
(SEAL)

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

68. No. 01PL127 - A request by Doug Sperlich for Jeff Stone for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as SW1/4 SE1/4, less

Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located at the current terminus of Broadmoor Drive. (CONTINUE TO JUNE 17, 2002)

69. No. 02PL005 - A request by Thurston Design Group, LLC for Youth & Family Services, Inc. for a **Preliminary and Final Plat** on Lot 2R and Lot 3 of Block 21, Wise's Addition, located in the W1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 Rev. and 4 Rev. of Block 6 and Lot 2 of Block 21, Wise's Addition located in the SW1/4 of the NW1/4 Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; located at 120 East Adams Street and 202 East Adams Street. (CONTINUE TO MAY 20, 2002)
70. 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 MAY 20, 2002)
71. 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 MAY 20, 2002)
72. No. 02PL012 - A request by Dream Design International, Inc. for Stoney Creek Inc. for a **Preliminary and Final Plat** on Lot 24, Block 3; Lots 4, 5, and Outlot "A", Block 4; Lots 1-22, Block 6 of Stoney Creek Subdivision and dedicated Nugget Gulch Drive, Harvard Avenue, Columbia Court, Cornell Court and major drainage easements located in the NE1/4 of the SW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located north of the intersection of Catron Boulevard and Sheridan Lake Road. (CONTINUE TO MAY 20, 2002)
73. 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 MAY 20, 2002)
74. 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 20, 2002)

75. No. 02PL022 - A request by Renner & Sperlich Engineering Co. for Gary Rassmusson for a **Preliminary and Final Plat** on Lot 26 of Block 23, and Lot 6 of Block 24, Robbinsdale Addition No. 10, located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13, BHM, Rapid City, Pennington County, South Dakota; located the northeast and northwest corner of the intersection of Maple Avenue and East Minnesota Street. (CONTINUE TO MAY 20, 2002)
76. No. 02PL026 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Layout Plat** on Lot 4 Revised and Lot 5 Revised of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as Lot 4 and Lot 5 of Knights Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota; located south of Longview Road and west of Anderson Road. (CONTINUE TO JUNE 3, 2002)
77. No. 02PL027 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Preliminary and Final Plat** on Lots 1, and 5 thru 15 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 5 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 Covington Street and Teak Drive. (CONTINUE TO MAY 20, 2002)
78. No. 02PL028 - A request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Preliminary and Final Plat** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located south of Flormann Street and Skyline Drive. (CONTINUE TO MAY 20, 2002)
79. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota; located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO JUNE 3, 2002)
80. No. 02PL030 – Approve the request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** located northeast of the intersection of Smith Avenue and East Oakland Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 6A and 6B of Block 2 (formerly Lot 6 of Block 2) 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 6A and 6B of Block 2 (formerly Lot 6 of Block 2) 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 6th day of May, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

81. No. 02PL031 – Approve the request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** located northeast of the intersection of Smith Avenue and East Oakland Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 3A and 3B of Block 2 (formerly Lot 3 of Block 2) 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 3A and 3B of Block 2 (formerly Lot 3 of Block 2) 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 6th day of May, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

82. No. 02PL032 - A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Preliminary Plat to create one lot** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street. (CONTINUE TO JUNE 3, 2002)

83. No. 02PL033 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a Layout Plat on Lot 16 thru 24 of Block 14, Lots 7 thru 19 of Block 15, located in the NE1/4 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract T of Trailwood Village located in the NE1/4 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota; located on Shad Street. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, a grading plan and a complete drainage plan shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, complete sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and services lines shall be submitted for review and approval; 3) Upon submittal of a Preliminary Plat, complete water line plans for the extension of water mains shall be submitted for review and approval; 4) Upon submittal of a 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 that complies with all requirements of the Street Design Criteria Manual or the applicant shall apply for Special Exceptions to the Street Design Criteria Manual; 5) 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; 6) 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; 7) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 8) 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.
84. No. 02PL034 - A request by Jeffrey L. Devine for a **Layout Plat** on Lots 1 and 2 located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B less Lot H1 of Tract B located in SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; located south of East Philadelphia Street and east of Cambell Street. (CONTINUE TO MAY 20, 2002)
85. No. 02PL035 - A request by Renner & Sperlich Engineering Co. for Dean Kelly Construction for a **Layout Plat** on Lots A, B, C, & D of Lot 3 of Block 15, Canyon Lake Heights Subdivision, located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 3 of Block 15 of Canyon Lake Heights Subdivision and a portion of the SE1/4 of the SE1/4 of Section 8 located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located south of the intersection of Cliff Drive and Miracle Place. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, topographic information and a grading plan shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3) 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; 4) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, the plat shall be revised to show the proposed access and utility easement with a minimum 45 foot wide right-of-way; 6) 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, complete street design plans shall be

submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for Cliff Drive, Miracle Place and the proposed access and utility easement; 7) Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show a non-access easement along Cliff Drive; 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 Preliminary Plat approval by the City Council, the application shall submit a Wild Fire Mitigation Plan to the Fire Department for review and approval; 10) Upon submittal of the Preliminary Plat, the plat shall be revised to provide an emergency turnaround at the western terminus of the proposed 40 foot wide access and utility easement; 11) Upon submittal of the Preliminary Plat, the proposed access and utility easement must be revised to align with Miracle Place; 12) Prior to Final Plat approval by the City Council, a road name change shall be approved to change the road name of "Miracle Place". The proposed road name shall be reviewed and approved by the Emergency Services Communication Center and, subsequently, approved by the City Council; 13) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 14) 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.

87. No. 02PL037 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison's Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds; located west of Haines Avenue. (CONTINUE TO MAY 20, 2002)
88. No. 02PL038 - A request by FMG, Inc. for George and Nancy Dunham for a **Preliminary and Final Plat** on Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Drive, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as E1/2 NE1/4 SE1/4 and the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. (CONTINUE TO MAY 20, 2002)
89. No. 02PL039 - A request by FMG, Inc. for George and Nancy Dunham for a **Preliminary and Final Plat** on Lots 1 through 14 of Block 1 and Lots 1 through 6 of Block 2 of Dunham Estates and dedicated public right of way shown as Ward Drive and Ward Court located in NE1/4 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. (CONTINUE TO MAY 20, 2002)

END OF PLANNING CONSENT CALENDAR

The next item before the Council at this time was No. 02PL036, a request by Renner & Sperlich Engineering Co. for Gary Rasmuson for a **Preliminary and Final Plat** located northwest corner of 5th Street and Minnesota Street. The following Resolution was introduced read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 19 of Block 6, Robbinsdale Addition No. 10 (formerly a portion of the NW1/4 of the SE1/4 of Section 13) located in the NW1/4 of the SE1/4, Section 13, 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 Lot 19 of Block 6, Robbinsdale Addition No. 10 (formerly a portion of the NW1/4 of the SE1/4 of Section 13) located in the NW1/4 of the SE1/4, Section 13, 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 6th day of May, 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. Engineering Division Manager Randy Nelson explained that the petitioner has agreed to provide 10' of additional right-of-way for public access and utility easements. This will provide the sufficient room to construct an additional right-turn lane as well as an 8' bike path. Upon vote being taken, 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. 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 Steinburg and carried to continue this item until May 20, 2002.

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

Planning Department – Hearings

The Mayor presented No. 02CA018, a request by Harold L. Bies for Kathleen Morris for an **Amendment to the Comprehensive Plan revising the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a .95 acre parcel from Low Density Residential to Medium Density Residential** on Blocks 13 and 14, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; located at the southwest corner of Lindbergh Avenue and Wood 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 6th day of May, 2002 to consider an amendment to the Comprehensive Plan revising the Northeast Neighborhood Area Future Land Use Plan to change the future land use designation on a .95 acre parcel from Low Density Residential to Medium Density Residential, on Blocks 13 and 14, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota and good cause appearing therefore;

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

Dated this 6th day of May, 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. 01PD064, a request by Bryan K. Gonzales for Pride Neon, Inc. for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, SD, located at 640 Flormann Street. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until May 20, 2002.

The Mayor presented No. 01PD065, a request by Fisk Land Surveying for Dakota Land Development for a **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located on Jackson Boulevard/Highway 44 West, north of the Fish Hatchery. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item until May 20, 2002.

The Mayor presented No. 02PD003, a request by Thurston Design Group, LLC for Youth and Family Services for a **Planned Commercial Development - Final Development Plan** the east 26' of Lot 2 of Block 21, Lot 3 Revised and Lot 4 Revised of Block 6, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; located at 120 East Adams Street and 202 East Adams Street. Motion

was made by Kroeger, seconded by Steinburg and carried to continue this item until May 20, 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 Steinburg 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 Steinburg and carried to continue this item until May 20, 2002.

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 Steinburg and carried to acknowledge the applicant's withdrawal of this application.

The Mayor presented No. 02SV014, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to allow lots more than twice as long as they are wide** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds; located west of Haines Avenue. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until May 20, 2002.

The Mayor presented No. 02SV015, a request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide and to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located south of Flormann Street and Skyline Drive. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until May 20, 2002.

The Mayor presented No. 02SV016, a request by Davis Engineering for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota; located southeast of the intersection of Reservoir Road and Longview Drive. Motion was made by Kroeger, seconded by Murphy and carried to continue this item until June 3, 2002.

The Mayor presented No. 02SV017, a request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until May 20, 2002.

The Mayor presented No. 02SV019, a request by Renner & Sperlich Engineering Co. for Gary Rasmusson for a **Variance to the Subdivision Regulations to waive the requirement for additional right-of-way** on Lot 19 of Block 6, Robbinsdale Addition No. 10, located in the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the NW1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located at the northwest corner of 5th Street and Minnesota Street. Motion was made by Kroeger and seconded by Waugh to Deny the request. Substitute motion was made by Johnson, seconded by Hadley and carried to approve the requested Variance with the stipulation that the required easements be identified on the plat.

The Mayor presented No. 02SV020, a request by FMG, Inc. for George and Nancy Dunham for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide, to allow 25 foot reserve strip adjacent to Lot 1 of Block 1, waive the requirement for sidewalk on Nicklaus Drive and Meadowbrook Drive and to allow curbside sidewalk with roll curb on Ward Court** on Lots 1 through 14 of Block 1 and Lots 1 through 6 of Block 2 of Dunham Estates and dedicated public right of way shown as Ward Drive and Ward Court located in NE1/4 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until May 20, 2002.

The Mayor presented No. 02SV021, a request by FMG, Inc. for George and Nancy Dunham for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide, and to allow curbside sidewalk with roll curb on Dixon Court** on Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Court, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until May 20, 2002.

Ordinances & Resolutions

Ordinance 3773 (No. 01OA025) 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 Conditional Use Permits, having passed the first reading on December 17, 2001, it was moved by Hadley and seconded by Waugh that the title be read the second time. Substitute motion was made by Johnson and seconded by Hadley to continue second reading of Ordinance 3773 until May 20, 2002. Hanks stated that he supports the requirement for billboards to have a conditional use permit, no matter what happens with the sign regulation ordinance. Roll call vote was taken: AYE: Steinburg, Kroeger, Dreyer, Murphy and Johnson; NO: Kriebel, Waugh, Hanks, Rodriguez and Hadley. Munson voted AYE to break the tie and the motion to continue carried, 6-5.

Ordinance 3801 (No. 02OA002) entitled An Ordinance amending Chapter 16.08 of the Rapid City Municipal Code by adding Chapter 16.08.035 pertaining to Administrative Approval of Final Plats, was introduced. Motion was made by Hadley, seconded by Rodriguez and carried to continue this item until May 20, 2002.

Ordinance 3802 (No. 02OA003) entitled an Ordinance 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, was introduced. Motion was made by Hadley, seconded by Rodriguez and carried to continue this item until May 20, 2002.

Ordinance 3805 (No. CC040102-03R) 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 Permits Allowing Encroachment into Right-of-Way, was introduced. Motion was made by Hanks, seconded by Rodriguez and carried to continue this hearing until June 3, 2002.

The Mayor presented No. 02RZ018, second reading of **Ordinance 3809**, a request by Harold L. Bies for Kathleen Morris for a **Rezoning from Low Density Residential District to Medium Density Residential District** on Blocks 13 and 14, Mahoney Addition, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located the southwest corner of Lindbergh Avenue and Wood Avenue. Motion was made by Hadley, seconded by Kroeger and carried to continue this item until May 20, 2002.

The Mayor announced the meeting was open for hearing on No. 02RZ019, **Ordinance 3810**, a request by Thurston Design Group, LLC for Youth & Family Services, Inc. for a **Rezoning from Neighborhood Commercial District to Office Commercial District** on the following property: A portion of Lot 2 of Block 21, Wise's Addition located in the SW1/4 of the NW1/4 of Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the northwest corner of Lot3Rev. of Block 6 of said Wise's Addition, and the Point of Beginning. Thence, first course: S00°08'23"W, along the westerly boundary of said Lot3Rev., common to the easterly boundary of said Lot 2, a distance of 74.51 feet; Thence, second course: S89°58'51"W, along the southerly boundary of said Lot 2, common to the northerly boundary of Lot4Rev. of Block 6 of said Wise's Addition, a distance of 25.90 feet; Thence third course: N00°03'44"E, a distance of 74.64 feet, to a boundary corner common to said Lot 2 and said Lot4Rev; Thence, fourth course: S89°44'13"E, along the boundary line common to said Lot 2 and said Lot4Rev., a distance of 26.00 feet, to the northwest corner of Lot3Rev. of Block 6 of said Wise's Addition, and the Point of Beginning, located at 818 North Maple Avenue. Notice of hearing was published in the Rapid City Journal on April 20 and April 27, 2002. Ordinance 3810, having had the first reading on April 15, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg,

Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3810 the second time.

The Mayor presented No. 02RZ020, second reading of **Ordinance 3811**, a request by FMG, Inc. for George and Nancy Dunham for a **Rezone from General Agricultural District to Low Density Residential** on the following property: A parcel of land within the NE 1/4 of the NE 1/4, Section 16, T1N, R7E, BHM, described by metes and bounds as follows: From the NE Section Corner of Section 16 go S00°01'13"W for a distance of 30.00 feet then N89°43'19"W for a distance of 25.00 feet to the Point of Beginning. Thence S00°01'13"W parallel to the East Section Line for a distance of 225.00 feet. Thence N89°43'19"W for a distance of 121.01 feet. Thence S14°19'10"W for a distance of 344.24 feet. Thence S40°29'02"W for a distance of 245.73 feet. Thence S81°53'46"W for a distance of 608.83 feet to a point on a curve. Thence on a curve to the left with a chord bearing of N14°12'22"W for a chord distance of 99.93 feet and radius of 470.00 feet. Thence S69°41'29"W for a distance of 107.08 feet. Thence N89°43'59"W for a distance of 209.88 feet to the 1/16 line. Thence N00°16'01"E along the east boundary of Block 1 of Parkridge Village for a distance of 310.08 feet. Thence N00°19'42"E for a distance of 292.43 feet to a point on a curve. Thence on a curve to the left with a chord bearing of N11°48'15"E for a chord distance of 150.63 feet with a radius of 378.28 feet. Thence S89°43'19"E along the South ROW of Nicklaus Drive for a distance of 1269.31 feet to the Point of Beginning, located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until May 20, 2002.

The Mayor presented No. 02RZ021, second reading of **Ordinance 3812**, a request by FMG, Inc. for George and Nancy Dunham for a **Rezone from General Agricultural District to Low Density Residential** on the following property: A parcel of land within the NE 1/4 of the SE 1/4 of Section 16, T1N, R7E, BHM described by metes and bounds as follows: From the Point of Beginning, being the SE corner of the NE 1/4 of the SE 1/4, go N89°43'18"W along the 1/16 Line for a distance of 1333.50 feet to the SE 1/16 corner of Section 16. Thence N00°05'20"W along the 1/16 Line for a distance of 561.80 feet. Thence N64°57'46"E for a distance of 62.20 feet. Thence S30°17'55"E for a distance of 130.55 feet. Thence N64°57'46"E for a distance of 286.82 feet. Thence N55°49'01"E for a distance of 60.00 feet to a point on a curve. Thence south easterly on a curve to the left with a chord bearing of S41°19'14"E for a chord distance of 67.10 feet and a radius of 270.00 feet. Thence N41°32'30"E for a distance of 70.00 feet. Thence N79°34'02"E for a distance of 179.72 feet. Thence N04°05'26"E for a distance of 128.26 feet. Thence N78°33'14"E for a distance of 134.93 feet. Thence N87°50'42"E for a distance of 333.96 feet. Thence S00°00'00"W for a distance of 182.50 feet. Thence S85°54'34"E for a distance of 160.61 feet to the east Section Line of Section 16. Thence S00°00'52"W along the Section Line for a distance of 644.83 feet to the Point of Beginning, located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until May 20, 2002.

Ordinance 3814 (No. LF050102-16) entitled An Ordinance Repealing Chapter 15.12 of the Rapid City Municipal Code in Its Entirety and Adopting a New Chapter 15.12 of the Rapid City Municipal Code Entitled Uniform Construction Codes Adopted, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3814 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, May 20, 2002.

Ordinance 3815 (No. 02RZ022) a request by City of Rapid City for a **Rezoning from No Use District to Heavy Industrial District** on the Fairmont Boulevard right-of-way formerly known as Short Bull Street located in the SW 1/4 of Section 8 and the NW 1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; located east of S.D. Highway 79 and south of East St. Patrick Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3815 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, May 20, 2002.

Ordinance 3816 (No. 02RZ023) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property, was introduced: Lots 1-6 of Block 1; Lot 1 of Block 2; Lots 1-20 of Block 3, Lots 1-14 of Block 4; Lot 1 of Block 5, of Eastridge Subdivision and dedicated Enchantment Road, Eastridge Drive, Sally Court, and major drainage easements located in the NW1/4 of Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; located west of Fifth Street. Upon motion made by Hadley, seconded by Rodriguez and carried Ordinance 3816 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, May 20, 2002.

Special Items

Martha Rodriguez explained that Storybook Island is having its 44th Anniversary this year and several of the sets are in need of repair. Management is trying to find information on who the original set supporters are. If anyone has any information on this, please contact Randy Brown at Storybook Island.

Bills

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

Payroll Ending 4-20-02, Paid 4-26-02	559,644.88
Payroll Ending 4-20-02, Paid 4-26-02	3,012.80
Payroll Ending 4-30-02, Paid 4-30-03	820,471.10
Pioneer Bank & Trust, taxes Paid 4-26-02	137,575.07
Pioneer Bank & Trust, taxes Paid 4-26-02	225.08
Pioneer Bank & Trust, taxes Paid 4-30-02	207,026.66
First American Administrators, claims Paid 4-16-02	47,400.95
First American Administrators, claims Paid 4-24-02	58,003.32
First American Administrators, claims Paid 5-01-02	56,243.68
Berkley Risk Administrators, Claims, Paid 5-03-02	16,229.12
BH Power & Light, electricity Paid 5-01-02	54,048.97
MDU, gas service, Paid 5-1-02	3,444.02
SD Department of Revenue, sales tax, Paid 4-18-02	15,441.01
SD Department of Revenue, sales tax, Paid 4-19-02	15,539.19
Ocean Systems, grant-forensic video system	7,000.00
US Post Master, postage, water quality reports	2,562.00
US Post Master, billing postage	1,500.00
Computer Bill List	1,860,961.18
Total	\$3,866,329.03
Payroll Ending 4-20-02, Paid 4-26-02	2,552.80
Pioneer Bank & Trust, taxes Paid 4-26-02	191.14
City of Rapid City, postage	14.41
Dakota Business Center, copier usage	9.89
Johnson Machine, van maintenance	9.06
Marlin Leasing, copier lease	7.20

Philfleet, gasoline	66.81
RTS, volunteer ride tickets	20.00
SD School of Mines, telephone	66.81
Cheryl Svarstad, mileage	70.08
Total	<u>\$3,869,337.23</u>

<u>Treasurers Checks</u>	
Heavy Constructors	1,800.00
Police Executive Research Forum	5,895.00
Total	<u>\$3,877,032.23</u>

Executive Session

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

The Council came out of executive session at 9:30 with the following members present: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel.

Motion was made by Kriebel, seconded by Waugh and carried to direct the City Attorney's Office to file an appeal with the South Dakota Supreme Court in the City of Rapid City vs. Pennington County regarding the JDC Building.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:40 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)