

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
May 20, 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 20, 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 May 6, 2002.

The following bids for **Water Well No. 12 Project W02-1156** were opened on May 16, 2002:

Bidder	Base Bid	Alt. #1	Alt. #2	Bid Surety
Engineer's Estimate	\$280,000	\$ 7,200	\$33,000	N/A
1. Taylor Drilling Company	\$230,456	\$ 7,695	\$32,840	Bond
2. Weston Engineering	\$250,908	\$10,050	\$77,900	Bond
3. Water System Drilling	\$177,503	\$ 9,500	\$49,300	Bond

Staff has reviewed the bids and recommends award to Water System Drilling Company. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for W02-1156 to Water System Drilling, the lowest responsible bidder meeting specifications, based on their low unit prices for the base bid and Alternates 1 and 2, for a total contract amount of \$236,303.

The following bids for **Anaconda and Grandview Street and Utility Reconstruction Project ST01-1027** were opened on May 16, 2002:

1)	Heavy Constructors (bond submitted)	\$691,785.69
2)	Mainline Contracting (bond submitted)	\$739,304.10
3)	Hills Materials Company (bond submitted)	\$806,797.78
4)	Simon Contractors of SD (bond submitted)	\$881,020.20

Staff has reviewed the bids and recommends award to Heavy Constructors. Motion was made by Steinburg, seconded by Waugh and carried to award the bid for ST01-1027 to Heavy Constructors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$691,785.69.

The following bids for **2002 Mill and Overlay Projects ST02-1158** were opened on May 16, 2002:

1)	J&J Asphalt Company (bond submitted)	\$443,964.32
2)	Hills Materials Company (bond submitted)	\$414,086.70
3)	Simon Contractors (bond submitted)	\$366,307.35

Staff has reviewed the bids and recommends award to Simon Contractors. Motion was made by Steinburg, seconded by Waugh and carried to award the bid for ST02-1158 to Simon Contractors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$366,307.35.

The following bids for One New Current Year Model **Vacuum Street Sweeper** were opened at 2:30:

1.	Sheehan Mack Sales (bond submitted)	
	Base Bid	\$165,714.00
	Trade In Allowance	<u>7,500.00</u>
	Base Bid with Trade	\$158,214.00
2.	Sanitation Products (check submitted)	
	Base Bid	\$170,955.00
	Trade In Allowance	<u>20,000.00</u>
	Base Bid with Trade	\$150,955.00

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

The following bids for One New Current Model Year Three-Wheel Drive **Triplex Trim Mower** for Municipal Golf Courses were opened at 2:30:

1)	LL Johnson Dist. Company (no bond submitted)	\$28,954.00
2)	Midwest Turf & Irrigation (bond submitted)	\$23,844.00

Staff has reviewed the bids and recommends award to Midwest Turf. Motion was made by Johnson, seconded by Steinburg and carried to award the bid for One Triplex Trim Mower for the Municipal Golf Course to Midwest Turf & Irrigation, the lowest responsible bidder meeting specifications, for a contract amount of \$23,844.

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

1)	Butler Machinery Company (bond submitted)	
	Base Bid	\$113,625.00
	Less Trade-In	- 45,000.00
	Net Bid	\$ 68,625.00
	Guaranteed Repurchase Price (7 Years)	\$ 28,000.00
	Net Present Value	\$ 18,760.00
	Lowest Cost Total	\$ 40,625.00
	Option Quick Attachment	\$ 1,760.00
	Option Ride Control	\$ 1,200.00
2)	Butler Machinery Company (bond submitted)	
	Base Bid	\$113,625.00
	Less Trade-In	- 45,000.00
	Net Bid	\$ 68,625.00
	Guaranteed Repurchase Price (5 Years)	\$ 40,000.00
	Net Present Value	\$ 30,000.00
	Lowest Cost Total	\$ 28,625.00
	Option Quick Attachment	\$ 1,760.00
	Option Ride Control	\$ 1,200.00
3)	DeHaan Construction (check submitted)	
	Trade-In Only	\$ 46,000.00

Staff has reviewed the bids and recommends that the trade-in be sold to DeHaan Construction for the bid amount of \$46,000; and that the bid for a Backhoe/Loader be awarded to Butler Machinery Company for the 7 Year Guaranteed Repurchase Price, Plus

the Optional Ride Control in the amount of \$1,200. Motion was made by Hadley, seconded by Waugh and carried to refer these bids to the Public Works Committee for review and recommendation.

The following bid for **Transportation Natural Gas** for the City/School Common Energy Plant, Stevens High School Boiler Plant, Dakota Middle School, West Middle School and Southwest Middle School was opened at 2:30:

- |    |                                                  |                 |
|----|--------------------------------------------------|-----------------|
| 1) | Rainbow Gas Company (check submitted)            |                 |
|    | Colorado Interstate Gas Index plus/minus         | \$0.20/MMBtu    |
|    | Williston Basin Interstate's current actual full |                 |
|    | I-T transportation rate                          | \$0.48036/MMBtu |

Staff has reviewed the bid and recommends award. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for Transportation Natural Gas to Rainbow Gas Company, the only bidder, based on their unit bid prices as listed above.

### ***Mayor's Items***

Mayor Munson presented the **Veteran of the Month Award** to Earl Dahme and Frank O'Grady and commended them for outstanding service to the country.

Munson also presented a Certificate of Recognition to Arnold Asbjeld and commended him for 20 years of service to the Rapid City community.

### ***Aldersperson Items/Liaison Reports***

Public Works Director Dan Bjerke reported that the City plans to do additional erosion controls measures at the intersection of **Tower Road and Skyline Drive** in an attempt to alleviate the amount of mud and dirt being carried into the streets. They will also fence the area to keep out four wheelers and motorcycles until the grass recovers from the construction area. Also, the City intends to do maintenance on the area of Tower Road that is sliding.

### ***Alcoholic Beverage License Applications***

Motion was made by Hadley, seconded by Johnson and carried to approve the following applications for renewal of On/Off Sale Malt Beverage Licenses (No Video Lottery):

8. 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)
9. City of Rapid City dba **Meadowbrook Golf Course**, 3625 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
10. City of Rapid City dba **Executive Golf Course**, 200 Twelfth Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
11. 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)
12. Dan Trieu Ly dba **Golden Fortune**, 1204 E. North Street, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)
13. Black Hills Sports, Inc. dba **Fitzgerald Stadium**, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal (No Video Lottery)

Motion was made by Hadley, seconded by Johnson and carried to approve the following application for Off/Sale Malt Beverage License Renewal:

14. James Barry Stoick dba **Stoick's**, 2303 Jackson Boulevard, for an Off-Sale Malt Beverage License Renewal

Motion was made by Hadley, seconded by Johnson and carried to continue the following hearings until June 3, 2002:

15. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Transfer (from Charles & Holly Bossen)
16. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Renewal

Motion was made by Hadley, seconded by Rodriguez and carried to approve the following applications for Special Malt Beverage Licenses (No Video Lottery):

- 17 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
18. **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.

Motion was made by Hadley, seconded by Waugh and carried to approve the following applications for On/Off Sale Malt Beverage License Renewals:

19. Entertainment, Inc. dba **Nu Robbinsdale Casino**, 803 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
20. Robbinsdale Rec Center, Inc. dba **Robbinsdale Rec Center**, 805 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
21. Ken-Ben, Inc. dba **8th Street Lounge**, 2201 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
22. Cimarron Casino, Inc. dba **Main Street Gap Casino**, 1727 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
23. Cimarron Casino, Inc. dba **Chicago Street Casino**, 3609 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
24. Cimarron Casino, Inc. dba **Eastside Plaza Casino**, 1000 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
25. Wyngard Pot-O-Gold Casino, Inc. dba **Jackson Boulevard Casino**, 2020 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
26. Wyngard Pot-O-Gold Casino, Inc. dba **Pot-O-Gold Casino**, 1300 Centre Street, for an On-Off Sale Malt Beverage License Renewal
27. Robin & Judy, Inc. (inactive), 712 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal
28. SSDH, Inc. dba **Sam's Too**, 2110 ½ Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
29. Kittens, Inc. dba **Uncle Sam's East**, 1122 E. North Street, for an On-Off Sale Malt Beverage License Renewal
30. Uncle Sam's, Inc. dba **Uncle Sam's Casino & Eatery**, 2110 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
31. Jumble, Inc. dba **Uncle Sam's West**, 2730 West Main Street, for an On-Off Sale Malt Beverage License Renewal

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, June 3, 2002:

**Off-Sale Malt Beverage License Renewals**

1. Kusler's Conoco, Inc. dba **Kusler's Conoco**, 701 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
2. Cenex Petroleum, Inc. dba **Cenex Convenience Store No. 030**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal

3. Cenex Petroleum, Inc. dba **Cenex Convenience Store No. 032**, 850 E. North Street, for an Off-Sale Malt Beverage License Renewal
4. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
5. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
6. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
7. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
8. Ranch Mart, Inc. dba **Ranch-Mart Downtown Rapid City**, 520 Birth Avenue, for an Off-Sale Malt Beverage License Renewal
9. Wal-Mart Stores, Inc. dba **Wal-Mart Supercenter No. 1604**, 1200 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
10. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
11. MG Oil Company dba **Amoco Food Shop No. 9**, Jct. Of Highway 79 and St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
12. MG Oil Company dba **Amoco Food Shop No. 8**, 302 E. North Street, for an Off-Sale Malt Beverage License Renewal
13. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
14. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 E. North Street, for an Off-Sale Malt Beverage License Renewal
15. MG Oil Company dba **Haines Avenue Smoke Shop**, 2601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
- 15A. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal

***On-Off Sale Malt Beverage License Renewals***

16. High Plains Securities, Inc. dba **The Reef**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
17. Western Dakota Gaming, Inc. dba **Valley Sports Casino**, 1865 South Valley Drive, for an On-Off Sale Malt Beverage License Renewal (inactive)
18. Lybeck's Twenty-First Century, Inc. dba **Shenanigan's Casino**, 3788 East Highway 44, for an On-Off Sale Malt Beverage License Renewal
19. Poker Joe's Inc dba **Poker Joe's**, 211 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
20. Thomas McCarty dba **The Marble Club**, 2315 ½ Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
21. United Food, Inc. dba **Toby's Casino**, 720 E. North Street, for an On-Off Sale Malt Beverage License Renewal
22. United Food, Inc. dba **Toby's Casino**, 710 Cleveland Street, for an On-Off Sale Malt Beverage License Renewal
23. CCKT, Inc. (inactive), 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
24. Wilburn Powers, Inc. dba **Horseshoe Bar**, 1407 ½ E. North Street, for an On-Off Salt Beverage License Renewal
25. Peaceful Pines Casino, Inc. dba **West Main Square Casino**, 3205 West Main Street, for an On-Off Sale Malt Beverage License Renewal
26. MG Oil Company dba **Warehouse Bar & Casino**, 200 E. Main Street, for an On-Off Sale Malt Beverage License Renewal
27. MG Oil Company dba **LaCrosse Street Casino No. 2**, 720 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
28. MG Oil Company dba **LaCrosse Street Casino No. 1**, 720 N. LaCrosse Street, Suite A, for an On-Off Sale Malt Beverage License Renewal

29. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
30. Merle R. Bach dba **The Hideaway**, 1575 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
31. Slettens, Inc. dba **DD's Short Stop Bar**, 620 E. Boulevard North, for an On-Off Sale Malt Beverage License Renewal
32. ZBT, Inc. dba **Joker's Casino North**, 608 ½ E. North Street, for an On-Off Sale Malt Beverage License Renewal
33. MG Oil Company dba **East North Casino**, 230 E. North Street, for an On-Off Sale Malt Beverage License Renewal
34. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
35. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
36. Deano's Casino, Inc. dba **Deano's Casino**, 903 E. North Street, for an On-Off Sale Malt Beverage License Renewal
37. MG Oil Company dba **BP Casino**, 609 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Renewal
38. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
39. ZBT, Inc. dba **Jackpot Casino East**, 2708 E. Highway 44, for an On-Off Sale Malt Beverage License Renewal
40. CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
41. SARF, Inc. dba **Joker's Casino South**, 1320 Mt. Rushmore Road, Suite C, for an On-Off Sale Malt Beverage License Renewal
42. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Transfer (from Four Diamonds, Inc.)
43. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal

***On-Off Sale Malt Beverage License Renewals (No Video Lottery)***

44. NPC International, Inc. dba **Pizza Hut No. 2778**, 705 E. North Street, for an On-Off Sale Malt Beverage License Renewal
45. Guang Huan Huang dba **Hunan Chinese Restaurant**, 1720 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
46. Central States Fair, Inc. dba **Central States Fair**, 800 San Francisco Street, for an On-Off Sale Malt Beverage License Renewal

***Special Malt Beverage License***

47. **Rushmore German Club**, for a Special Malt Beverage License to be used at the Central States Fairgrounds, 800 San Francisco Street, from August 15 through August 24, 2002.

***Consent Calendar***

The following items were removed from the Consent Calendar:

54. Allow Police Chief Tieszen to spend \$7,000 out of existing budget to move forward with the space study at the Public Safety Building, in conjunction with the county, and direct him to make a formal request to have a hearing in front of the 2012 Committee to look at the funding options for this project.

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

**Set for Hearing** (None)**Public Works Committee Items**

33. No. PW051502-01 – Approve the bid award of PR01-1051, Rapid City Community Centers South and West Project to the lowest responsible bidder meeting specifications, Scull Construction Services for the low unit prices bid for a total contract amount of \$2,964,910; and pending approval of the City/School Use Agreement.
34. No. PW051502-02 – Approve the bid award of PR01-1073, Roosevelt Park Demonstration Gardens Project to the lowest responsible bidder meeting specifications, Shamrock Enterprises, Inc. for the low unit prices bid for a total contract amount of \$92,225.
35. No. PW051502-03 – Approve the bid award of One (1) New Current Model Year Sander-Dump Combination with Plow for the Street Division to the lowest responsible bidder meeting specifications, Eddie's Truck Sales, Inc. for the low unit prices bid for a total contract amount of \$89,853.
36. No. PW051502-04 – Approve the bid award of One (1) New Current Model Year Loader/Backhoe for the Cemetery to the bidder meeting specifications, RDO Equipment Company for the unit prices bid for a total contract amount of \$50,169.
37. No. PW051502-05 – Approve Change Order No. 01 for W01-1104, Water Main Extension on Omaha Street from LaCrosse to Cambell Street Project to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$13,271.41.
38. No. PW051502-06 – Authorize staff to advertise for bids for Bomag Trash Compactor Teeth for the Landfill.
39. No. PW051502-07 – Authorize staff to advertise for bids for SS02-954, Hawthorne Avenue Street and Utilities Reconstruction Project, Phase Two - Grading, Surfacing, Curb & Gutter, Storm Sewer, Water Main, and Sanitary Sewer Main Project.
40. No. PW051502-12 – Authorize staff to advertise for bids for One (1) New Current Model Year High Pressure Sewer Jet Cleaning Machine for Utility Maintenance.
41. No. PW051502-08 – Authorize the Mayor and Finance Officer to sign Black Hills Power, Inc. Right-Of-Way Permit – UG Corporation for the Rushmore Plaza Civic Center.
42. No. PW051502-09 – Authorize the Mayor and Finance Officer to sign Modification No. 01 to Research Agreement No. SDSM&T-CR 99-11 for contract extension only.
43. No. PW051502-10 – Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with FMG, Inc. for Preliminary Design Services for W03-1220, Arrowhead Water Transmission Main Loop for an amount not to exceed \$9,820.
44. No. PW051502-11 – Authorize the Mayor and Finance Officer to sign a Professional Services Agreement with Wyss Associates, Inc. to Design PR02-1216, Parkview Softball Complex Project, Phase 2 for an amount not to exceed \$38,827.
45. No. PW051502-14 – Authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with The Alliance of Architects & Engineers to Prepare ST02-1185, Rapid City GPS Densification Surveys for a Time Extension Only.
46. Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering Company to Design ST02-1218, Twilight Drive Connection/Concourse Drive Extension Project for an amount not to exceed \$34,895.
47. Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. for a Preliminary Analysis/Design for ST02-1189, North LaCrosse/East Anamosa Intersection Improvements Project for an amount not to exceed \$2,762.75.
48. No. 02FV004 – Approve a Fence Height Variance of an eight foot (8') high fence for Dream Design International, Inc. for Chase LP II on Lots 1-3, Block 7 of Schnasse Subdivision, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 225 East Watertown Street.
49. No. 02RD003 – Approve a request by City of Rapid City for a Resolution renaming Park Hill Drive to Park Hill Court located in the W1/2 SE1/4 of Section 7, T1N, R8E, BHM, Pennington County, South Dakota.

## RESOLUTION CHANGING THE ROAD NAMED PARK HILL DRIVE TO PARK HILL COURT

BE IT RESOLVED by the City of Rapid City that the Park Hill Drive right-of-way lying adjacent to Lots 14, 15, 16R, 17, 18, and 19 of Block 5, Park Hill Subdivision, located in the W1/2 SE1/4 of Section 7, T1N, R8E, BHM, Pennington County, South Dakota be, and is hereby, renamed to Park Hill Court.

DATED this 20<sup>th</sup> day of May, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

### ***Legal & Finance Committee***

50. No. LF051502-01 - Approve Event Permit for Cruiser Night to be held on June 14, 2002.
51. No. LF051502-02 - Approve Event Permit for South Dakota American Legion to hold parade on June 15, 2002.
52. No. LF051502-03 - Approve Travel Request for John A. Beardsley to attend Computer Forensics Science and NTFS Forensic Suite Training in Gresham, Oregon, from June 15 through 22, 2002, in the amount of \$2,802.
53. No. LF051502-11 - Authorize Mayor and Finance Officer to sign Renewal Contract with Pennington County Housing.
55. No. LF051502-04 - Authorize staff to Advertise for Bids for the Purchase of One (1) EMC Decon Systems for P/N Mass Decon-101 System.
56. No. LF051502-05 - Authorize Mayor and Finance Officer to Accept and Enter into Grant for \$31,500 from the State of South Dakota and Department of Justice for the Purchase of Hazardous Materials Equipment for the Rapid City/Pennington County HazMat Team.
57. No. LF051502-06 - Authorize Mayor and Finance Officer to Sign Agreement with Premier Pyrotechnics for City Fireworks Display for a Three-Year Term in the Sum of \$17,500 Per Year Provided Funds are Available.
58. No. 02TP002 - Approve Amendment No. 1 to the 2002-2006 Transportation Improvement Program.
59. No. LF051502-07 - Approve Resolution Establishing Change Fund for Recreation Facilities.

## RESOLUTION ESTABLISHING CHANGE FUND

WHEREAS it has been determined that the Swimming Pools and Ice Arena require a Change Fund to operate efficiently

NOW, THEREFORE, BE IT RESOLVED that a Change Fund in the amount of One Thousand One Hundred Fifty Dollars (\$1,150) be established as follows for the Swimming Pools and Ice Arena, and that the City Finance Officer is authorized to issue a treasurers check to establish such fund:

Parkview Pool	\$200
Parkview Concession	\$175
Jimmy Hilton Pool	\$200
Jimmy Hilton Concession	\$170



Horace Mann Pool	\$100
Roosevelt Ice Arena	\$200

Dated this 20th day of May, 2001.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

60. No. LF051502-08 - Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

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

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

1. The assessment roll for Property Cleanup was filed in the Finance Office on the 20th day of May, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, June 17, 2002 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 20th day of May, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

61. Approve the following licenses: Electrical Apprentice: Adrien Adams, Rachel Eisenbraun, Maurice Holmes, Scott Krell, Michael B. Martz, Curtis Visscher; Electrical Journeyman: Hank Bucholz; Mechanical Apprentice: Charles W. Lefler; Metal and Gems: First Security Pawn, Sean K. Woods; Pawn Shop: First Security Pawn, Sean K. Woods; Plumber: John A. Spry; Residential Contractor: Premier Builders, Jason A. Pehringer; Pyramid Construction, Todd Harter; Second Hand: First Security Pawn, Sean K. Woods; Sign Contractor: Conrad's Big C Signs, Ron Conrad.
62. No. LF051502-10 - Authorize Mayor and Finance Officer to Execute Amendment II of Award of Allocation for Historic Preservation Project Number 46-01-024 for a No Cost Time Extension to July 1, 2002.

63. Approve the request of Robert Mudge on behalf of the Sioux Falls Water Ski Club to use Canyon Lake for a water ski show on June 29<sup>th</sup> at 7:00 p.m. or in case of a rainout, on Sunday, June 30, 2002, not before 1:00 p.m.
- 63A. Direct staff to prepare a resolution extending the moratorium on billboards to an appropriate time.
64. No. LF051502-12 - Approve Appointment of Patricia Meyers to the Rapid City Regional Airport Board for a term of five years.
65. Approve appointment of Andrew Hade to the Sign Contractor Board through December 31, 2003.
66. Approve appointment of Tom Murphy as the City Council representative to the City-County Public Safety Building Expansion Committee.
67. Approve appointment of Mike Derby to the Sign Contractor Board through December 31, 2003.

### ***Raffle***

68. No. CC052002-02 - Acknowledge notification from **Veterans Coordination Commission** of their intent to sell poppies and forget-me-nots in the Rapid City area for donations

### **End of Consent Calendar**

Motion was made by Hadley and seconded by Hanks to allow Police Chief Tieszen to spend \$7,000 out of existing budget to move forward with the **space study at the Public Safety Building**, in conjunction with the county, and direct him to make a formal request to have a hearing in front of the 2012 Committee to look at funding options for this project. Hadley explained that this funding is for space in the Public Safety Building, not the jail facility. Upon vote being taken, the motion carried unanimously.

### ***Planning Department – Consent Items***

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

69. 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 JUNE 3, 2002)
70. 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 JUNE 3, 2002)
71. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO JUNE 3, 2002)
72. 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 JUNE 3, 2002)

73. No. 01PL097 - A request by Dream Design International for a **Preliminary and Final Plat** on Tract A and dedicated streets, Big Sky Subdivision - Phase VII located in the SE1/4 NW1/4 and the NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota,; excepting Lot 1, Block 13 and Lot 1, Block 14 of Big Sky Subdivision and dedicated public rights of way (Big Sky Drive and Degeest Street), as shown on the plat filed in Plat Book 29, Page 154, also excepting Lots 1 and 2, Block 13 and Lots 2, 3, 4 and 5, Block 14 and dedicated public rights of way (Degeest St., Buddy Ct. and Homestead Ave.), located at the intersection of Degeest Street and Homestead Avenue. (CONTINUE TO JUNE 3, 2002)
74. 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, 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 JUNE 17, 2002)
75. 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, 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 JUNE 3, 2002)
76. 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, 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 JUNE 3, 2002)
77. 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, 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 JUNE 3, 2002)
78. 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, 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 JUNE 3, 2002)

79. No. 02PL012 - A request by Dream Design International, Inc. for Stoney Creek Inc. for a **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 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 JUNE 3, 2002)
  
80. 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, 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 JUNE 3, 2002)
  
81. 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, 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 JUNE 3, 2002)
  
83. 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, 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 JUNE 3, 2002)
  
84. 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, 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 JUNE 17, 2002)
  
85. 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, 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 JUNE 3, 2002)
  
86. 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, 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 JUNE 3, 2002)

88. No. 02PL040 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on 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, 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. (CONTINUE TO JUNE 3, 2002)

---

## END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL022, a request by Renner & Sperlich Engineering Co. for Gary Rasmusson for a **Preliminary and Final Plat** located the northeast and northwest corner of the intersection of Maple Avenue and East Minnesota Street. The following Resolution was introduced, read and Kroeger moved its adoption:

### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 26 of Block 23, and Lot 6 of Block 24, Robbinsdale Addition No. 10 (formerly a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13) located in the NE1/4 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 the Plat of Lot 26 of Block 23, and Lot 6 of Block 24, Robbinsdale Addition No. 10 (formerly a portion of Tract A of Robbinsdale Addition No. 10 and a portion of the NE1/4 of the SE1/4 of Section 13) located in the NE1/4 of the SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the 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 20th 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. 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. 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, 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 and seconded by Johnson to continue this item until June 3, 2002. George Dunham explained that the development is at an impasse until the Council takes action on two issues relative to this property. First, Engineering Dept. staff is opposed to the current plan to connect sewer into the existing sewer line in Nicklaus Drive. The topography of the land is such that the sewer is too low to directly connect at the intersection of the new road and Nicklaus Drive. The proposed design will create a utility easement adjacent to Nicklaus Drive for approximately 150'. The new sewer will be located in this easement. Dunham stated that he feels his plan is better than tearing up Nicklaus Drive to lower the existing sewer. Public Works Director Bjerke explained that the sewer should be connected at the proper location. The new sewer easement will increase the amount of pipe maintained by the City as well as create the need for one additional manhole. The second issue relating to this development is the location of a sidewalk along the south side of Nicklaus Drive and how it will interface with a new high pressure water main that the City may wish to run in this right-of-way. Dunham stated that if the sidewalk is located along the property line, he will have to fill in the drainage which is not allowed. He would like to move the sidewalk closer to the back of the curb. This would necessitate minor modifications for construction of the sidewalk. There was lengthy discussion about allowing a parallel sewer and the increased costs of maintenance for the City. **Substitute motion was made by Hanks** and seconded by Waugh to approve the request for a Preliminary and Final Plat, with modifications to Stipulation No. 8 to indicate that the City is granting a special exception to allow minor adjustments to accommodate the sidewalk around the power poles, amend the stipulations to allow a parallel sewer for approximately 150' along Nicklaus Drive, and with the stipulation that the plat not be filed until the surety and mylar have been submitted and approved. Johnson spoke against the motion noting that the city will have increased maintenance costs in the future for the additional sewer line and additional manhole. If we don't allow this in other developments, why are we considering it in this case? Roll call vote was taken: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Dreyer and Kriebel; NO: Hadley and Johnson. The motion carried, 8-2.

The Mayor presented 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, 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. Motion was made by Kroeger and seconded by Johnson to continue this item until June 3, 2002. Dunham explained that the approved layout plat shows a connection onto Heidiway Court as the single point of access for this phase of the project. This is exactly as it is shown on the proposed final plat. Now city staff is requiring that 750 feet of road be built across adjoining property as a second access. This requirement will make the project economically unfeasible. Dunham requested that he be allowed to proceed with development as approved on the Layout plat. Hanks stated that he doesn't feel the City can require a developer to build a road on someone else's property when the right-of-way hasn't even been dedicated. Dreyer stated that he believes the use of Heidiway Court as the single access point to this development is a major safety issue. Heidiway Lane is not constructed adequately for the existing traffic let alone additional traffic. Planning Director Elkins noted that the City could work with the developer and explore the use of IDPF or TID financing for the road project. Dreyer concurred noting that staff should explore other options for the traffic generated by this development so that it will come onto Corral Drive and onto Sheridan Lake Road at the signaled intersection. James Kleinfeldter, resident of Heidiway Court, spoke against the

proposed development. This road was not built for that type of traffic. He added that it is almost impossible now to get into Sheridan Lake Road at this location. Planning Director Elkins stated that the issue of using Heidiway Court as the only access was addressed at the Layout and Preliminary Plat stages. The landowners representative, Pat Wyss, indicated that there was an easement that Mr. Dunham had that could be used as access to the south across Severson for both utilities and roadway construction. This easement is shown on the layout plat. Engineering Division Manager Randy Nelson noted that the connection for this phase of the development is a choice the developer has made in his sequencing of construction. There is an opportunity to work from the north in a southern direction and there is another street connection to be made to the west of this property. He encouraged the land owners in this area and the City to work toward a safe solution to this development question. Nelson added that recently a developer in Sunset Vista Subdivision was required to construct a road on property that was not in the proposed development. Johnson stated that the City routinely approves plats with a single access when the number of lots is less than 40. He added that requiring this developer to put in this street is a burden. Planning Commission Member Dawn Mashek stated that there are many factors that indicate using Heidiway Court as a sole access to this development is not a good idea. She added that if a landowner wants to be a developer, then they need to do things developers do like build roads. Elkins noted that the road into this subdivision does not meet the requirements of the Street Design Criteria Manual. She added that alternatives do exist with phasing of this development to handle access issues. **Substitute motion was made by Johnson** and seconded by Rodriguez to approve the requested Preliminary and Final Plat with modifications to the stipulations as follows: Eliminate Stipulations 5 & 9 and modify Stipulation No. 10 to strike the verbiage dealing with street improvements; and with the stipulation that the plat not be recorded until the mylar and surety have been submitted and approved. Roll call vote was taken: AYE: Kriebel, Waugh, Steinburg, Kroeger, Hanks, Rodriguez, Hadley and Johnson; NO: Dreyer and Murphy. Motion carried, 8-2.

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 June 3, 2002.

### ***Planning Department – Hearings***

The Mayor presented No. 02AN005, a request by City of Rapid City for a **Petition for Annexation** located east of SD Highway 79 and north of Folsom Road. The following Resolution was introduced, read and Kroeger moved its adoption:

#### **A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY**

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

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

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory containing 32.2 acres more or less is hereby included within the corporate limits of the City and annexed thereto:

That portion of the NW1/4 SW1/4, formerly known as Lots 8, 9, & 10 of Swander's Addition located in the NW1/4 SW1/4 of Section 17, T1N, R8E,

BHM, Pennington County, South Dakota; That portion of Lot A a part of the SW1/4 of Section 17, T1N, R8E, BHM, lying in the NW1/4 of the SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1 of BHPL Hwy 79 Substation in Tract D in W1/2 of SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot B of SW1/4 SW1/4 and Lot A of SE1/4 SW1/4, Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Tract D of W1/2 SW1/4 less Lot 1 of BHPL Hwy 79 Substation in Tract D in W1/2 of SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota and less Lot 1A and Lot 1B of E. Hoff Subdivision of Section 17, T1N, R8E, BHM, Pennington County, South Dakota and less Lot H1 in Tract D of the W1/2 SW1/4 of Section 17 less Lot 1 of BHPL Hwy 79 Substation, T1N, R8E, BHM, Pennington County, South Dakota; Lot H1 and Lot H2 and Lot H3 of W1/2 SW1/4; Lot H2 and Lot H3 of Lot C of W1/2 SW1/4; Lot H1 of Tract D of W1/2 SW1/4 of Section 17 less Lot 1 of BHPL Hwy 79 Substation; Lot H1 in Lot E in the SW1/4 SW1/4; Lot H1 in Lot F in the SW1/4 SW1/4; Lot H1 in Lot B in the SW1/4 SW1/4; Lot H1 in Lot A in the SE1/4 SW1/4; Lot H5 of NW1/4 SW1/4; all located in Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot H1 of E1/2 SE1/4, Section 18, T1N, R8E, BHM, Pennington County, South Dakota; all railroad rights-of-way, not previously annexed, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and all rights-of-way not previously annexed lying west of the east boundary of the DM&E railroad right-of-way located in the SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, an area of 32.2 acres, more or less, with the following stipulation:

1. That the payment of the necessary reimbursement to the Rapid Valley Fire District be made following City Council approval of the annexation.

Dated this 20th 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. 02CA019, a request by City of Rapid City 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 5.9 acre parcel from Public Drainage to General Commercial with a Planned Development Designation to include a drainage area within 550 feet of Catron Boulevard** on property 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 20<sup>th</sup> day of May, 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 5.9 acre parcel from Public Drainage to General Commercial with a Planned Development



Designation to include a drainage area within 550 feet of Catron Boulevard, on the north 500 feet of the east 460 feet of Government Lot 3 of the NW1/4 SW1/4 and that portion of the SW1/4 NW1/4 lying south of Catron Boulevard, all located in Section 19, T1N, 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 20<sup>th</sup> 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. 02CA020, a request by City of Rapid City 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 1.18 acres parcel from Office Commercial with a Planned Commercial Development to Light Industrial** on property 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 20<sup>th</sup> day of May, 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 1.18 acres parcel from Office Commercial with a Planned Commercial Development to Light Industrial, on that portion of the SE1/4 SE1/4 lying southeast of the proposed 5th Street extension in Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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. 02CA021, a request by City of Rapid City 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 10.65 acre parcel from Office Commercial with a Planned Commercial Development to Office Commercial** on property 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 20<sup>th</sup> day of May, 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 10.65 acre parcel from Office Commercial with a Planned Commercial Development to Office Commercial, on the east 500 feet of the south 1040 feet of the SE1/4 SE1/4 and west of proposed 5th Street extension, Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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. 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. 02CA022, a request by City of Rapid City 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 19.65 acre parcel from Low Density Residential with a Planned Residential Development to Medium Density** on property 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 20<sup>th</sup> day of May, 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 19.65 acre parcel from Low Density Residential with a Planned Residential Development to Medium Density, on the west 890 feet of the south 1040 feet of the SE1/4 SE1/4 of Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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 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. 02CA023, a request by City of Rapid City 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 45.86 acre parcel from Public Drainage and General Commercial with a Planned Commercial Development, Low Density Residential with a Planned Residential Development, and Office Commercial with a Planned Commercial Development to General Commercial with a Planned Development Designation and a Drainage area within 550 feet of Catron Boulevard and General Commercial on the balance of the property** on property 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 20<sup>th</sup> day of May, 2002 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan as follows:

A) Revise the land use from Low Density Residential with a Planned Residential Development and Office Commercial with a Planned Commercial Development to General Commercial on the north 280 feet of the SE1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota;

B) Revise the land use from Medium Density Residential with a Planned Residential Development to General Commercial with a Planned Commercial Development for the west 150 feet of the NE1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota lying within 550 feet of the Catron Boulevard right-of-way;

C) Revise the land use from Public Drainage and General Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development and a Drainage overlay on the east 440 feet less the easternmost 30 feet of the north 487 feet of the NE1/4 of the NE1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota less that portion of H-1 lying in the NE1/4 of the NE1/4 of the SE1/4 of Section 24, T1N, R7E, BHM, Pennington County, South Dakota with the following stipulation:

- 1) That when development occurs on the property, the drainage area may be relocated or revised in accordance with any adopted drainage basin master plan and the Drainage Criteria Manual.

D) Revise the land use from Low Density Residential with a Planned Residential Development, Office Commercial with a Planned Residential Development, Medium Density Residential with a Planned Residential Development and General Commercial with a Planned Commercial Development to General Commercial for that portion of the balance of the NE ¼ of the SE ¼ of Section 24, T1N, R7E, BHM, Pennington County, South Dakota lying more than 550 feet south of the Catron Boulevard right-of way, 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 20<sup>th</sup> 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 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. 02CA024, a request by City of Rapid City 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 16.63 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development** on 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 w0th day of May, 2002 to consider an amendment to the Comprehensive Plan Amendment by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 16.63 acre parcel from Medium Density Residential with a Planned Residential Development to Office Commercial with a Planned Commercial Development, on the north 730 feet of the west 150 feet of the NE1/4 SE1/4 and the north 600 feet of the east 1170 feet of the NW1/4 SE1/4 of Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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 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. 02CA025, a request by City of Rapid City 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 6.86 acre parcel from Low Density Residential with a Planned Residential Development to Medium Density Residential** on 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

the Rapid City Council held a public hearing on the 20<sup>th</sup> day of May, 2002 to consider an amendment to the Comprehensive Plan Amendment by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 6.86 acre parcel from Low Density Residential with a Planned Residential Development to Medium Density Residential, on the south 150 feet of the west 150 feet of the NW1/4 SE1/4 and the south 280 feet of the east 1170 feet of the NW1/4 SE1/4 of Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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 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. 02CA026, a request by City of Rapid City 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 31.8 acre parcel from Low Density Residential with a Planned Residential Development to Low Density Residential II** on 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 20<sup>th</sup> day of May, 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 31.8 acre parcel from Low Density Residential with a Planned Residential Development to Low Density Residential II, on the south 1040 feet of the SW1/4 SE1/4 of Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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 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. 02CA027, a request by City of Rapid City 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 12.47 acre parcel from Medium Density Residential with a Planned Residential Development to Neighborhood Commercial with a Planned Commercial Development** on property 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 20<sup>th</sup> day of May, 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 12.47 acre parcel from Medium Density Residential with a Planned Residential Development to Neighborhood Commercial with a Planned Commercial Development, on that portion of the north 735 feet lying south of Catron Boulevard in the NE1/4 SW1/4 of Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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 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. 02CA028, a request by City of Rapid City 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 51.16 acre parcel from Medium Density Residential with a Planned Residential Development to Medium Density Residential** on property 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 20<sup>th</sup> day of May, 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 51.16 acre parcel from Medium Density Residential with a Planned Residential Development to Medium Density Residential, on the south 585 feet of the NE1/4 SW1/4 and that portion of the SE1/4 SW1/4 all lying more than 550 feet from the Catron Boulevard right-of-way in Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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 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. 02CA029, a request by City of Rapid City for an **Amendment to the Comprehensive Plan to revise the South Robbinsdale Neighborhood Area Future Land Use Plan to identify an alternative designation as General Commercial with a Planned Commercial Development on a 128.16 acre parcel** on property 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 20<sup>th</sup> day of May to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to identify an alternative designation as General Commercial with a Planned Commercial Development on a 128.16 acre parcel, on the east 500 feet of the south 1040 feet of the SE1/4 SE1/4 west of the proposed 5th Street extension, the west 820 feet of the south 1040 feet of the SE1/4 SE1/4, NE1/4 SE1/4 less Hwy 16B ROW and the north 280 feet of the SE1/4 SE1/4, the east 860 feet of the NW1/4 SE1/4, and the east 860 feet of the SW1/4 SE1/4, all located in Section 24, T1N, R7E, BHM, 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 20<sup>th</sup> 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 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. 02CA030, a request by FMG, Inc. for George and Nancy Dunham for an **Amendment to the Comprehensive Plan to change the land use designation on a 120 acre parcel from General Agriculture to Low Density Residential** on property located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. 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 20<sup>th</sup> day of May, 2002 to consider an amendment to the Comprehensive Plan to change the land use designation on a 120 acre parcel from General Agriculture to Low Density Residential, on the unplatted portions of the E1/2 NE1/4 SE1/4; W1/2 NE1/4 SE1/4; and the E1/2 NE1/4, all located in Section 16, T1N, 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 20<sup>th</sup> 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 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. 01PD064, a request by Bryan K. Gonzales for Pride Neon, Inc. for a **Major Amendment to a Planned Commercial Development to revise the sign package** on Lot 2 Revised of Blocks 14-15, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 640 Flormann Street. Motion was made by Kroeger, seconded by Waugh and carried to approve the requested amendment,



with the following stipulations: 1) Prior to City Council approval, the uncompleted site improvements shall be completed or surety shall be posted in the amount necessary to cover the cost of the improvements; 2) That no off premise signs shall be allowed on the property; 3) That a sign permit shall be obtained prior to installation of any signs; 4) That all provisions of the Rapid City Sign Code shall be continually met; 5) That a minimum of 10,000 square feet of office space shall remain vacant until the applicant has provided evidence that a minimum of 40 additional parking spaces have been secured that comply with the requirements of the Off-Street Parking Ordinance; 6) That all of the stipulations of approval of the previously approved Planned Commercial Development, #00PD007 with the exception of condition #17 and all conditions of Major Amendment #00PD026 must be continually met; and 7) Prior to City Council approval, the applicant shall replace the trees along the east property line that do not meet the height requirements of stipulation number 6 of the Major Amendment to a Planned Commercial Development approved by the City Council on July 24, 2000 or post surety for the replacement of the trees within sixty days of the approval of this amendment by the City Council.

The Mayor presented No. 01PD065, a request by Fisk Land Surveying for Dakota Land Development for an **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/Highway 44 West, north of the Fish Hatchery. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until June 3, 2002.

The Mayor presented No. 02PD003, a request by Thurston Design Group, LLC for Youth and Family Services for a **Planned Commercial Development - Final Development Plan** on The east 26' of Lot 2 of Block 21, Lot 3 Revised and Lot 4 Revised of Block 6, Wise's Addition, located in the SW1/4 of the NW1/4, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 120 East Adams Street and 202 East Adams Street. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until June 3, 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 Waugh and carried to continue this item until June 3, 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 Waugh and carried to continue this item until June 3, 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 Waugh and carried to continue this item until June 3, 2002.

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 the following property: 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, 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. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until June 3, 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, 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 June 17, 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 the following property: 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, 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 June 3, 2002.

The Mayor presented No. 02SV018, a request by Renner & Sperlich Engineering Co. for Gary Rassmusson for a **Variance to the Subdivision Regulations** to waive the requirement for dedication of right-of-way in accordance with the Major Street Plan on the following property: 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, 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. Motion was made by Kroeger, seconded by Waugh and carried to approve the requested Variance with the stipulation that a ten foot wide public utility and pedestrian access easement shall be provided along the south lot line of the subject property.

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 the following property: 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, 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 Rodriguez and carried to approve the requested 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, and to waive the requirement for sidewalk on Meadowbrook Drive; and deny without prejudice the request to waive the requirement for sidewalk on Nicklaus Drive and to allow curbside sidewalk with roll curb on Ward Court.

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 the following property: 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, 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 approve the requested 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 and to waive the requirement for sidewalk on Meadowbrook Drive; and deny without prejudice the variance to waive the requirement for sidewalk on Nicklaus Drive and to allow curbside sidewalk with roll curb on Ward Court.

The Mayor presented No. 02SV022, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide** on 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, 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. Motion was made by Kroeger, seconded by Hanks and carried to continue this hearing until June 3, 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 Hanks that the title be read the second time. Mike Derby requested that this item be continued so that the Council can consider it in conjunction with the proposed ordinance for billboard regulations. Substitute motion was made by Johnson and seconded by Dreyer to continue second reading of Ordinance 3773 until June 3, 2002. Kriebel stated that he feels the ordinance requiring a conditional use permit can stand alone; it is not based on the proposed ordinance to revise billboard regulations. The ordinance before the Council at this time is a safety net that would catch issues not covered by the sign code ordinance. Roll call vote was taken: AYE: Steinburg, Dreyer, Murphy and Johnson; NO: Kriebel, Waugh, Kroeger, Hanks, Rodriguez and Hadley. Substitute motion to continue failed, 4-6. Roll call vote was taken on the original motion: AYE:

Kriebel, Waugh, Kroeger, Hanks, Rodriguez and Hadley; NO: Steinburg, Dreyer, Murphy and Johnson. Motion to approve second reading of Ordinance 3773 carried, 6-4.

**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. Upon motion made by Hadley, seconded by Dreyer and carried, Ordinance 3801 was placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 3, 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 and seconded by Dreyer to approve first reading with the stipulation that a certified letter be mailed to the applicant prior to the expiration of the plat. Planning Director Elkins expressed concern about this stipulation because of the time frames involved with this process. The applicant is aware of the date they submit the plat and are able to track it. Johnson spoke against the stipulation noting that the burden to watch the time frame should remain with the applicant. Upon vote being taken, the motion failed unanimously. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3802 was placed upon its first reading and the title was fully and distinctly read and second reading set for Monday, June 3, 2002.

The Mayor announced the meeting was open for hearing on **Ordinance 3809** (No. 02RZ018) 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. Notice of hearing was published in the Rapid City Journal on April 20 and April 27, 2002. Ordinance 3809, having had the first reading on April 15, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Steinburg, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3809 the second time.

The Mayor announced the meeting was open for hearing on 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 NE1/4 of the NE1/4, 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. Notice of hearing was published in the Rapid City Journal on April 20 and April 27, 2002. Ordinance 3811, 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. Upon vote being taken, 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 3811 the second time.

The Mayor announced the meeting was open for hearing on 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 NE1/4 of the SE1/4 of Section 16, T1N, R7E, BHM described by metes and bounds as follows: From the Point of Beginning, being the SE corner of the NE1/4 of the SE1/4, 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. Notice of hearing was published in the Rapid City Journal on April 20 and April 27, 2002. Ordinance 3812, 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. Upon vote being taken, 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 3812 the second time.

The Mayor presented No. LF041002-11R, second 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, seconded by Rodriguez and carried to continue this hearing until June 3, 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, having passed the first reading on May 6, 2002, it was moved by Hadley and seconded by Steinburg that the title be read the second time. Johnson explained that he was contacted by Fred Thurston about how this ordinance would affect projects that are in design at the current time. Substitute motion was made by Johnson, seconded by Dreyer and carried to continue the second reading of Ordinance 3814 until June 3, 2002.

The Mayor announced the meeting was open for hearing on No. 02RZ022, second reading of **Ordinance 3815**, 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 SW1/4 of Section 8 and the NW1/4 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. Notice of hearing was published in the Rapid City Journal on May 11 and May 18, 2002. Ordinance 3815, having had the first reading on May 6, 2002, it was moved by Hadley and seconded by Johnson that the title be read the second time. Upon vote being taken, 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 3815 the second time.

The Mayor presented No. 02RZ023, second reading of **Ordinance 3816**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density**

**Residential District** on the following property: 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. Motion was made by Hadley and seconded by Steinburg to approve second reading. Substitute motion was made by Johnson, seconded by Rodriguez and carried to continue this hearing until June 3, 2002.

**Ordinance 3817** (No. 02OA005) entitled An Ordinance to Increase the Permitted Size of Garages or Carports and to Require a Conditional Use Permit for Those Larger than 1500 Square Feet by Amending Section 17.04.315 of the Rapid City Municipal Code, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading and set second reading for Monday, June 3, 2002. Johnson spoke against the ordinance noting that it allows the more affluent members of the community to build a larger garage. Kriebel stated that anyone can build a large garage, its just that under certain circumstances, you might have to apply for a conditional use permit. Upon vote being taken, the motion to approve first reading carried with Johnson voting no.

**Ordinance 3818** (No. 02RZ024) a request by City of Rapid City for a **Rezoning from No Use District to Heavy Industrial District** on the following property, was introduced: The 80 foot wide vacated Brave Heart Street right-of-way on the southern boundary of Lot 1 and Lot 2 of Deblen Subdivision and the northern boundary of Block 1 and 4 as shown on the plat of Block 1 and 4 of Lot 2 of NW1/4 NW1/4 and of Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4, Section 17, T1N, R8E, and the 80 foot wide vacated Red Cloud street right-of-way lying within Lot A and B of Tract 2 of Kormylo Subdivision and Block 1 and 2 as shown on the plat of Blocks 1 and 4 of Lot 2 of NW1/4 NW1/4 and Lot 3 of SW1/4 NW1/4 and Blocks 2 and 3 of Lot 3 of SW1/4 NW1/4 Section 17, T1N, R8E, all located in Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located east of SD Highway 79, south of Fairmont Boulevard and north of Minnesota Street. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3818 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 held on Monday, June 3, 2002 at 7:00 P.M.

**Ordinance 3819** (No. 02RZ025) a request by City of Rapid City for a **Rezoning from No Use District to Light Industrial District** on the following property, was introduced: The 50 foot E. St. Charles Street right-of-way lying north of Lots A, C, D, E, F, G, & H in Schlottman Addition and the 66 foot E. St. Andrew Street right-of-way lying north of Lots O, P, Q, R, S, & T in Schlottman Addition, and the east half of Sedivy Lane lying south of SD Highway 44 and north of the railroad tracks, all located in Section 5, T1N, R8E, BHM, Pennington County, South Dakota, located north of E. St. Patrick Street and south of SD Highway 44. Motion was made by Hadley, seconded by Rodriguez and carried to deny this ordinance without prejudice so that the legal description can be corrected.

**Ordinance 3820** (No. 02RZ026) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to General Commercial District** on the following property, was introduced: A parcel of land located in the SW1/4 of the SW1/4 and the NW1/4 of the SW1/4 including the remainder of Lot B of the NW1/4 of the SW1/4 lying east of Highway 16, a portion of the NE1/4 of the SW1/4 and a portion of the SE1/4 of the SW1/4 all in Section 23, T1N, R7E, BHM, Located in the City of Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Southwest corner of the Aladdin Heights Subdivision as shown on the plat filed in Book 12 of

plats Page 158; continuing from the Point of Beginning South 89°59'15" East a distance of 403.30 feet along the South line of the Aladdin Heights Subdivision to a point; thence South 07°20'48" West a distance of 426.12 feet to a point on the current commercial zoning line; thence North 51°24'29" West a distance of 141.9 feet along the current commercial zoning line to a point; thence North 66°48'29" West a distance of 256.04 feet along the current commercial zoning line to a point; thence South 89°37'13" West a distance of 32.67 feet along the current commercial zoning line to a point on the Easterly ROW of Highway 16; thence North 07°20'48" East a distance of 235.52 feet along the Easterly ROW of said highway returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3820 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 held on Monday, June 3, 2002 at 7:00 P.M. Dreyer abstained from discussion or voting on this item.

**Ordinance 3821** (No. 02RZ027) a request by Dream Design International, Inc. for a **Rezoning from Low Density Residential II District with a Planned Development Designation to Medium Density Residential District** on the following property, was introduced: A previously unplatted parcel of land in the NE1/4 of the NW1/4 Section 26, T1N, R7E, BHM, located in the City of Rapid City, Pennington County, South Dakota. Being more particularly described as follows: Commencing at the stone monument for the 1/4 corner common to Sections 23 and 26, T1N, R7E, BHM thence along the line between Sections 23 and 26 South 89°59'50" West a distance of 329.50 to a rebar and cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the northwest corner of Tract A as shown on the plat recorded in Book 22 of plats Page 182 and the Point of Beginning; thence South 00°08'12" West a distance of 1277.17 along the West line of said Tract A to a rebar with cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the Southwest corner of said Tract A; thence a distance of 48.44 feet southwesterly along a curve that is the northwesterly ROW of the Highway 16 Bypass, said curve is concave to the Southeast, having a radius of 2939.79 feet and a chord direction of South 23°05'24" West, to a rebar with cap marked Fisk Engr. 1771; thence South 89°54'41" West a distance of 644.75 feet along the 1/16th line to a rebar with cap marked Davis & Atkins Assoc. 3095 said rebar being identical to the Southeast corner of said Lot A as shown on the plat recorded in Book 23 of plats Page 157; thence North 0°03'20" East a distance of 660.89 feet along the East line of said Lot A to a rebar with cap marked LS 6117 said rebar being identical to the Northeast corner of said Lot A; thence North 13°52'22" East a distance of 681.69 feet to the intersection of the commercial zoning line with the line between Sections 23 and 26; thence North 89°59'50" East a distance of 502.71 feet to the returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3821 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 held on Monday, June 3, 2002 at 7:00 P.M. Dreyer abstained from discussion or voting on this item.

**Ordinance 3822** (No. 02RZ028) a request by Dream Design International, Inc. for a **Rezoning from General Commercial District to Medium Density Residential District** on the following property: A previously unplatted portion of the NE1/4 of the NW1/4 and the NW1/4 of the NW1/4 of Section 26, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, being more particularly described as follows: Beginning at the Northeast corner of Lot A as shown on the plat filed in Book 23 of plats Page 157, said point of beginning being monumented with a rebar with cap marked LS 6117; thence South 89°48'07" West a distance of 331.50 feet along the North line of said lot A to a rebar with cap marked Davis & Atkins Assoc. 3095, Said rebar being identical to the Northeast corner of the Tucker Street ROW as shown on the plat filed in Book 23 of plats Page 157; thence South 89° 58' 52" West a distance of 266.92 feet along the North ROW of Tucker Street to a point; thence North 07°23'21" East a distance of 668.56 to a point on the line between Sections 23 and 26;

thence North 89°59'50" East a distance of 675.88 feet along the line between Sections 23 and 26 to a point identical to the intersection of said section line with the current commercial zoning line; thence South 13°52'22" West a distance of 681.69 feet along the current commercial zoning line to the point of beginning; containing 9.690 acres or 422,112.56 square feet located east of Highway 16 and 1/4 mile north of Catron Boulevard. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3822 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 held on Monday, June 3, 2002 at 7:00 P.M. Dreyer abstained from discussion or voting on this item.

**Ordinance 3823** (No. 02RZ029) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Park Forest** on the following property, was introduced: A previously unplatted portion of the SE1/4 of the SW1/4 and the NE1/4 of the SW1/4 of Section 23, T1N, R7E, BHM, City of Rapid City, County of Pennington, South Dakota more particularly described as follows: Beginning at a stone monument that is identical to the 1/4 corner common to Sections 23 and 26 T1N, R7E, BHM thence continuing from the point of beginning South 89°50' 50" West a distance of 832.21 feet along the line between Sections 23 and 26 to a point that is identical to the intersection of the line between said sections and the current commercial zoning line; thence North 13°43' 23" East a distance of 33.11 feet along the current commercial zoning line to an angle point in the current commercial zoning line; thence North 50°07' 47" East a distance of 264.10 feet along the current commercial zoning line to an angle point in said zoning line; thence North 0°05' 37" East a distance of 450.00 feet along the current commercial zoning line to an angle point in said zoning line; thence North 72°22' 41" East a distance of 180.00 feet along the current commercial zoning line to angle point in said zoning line; thence North 14°47' 21" East a distance of 545.48 feet to a point; thence North 25°58' 18" West a distance of 789.13 feet to a point; thence North 0°00' 32" East a distance of 475.00 feet to a point; thence North 89°59' 28" West a distance of 175.00 feet to a point on the East line of Lot 1 Block 2 Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158; thence North 0°00' 32" East a distance of 30.00 feet along the East line of said Lot 1 to a point identical to the North East corner of said Lot 1; thence North 0°00' 32" East a distance of 199.93 feet along the East line of Lot 3 Block 3 Aladdin Heights Subdivision as shown on the plat recorded in Book 14 of plats Page 68 to a rebar with cap marked Fisk Eng. 1771 said rebar being on the South line of Tract D of Medicine Ridge No. 2 Subdivision as shown on the plat filed in Book 14 of plats Page 227; thence North 89°55' 31" East a distance of 346.35 feet along the South line of said Tract D to a rebar with cap marked Francis Meador 1019 said rebar being on the West line of Tract G as shown on the plat filed in Book 11 of plats Page 59; thence South 0°11' 40" East a distance of 450.90 feet along the West line of said Tract G to a rebar with cap marked Francis Meador 1019 said rebar being identical to the Southwest corner of said Tract G; thence South 89°56' 13" East a distance of 481.92 feet along the South line of said Tract G to a rebar and cap marked Francis Meador 1019 said rebar being identical to the Southeast corner of said Tract G and on the 1/4 line between the SW 1/4 and the SE 1/4 of said Section 23; thence South 0°01' 16" East a distance of 2196.74 feet to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3823 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 held on Monday, June 3, 2002 at 7:00 P.M. Dreyer abstained from discussion or voting on this item.

**Ordinance 3824** (No. 02RZ030) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Office Commercial District** on the following property, was introduced: A previously unplatted portion of the SE 1/4 of the SW 1/4 and the NE 1/4 of the SW 1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota more particularly described as follows: Beginning at a 1" I.D. Pipe that is identical with the Southeast corner of the Aladdin Heights Subdivision as shown on the plat filed in Book 12 of plats Page 158 and the point of beginning; thence North 0°00' 32" East a



distance of 712.38 feet along the East line of the said Aladdin Heights Subdivision; thence South 89°59'28" East a distance of 175.00 feet to a point; thence South 0°00'32" West a distance of 475.00 feet to a point; thence South 25°58'18" East a distance of 789.13 feet to a point; thence South 14°47'21" West a distance of 545.48 feet to a point identical with an angle point on the existing commercial zoning line; thence North 47°07'21" West a distance of 473.75 feet along the existing commercial zoning line to an angle point in the existing commercial zoning line; thence North 51°24'29" West a distance of 408.10 feet along the existing commercial zoning line to a point; thence North 07°20'48" East a distance of 426.12 feet to a point on the South line of said Aladdin Heights Subdivision; thence South 89°59'15" East a distance of 230.28 feet to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3824 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 held on Monday, June 3, 2002 at 7:00 P.M. Dreyer abstained from discussion or voting on this item.

### ***Legal & Finance Committee Items***

Motion was made by Hadley, seconded by Murphy and carried to authorize Mayor and Finance Officer to Sign **Exterior Bus Advertising Contract** for: Culver's - Side Panel - 3 Buses - \$525.00; Dave Schmidt - Farmer's Ins. Group - One Side Panel - \$150.00.

Pastor Brad Abelseth from the Church of the God of Prophecy appeared before the Council to discuss **snow removal policies** for the City. He explained that his church received a billing for snow removal at 1125 North LaCrosse Street, however, the snow on adjoining properties was not removed. He stated that he is not opposed to this ordinance requiring snow removal, but he is opposed to its selective enforcement. Chief Building Inspector Jim Clark explained that he received a complaint from a citizen who runs along Anamosa Street and was encountering difficulty because the sidewalks were not cleared of snow. He could not give specifics about the different properties and why some were cleared and some were not. Kroeger requested that this issue be put on the agenda for discussion at the next Public Works Committee meeting since the same issues will be coming up relative to weed control.

### ***Public Works Committee Items***

The next item before the Council was a request for an **Exception to Street Criteria Manual** for Len Weimer of 116 Monroe Street. Motion was made by Kroeger, seconded by Hanks and carried to continue this item to the next Public Works Committee meeting for additional discussion.

Motion was made by Kroeger and seconded by Hanks to direct staff of the Public Works Department and City Attorney's Office to work with the **Black Hawk Sanitary District** on a proposal to be presented within thirty (30) days; and that the Mayor appoint three Council members to work on the proposal (No. PW051502-13).

Motion was made by Hanks, seconded by Hadley and carried to approve the Mayor's appointment of the following individuals to work on the **Black Hawk Sanitary District Proposal**: Rick Kriebel, Bill Waugh and Tom Murphy.

### ***Bills***

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

Payroll Ending 5-04-02, Paid 5-10-02

574,870.86

Payroll Ending 5-04-02, Paid 5-10-02	3,012.80
Pioneer Bank & Trust, taxes Paid 5-10-02	141,244.73
Pioneer Bank & Trust, taxes Paid 5-10-02	225.35
First American Administrators, claims Paid 5-08-02	90,244.37
First American Administrators, claims Paid 5-13-02	85,785.65
SD Department of Revenue, sales tax, Paid 5-15-02	29,198.47
SD Department of Revenue, sales tax, Paid 5-15-02	17,490.31
US Post Master, billing postage	1,800.00
Computer Bill List	2,383,739.00
Total	\$3,327,611.54

Payroll Ending 5-04-02, Paid 5-10-02	2,552.80
Pioneer Bank & Trust, taxes Paid 5-10-02	191.41
RSVP Petty Cash, supplies	12.75
City of Rapid City, postage	105.43
City of Rapid City, health insurance	608.56
Bonnie Hughes, conference meals	99.00
Philfleet, gasoline	98.88
Sheraton City Centre, lodging	529.32
SD Retirement System, pension	224.64
The St. Paul, insurance	855.64
Standard Life, insurance	7.92
Angelique Weeks, mileage	149.00
Total	\$3,333,046.89

<u>Treasurers Checks</u>	
Stanley Johnsen Concrete	12,607.84
Total	\$3,345,654.73

### ***Alderpersion Items***

Motion was made by Hadley, seconded by Kriebel and carried to direct the Public Works Department to prepare an estimate on the cost to replace all the poly-b utility lines in Mallridge Subdivision, compared to the cost of overtime when we have to repair them sporadically as they fail. Johnson stated that it would be appropriate to expand this request to cover the new Robbinsdale area as well.

### ***Executive Session***

Motion was made by Hanks, seconded by Hadley and carried to go into executive session to discuss pending litigation and contractual matters. The Council came out of executive session at 10:30, with the following members present: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger, Hadley and Kriebel.

Motion was made by Hanks and seconded by Rodriguez to authorize staff to close on the property described as Lot 3 of Holli Ridge Subdivision, NW1/4 of the SE1/4, Section 31, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota (8700 Block of Sheridan Lake Road) and waive the contingencies in the purchase agreement, close for the appraised value, and authorize issuance of a treasurers check in the amount of \$66,200. Community Development Director Bonnie Hughes explained that this property is being purchased for a future water reservoir site in order to serve the expanding city limits south on Sheridan Lake Road. Mayor Munson noted that Alderman Mel Dreyer is representing the owner of this property and therefore did not participate in the executive session and is not present for this discussion or vote. Roll call vote was taken: AYE: Waugh, Kroger, Hanks, Rodriguez and Murphy; NO: Kriebel, Hadley and Johnson. Motion failed because of the need for six affirmative votes to authorize expenditure of funds. Motion was made by Hanks and

seconded by Rodriguez to continue this issue to the next Legal & Finance Committee Meeting. Upon vote being taken, the motion carried with Johnson and Kriebel voting no. (Secretary's Note: A Special City Council Meeting was called for May 29, 2002 to discuss this item.)

As there was no further business to come before the Council at this time, the meeting adjourned at 10:45 P.M.

CITY OF RAPIDCITY

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Finance Officer

(SALE)