

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
June 3, 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, June 3, 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.

Bid Openings

The following bids for **Detailed Pavement Marking Contract Project PM02-1193** were opened on May 30, 2002:

	Base Bid	Alt. No. 1	Base Bid Plus Alt.	Surety Submitted
1. United Rentals Highway Tech.	\$58,970.00	\$11,576.00	\$70,546.00	Bond
2. Arrow Striping & Mfg.	\$57,836.00	\$10,209.00	\$68,045.00	Bond

Staff has reviewed the bids and recommends that the base bid only be awarded to Arrow Striping. Motion was made by Johnson, seconded by Rodriguez and carried to award the bid for PM02-1193 to Arrow Striping and Manufacturing, base bid only, in the total contract amount of \$57,836.

The following bids for **Parkview Softball Complex** (Site Cleanup, Grading and Seeding) Project PR02-1212 were opened on May 30, 2002:

1.	Quinn Construction (bond submitted)	\$95,384.00
2)	RCS Construction (bond submitted)	\$83,662.50
3)	Rapid Construction (bond submitted)	\$97,876.00

Staff has reviewed the bids and recommends award to RCS Construction. Motion was made by Johnson, seconded by Rodriguez and carried to award the bid for PR02-1212 to RCS Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$83,662.50.

The following bids for Hawthorne Avenue Street & Utilities Reconstruction – Phase 2 - Project SS02-954 were opened at 10:00:

1)	Heavy Constructors (bond submitted)	\$1,982,366.05
2)	Mainline Contracting (bond submitted)	\$1,991,614.90
3)	Hills Materials Company (bond submitted)	\$2,111,488.45

Motion was made by Hanks, seconded by Waugh and carried to refer these bids to a special Council meeting to be held on June 6, 2002.

Mayor's Items

Mayor Munson presented the **Citizen of the Month Award** to Leonard Bryant and commended him for outstanding volunteer service to the community.

Munson also invited former Rapid City Public Works Director Leonard Swanson to speak relative to the June 9, 1972 **Rapid City Flood**. Swanson spoke of memories of that night and the following days and the impact this flood had on the Rapid City community. Munson stated that the Red Cross will have their memorial walk on Sunday beginning in Memorial Park and going to Canyon Lake Park.

Items from Visitors

The next item on the agenda was denial of a **Day Care License** for Robin Johnson. Johnson was not present for this discussion. Motion was made by Hanks, seconded by Waugh and carried to table this item.

The next item discussed by the Council was the **Canyon Lake Park Electrical Upgrade Project**. Public Works Director Dan Bjerke explained that the Capital Improvements Committee authorized the Public Works Department to get quotes for doing this project to facilitate festivals and other activities being held in this portion of the park. The budget for the project was \$10,000 which included engineering costs. When official quotes were requested, they came in much higher than was estimated. The project was revised and quotes were requested again, but they still came in higher than the budget allows. The lowest quote was submitted by Baumgartner Electric in the amount of \$11,975. Bjerke added that in order to complete the project in time for festivals this year, we will have to begin as soon as possible. Johnson asked about the changes that were made in the scope of the project and the cost differential. Nichols explained that modifications were made in the power supply location which resulted in a reduction of available power by approximately 10%. Johnson stated that he doesn't feel it is wise to reduce the size of the project for \$3,000 and have to increase the power available in the future at a much higher price. Motion was made by Johnson, seconded by Steinburg and carried to authorize staff to complete the Canyon Lake Park Electrical Upgrade Project according to the original design, and award the contract to Baumgartner Electric in the original bid amount of \$14,393; additional funding in the amount of \$4,393 to come from the CIP Contingency Fund.

Marie Lange appeared before the Council and spoke about undoing racism and treaties. She also indicated she has prepared the necessary petitions to be circulated to recall Jerry Munson as Mayor of Rapid City.

Alcoholic Beverage License Hearings

This was the time set for hearing on the application of Slettens, Inc. dba **DD's Short Stop Bar**, 620 E. Boulevard North, for an On-Off Sale Malt Beverage License Renewal. Motion was made by Hadley, seconded by Rodriguez and carried to continue this hearing until June 17, 2002.

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

Off-Sale Malt Beverage License Renewals

4. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Transfer (from Charles & Holly Bossen)
5. ETS, Inc. dba **Berry Patch Campground**, 1860 E. North Street, for an Off-Sale Malt Beverage License Renewal
6. Kusler's Conoco, Inc. dba **Kusler's Conoco**, 701 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
7. Cenex Petroleum, Inc. dba **Cenex Convenience Store No. 030**, 1160 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
8. Cenex Petroleum, Inc. dba **Cenex Convenience Store No. 032**, 850 E. North Street, for an Off-Sale Malt Beverage License Renewal

9. Mini Mart, Inc. dba **Mini Mart No. 443**, 3106 W. Main Street, for an Off-Sale Malt Beverage License Renewal
10. Mini Mart, Inc. dba **Mini Mart No. 444**, 1627 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
11. Mini Mart, Inc. dba **Mini Mart No. 447**, 1601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
12. Mini Mart, Inc. dba **Mini Mart No. 451**, 4260 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
13. Ranch Mart, Inc. dba **Ranch-Mart Downtown Rapid City**, 520 Birch Avenue, for an Off-Sale Malt Beverage License Renewal
14. Wal-Mart Stores, Inc. dba **Wal-Mart Supercenter No. 1604**, 1200 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
15. MG Oil Company dba **Amoco Food Shop No. 10**, 1818 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
16. 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
17. MG Oil Company dba **Amoco Food Shop No. 8**, 302 E. North Street, for an Off-Sale Malt Beverage License Renewal
18. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 5**, 601 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
19. Fuel Food Mart, Inc. dba **Amoco Food Shop No. 4**, 901 E. North Street, for an Off-Sale Malt Beverage License Renewal
20. MG Oil Company dba **Haines Avenue Smoke Shop**, 2601 N. Haines Avenue, for an Off-Sale Malt Beverage License Renewal
21. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal

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

On-Off Sale Malt Beverage License Renewals

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

35. Wal-East Development, Inc. dba **Jackpot Casino**, 685 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
36. Merle R. Bach dba **The Hideaway**, 1575 LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
38. ZBT, Inc. dba **Joker's Casino North**, 608 ½ E. North Street, for an On-Off Sale Malt Beverage License Renewal
39. MG Oil Company dba **East North Casino**, 230 E. North Street, for an On-Off Sale Malt Beverage License Renewal
40. MG Oil Company dba **East St. Patrick Casino**, 1226 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
41. MG Oil Company dba **Haines Avenue Casino**, 1735 Haines Avenue, for an On-Off Sale Malt Beverage License Renewal
42. Deano's Casino, Inc. dba **Deano's Casino**, 903 E. North Street, for an On-Off Sale Malt Beverage License Renewal
43. MG Oil Company dba **BP Casino**, 609 Mt. View Road, Suite C-1, for an On-Off Sale Malt Beverage License Renewal
44. MG Oil Company dba **Rushmore Casino**, 1808 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
45. ZBT, Inc. dba **Jackpot Casino East**, 2708 E. Highway 44, for an On-Off Sale Malt Beverage License Renewal
46. CHAS, Inc. dba **Jackpot Casino West**, 2144 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
47. SARF, Inc. dba **Joker's Casino South**, 1320 Mt. Rushmore Road, Suite C, for an On-Off Sale Malt Beverage License Renewal
48. 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.)
49. High Plains Securities, Inc. dba **Down Under Sports Bar**, 504 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal

Motion was made by Hadley, seconded by Rodriguez and carried to continue the hearing on the application of CCKT, Inc. (inactive), 2425 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal until later in the meeting. Johnson requested that the City Attorney provide information on whether or not the City must allow licenses to be held inactive.

Motion was made by Hadley, seconded by Rodriguez and carried to approve the following applications for On-Off Sale Malt Beverage License Renewals with No Video Lottery:

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

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

This was the time set for hearing on the application of the **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. Upon motion made by Hadley, seconded by Rodriguez and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Monday, June 17, 2002:

On-Off Sale Malt Beverage License Renewals – No Video Lottery

1. GF Pizza, Inc. dba **Godfathers Pizza**, 110 Cambell Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
2. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
3. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
4. Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joe Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
5. Rapid City Softball Association dba **Star of the West Softball Complex**, 1511 Sedivy Lane, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
8. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
9. James L. Wilcox dba **Smiley's House of Pizza**, 510 St. Joseph Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
10. Artis & Marilyn Holmes dba **Art's Southern Style Smoke House BBQ**, 609 Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
11. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
12. Faryat, Inc. dba **Botticelli's Ristorante Italiano**, 523 Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
13. Century Motels, Inc. dba **Howard Johnson Express Inn**, 950 North Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
14. Hog Wild, LLC dba **Black Hills Harley Davidson**, 3030 Lange Ranch Road, for an On-Off Sale Malt Beverage License (New License – No Video Lottery)
15. Manna, Inc. dba **Roadhouse Nightclub & Grill/Frog Hollow Café**, 1900 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
16. Black Hills Amateur Baseball, Inc. dba **Black Hills Amateur Baseball**, McKeague Field, Canyon Lake Drive, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
17. China Buffet Express, Inc. dba **China Buffet**, 740 Mt. View Road, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
18. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
19. Dakota Fresh-Mex LLC dba **Qdoba Mexican Grill**, 741 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
20. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
21. Loveletta M. Gibson dba **Lovey's Outer Limits**, 10140 Pierre Lane, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
22. NPC International, Inc. dba **Pizza Hut No. 2776**, 2604 W. Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
- 22A. Mary Jane Freimark dba **The Embers**, 5412 S. Highway 16, for an On-Off Sale Malt Beverage License – New License – No Video Lottery
- 22B. Mai T. Goodsell dba **Saigon Restaurant**, 221 East North Street, for an On-Off Sale Malt Beverage License – No Video Lottery
- 22C. Dos Ermonas, Inc. dba **LaCosta Mexican Restaurant**, 603 Omaha Street, for an On-Off Sale Malt Beverage License Renewal

On-Off Sale Malt Beverage License Renewals

23. Rapid Bowl, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
24. Continental Leisure, Inc. dba **Carousel Casino**, 2050 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
25. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Off Sale Malt Beverage License Renewal

26. **Rapid City Elks Lodge**, No. 1187, 333 E. 39th Street, for an On-Off Sale Malt Beverage License Renewal
27. Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West Boulevard, for an On-Off Sale Malt Beverage License Renewal
28. Robert W. Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
29. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
30. H&B, Inc. dba **The Hall Inn**, 214 E. St. Joe Street, for an On-Off Sale Malt Beverage License Renewal
31. Howe's Oil Company, Inc. dba **Windmill Truck Stop**, 2783 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
32. I-90 Truck Haven Service, Inc. dba **Windmill Restaurant**, 2803 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
33. South Dakota Vending, Inc. dba **Happy Jacks – Downtown**, 713 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
34. South Dakota Vending, Inc. dba **Happy Jacks – Cambell**, 1601 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
35. South Dakota Vending, Inc. dba **Happy Jacks East**, 909 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
36. South Dakota Vending, Inc. dba **Happy Jacks West**, 1925 West Main Street, Suite 1, for an On-Off Sale Malt Beverage License Renewal
37. South Dakota Vending, Inc. dba **Happy Jacks Far West**, 1925 West Main Street, Suite 2, for an On-Off Sale Malt Beverage License Renewal
38. Omaha Players Company dba **Happy Jacks – Omaha**, 1117 West Omaha Street, for an On-Off Sale Malt Beverage License Renewal
39. South Dakota Vending, Inc. dba **Happy Jacks Too**, 909 St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
40. Nifty Fifties, Inc. dba **Parkway Restaurant**, 312 East Boulevard North, for an On-Off Sale Malt Beverage License Renewal
41. Black Hills Food Services, Inc. dba **Fuddruckers**, 2106 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal
42. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
43. Shooters, Inc. dba **Shooters**, 2424 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
44. Fox Family enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
45. Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, Suite 107, for an On-Off Sale Malt Beverage License Renewal
46. Holway's Hideaway Investments, Inc. dba **VB's Hideaway Pub**, 1028 E. North Street, for an On-Off Sale Malt Beverage License Renewal
47. D&S Time Square, Inc. dba **Time Square Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Renewal
48. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
49. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
- 49A. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
- 49B. James Berendes dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Renewal
- 49C. The Retired Enlisted Association, Chapter 29, dba **Northgate Bingo**, 905 E. North Street, for an On-Off Sale Malt Beverage License Renewal

Off-Sale Malt Beverage License Renewals

50. Flannery Oil, Inc. dba **Corner Pantry – Deadwood Avenue**, 501 Deadwood Avenue, for an Off-Sale Malt Beverage License Renewal
52. Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore road, for an Off-Sale Malt Beverage License Renewal
53. Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Malt Beverage License Renewal
54. Nash Finch Company dba **Family Thrift Center No. 253**, 1516 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
55. Moyle Petroleum Company dba **Common Cents Food Store**, 1909 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
56. Moyle Petroleum Company dba **Common Cents Food Store**, 2660 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
57. Moyle Petroleum Company dba **Common Cents Food Store**, 1129 W. Omaha Street, for an Off-Sale Malt Beverage License Renewal
58. Moyle Petroleum Company dba **Common Cents Food Store**, 634 E. North Street, for an Off-Sale Malt Beverage License Renewal
59. Moyle Petroleum Company dba **Common Cents Food Store**, 4128 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
60. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
61. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal
62. Robert L. Stiehl dba **Circle S Convenience Market**, 310 E. Fairmont Boulevard for an Off-Sale Malt Beverage License Renewal
63. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue, for an Off-Sale Malt Beverage License Renewal
64. Superpumper, Inc. dba **Superpumper No. 16**, 3275 South Highway 79, for an Off-Sale Malt Beverage License Renewal
65. Fat Boy's Inc dba **Firehouse Brewing Company**, 610 Main Street, for an Off-Sale Malt Beverage License Renewal
66. Bernell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Transfer (from Bernell & Ann Lutz)
67. Bernell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Renewal
68. Albertsons, Inc. dba **Albertsons**, 855 Omaha Street, for an Off-Sale Malt Beverage License Renewal
- 68A. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
- 68B. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Malt Beverage License Renewal

Special Alcohol Licenses

69. Rapid City Fine Arts Council, Inc. dba **Jazz & Blues Festival**, for a Special Malt Beverage License to be used on July 27, 2002 in Memorial Park near the Bandshell
70. Rapid City Fine Arts Council, Inc. dba **Jazz & Blues Festival**, for a Special Wine License to be used on July 27, 2002 in Memorial Park near the Bandshell

Motion was made by Hadley, seconded by Rodriguez and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on June 16, 2002. (SD Unified Judicial System).

Motion was made by Hadley, seconded by Rodriguez and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on July 9, 2002 (SD Air National Guard).

Consent Calendar

The following items were removed from the Consent Calendar:

57. Approve the bid award of One (1) New Current Model Year Backhoe/Loader for the Water Division to the lowest responsible bidder meeting specifications, Butler Machinery Company for the low unit price bid for a total contract amount of \$114,825 for a 7-Year Total Cost Bid Option; and award the Trade-In to DeHaan Construction, Inc. for a total contract amount of \$46,000.

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

Public Works Committee Items

58. No. PW052902-01 – Approve bid award of One (1) New Current Model Year Vacuum Street Sweeper for the Street Division to the lowest responsible bidder meeting specifications, Sheehan Mack Sales & Equipment for the low unit price bid for a total contract amount of \$158,214.
59. No. PW052902-02 – Approve Change Order No. 01 for ST01-871, Highway 16/Promise Drive Street and Utility Construction Project to R.C.S. Construction, Inc. for an increase of \$2,672.25.
60. No. PW052902-03 – Approve Change Order No. 01F for SS01-1050, 42nd Street Sanitary Sewer Extension Project to Warax Excavating for a decrease of \$6,575.46.
61. No. PW052902-04 – Approve Change Order No. 01F for W01-1058, Golden Eagle Water Main Extension Project to Mainline Contracting, Inc. for a decrease of \$1,759.51.
62. No. PW052902-05 – Authorize the Mayor and Finance Officer to sign the Black Hills Power, Inc. Application and Agreement for Electric Service Extension for upgrade in service at McKeague Field for an amount not to exceed \$1,183.
63. No. PW052902-06 – Authorize the Mayor and Finance Officer to sign the Black Hills Power, Inc. Right-Of-Way Permit – UG Corporation for the McKeague Field.
64. No. PW052902-07 – Authorize the Mayor and Finance Officer to sign Amendment No. 02 to Professional Service Agreement with Wyss Associates, Inc. to Design PR01-1098, Memorial Park Improvements Project, Phase I for an amount not to exceed \$844.31.
65. No. PW052902-09 – Authorize the Mayor and Finance Officer to sign a Professional service Agreement with FMG, Inc. for Drilling Services for PR02-1216, Parkview Softball Complex Project, Phase II for an amount not to exceed \$1,986.
66. No. PW052902-10 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering Services, Inc. for Preliminary Design Services for W02-1222, Control Valve for I90 Loop Watermain Project for an amount not to exceed \$1,950.
67. No. PW052902-11 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Intermountain Technical Services, Inc. for Design and Testing for PR02-1223, Roosevelt Park Bath House Asbestos Removal Project for an amount not to exceed \$4,500.
68. No. PW052902-12 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with CH2M Hill, Inc. for Assessment Services for DR02-1225, Rapid City Stormwater Phase II Assessment for an amount not to exceed \$13,950.
69. No. PW052902-19 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. for Materials Testing Service for PR01-1051, Rapid City Community Centers Construction Testing for an amount not to exceed \$12,302.40.

70. No. PW052902-13 – Approve Resolution Setting Time and Place for Hearing on July 1, 2002 for Assessment Roll for ST01-1122, Block 23 Alley Paving Project (Boulevard Addition).

RESOLUTION FIXING TIME AND PLACE FOR HEARING
ON ASSESSMENT ROLL FOR
BLOCK 23 ALLEY PAVING (BOULEVARD ADDITION)
PROJECT ST01-1122

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

1. The assessment roll for Block 23 Alley Paving (Boulevard Addition) Project No. ST01-1122 was filed in the Finance Office on the 3rd day of June, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, July 1, 2002 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 3rd day of June, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

71. No. PW052902-14 – Approve an Initial Resolution Setting Time and Place for Hearing on July 1, 2002 for SSW02-1224, Homestead Road Construction Project.
72. Authorize the hiring of an additional ½ FTE for the Parks Division.
73. No. PW052902-15 – Authorize the purchase of Landfill Alternative Daily Cover Material under the Brown County Sanitary Landfill bid with New Waste Concepts, Inc. for a unit price of \$26.50 plus \$1.36 shipping for each unit of material.
74. No. PW052902-16 – Approve the Parks & Recreation Subcommittee location recommendation for the Six Pillars of Character Pavilion.
75. Grant an Exception to the Street Criteria Manual for Len Weimer, 116 Monroe Street from putting sidewalks on the either side of the corner lot.
76. No. PW052902-17 – Waive the Sidewalk Requirements on Beach Drive for Tim Danley, with the condition that Danley provide funding for an equal amount of sidewalk on the opposite side of Beach Drive, and that Danley enter into a written agreement with the City.

Legal & Finance Committee

77. No. LF052902-01 - Authorize staff to Advertise for Bids for Thermal Imaging System for the Police Department.

78. No LF052902-02 - Authorize Mayor and Finance Officer to Sign Memorandum of Agreement between the City of Rapid City and Larry Kruger of the University of South Dakota for consulting services in conjunction with a quality assurance study being done by the Rapid City Police Department.
79. No. LF052902-09 - Authorize Mayor and Finance Officer to Sign Release Agreement on Property Legally Described as Lot 26 of Block 23 and Lot 6 of Block 24 of Robbinsdale No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota.
80. Table discussion on purchase of property for water reservoir on Lot 3, Holli Ridge Subdivision, Section 31, T1N, R7E, BHM.
81. Authorize staff to Advertise for Bids for Audio/Visual System for Council Chambers, including both phases of the project and both options for the microphone system at the dais.
82. No. LF052902-12 - Approve Resolution Extending the Moratorium on the Applications for Billboards/Off-Premise Signs

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

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

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

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

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

WHEREAS the City extended the moratorium to June 30, 2002 on March 18, 2002; and

WHEREAS the City continues to develop new regulations, with an ordinance that has passed first reading; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the City hereby extends the moratorium on receiving applications for new billboards/off-premise signs approved on December 17, 2001 and extended on March 18, 2002 until such time as the Council has addressed the regulation of placement, size, and/or number of billboards/off-premise signs through the passage and effective date of a city ordinance, or August 31, 2002, or such time as the Council agrees to lift this moratorium, whichever is shorter.

BE IT FURTHER RESOLVED that this resolution is necessary for the immediate preservation of the public peace, health, safety, or support of the municipal government and its existing public institutions and that this resolution takes effect from and after the 3rd day of June, 2002.

Dated this 3rd day of June, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

83. Approve the Following Licenses: Mechanical Contractor: Bill M. Brown, Central States Mech.; Jeffrey A. Murphy, American Quality; Rick W. Salyers, B & R Services; Mechanical Installer: Jeffrey A. Murphy; Plumber: Daryl Aston; Plumbing Contractor: Donovan Williamson, Waterworks Plumbing, Inc.; Residential Contractor: ABM Construction, Mark Muilenburg; Comet Homes, Kelly and James Commet; J & R Construction & Maintenance, Judith & Rick Rondestvedt; Sewer & Water Contractor: Simon Contractors of South Dakota, Michael R. Schnell; Sewer & Water Installer Journeyman: Troy Bockelmann; Trenching Contractor: Northern Construction, Inc., David F. Weber.
84. Table the request to lease City property from Duane Licklider.
85. No. LF052902-06 - Authorize Mayor and Finance Officer to Sign the Award of Allocation for Historical Preservation by City of Rapid City Project Number 46-02-021 and Certified Assurances Historic Preservation Program.
86. Direct staff to allow an additional 60 days before we move forward with any enforcement action on structures in the right of way.
87. No. LF052902-07 - Approve Appointment of Kim Osberg to the Beautification Committee until December, 2002.
88. No. LF052902-08 - Approve Appointment of Mike Bender and Duane Baumgartner to the Historic Preservation Commission for a Term of Three Years and Approve Reappointment of Lee Vierling for a Term of Three Years.
89. No. LF052902-10 - Approve Appointment of Greg Peter to the Zoning Board of Adjustments until December, 2004, and Jared Wilhelmi as Alternate until December, 2002.

End of Consent Calendar

Motion was made by Dreyer and seconded by Rodriguez to approve the bid award of One (1) New Current Model Year **Backhoe/Loader for the Water Division** to the lowest responsible bidder meeting specifications, Butler Machinery Company, for the low unit price bid for a total contract amount of \$114,825 for a 7-Year Total Cost Bid Option; and award the Trade-In to DeHaan Construction, Inc. for a total contract amount of \$46,000. Hadley spoke against using the total-cost bidding procedure. Upon vote being taken, the motion carried with Hadley and Waugh voting no.

Planning Department Consent Items

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

90. 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 17, 2002)
91. 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 17, 2002)

92. 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 17, 2002)
95. 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 17, 2002)
96. 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 17, 2002)
97. 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 JULY 15, 2002)
98. 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 17, 2002)
99. 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 17, 2002)
100. 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 17, 2002)

101. 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 17, 2002)
102. 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 17, 2002)
103. No. 02PL026 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Layout Plat** on Lot 4 Revised and Lot 5 Revised of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota Lot 4 and Lot 5 of Knights Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road. (CONTINUE TO JULY 1, 2002)
104. 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 17, 2002)
105. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO JUNE 17, 2002)
106. No. 02PL032 - A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Preliminary Plat to create one lot** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street. (CONTINUE TO JUNE 17, 2002)
107. 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 17, 2002)

108. 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 17, 2002)
109. 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 17, 2002)
110. No. 02PL041 - A request by Dream Design International, Inc. for a **Final Plat** on Lot 1, Block 1; Tract A, Block 2; Lots 6-7, Block 3; Lots 1-17, Block 4; Lots 1-8, Block 5; Lots 1-3 & Outlot A, Block 6; Lots 1-13, Block 7 & Lot 25-27, Block 8, Northbrook Village located in the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota a portion of the SE1/4 of the SE1/4 of Section 13, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest corner of the intersection of Country Road and Nike Road, east of Mallridge Subdivision. (CONTINUE TO JUNE 17, 2002)
111. No. 02PL042 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 5 thru 6, Block 8 and Lots 1 thru 5, Block 9 and Lots 2 thru 6, Block 10 and Lot T Block 8 and Outlot G-1 and dedicated streets, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Red Rock Estates. (CONTINUE TO JUNE 17, 2002)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 01PL089, a request by Dream Design International for a **Preliminary and Final Plat** located at the current northern terminus of South Pitch Drive. Motion was made by Kroeger and seconded by Waugh to continue this item until June 17, 2002. Shafai explained that the surety has been submitted to the City and he requested that the plat be approved. Substitute motion was made by Johnson to approve the following Resolution, with the stipulation that the plat not be filed until surety has been submitted and approved:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Big Sky Subdivision including 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 the NW1/4 SE1/4 of Section 3, T1N, R8E, BHM, 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 Big Sky Subdivision including 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 the NW1/4 SE1/4 of Section 3, T1N, R8E, BHM, 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 3rd day of June, 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. 01PL096, a request by Gary Rasmusson for a **Final Plat** on Lots 31R through 35R, and Lots 40 through 42, of Block 11, and Lots 1R through 4R, and Lot 26 of Block 13, Robbinsdale Addition No. 8 (formerly Lots 31 through 35, and Lot 36 Rev. of Block 11, and Lots 1 through 4 of Block 13, of Robbinsdale Addition No. 8) Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the intersection of Sitka Street and Hemlock Street. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until June 17, 2002.

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 17, 2002.

The Mayor presented No. 02PL038, reconsideration of City Council approval of a **Preliminary and Final Plat** on Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Drive, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as E1/2 NE1/4 SE1/4 and the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Planning Director Elkins explained that this item is before the Council at this time because the

stipulations approved at the last meeting have not been met. (Surety has not been posted and the required easement document has not been finalized.) Motion was made by Kroeger, seconded by Dreyer and carried to reconsider this item. Motion was made by Hanks and seconded by Waugh to continue this item until June 17, 2002. Myrna Mitchell spoke on behalf of members of the Heidiway Lane Homeowners Association who are against the proposed development because of the negative impact it will have on the existing neighborhood and because of safety issues for the entire community. She submitted a petition to Mel Dreyer signed by 14 property owners opposing the Dunham development. Mitchell stated that she doesn't understand why the City Council is overruling the advice of the Planning Commission and engineers whose focus is on the well-being and safety of our community. Randy Taylor also spoke against the proposed development and encouraged the council to delay action on this item so the neighborhood property owners can give input to the process. Also, past history has shown that construction vehicles traveling on Heidiway lane will damage this road. George Dunham stated that he doesn't know why this item was put back on the agenda for tonight's meeting. He was not aware that he had a deadline to accomplish the stipulations that were added to the approval of this plat. Dunham asked that this project be allowed to proceed. There was lengthy discussion about the legality of using Heidiway Lane as access to the proposed development and how this use will impact the existing road and residential development. Hanks stated that the best solution to this development issue would be to move the Severson Road project forward which is an issue for the City to implement. Upon vote being taken, the motion to continue to June 17, 2002 carried unanimously.

The Mayor presented No. 02PL039, reconsideration of City Council approval of a **Preliminary and Final Plat** on Lots 1 through 14 of Block 1 and Lots 1 through 6 of Block 2 of Dunham Estates and dedicated public right of way shown as Ward Drive and Ward Court located in NE1/4 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portions of the E1/2 NE1/4 SE1/4, the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. Motion was made by Kroeger, seconded by Dreyer and carried to reconsider this item. Motion was made by Kroeger and seconded by Dreyer to continue this item until June 17, 2002. Planning Director Elkins stated that the surety for this plat has not been posted. Substitute motion was made by Johnson, seconded by Waugh and carried to approve this Preliminary and Final Plat with the stipulation that the plat not be filed until surety has been submitted and approved. It was noted that if the surety is not submitted by June 17th, the item will be reconsidered.

Planning Department – Hearings

The Mayor presented No. 02CA031, a request by City of Rapid City for a **Comprehensive Plan Amendment to change the land use designation on 5.3946 acre parcel from Residential to Light Industrial** on 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 East St. Patrick Street and South of SD Highway 44. Motion was made by Kroeger, seconded by Waugh and carried to deny this item without prejudice.

The Mayor presented No. 02CA032, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 14.726 acre parcel from Planned Residential Development with one dwelling unit per acre to Office Commercial with a Planned Commercial Development**, located east of Highway 16 and 1/4 mile north of Catron Blvd. Dreyer abstained from discussion or voting on this item. 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 3rd day of June, 2002 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 14.726 acre parcel from Planned Residential Development with one dwelling unit per acre to Office Commercial with a Planned Commercial Development on 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 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, and good cause appearing therefor

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

Dated this 3rd day of June, 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. 02CA033, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 29.485 acre parcel from a Planned Residential Development with one dwelling unit per acre to Park Forest** located east of Highway 16 and 1/4 mile north of Catron Blvd. Dreyer abstained from discussion or voting on this item. 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 3rd day of June, 2002 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 29.485 acre parcel from a Planned Residential Development with one dwelling unit per acre to Park

Forest on a previously unplatted portion of the SE1/4 of the SW1/4 and the NE1/4 of the SW1/4 of Section 23, Township 1 North, Range 7 East, Black Hills Meridian, 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 SW1/4 and the SE1/4 of said Section 23; thence South 0°01'16" East a distance of 2196.74 feet to the point of beginning, and good cause appearing therefor

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

Dated this 3rd day of June, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson

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. 02CA034, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 9.69 acre parcel from General Commercial to Medium Density Residential with a Planned Residential Development** on 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 Blvd. Dreyer abstained from discussion or voting on this item. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until June 17, 2002.

The Mayor presented No. 02CA035, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 18.927 acre parcel from Planned Residential Development with two dwelling units per acre to Medium Density Residential with a Planned Residential Development** located east of Highway 16 and 1/4 mile north of Catron Blvd. Dreyer abstained from discussion or voting on this item. 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 3rd day of June, 2002 to consider an amendment to the Comprehensive Plan revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 18.927 acre parcel from Planned Residential Development with two dwelling units per acre to Medium Density Residential with a Planned Residential Development on a previously unplatted parcel of land in the NE1/4 of the NW1/4 Section 26, Township 1 North, Range 7 East, Black Hills Meridian, 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, B.H.M. 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 R.O.W. 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; and good cause appearing therefor

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

Dated this 3rd day of June, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson

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. 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 Rodriguez and carried to continue this item until June 17, 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 Rodriguez and carried to continue this item until June 17, 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 and seconded by Hanks to approve the requested variance with stipulations. Johnson asked about the reasons for the dissenting votes from the Planning Commission. Engineering Division Manager Randy Nelson indicated that there were concerns with the grade and curve of the roads in this subdivision as well as the intersection with Jackson Boulevard. Substitute motion was made by Johnson, seconded by Waugh and carried to continue this item until June 17, 2002.

The Mayor presented No. 02SV006, a request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street** on Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until July 15, 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 Rodriguez and carried to continue this item until June 17, 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 Hanks and carried to approve the requested Variance.

The Mayor presented No. 02SV016, a request by Davis Engineering for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. Motion was made by Kroeger, seconded by Rodriguez 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 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 Rodriguez and carried to continue this item until June 17, 2002.

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 Rodriguez and carried to approve the requested Variance.

The Mayor presented No. 02SV023, a request by FMG, Inc. for George and Nancy Dunham for a **Variance to the Subdivision Regulations to waive the requirement to install water, sewer, curb and gutter and sidewalk on Heidiway Lane and adjacent to the proposed Dunham Estates Subdivision** on Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Court, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, 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. Staff noted that the Waiver of Right to Protest has not been submitted. Motion was made by Kroeger and seconded by Rodriguez to continue this item until June 17, 2002. Jerry Gill strongly opposed the street connection in the new development to Heidiway Court. He added that if the developer is going to use this roadway, he should be required to provide all the amenities. There was lengthy discussion about the merits of the proposed development and how the existing residential neighborhood would be impacted. Bjerke pointed out that the City has required developers in the past to make improvements to city streets when it is necessary to make the access to the proposed development safer. These additional requirements were made when it was determined that the roads serving the area were sub-standard for the increased traffic. Munson noted that there are alternatives to development of this property that would lessen the impact on the existing neighborhood. The property could be developed sequentially, beginning at the north end which would make the construction of Severson Drive a priority and provide an additional access to the development. Johnson suggested that TIF funding be considered to make the infrastructure improvements in this area. He added that he doesn't feel a developer should have to fix existing problems that are not on his property. Motion was made by Dreyer and seconded by Johnson to amend the motion to continue, by adding that this issue be forwarded to the TIF Committee for review. Kriebel spoke against using Tax Incrementing Financing for this type of project. Upon vote being taken, the motion to amend carried with Kriebel voting no. Upon vote being taken, the original motion, as amended, carried unanimously.

The Mayor presented No. 02SV024, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide** as regulated by Chapter 16.12.190 of the Municipal Code on Lots 5 thru 6, Block 8 and Lots 1 thru 5, Block 9 and Lots 2 thru 6, Block 10 and Lot T Block 8 and Outlot G-1 and dedicated streets, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota the unplatted portion of the SW1/4 and the unplatted portion of the NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at Red Rock Estates. Motion was made by Kroeger, seconded by Rodriguez and carried to approve the requested Variance.

Other Items

Motion was made by Hadley, seconded by Waugh and carried to consider Item No. 29 at this time. This was the time set for hearing on the application of CCKT, Inc. (inactive), 2425 Mt. Rushmore Road, for an **On-Off Sale Malt Beverage License Renewal**. Motion was made by Hadley and seconded by Murphy to approve the license renewal. Johnson asked if the City has a responsibility to renew an inactive license even though the State allows that they can be inactive for two years. Asst. City Attorney Jason Green explained that state law mandates that if an alcohol license is inactive for two years, then it may not be renewed. Police Chief Tieszen added that a note was placed on this application indicating that the applicants intend to activate the license in the near future. Johnson stated that he feels the City Council should enact a policy dealing with inactive licenses that are eligible for video lottery. Upon vote being taken, the motion to approve the On-Off Sale Malt Beverage License Application carried unanimously.

Ordinances & Resolutions

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, having passed the first reading on May 20, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Johnson spoke against the ordinance noting that the City Council should retain authority to approve final plats. Hadley withdrew his motion to approve. Motion was made by Hadley and seconded by Johnson to deny second reading of Ordinance 3801. Roll call vote was taken: AYE: Johnson, Hadley, Murphy, Waugh and Kriebel; NO: Dreyer and Kroeger. Motion to deny carried, 5-2.

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, having passed the first reading on May 20, 2002, it was moved by Hadley and seconded by Johnson that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3802 was declared duly passed upon its second reading.

Ordinance 3805 (No. CC040102-03) entitled An Ordinance Amending Chapter 12.20 of the Rapid City Municipal Code by Adding Thereto New Sections 12.20.200, 12.20.210, 12.20.220, 12.20.230, 12.20.240, 12.20.250, 12.20.260, and 12.20.270 to Allow for Permits Allowing Encroachment into Right of Way, having passed the first reading on April 1, 2002, it was moved by Hadley and seconded by Dreyer to approve second reading. Johnson stated that he feels this ordinance actually encourages obstructions in the right-of-way. Substitute motion was made by Johnson and seconded by Hadley to deny second reading. Upon vote being taken, the motion carried unanimously.

The next item discussed by the Council was **Ordinance 3813** (No. LF041002-11R) 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 Johnson and carried to continue second reading of this Ordinance until June 17, 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 Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3814 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3816** (No. 02RZ023) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: 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. Notice of hearing was published in the Rapid City Journal on May 11 and May 18, 2002. Ordinance 3816, having had the first reading on May 6, 2002, it was moved by Hadley and seconded by Dreyer 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 3816 the second time.

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, having passed the first reading on May 20, 2002, it was moved by Hadley and seconded by Dreyer that the title be read the second time. Johnson spoke against the ordinance noting that it favors the people of wealth in the community who live in bigger homes. Upon vote being taken, the following voted AYE: Hanks, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson; whereupon the Mayor declared the motion passed and Ordinance 3817 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **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: 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. Notice of hearing was published in the Rapid City Journal on May 25 and June 1, 2002. Ordinance 3818, having had the first reading on May 20, 2002, it was moved by Hadley and seconded by Dreyer 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 3818 the second time.

The Mayor announced the meeting was open for hearing on **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: 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 Blvd. Notice of hearing was published in the Rapid City Journal on May 25 and June 1, 2002. Ordinance 3820, having had the first reading on May 20, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Dreyer abstained from discussion or voting on this item because of a conflict of interest. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3820 the second time.

The Mayor announced the meeting was open for hearing on **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: 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 Blvd. Notice of hearing was published in the Rapid City Journal on May 25 and June 1, 2002. Ordinance 3821, having had the first reading on May 20, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Dreyer abstained from discussion or voting on this item because of a conflict of interest. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3821 the second time.

The Mayor presented No. 02RZ028, second reading of **Ordinance 3822**, 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 Blvd. Dreyer abstained from discussion or voting on this item. Motion was made by Hadley, seconded by Johnson and carried to continue this item until June 17, 2001.

The Mayor announced the meeting was open for hearing on **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: 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 Blvd. Notice of hearing was published in the Rapid City Journal on May 25 and June 1, 2002. Ordinance 3823, having had the first reading on May 20, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Dreyer abstained from discussion or voting on this item because of a conflict of interest. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3823 the second time.

The Mayor announced the meeting was open for hearing on **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: 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 Blvd. Notice of hearing was

published in the Rapid City Journal on May 25 and June 1, 2002. Ordinance 3824, having had the first reading on May 20, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Dreyer abstained from discussion or voting on this item because of a conflict of interest. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3824 the second time.

Ordinance 3825 (No. LF052902-03) entitled An Ordinance Amending the Rapid City Air Quality Regulations, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3825 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 17, 2002.

Ordinance 3826 (No. 02OA007) entitled An Ordinance Establishing a Parking Rate for High Tech Industrial Production Facilities by Amending Chapter 17.04 of the Rapid City Municipal Code by Adding Section 17.04.391, A Definition of High Tech Industrial Production Facility and by Amending Section 17.50.270 Table D by Adding a Parking Rate for High Tech Industrial Production Facilities, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3826 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 17, 2002.

Ordinance 3827 (No. 02OA006) entitled An Ordinance Requiring the Planning Commission to Act on Applications for a Conditional Use Permit within Sixty Days by Amending Section 17.54.030(C) of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3827 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, June 17, 2002.

Ordinance 3828 (No. 02RZ031) a request by Five T Motorcycle Partnership for a **Rezoning from Light Industrial District to General Commercial District** on Lot 1, Lot 2, Lot 3, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 3030 Lange Ranch Road, was introduced. Upon motion made by Hadley, seconded by Hanks and carried, Ordinance 3828 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, June 17, 2002 at 7:00 P.M.

Ordinance 3829 (No. 02RZ032) a request by Dream Design International, Inc. for a **Rezoning from Low Density Residential District to General Agriculture District** on the following property, was introduced: A parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: beginning at the center of said Section 29; thence S41°36'22"W, 252.87 feet to the true point of beginning; thence N75°38'30"E, 466.70 feet; thence N60°57'28"E, 402.11 feet; thence N74°08'44"E, 324.31 feet to a point lying on a curve concave to the southwest and whose chord bears S45°01'42"E, 165.57 feet; thence southeasterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 18°06'38", an arc length of 166.26 feet to a point of reversed curvature; thence southeasterly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 42°31'26", an arc length of 351.79 feet to a point of tangency; thence S11°33'36"E, 113.77 feet; thence N78°23'21"W, 327.59 feet; thence N12°26'27"W, 167.00 feet; thence N62°13'43"W, 546.00 feet; thence N89°47'40"W, 102.98 feet; thence N89°57'50"W, 329.86 feet; thence S35°21'41"W, 373.54 feet; thence N77°35'08"W, 305.84 feet; thence N77°42'36"W, 88.09 feet; thence N50°02'00"E, 300.99 feet; thence N39°58'00"W, 182.25 feet; thence N50°02'00"E, 25.00 feet; thence S39°58'00"E, 182.25 feet; thence N49°52'34"E, 238.01 feet to the true point of beginning containing 12.04 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the center of

Section 29, thence N13°46'17"W, 409.64 feet to the true point of beginning; thence S36°49'13"E, 483.42 feet; thence S38°00'41"E, 60.57 feet; thence S50°02'00"W, 223.94 feet; thence N36°45'27"W, 54.20 feet; thence S53°54'29"W, 68.74 feet; thence N26°01'35"W, 81.02 feet; thence N89°58'00"W, 405.24 feet; thence S21° 27'02"W, 74.40 feet; thence N68° 32'58"W, 40.13 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 40°50'33", an arc length of 303.67 feet to a point on said curve; thence N33°31'59"W, 59.34 feet; thence N89°58'00"W, 598.32 feet; thence N75°25'26"W, 84.30 feet; thence N56°20'40"W, 83.19 feet; thence N33°55'47"W, 83.19 feet; thence N11°30'53"W, 83.19 feet; thence N00°18'26"W, 120.01 feet to a point lying on a curve concave to the north and whose chord bears N75°29'39"E, 157.38 feet; thence easterly along the arc of said curve to the left whose radius is 330.00 feet and whose delta is 27°35'26", an arc length of 158.91 feet to a point of tangency; thence N61°41'56"E, 174.47 feet; thence S48°40'58"E, 157.92 feet; thence S89°58'00"E, 358.27 feet; thence S70°46'42"E, 242.45 feet; thence S85°49'25"E, 189.09 feet; thence N86°23'14"E, 206.77 feet; thence N34°02'00"E, 326.78 feet; thence N47°01'41"E, 133.42 feet; thence N34°02'00"E, 130.00 feet; thence N44°49'19"E, 81.56 feet; thence N67°23'42"E, 111.22 feet; thence N22°36'18"W, 180.00 feet; thence N67°23'42"E, 40.00 feet; thence S22°36'18"E, 140.00 feet; thence N67°23'42"E, 600.06 feet; thence N11°30'24"W, 122.25 feet; thence N78°29'36"E, 29.31 feet to a point of curvature; thence easterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 39°22'32", an arc length of 254.28 feet to a point of tangency; thence S62°07'51"E, 50.17 feet point of curvature; thence southeasterly along the arc of said curve to the right whose radius is 370.00 feet and whose delta is 47°09'51", an arc length of 304.57 feet to a point of tangency; thence S14°58'00"E, 32.28 feet; thence N88°05'42"W, 225.15 feet; thence S00°19'04"W, 114.83 feet; thence S76°05'40"W, 133.40 feet; thence S60°02'00"W, 562.50 feet to the true point of beginning containing 19.18 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota, being more particularly described as follows: Beginning at the northeast corner of Section 29, thence N89°59'29"W, 1062.76 feet to the true point of beginning; thence S00°00'25"W, 353.14 feet; thence N89°59'37"E, 524.86 feet; thence S36°59'17"E, 331.06 feet; thence N69°48'41"E, 179.21 feet; thence S00°14'09"E, 640.00 feet; thence S89°45'51"W, 285.83 feet; thence N00°14'09"W, 247.40 feet; thence N45°58'18"W, 491.68 feet; thence S86°19'21"W, 177.81 feet; thence S20°02'00"W, 616.44 feet; thence S14°06'58"W, 237.54 feet; thence S22°18'23"E, 463.84 feet; thence S62°06'49"E, 531.35 feet; thence N27°38'46"E, 217.55 feet; thence N10°24'13"E, 342.35 feet; thence N00°14'09"W, 328.05 feet; thence N89°45'51"E, 280.00 feet; thence S00°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°14'09"E, 864.24 feet; thence S80°50'32"W, 155.19 feet; thence S27°30'27"W, 401.50 feet; thence N75°07'30"W, 235.48 feet; thence N35°42'16"W, 207.77 feet; thence N82°22'30"W, 165.29 feet; thence S53°17'01"W, 555.72 feet lying on a curve concave to the southwest and whose chord bears N49°25'37"W, 85.41 feet; thence northwesterly along the arc of said curve to the left whose radius is 526.00 feet and whose delta is 09°18'48", an arc length of 85.50 feet to a point of reversed curvature; thence northerly along the arc of said curve to the right whose radius is 474.00 feet and whose delta is 39°07'01", an arc length of 323.61 feet to a point on said curve; thence N75°02'00"E, 160.00 feet; thence N14°58'00"W, 449.76 feet; thence N23°47'31"W, 174.70 feet; thence N57°27'46"E, 126.29 feet; thence N22°57'06"E, 132.93 feet; thence N21°41'30"W, 132.93 feet; thence N68°07'14"W, 142.96 feet; thence S67°14'10"W, 122.78 feet; thence S37°43'48"W, 132.21 feet; thence S45°59'12"W, 139.54 feet; thence N62°07'51"W, 50.22 feet to a point of curvature; thence westerly along the arc of said curve to the left whose radius is 438.00 feet and whose delta is 26°53'36", an arc length of 205.59 feet to a point on said curve; thence N48°34'56"E, 14.64 feet; thence N05°29'36"E, 84.62 feet to a point of curvature; thence northerly along the arc of said curve to the left whose radius is 125.50 feet and whose delta is 11°47'37", an arc length of 25.83 feet to a point on said curve; thence S83°41'59"W, 185.45 feet; thence S75°26'05"W, 143.22 feet; thence S67°23'42"W, 500.00 feet; thence S22°36'18"E, 120.00 feet; thence S67°23'42"W, 40.00 feet; thence N22°36'18"W, 322.08 feet; thence N78°20'24"W, 1042.96 feet; thence S46°26'33"W, 146.11 feet; thence S65°13'50"W, 348.62 feet; thence S00°18'26"E, 371.55

feet; thence S89°58'00"E, 51.07 feet; thence S23°36'19"E, 147.45 feet; thence S11°43'15"W, 148.07 feet; thence S44°27'01"W, 112.01 feet; thence S28°18'04"E, 80.00 feet; thence S61°41'56"W, 203.13 feet to a point of curvature; thence westerly along the arc of said curve to the right whose radius is 262.03 feet and whose delta angle is 26°36'29", an arc length of 121.69 feet to a point on said curve; thence N00°18'26"W, 389.93 feet; thence N40°11'06"E, 170.94 feet; thence N00°18'26"W, 260.00 feet; thence S89°41'34"W, 275.00 feet; thence N00°18'26"W, 250.65 feet; thence N89°41'34"E, 259.46 feet; thence N11°26'25"W, 489.21 feet; thence N00°18'26"W, 120.00 feet; thence N73°26'56"W, 172.41 feet; to a point lying on a curve concave to the southeast and whose chord bears N35°11'50"E, 376.34 feet; thence northerly along the arc of said curve to the right whose radius is 326.00 feet and whose delta is 70°30'31", an arc length of 401.18 feet to a point on said curve; thence S19°17'53"E, 184.08 feet; thence S84°34'51"E, 222.17 feet; thence S42°07'06"E, 138.67 feet; thence S78°55'58"E, 360.35 feet; thence N48°08'07"E, 118.95 feet; thence S89°58'30"E, 499.94 feet; thence S84°36'27"E, 259.73 feet; thence S71°13'04"E, 327.49 feet; thence N51°56'05"E, 396.19 feet; thence N21°20'29"W, 369.45 feet; thence N81°50'43"W, 403.04 feet to a point lying on a curve concave to the west and whose chord bears N04°04'58"E, 60.50 feet; thence northerly along the arc of said curve to the left whose radius is 426.00 feet and whose delta is 08°08'38", an arc length of 60.55 feet to a point of tangency; thence N00°00'39"E, 77.01 feet; thence S89°56'23"E, 525.93 feet; thence S89°59'55"E, 1318.15 feet; thence S89°59'29"E, 255.92 feet to the true point of beginning containing 127.19 acres more or less; a parcel of land located in Section 29, T1N, R7E, BHM, City of Rapid City, County of Pennington, State of South Dakota being more particularly described as follows: Beginning at the northwest corner of Section 29, thence S89°56'23"E, 2053.37 feet; thence S00°00'39"W, 77.05 feet to a point of curvature; thence southerly along the arc of said curve to the right whose radius is 374.00 feet and whose delta is 21°21'18", an arc length of 139.40 feet to a point on said curve; thence N68°38'03"W, 150.00 feet; thence S42°44'25"W, 163.28 feet; thence S88°50'49"W, 453.19 feet; thence S85°24'59"W, 183.42 feet; thence N74°24'46"W, 476.27 feet; thence N79°54'55"W, 162.92 feet; thence S79°09'58"W, 154.84 feet; thence S19°17'53"E, 150.00 feet to a point lying on a curve concave to the south and whose chord bears S69°10'39"W, 20.01 feet; thence westerly along the arc of said curve to the left whose radius is 376.00 feet and whose delta is 03°02'57", an arc length of 20.01 feet; thence N19°17'53"W, 150.15 feet; thence S65°34'24"W, 254.94 feet to a point lying on a curve concave to the south and whose chord bears N77°30'26"W, 120.54 feet; thence westerly along the arc of said curve to the left whose radius is 226.00 feet and whose delta is 30°56'04", an arc length of 122.02 feet; thence N0°18'22"W, 263.37 feet to the point of beginning containing 11.27 acres more or less, located west of Sheridan Lake Road - Red Rock Estates Subdivision. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3829 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, June 17, 2002 at 7:00 P.M.

Legal & Finance Committee Items

The next item before the Council was No. LF052902-04, a Resolution Declaring Real Property Surplus, Establishing Its Fair Market Value, Setting the Terms of Sale, and Authorizing Its Sale. Motion was made by Hadley and seconded by Waugh to approve the Resolution. Community Development Director Bonnie Hughes explained that there are some questions relative to this item and she requested that it be tabled at this time. It will be brought back to the Council at a later date. Substitute motion was made by Hanks, seconded by Waugh and carried to table this item.

Motion was made by Hanks and seconded by Waugh to authorize Mayor and Finance Officer to sign Assignment Agreement between City of Rapid City, Rushmore Bank and Trust of Rapid City, South Dakota, and Red Rocks Development, LLC (TIF #32) (No. LF052902-11). Kriebel spoke against the Agreement and the use of tax increment financing for this project.

Roll call vote was taken: AYE: Murphy, Rodriguez, Dreyer, Hanks, Kroeger and Waugh; NO: Johnson, Hadley and Kriebel. Motion carried, 6-3.

Public Works Committee Items

The Mayor presented No. PW052902-08 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Wyss Associates, Inc. to Design PR02-1215, **Omaha Street Median Landscaping Project** for an amount not to exceed \$11,314. Johnson spoke against allocating these funds prior to the Council discussing this issue. Roll call vote was taken: AYE: Rodriguez, Dryer, Kroeger and Waugh; NO: Johnson, Hadley, Murphy, Hanks and Kriebel. Motion failed, 4-5.

Bills

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

Payroll Ending 5-18-02, Paid 5-24-02	587,352.24
Payroll Ending 5-18-02, Paid 5-24-02	3,012.80
Payroll Ending 5-31-02, Paid 5-31-02	859,003.06
Pioneer Bank & Trust, taxes Paid 5-24-02	143,616.44
Pioneer Bank & Trust, taxes Paid 5-24-02	225.08
Pioneer Bank & Trust, taxes Paid 5-31-02	218,040.88
First American Administrators, claims Paid 5-22-02	69,802.08
First American Administrators, claims Paid 5-29-02	105,827.44
US Post Master, billing postage	1,800.00
Computer Bill List	1,291,748.07
Total	<u>\$3,280,428.09</u>

Payroll Ending 5-18-02, Paid 5-24-02	2,552.80
Pioneer Bank & Trust, taxes Paid 5-24-02	191.14
ASAP Software Express, software	133.22
City of Rapid City, postage	67.24
Marlin Leasing, copier lease	11.16
Philfleet, gasoline	110.96
Simpson's Printers, newsletter	79.50
Total	<u>\$3,283,574.11</u>

Treasurers Checks

RCS Construction	2,605.44
Warax Excavating	566.30
Total	<u>\$3,286,745.85</u>

Public Works Director

Bjerke requested authorization for staff to advertise for bids for **chain link fence** to be installed on the west property line at the landfill for litter control purposes. The estimated cost of the project is \$30,000. Motion was made by Johnson, seconded by Hadley and carried to refer this item to the Public Works Committee for review and recommendation.

Special Items

It was noted that a special meeting of the City Council is needed to canvass the votes cast at the recent election. Motion was made by Hadley, seconded by Johnson and carried to have a

Special Council Meeting on Thursday, June 6, 2002 at 4:30 P.M. to canvass the annual Municipal Election.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:15 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)