

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota  
June 17, 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 17, 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, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: Ron Kroeger.

Motion was made by Hanks, seconded by Dreyer and carried to correct the minutes of May 20, 2002 to add the following project number to the bid award for 2002 Mill and Overlay Project: STCM01-1053; correct the minutes of March 18, 2002 to show the correct Project Number for the Canyon Lake Park Electrical Service Project as PR02-1202; correct the minutes of June 3, 2002 to show the following legal description for the approved plat for Big Sky Subdivision (Lots 7-9, Block 4; Lots 13-23, Block 6; Lot 6, Block 7; Lots 1-11, Block 15; Lots 1-2, Block 16 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 – File No. 01PL089) and **approve the minutes** of June 3 and June 6, 2002.

### ***Bid Openings***

The following companies submitted bids for **Thermal Imaging Systems** (2) for the Police Department: Aspect Technology & Equipment. Staff has reviewed the bid and recommends award. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for two Thermal Imaging Systems for the Police Department to Aspect Technology & Equipment, the only bidder, for a total contract amount of \$34,182.

The following companies submitted bids for One New Current Model Year **Articulating Motor Grader** with Wing Plow for the Street Division: Butler Machinery Company. Staff has reviewed the bid and recommends award to Butler Machinery for the 7 year option. Motion was made by Hanks and seconded by Steinburg to award the bid for an articulating motor grader (7 year option) to Butler Machinery Company, the only bidder, for a total contract amount of \$174,883. Hadley spoke against using the total cost option bid method of purchasing this type of equipment because he feels the City could save money up front using the regular bid method. Upon vote being taken, the motion carried with Hadley, Kriebel and Waugh voting no.

The following companies submitted bids for One New Current Model Year High Pressure **Jet Sewer Cleaning Machine** for Utility Maintenance: 1) Sanitation Products and 2) Sheehan Mack Sales. Motion was made by Hanks, seconded by Steinburg and carried to continue this item to the next Public Works Committee meeting for review and recommendation.

The following companies submitted bids for One New Current Model Year **Utility Vehicle with Dump Box** for Cemetery: Midwest Turf & Irrigation. Motion was made by Hanks, seconded by Steinburg and carried to refer this bid to the Public Works Committee for review and recommendation.

The following companies submitted bids for **Replaceable Pin-On Caps** for Bomag RB670BC for Regional Landfill: 1) Caron Compactor Company and 2) Sheehan Mack Sales & Equipment. Staff has reviewed the bids and recommends award to Sheehan Mack Sales for a total contract amount of \$24,263. Motion was made by Steinburg and seconded by Hanks

to award the bid to Sheehan Mack Sales, the lowest responsible bidder meeting specifications, for a total contract amount of \$24,263. Hanks questioned the amount of labor involved with installing these caps. Asst. Public Works Director Ted Vore explained that this is a very labor intensive process and requires specialized equipment. He indicated that the City does have the ability to install the caps; manpower and time are the questionable factors. Substitute motion was made by Hanks, seconded by Steinburg and carried to refer this item to the Public Works Committee for review and recommendation. (Secretary's Note: Additional action taken on this item at the end of the meeting.)

The following companies submitted bids for **EMC Mass Decon 101** for the Fire Department: Haz-Matters, Inc. Staff has reviewed the bid and recommends award to Haz-Matters. Motion was made by Steinburg, seconded by Hanks and carried to award the bid for EMC Mass Decon 101 to Haz-Matters, the only bidder, for a total contract amount of \$22,374.

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

Mayor Munson presented the **Veteran of the Month Award** to Harold "Had" Taylor and commended him for outstanding service to the country.

Munson also presented Certificates of Recognition to City employees Shirley Benedickt and Paul Schumacher for 25 years of service to the community.

### ***Aldersperson Items***

Ray Hadley explained that a job was recently posted for the Library with a starting salary of Step A, but when an individual was hired, he was hired at Step J which is more than \$9,000 more than the official posting. The City recently completed the Condrey wage study and this type of action by the City takes the integrity out of the findings of that study. Also, this practice is not fair to other individuals who may have wanted to apply for the position but wouldn't have been interested in the lower salary. The position should be re-posted at the proper salary so that if other individuals are interested they can apply for the position at the higher salary. Preston explained that this individual was initially a contract employee who had to be converted to a permanent employee. His pay was determined by backing out the costs for benefits from the contract amount. He noted that this was approved by the Mayor. Hadley reiterated that this is not fair to other citizens who may have been interested in the position.

### ***Special Items***

Marie Lange appeared before the Council and discussed a federal forum on treaties.

### ***Alcohol License Hearings***

Motion was made by Hadley, seconded by Steinburg and carried to approve the following license applications for On-Off Sale Malt Beverage License Renewal – No Video Lottery:

8. GF Pizza, Inc. dba **Godfathers** Pizza, 110 Cambell Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
9. Great Wall, Inc. dba **Imperial Chinese Restaurant**, 702 E. North Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
10. Great Wall, Inc. dba **Great Wall Chinese Restaurant**, 315 E. North Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
11. Keith & Dorla Brink dba **Carini's Italian Food**, 324 St. Joe Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
12. 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

13. NPC International, Inc. dba **Pizza Hut No. 2777**, 2005 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
14. 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
15. 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
16. Mae Jean Adams dba **The Corn Exchange**, 727 Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
17. Faryat, Inc. dba **Botticelli's Ristorante Italiano**, 523 Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
18. Century Motels, Inc. dba **Howard Johnson Express Inn**, 950 North Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
19. 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)
20. 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
21. 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
22. China Buffet Express, Inc. dba **China Buffet**, 740 Mt. View Road, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
23. Tamara Sellars & Pamela Light dba **Wine Cellar 507**, 507 Sixth Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
24. Dakota Fresh-Mex LLC dba **Qdoba Mexican Grill**, 741 Mountain View Road, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
25. S&Y, Inc. dba **The Golden Phoenix**, 2421 W. Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
26. Loveletta M. Gibson dba **Lovey's Outer Limits**, 10140 Pierre Lane, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
27. NPC International, Inc. dba **Pizza Hut No. 2776**, 2604 W. Main Street, for an On-Off Sale Malt Beverage License Renewal – No Video Lottery
28. Mary Jane Freimark dba **The Embers**, 5412 S. Highway 16, for an On-Off Sale Malt Beverage License – New License – No Video Lottery
29. Mai T. Goodsell dba **Saigon Restaurant**, 221 East North Street, for an On-Off Sale Malt Beverage License – No Video Lottery
30. Dos Ermonas, Inc. dba **LaCosta Mexican Restaurant, 603 Omaha Street**, for an On-Off Sale Malt Beverage License Renewal

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

32. Rapid Bowl, Inc. dba **Meadowood Lanes**, 3809 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal
33. Continental Leisure, Inc. dba **Carousel Casino**, 2050 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
34. Shotgun Willies, Inc. dba **Shotgun Willies**, 2808 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
35. **Rapid City Elks Lodge**, No. 1187, 333 E. 39th Street, for an On-Off Sale Malt Beverage License Renewal
36. Carolyn's Casinos, Inc. dba **Carolyn's Casino**, 512 West Boulevard, for an On-Off Sale Malt Beverage License Renewal
37. Robert W. Johnson dba **Canyon Lake Pub & Casino**, 4116 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
38. Harbry Enterprises, Inc. dba **Buck-N-Gator**, 4095 Sturgis Road, for an On-Off Sale Malt Beverage License Renewal

39. H&B, Inc. dba **The Hall Inn**, 214 E. St. Joe Street, for an On-Off Sale Malt Beverage License Renewal
40. Howe's Oil Company, Inc. dba **Windmill Truck Stop**, 2783 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
41. I-90 Truck Haven Service, Inc. dba **Windmill Restaurant**, 2803 Deadwood Avenue, for an On-Off Sale Malt Beverage License Renewal
42. South Dakota Vending, Inc. dba **Happy Jacks – Downtown**, 713 Omaha Street, for an On-Off Sale Malt Beverage License Renewal
43. South Dakota Vending, Inc. dba **Happy Jacks – Cambell**, 1601 Cambell Street, for an On-Off Sale Malt Beverage License Renewal
44. South Dakota Vending, Inc. dba **Happy Jacks East**, 909 E. St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
45. South Dakota Vending, Inc. dba **Happy Jacks West**, 1925 West Main Street, Suite 1, for an On-Off Sale Malt Beverage License Renewal
46. South Dakota Vending, Inc. dba **Happy Jacks Far West**, 1925 West Main Street, Suite 2, for an On-Off Sale Malt Beverage License Renewal
47. Omaha Players Company dba **Happy Jacks – Omaha**, 1117 West Omaha Street, for an On-Off Sale Malt Beverage License Renewal
48. South Dakota Vending, Inc. dba **Happy Jacks Too**, 909 St. Patrick Street, for an On-Off Sale Malt Beverage License Renewal
49. Nifty Fifties, Inc. dba **Parkway Restaurant**, 312 East Boulevard North, for an On-Off Sale Malt Beverage License Renewal
50. Black Hills Food Services, Inc. dba **Fuddruckers**, 2106 N. Maple Avenue, for an On-Off Sale Malt Beverage License Renewal
51. Colonial House, Inc. dba **Colonial House**, 2501 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
52. Shooters, Inc. dba **Shooters**, 2424 W. Main Street, for an On-Off Sale Malt Beverage License Renewal
53. Fox Family enterprises, Inc. dba **Rodeway Inn**, 2208 Mt. Rushmore Road, for an On-Off Sale Malt Beverage License Renewal
54. Dave & Linda Handley dba **Hot Spot Casino**, 420 E. St. Patrick Street, Suite 107, for an On-Off Sale Malt Beverage License Renewal
55. Holway's Hideaway Investments, Inc. dba **VB's Hideaway Pub**, 1028 E. North Street, for an On-Off Sale Malt Beverage License Renewal
56. D&S Time Square, Inc. dba **Time Square Casino**, 355 Eleventh Street, for an On-Off Sale Malt Beverage License Renewal
57. Hotel Management Company, Inc. dba **Hotel Alex Johnson**, 523 Sixth Street, for an On-Off Sale Malt Beverage License Renewal
58. Kelly's Sports Lounge, Inc. dba **Kelly's Sports Lounge**, 825 Jackson Boulevard, for an On-Off Sale Malt Beverage License Renewal
59. WR Rapid City Ventures, LP dba **Oakleaf Beer Garden**, 2211 N. LaCrosse Street, for an On-Off Sale Malt Beverage License Renewal
60. James Berendes dba **Queen of Hearts Casino**, 316 East Boulevard, for an On-Off Sale Malt Beverage License Renewal

This was the time set for hearing on the application of The Retired Enlisted Association, Chapter 29, dba **Northgate Bingo**, 905 E. North Street, for an On-Off Sale Malt Beverage License Renewal. Motion was made by Hadley and seconded by Johnson to approve the application. Murphy abstained from voting on this item. Upon vote being taken, the motion to approve carried.

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

62. Flannery Oil, Inc. dba **Corner Pantry – Deadwood Avenue**, 501 Deadwood Avenue, for an Off-Sale Malt Beverage License Renewal

65. Nash Finch Company dba **Family Thrift Center No. 253**, 1516 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
66. Moyle Petroleum Company dba **Common Cents Food Store**, 1909 LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
67. Moyle Petroleum Company dba **Common Cents Food Store**, 2660 Mt. Rushmore Road, for an Off-Sale Malt Beverage License Renewal
68. Moyle Petroleum Company dba **Common Cents Food Store**, 1129 W. Omaha Street, for an Off-Sale Malt Beverage License Renewal
69. Moyle Petroleum Company dba **North Street Smoke Shop**, 634 E. North Street, for an Off-Sale Malt Beverage License Renewal
70. Moyle Petroleum Company dba **Common Cents Food Store**, 4128 Canyon Lake Drive, for an Off-Sale Malt Beverage License Renewal
71. I-90 Amoco, Inc. dba **I-90 Standard**, 2213 N. LaCrosse Street, for an Off-Sale Malt Beverage License Renewal
72. Dan's Super Market, Inc. dba **Dan's Super Market**, 333 Third Street, for an Off-Sale Malt Beverage License Renewal
73. Robert L. Stiehl dba **Circle S Convenience Market**, 310 E. Fairmont Boulevard for an Off-Sale Malt Beverage License Renewal
74. Superpumper, Inc. dba **Superpumper No. 27**, 2215 Haines Avenue, for an Off-Sale Malt Beverage License Renewal
75. Superpumper, Inc. dba **Superpumper No. 16**, 3275 South Highway 79, for an Off-Sale Malt Beverage License Renewal
76. Fat Boy's Inc dba **Firehouse Brewing Company**, 610 Main Street, for an Off-Sale Malt Beverage License Renewal
77. Bernell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Transfer (from Bernell & Ann Lutz)
78. Bernell Lutz dba **Gas Plus**, 1903 N. Maple Avenue, for an Off-Sale Malt Beverage License Renewal
79. Albertsons, Inc. dba **Albertsons**, 855 Omaha Street, for an Off-Sale Malt Beverage License Renewal
80. B&L, Inc. dba **Boyd's Liquor Mart**, 909 E. St. Patrick Street, for an Off-Sale Malt Beverage License Renewal
81. B&L, Inc. dba **Boyd's Liquor Mart**, 2001 W. Main Street, for an Off-Sale Malt Beverage License Renewal

This was the time set for hearing on the application of Safeway Stores 46, Inc. dba **Safeway Store No. 581**, 2120 Mt. Rushmore road, for an Off-Sale Malt Beverage License Renewal. Motion was made by Hadley and seconded by Rodriguez to approve the application. Johnson abstained from voting on this item. Upon vote being taken, the motion carried.

This was the time set for hearing on the application of Safeway Stores 46, Inc. dba **Safeway Store No. 1554**, 730 Mt. View Road, for an Off-Sale Malt Beverage License Renewal. Motion was made by Hadley and seconded by Rodriguez to approve the application. Johnson abstained from voting on this item. Upon vote being taken, the motion carried.

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

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

Upon motion made by Hadley, seconded by Dreyer and carried, the Finance Officer was directed to publish notice of hearing on the application of Sherri Ashley dba **Uptown Bar & Grill**, 615 Main Street, for an On-Sale Liquor License Transfer (from Rushmore Rentals dba Alex Johnson Hotel), said hearing to be held on Monday, July 1, 2002 at 7:00 P.M.

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. Captain Chris Grant from the Police Department appeared before Council and recommended that the malt beverage license for this establishment not be renewed because of the significant public safety issues at this location. He submitted documents showing the lengthy list of police calls to the establishment for various issues and how management has not controlled the patrons of the bar since it was closed for two weeks in February of 2002. Motion was made by Hadley and seconded by Rodriguez to deny the On-Off Sale Malt Beverage License Renewal application because of safety concerns and poor management practices, as outlined in the documents submitted by the Police Department. Marie Lange spoke in favor of keeping this establishment open. Claudia Wooten, Mike Reynolds and Jim Dunn spoke in favor of closing this establishment because of negative impacts on the surrounding neighborhood. Daniel Nordeen explained that he was hired as bar manager when the establishment was re-opened last February. He stated that a lot of changes have been made in lighting and security cameras, but the changes won't happen overnight. They are trying their best and they will continue to work with law enforcement. Mayor Munson stated that he feels it was the City Council's direction last February that they did in fact expect over-night changes in the management of this bar operation. A list of criteria was given to Mr. Sletten along with direction that the changes be implemented directly and with purpose or the establishment would not be allowed to remain open. Munson also expressed concern about the safety of police officers when they respond to calls at this location. Johnson stated that the burden was on the management of DD's bar to convince the City Council that they have made progress, but he doesn't feel they have done it. Upon vote being taken, the motion to deny carried unanimously.

### ***Consent Calendar Items***

The following items were removed from the Consent Calendar:

96. Deny the request by Black Hills Power & Light for a Utility Easement in Memorial Park

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

### ***Set for Hearing*** (None)

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

85. No. PW061202-01 – Approve Change Order No. 01F for DR01-960, Red Rock Canyon Drainage Improvements Project to RCS Construction, Inc. for an increase of \$2,087.95.
86. No. PW061202-02 – Approve Change Order No. 03F for SSW01-1080, 38<sup>th</sup> Street Sanitary Sewer Extension Project to Mainline Contracting, Inc. for a decrease of \$4,419.23.
87. No. PW061202-03 – Approve Change Order No. 02 for W01-1104, Water Main Extension on Omaha Street from LaCrosse to Cambell to Stanley J. Johnsen Concrete Contractor, inc. for an increase of \$2,723.80.
88. No. PW061202-04 – Approve Change Order No. 01F for PL02-1178, Sixth and Main Parking Lot Overlay and Landscaping Project to Hills Materials Company for a decrease of \$917.91.
89. No. PW061202-06 – Authorize staff to advertise for bids PR02-1180, Parks Parking Lots Overlay Project.

- 90. No. PW061202-07 – Authorize staff to advertise for bids W02-1198, Upper Rapid Creek Fishing & Picnic Area Project.
- 91. No. PW061202-08 – Authorize staff to advertise for bids Landfill – West Property Line Fence.
- 92. No. PW061202-09 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. to Design ST02-1068, Lemmon Avenue Reconstruction Project for an amount not to exceed \$83,330.
- 93. No. PW061202-10 – Approve Resolution Setting Time and Place for Hearing on July 15, 2002 for Assessment Roll for SSW01-1080, 38<sup>th</sup> Street Sanitary Sewer Extension Project.

RESOLUTION FIXING TIME AND PLACE FOR HEARING  
ON ASSESSMENT ROLL FOR  
38TH STREET SANITARY SEWER EXTENSION PROJECT SSW01-1080

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

- 1. The assessment roll for 38th Street Sanitary Sewer Extension Project No. SSW01-1080 was filed in the Finance Office on the 17th day of June, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, July 15, 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 17th day of June, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 94. Grant an Exception to Street Criteria Manual for a driveway at 900 Nicole Street (Bill Freytag).
- 95. No. PW061202-11 – Approve a second curb cut for RV parking for 5576 Wildwood Drive (Harold Sullivan).
- 97. Approve a Travel Request for Ron Back to attend WEFTEC 2002 Conference in Chicago IL, September 28 – October 2 in the amount of \$2,451.50.

**Legal & Finance Committee**

- 98. No. LF061202-01 - Approve Event Permit for Central States Fair to Hold a Parade on August 17, 2002.
- 99. No. LF061202-02 - Authorize Mayor and Finance Officer to Sign Contract for Services with Martin Jurisch & Associates to Conduct the Annual City Auction Scheduled for Saturday, June 22, 2002.
- 100. Authorize Mayor and Finance Officer to Sign a Contract for Stop Loss Coverage for the Medical Plan.
- 101. Approve Amendment to Agreement with First American Administrators Raising the Administrative Fee \$.25 Per Employee/Month for Health Care and \$.15 for Dental.
- 102. No. LF061202-06 - Approve Resolution Declaring Property Surplus.

**RESOLUTION DECLARING PROPERTY SURPLUS**

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

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

Water Division

Water Plant Telephone System, Inv. No. 00005  
Baker Fork Lift, Used Stock No. 1-7149, Inv. No. 05880  
1993 Dodge Spirit, SN 1B3XA46V9PF525671

Energy Plant

Westinghouse Boiler 02 Control System, Inv. No. 00019

Water Reclamation Division

Powerhouse Computer, Inv. No. 15129  
Dakota Pump trickling filter Recirculation pump, Inv. No. 16187

Parks Division

1974 Ford (Water Truck), SN F50CVU00586  
1978 Dodge Crew Cab, SN D26BB8S209959  
1984 Chevy S-10 Pickup, SN 1GCBS14Y6E8187973  
1980 Chevy 1T Dump Truck, SN CCM33AV145333  
1978 Ford ½ Ton Pickup, SN F15GRBG2893  
1987 Homemade 6x8 trailer, SN 321936  
1976 Snowco Trailer, SN E01232  
1973 Dee Jay enclosed trailer, SN 1173259  
1974 Dee Jay enclosed trailer, SN 1175275

Building Inspection

1991 S-10 Pickup, SN 1GCCS1426M2266865

Street Department

1987 Dodge Pickup, SN 1B7KD2452H5415478  
1992 Ford F150 4x4 Pickup, SN 1FTEF14Y7NLA88383  
1985 Datsun King Cab Pickup, SN 007174  
1986 Chevy Crew Cab Pickup, SN 194461

Police Department

1979 Kawasaki KZT00C 1000cc motorcycle, SN 501876



1979 Kawasaki KZT00C 1000cc motorcycle, SN 502243

Library

Herman Miller office module (will seat three work stations)

Fire Department

1991 Plymouth Acclaim, SN 1P3XA46K7MF667226  
Cushman Mower, SN 546173

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

Dated this 17th day of June, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 103. No. LF061202-09 - Authorize Mayor and Finance Officer to Sign Real Estate Purchase Agreement between Youth and Family Services and City of Rapid City.
- 104. No. LF061202-03 - Approve the Following Refunds/Abatements: BE Development, 2001, \$255.64; Carolyn F. Davis, 2002, \$311.60; Barbara J. Varilek, 1999, \$1,198.84; Barbara J. Varilek, 2000, \$1,243.28; Barbara J. Varilek, 2001, \$1,132.26.
- 105. No. LF061202-07 - Approve the Following License: House Moving: Ted Pettyjohn.
- 106. No. LF061202-04 - Approve Re-Appointment of Stuart Wevik as Ward 3 Representative to Planning Commission; Re-Appointment of Mel Prairie Chicken and Ida Marie Fast Wolf as Ward 4 Representatives to Planning Commission; and Appointment of Ethan Schmidt as Ward 3 Representative to Planning Commission.
- 107. No. LF061202-05 - Approve Appointment of Mark Kjellerson to the RSVP Advisory Council for a Three Year Term.
- 108. No. LF061202-08 - Approve Appointment of Michael Stanley to Beautification Committee.

End of Consent Calendar

The next item discussed by the Council was a request by Black Hills Power & Light for a **Utility Easement in Memorial Park**. Motion was made by Hanks, seconded by Dreyer and carried to table this item. Hanks noted that Black Hills Power & Light will be bringing a new request for the Council to consider on the relocation of these utility lines.

**Public Hearings**

The Mayor announced that the meeting was open for consideration of the assessment roll for Miscellaneous Property Cleanup. Notice of hearing was published in the Rapid City Journal on June 10, 2002 and mail to affected property owners on May 21, 2002. No oral or written objections were submitted. The following Resolution was introduced, read and Murphy moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR  
CLEANUP OF MISCELLANEOUS PROPERTIES

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

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

Dated this 17th 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, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

***Planning Department Consent Items***

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

110. 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 JULY 1, 2002)
111. 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 NW/14 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 JULY 1, 2002)
112. 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 SD Highway 79. (CONTINUE TO JULY 1, 2002)
114. 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 JULY 1, 2002)

- 115. No. 01PL123 - A request by Rice Valley View Properties for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota located in the Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located 1033 Omaha Street. (CONTINUE TO JULY 15, 2002)
- 116. No. 01PL127 - A request by Doug Sperlich for Jeff Stone for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO JULY 15, 2002)
- 117. No. 02PL005 - A request by Thurston Design Group, LLC for Youth & Family Services, Inc. for a **Preliminary and Final Plat** located at 120 East Adams Street and 202 East Adams Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 2R and Lot 3 of Block 21, Wise's Addition (formerly Lots 3Rev. and 4Rev. 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, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Lot 2R and Lot 3 of Block 21, Wise's Addition (formerly Lots 3Rev. and 4Rev. 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, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th day of June, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

- 118. 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 NE/14 of NE/14 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 JULY 1, 2002)

119. 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. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Prior to City Council approval of the Preliminary Plat, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 2) Prior to City Council approval of the Preliminary Plat, a revised pavement design shall be submitted for review and approval; 3) Prior to City Council approval of the Preliminary Plat, a revised grading and drainage plan, coordinating the proposed drainage with lot contour(s), shall be submitted for review and approval; 4) Prior to City Council approval of the Final Plat, the plat shall be revised to read "Lots 24 thru 30" in lieu of "lots 23 thru 30"; 5) Prior to City Council approval of the Preliminary Plat, a Special Exception shall be granted or the construction plans shall be revised to provide an intermediate turnaround on Minnesota Street; 6) Prior to City Council approval of the Final Plat, covenants shall be filed at the Register of Deed's Office precluding development on three of the proposed lots until such time as a second access road is constructed; 7) Prior to City Council approval of the Final Plat, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 8) Prior to City Council approval of the Final Plat, a subdivision estimate form shall be submitted for review and approval; and, 9) Prior to City Council approval of the Final Plat, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
120. 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 JULY 1, 2002)
121. 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 at the northwest corner of the intersection of East Oakland Street and Smith Avenue. (CONTINUE TO JULY 1, 2002)
122. 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 2821 Shad Street. (CONTINUE TO JULY 1, 2002)

123. 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 JULY 1, 2002)
124. No. 02PL028 - A request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Preliminary and Final Plat** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. (CONTINUE TO JULY 1, 2002)
125. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Platon** 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 JULY 1, 2002)
126. 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 JULY 1, 2002)
127. 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 JULY 1, 2002)
128. 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 & Lost 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 JULY 1, 2002)
129. 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 Red Rock Estates. (CONTINUE TO JULY 1, 2002)

130. No. 02PL045 - A request by Doug Sperlich for 16 Plus, LLC for a **Layout, Preliminary and Final Plat** on Layout Plat on Lots 1-5, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Preliminary and Final Plat on Lot 1, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract 1 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota a portion of Tract 1 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north west of US Highway 16 and Moon Meadows Road. (CONTINUE LAYOUT PLAT FOR LOTS 2 THRU 5 UNTIL JULY 1, 2002; AND APPROVE THE LAYOUT, PRELIMINARY AND FINAL PLAT for Lot 1 with the following stipulations: 1) Prior to Final Plat approval of Lot 1 by the City Council, surety shall be posted for the construction of the water and sewer infrastructure; 2) Prior to Preliminary Plat approval of Lot 1 by the City Council, a complete drainage plan shall be submitted for review and approval; 3) Prior to Final Plat approval of Lot 1 by the City Council, the plat shall be revised to provide drainage easements as needed; 4) Upon Preliminary Plat submittal for the balance of the subject property, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of sewer, water, storm drainage, sidewalk(s) and curb and gutter along Moon Meadows Road; 5) Prior to Final Plat approval of Lot 1 by the City Council, the plat shall be revised to show a non-access easement along Moon Meadows Road except for the approved approach location; 6) Upon Preliminary Plat submittal for the balance of the subject property, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 7) Prior to Final Plat approval of Lot 1 by the City Council, the plat shall be revised to show "Moon Meadows Drive" in lieu of "Moon Meadows Road"; 8) Prior to Final Plat approval of Lot 1 by the City Council, the applicant shall confirm if the plat title is correct showing "Moon Ridge" as two words in lieu of one word, "Moonridge"; and, 9) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval and the subdivision inspection fees shall be paid.
131. No. 02PL046 - A request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department for a **Layout Plat** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South DakotaGL 4 less ROW; unplatted balance of the SE1/4 SW1/4; unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Country Road and 143rd Street. (APPROVE THE LAYOUT PLAT WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, topographic information and a grading plan shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval; 3) Upon submittal of the Preliminary Plat, the applicant shall provide an evaluation for on-site waste water system(s); 4) Upon submittal of the Preliminary Plat, the applicant shall submit information on the water supply proposed for the development; 5) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for 143rd Street and Country Road or a Subdivision Variance shall be obtained waiving the required subdivision improvements; 6) Upon Preliminary Plat submittal, the applicant shall provide a

revised site plan showing the location of one approach to the property from 143rd Street or provide supporting documentation justifying the need for two approaches to the subject property. If an approach is approved on Country Road, the plat shall be revised to show non-access easement along the Country Road frontage with the exception of the one approved approach location; 7) Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show a non-access easement along the 143rd Street frontage with the exception of one approved approach located as far north on 143rd Street as possible; 8) Upon Preliminary Plat submittal, the plat shall be revised to reflect the dedication of an additional five feet of right of way along the 143rd Street frontage; 9) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 10) Prior to Final Plat approval by the City Council, a lot size variance shall be obtained or the property shall be rezoned to Suburban Residential District; 11) Prior to Final Plat approval by the City Council, the plat shall be revised to identify the name of the subdivision as North Haines Subdivision; 12) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 13) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

- 132. No. 02PL047 - A request by Wyss Associates, Inc. for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of Southwest Middle School, 4501 Park Drive. (CONTINUE TO JULY 1, 2002)
- 133. No. 02PL048 - A request by Doug Sperlich for Rushmore Electric for a **Layout, Preliminary and Final Plat** located on Cabot Hill.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Tract C (formerly a portion of the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4 of Section 23) located in the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4, Section 23, T2N, R7E, 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 Tract C (formerly a portion of the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4 of Section 23) located in the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4, Section 23, T2N, R7E, 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 17th day of June, 2002.

CITY OF RAPID CITY

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

s/ Jerry Munson, Mayor

134. No. 02PL049 - A request by Davis Engineering for a **Layout Plat** on Block 1, Lots 1 thru 20; Block 2, Lots 1 thru 11; Block 3, Lots 1 thru 21; Block 4, Lots 1 thru 18; Block 5, Lots 1 thru 16; Block 6, Lots 1 thru 20; Block 7, Lots 1 thru 9; Block 8, Lots 1 thru 18; Block 9, Lots 1 thru 25; Block 10, Lots 1 thru 48; and Block 11, Lots 1 thru 29; Murphy Ranch Estates Subdivision, located in the NW1/4 Section 14, T1N, R8E, BHM, Pennington County, South Dakota Tract F of the NW1/4 less Murphy's Subdivision and ROW, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located in approximately 800 feet east of Reservoir Road on Longview Road. (CONTINUE TO JULY 1, 2002)
136. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street ROW and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO JULY 1, 2002)
137. No. 02PL052 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on GL 1-2 Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of future 5th Street. (CONTINUE TO JULY 1, 2002)
138. No. 02PL053 - A request by Doug Sperlich for Dennis Zandstra for a **Preliminary and Final Plat** on Lots 1 thru 4 of Block 11, Elks Country Estates, located in the NE1/4 of the SE1/4, Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, a portion of Tracts 1 and 2, Elks Country Estates, the E1/2 of Section 16, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at at the intersection of Augusta Drive and Northstar Court. (CONTINUE TO JULY 1, 2002)
139. No. 02SE002 - A request by Doug Sperlich for Gordon Howie for a **Special Exception to Section 1.7.2 of the Street Design Criteria Manual to allow 77 dwelling units taking access from one street** on Lots 1 through 11 of Block 13; Lots 1 through 24 of Block 14; and Lots 1 through 19 of Block 15, Trailwood Village, located in the NE1/4 of the SE/14 of Section 10, T1N, R8E, BHM, Pennington County a portion of Tract T of Trailwood Village located in the NE1/4 of the SE/14 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located southwest of the intersection of Saturn Street and Reservoir Road. (APPROVE THE SPECIAL EXCEPTION to Section 1.7.2 of the Street Design Criteria Manual to allow 77 dwelling units taking access from one street with the stipulation that no more than 77 dwelling units be allowed to take access from Mercury Drive.)

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## END OF PLANNING CONSENT CALENDAR

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 Murphy and seconded by Steinburg to continue to July 1, 2002. Substitute motion was made by Hanks, seconded by Rodriguez and



carried to approve the requested Plat with the stipulation that the plat not be filed until surety has been submitted, and if the surety has not been submitted by the next meeting, the plat will be brought back for reconsideration.

The Mayor presented No. 02PL050, a request by Ferber Engineering Company for a **Preliminary and Final Plat** on Lots 7R and 8R of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota. Lots 7, 8, and 9 of the Flannery Subdivision No. 2 located in the NW1/4 of the NE1/4 of Section 21, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located Ireland Place and Corral Drive. Motion was made by Murphy and seconded by Dreyer to approve the plat. Substitute motion was made by Rodriguez, seconded by Hanks and carried to continue this item until July 1, 2002.

The Mayor presented No. 01PL110, a request by Fisk Land Surveying for Dakota Land Development for a **Preliminary and Final Plat** located at Jackson Boulevard/Highway 44 west, north of the Fish Hatchery. The following Resolution was introduced, read and Murphy moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 through 7 of Vista Lake Subdivision, formerly all of Lot 1 and a portion of Lot F-1 of Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 1 through 7 of Vista Lake Subdivision, formerly all of Lot 1 and a portion of Lot F-1 of Fish Hatchery Subdivision, located in the NE1/4 SW1/4 and N1/2 SE1/4 of Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th 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 Steinburg. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented 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. Motion was made by Murphy, seconded by Hadley and carried to continue this item until July 1, 2002.

The next item discussed by the Council was No. 02PL038, a request by FMG, Inc. for George and Nancy Dunham for a **Preliminary and Final Plat** located west of Sheridan Lake Road, north of Corral Drive, south of Nicklaus Drive and east of Parkridge Subdivision. The following Resolution was introduced, read and Hanks moved its adoption with the revised stipulations previously approved on May 20, 2002:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of 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 Dunham Drive and Ward Court, located in NE1/4 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of 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 Dunham Drive and Ward Court, located in NE1/4 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 17th 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 Dreyer. Myrna Mitchell, Randy Taylor, Pat Macken and Jerry Gill spoke against the proposal that Heidiway Lane be the only access to the new development. This proposal creates safety issues for everyone living in this neighborhood. There was lengthy discussion about the use of proposed Severson Drive to serve this area, how its construction could be funded, and the impact the development will have on the existing home owners. Motion was made by Dreyer and seconded by Steinburg to amend the motion to include the stipulation that in order for the plat to be approved, Severson Road has to be constructed. Roll call vote was taken on the amendment: AYE: Waugh, Dreyer and Rodriguez; NO: Kriebel, Hanks, Murphy, Hadley and Johnson. Motion to amend failed, 3-5. Discussion continued on the merits of this development and the safety concerns of the existing property owners. Roll call vote was taken on the original motion to approve the plat with stipulations: AYE: Kriebel, Waugh, Hanks, Rodriguez and Johnson; NO: Dreyer, Murphy and Hadley. Motion carried, 5-3.

The Mayor presented 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 in the west of Fifth Street Subdivision. Motion was made by Murphy, seconded by Hadley and carried to continue this item until July 1, 2002.

**Planning Department – Hearings**

The Mayor presented No. 02CA034, a request by Dream Design International, Inc. for a **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 Describing 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 Murphy, seconded by Rodriguez and carried to continue this item until July 15, 2002.

The Mayor presented No. 02CA036, a request by Five T Motorcycle Partnership for a **Comprehensive Plan Amendment to change the land use designation on a 14.83 acre parcel from Light Industrial to General Commercial with a Planned Commercial Development** on Lot 1, Lot 2, Lot 3, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 3030 Lange Road. The following Resolution was introduced, read and Murphy 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 17<sup>th</sup> day of June, 2002 to consider an amendment to the Comprehensive Plan by changing the land use designation on a 14.83 acre parcel from Light Industrial to General Commercial with a Planned Commercial Development, on Lot 1, Lot 2, Lot 3, R&L Subdivision, Section 22, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; and good cause appearing therefor

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

Dated this 17th day of June, 2002.

CITY OF RAPID CITY

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

s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Dreyer. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, 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 a **Initial and Final Development Plan - Planned Residential Development** on Lot 1 of Lot F-1 of Fish Hatchery Subdivision and the north 545.31 feet of Lot F-1 of Fish Hatchery Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located on Jackson Boulevard/Highway 44 west, north of the Fish Hatchery. Motion was made by Murphy, seconded by Rodriguez and carried to approve the Development Plan with the following stipulations: 1) Prior to the approval of the Final Development Plan by the City Council, Preliminary and Final Plat #01PL110 shall be approved; 2) All residential structures shall be constructed within the serviceable water zone boundary(s) as shown on the site plan; 3) A Manual of Uniform Traffic Control Devices (MUTCD)/Compliant Traffic Control Plan shall be prepared by the owner's representative one month in advance of construction for all stages of work that may impact the safety of the public within the Jackson Boulevard right-of-way; 4) The proposed interior road shall be posted with "no-parking" signs; 5) All Uniform Fire Codes must be continually met; 6) Any lot with a residence located more than 150 feet from a fire hydrant shall provide an emergency vehicle turnaround on the lot; 7) Prior to the start of any building construction, all weather access roads shall be constructed; 8) Prior to the start of any building construction, fire hydrants shall be in place and operational; 9) Prior to the start of any building construction, wildland fire mitigation plan shall be completed as required by the Fire Department; 10) A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy; 11) An Air Quality Permit shall be obtained prior to any surface disturbance in excess of one acre; 12) The Planned Residential Development shall allow for a single family residential use and accessory structure(s) to the principle residential use on each lot. Any other use shall require a Major Amendment to the Planned Residential Development; 13) All provisions of the Park Forest District shall be met unless otherwise specifically authorized as a stipulation of this Conditional Use Permit or a subsequent Major Amendment; 14) A reduced front lot width for Lots 3 thru 6 from 50 feet to 48.43 feet, 25.27 feet, 29.62 feet and 27.54 feet, respectively, shall be allowed; 15) The minimum lot size requirement of the Park Forest District for Lots 1, 2, 3, 4 and 7 shall be reduced from three acres to 1.9 acres, 1.32 acres, .70 acres, 1.48 acres and .61 acres, respectively; 16) Two off-street paved parking spaces shall be provided on each lot for visitor parking. The two off-street parking spaces required for the residential use shall not count towards this requirement. 17) The existing structure located on proposed Lot 1 shall be allowed to remain on the property. Any development and/or redevelopment of the property shall comply with the uses established in the Park Forest District; 18) The Planned Residential Development shall expire if the use is not undertaken and completed within two years of the date of approval by the City Council, or if the use as approved has ceased for a period of two years.

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 120 East Adams Street and 202 East Adams Street. Motion was made by Murphy, seconded by Hanks and carried to approve the requested Development Plan, with the following stipulations: 1) Prior to issuance of a Building Permit, construction plans for the required utility improvements shall be submitted for review and approval; 2) All Uniform Fire Codes must be continually met; 3) Prior to issuance of a

building permit, fire hydrants shall be in place and operational; 4) An Air Quality Construction Permit shall be obtained if more than one acre of surface area is disturbed prior to the issuance of any building permits or grading permits; 5) A building permit shall be obtained prior to any construction and a certificate of occupancy shall be obtained prior to occupancy; 6) The proposed structures shall conform architecturally to the plans and elevations submitted as art of this Planned Residential Development; 7) All lighting, excluding street lighting, shall be directed so as to reflect away from the adjacent residential development, and shall be so situated so as not to reflect directly onto any public rights-of-way, so as to create a traffic hazard; 8) The landscaping plan shall comply with all requirements of the Zoning Ordinance. In addition, all landscaping shall be continually maintained in a live vegetative state and replaced as necessary; 9) All provisions of the Off-Street Parking Ordinance shall be continually met; 10) The Planned Commercial Development shall expire if the use is not undertaken and completed within two years of the date of approval by the Planning Commission, or if the use as approved has ceased for a period of two years; 11) All provisions of the Sign Code shall be continually met; and, 12) All signs shall conform to the design and location as shown in the sign package submitted as part of the Planned Commercial Development. A minimal amendment may be reviewed and approved by the Planning Director for any changes to the sign package that are deemed insignificant and continue to comply with all requirements of the Sign Code.

The Mayor presented No. 02PD024, a request by Rushmore Mall for SDG Macerich Properties for a **Planned Commercial Development - Initial and Final Development Plan** on Tract 1 and B of Lot 2 (also in Section 30, T2N, R8E), Rushmore Mall Subdivision, Section 25, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 2200 North Maple Avenue. Motion was made by Murphy, seconded by Dreyer and carried to approve the requested Development with the following stipulations: 1) Onsite storm sewer inlets must not be blocked from functioning; 2) Portable toilets must be provided as required by the Building Inspection Division; 3) Article 32 of the Uniform Fire Code must be continually met; 4) Access to fire hydrants shall not be blocked or impeded; 5) Fire Department apparatus access to the Rushmore Mall or the Rally area shall not be blocked or impeded; 6) Prior to issuance of a Temporary Use Permit, the applicant shall provide a Tent Inspection Checklist and Tent Inspection Plan Review to the Fire Department for their review and approval; 7) The applicant shall obtain a Temporary Use Permit; 8) The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with this event and Chapter 15.28 of the Rapid City Municipal Code must be continually met; 9) The area serving on-sale liquor must be double fenced with a minimum of eight feet between the fences; 10) Two exits with security must be provided for the fenced area; 11) Portable toilets must be provided within the fenced area; 12) The Temporary On-sale Liquor Establishment use shall be approved for August 3, 2002 through August 10, 2002; 13) The On-sale Liquor Establishment shall cease no later than 11:00 pm; 14) Prior to Planning Commission, a site plan showing any proposed signs for the event must be provided; and, 15) The Temporary Use Permit within the Planned Commercial Development request shall be subject to review in one year.

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 Murphy, seconded by Waugh and carried to approve the requested Variance with the following stipulations: 1) The sidewalk along the interior street shall be constructed as a four foot wide concrete sidewalk meeting all of the design standards set forth in the Street Design Criteria Manual; and, 2) Prior to City Council approval, the applicant shall sign an agreement to consent to a future assessment project for the improvements.

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 Murphy, seconded by Hadley and carried to continue this item until July 1, 2002.

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

The Mayor presented No. 02SV016, a request by Davis Engineering for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota 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 Murphy, seconded by Hadley and carried to continue this item until July 1, 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 Murphy, seconded by Johnson and carried to continue this item until July 1, 2002.

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. Motion was made by Murphy and seconded by Kriebel to deny the Variance to the Subdivision Regulations to waive the requirement to install a water main within the Heidiway Lane right of way north of the intersection of Dunham Lane and Heidiway Lane; and approve the Variance to waive the requirement for a water main south of the intersection of Heidiway Lane and Dunham Lane, sanitary sewer, curb and gutter and sidewalk on Heidiway Lane adjacent to the proposed Dunham Estates Subdivision with the following stipulations: 1) Prior

to City Council approval of the Subdivision Regulations Variance, the plat shall be revised to include a non-access easement along the east property line of Lot 1 of Block 4 or the water main shall be constructed along Heidiway Lane to the north property line of Lot 1 of Block 1; and, 2) Prior to City Council approval of the Subdivision Regulations Variance, the applicant shall sign a waiver of right to protest an assessment district for Lot 1 of Block 3 and Lot 1 and 2 of Block 4. Pat Macken stated that since the subdivision has been approved for development, the petitioner should have to provide all amenities that are required. Dunham explained that if he was forced to put in the curb, gutter and sidewalk, it would require that some of the existing landscaping be removed. Upon vote being taken, the motion carried with Hadley voting no.

The Mayor presented No. 02SV025, a request by Doug Sperlich for Dean Kelly Construction for a **Variance to the Subdivision Regulations to waive the requirement of Chapter 16.16 of the Municipal Code requiring curb, gutter, water and sidewalk along Cliff Drive** on Lots A, B, C, & D of Lot 3 of Block 15, Canyon Lake Heights Subdivision, located in the SE1/4 of the SE1/4 of Section 8 and in the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota Lot 3 of Block 15 of Canyon Lake Heights Subdivision and a portion of the SE1/4 of the SE1/4 of Section 8, located in the SE1/4 of the SE1/4 of Section 8 and in the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of Cliff Drive and Miracle Place. Motion was made by Murphy and seconded by Waugh to approve the request. Substitute motion was made by Hanks, seconded by Johnson and carried to continue this item until July 1, 2002.

The Mayor presented No. 02SV026, a request by Fisk Land Surveying & Consulting Engineers for the North Haines Volunteer Fire Department for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter, street lights, dry sewer and water mains as regulated by Section 16.16 of the Subdivision Regulations on 143rd Street and Country Road** on Lot 1, North Haines II Subdivision, located in the SE1/4 SE1/4 of Section 18, T2N, R8E, BHM, Pennington County, South Dakota GL 4 less ROW; the unplatted balance of the SE1/4 SW1/4; the unplatted balance of the S1/2 SE1/4, Section 18, T2N, R8E, BHM, Pennington County, South Dakota, located at the intersection of Country Road and 143rd Street. Motion was made by Murphy, seconded by Rodriguez and carried to continue this item until July 1, 2002.

The Mayor presented No. 02SV027, a request by Doug Sperlich for Rushmore Electric for a **Variance to the Subdivision Regulations to waive curb, gutter, sidewalk, street light conduit, dry sewer and water, and pavement as required by Chapter 16.16 of the Municipal Code** on Tract C located in the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4, Section 23, T2N, R7E, BHM, Pennington County, South Dakota a portion of the NE1/4 of the SW1/4, and the SE1/4 of the SW1/4 of Section 23, T2N, R7E, BHM, Pennington County, South Dakota, located on Cabot Hill. Motion was made by Murphy, seconded by Hanks and carried to approve the variance, as requested.

### ***Ordinances & Resolutions***

The next item discussed by the Council was second reading of **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. This ordinance passed first reading on May 6, 2002. Dreyer suggested that the City charge a \$75 permitting fee for each sign covered by this ordinance. Motion was made by Dreyer and seconded by Murphy to approve second reading of Ordinance 3813, as revised by the City Attorney's Office, including Section I relating to appeals to the City Council, setting the permitting fee at \$75 per year, and including the revisions that were directed at the last Legal & Finance Committee meeting. Mike Reynolds, attorney representing several local sign companies, spoke against the proposed ordinance. He stated that the ordinance is ill-advised and listed

several issues that he felt would be over-turned if the ordinance were challenged through the court system. Reynolds stated that he feels there needs to be additional compromise on this issue and he requested that the City give the local sign companies a voice in the process of revising this ordinance. Asst. City Attorney Jason Green stated that they feel the ordinance will withstand a constitutional challenge. **Substitute motion** was made by Johnson and seconded by Hadley to approve second reading of Ordinance 3813, striking Section K and approve the permitting fee at \$75 with the provision that it can be revised by resolution (15.28.060) adding 15.28.270 regarding the appeal process. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3813 was declared duly passed upon its second reading.

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 Waugh and carried to continue this item until July 15, 2002.

**Ordinance 3825** (No. LF052902-03) entitled An Ordinance Amending the Rapid City Air Quality Regulations By Amending Sections 8.34.010, 8.34.020, 8.34.030, 8.36.010, 8.36.020, 8.38.010, 8.38.020, 8.38.030, 8.38.040, 8.38.050, 8.38.060, 8.38.070, 8.38.080, 8.38.090, 8.38.100, 8.38.110, 8.38.120, 8.39.010, 8.39.020, 8.40.010, 8.40.020, 8.40.030, 8.40.040, 8.40.050, 8.40.060, 8.40.070, 8.40.080, 8.40.090, 8.40.100, 8.40.110, 8.40.120, 8.40.130, 8.40.140, 8.40.150, 8.40.160, 8.40.170, 8.40.180, 8.40.190, 8.40.200, 8.40.210, 8.40.220, 8.40.230, 8.40.240, 8.40.250, 8.40.260, 8.40.270, 8.40.280, 8.40.290, 8.40.300, 8.40.310, 8.40.320, 8.42.010, and 8.44.010 and By Adding Chapter 8.37 and Chapter 8.41 of the Rapid City Municipal Code, having passed the first reading on June 3, 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, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3825 was declared duly passed upon its second reading.

**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, having passed the first reading on June 3, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3826 was declared duly passed upon its second reading.



**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, having passed the first reading on June 3, 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, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3827 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on **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. Notice of hearing was published in the Rapid City Journal on June 8 and June 15, 2002. Ordinance 3828, having had the first reading on June 3, 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, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3828 the second time.

The Mayor announced the meeting was open for hearing on **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: A parcel of land located in Section 29, T1N, R7E, BHM, Rapid City, Pennington County, 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. Notice of hearing was published in the Rapid City Journal on June 8 and June 15, 200. Ordinance 3829, having had the first reading on June 3, 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, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3829 the second time.

**Ordinance 3830** (No. LF050102-31R) entitled An Ordinance Amending Chapter 17.50 of the Rapid City Zoning Ordinance by Adding a New Section 17.50.186 Prohibiting Sexually Oriented Businesses in Residential Zoning Districts, the Central Business District, and within 1000 Feet of Certain Facilities, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3830 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 1, 2002.

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

Motion was made by Johnson and seconded by Murphy to direct the developer of Elks Country Estates, or the Homeowners Association, to submit the request to waive the **requirement for street lights** in this subdivision as a request for a Subdivision Variance. Upon vote being taken, the motion carried with Kriebel voting no.

Motion was made by Murphy and seconded by Hanks to approve the request by Mick Nagel to Waive **structures in the Public Right-of-Way** at 3945 City View Street. Upon vote being taken, the motion carried with Johnson voting no.

Motion was made by Murphy and seconded by Hanks to deny a **Fence Height Variance** (No. 02FV005) to allow a six foot fence in the front yard setback for Gerald and Lisa Brown on Lot 10P revised, Chapel Lane Village, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3202 Ponderosa Place. Gerald Brown appeared before the Council and explained that they only want the higher fence for noise reduction, security and privacy reasons. Hadley stated that there are would be no negative impact to the community if this fence were allowed. Substitute motion was made by Hadley and seconded by Kriebel to approve the requested fence height variance. Upon vote being taken, the motion carried with Murphy voting no.

**Bills**

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

Payroll Ending 6-01-02, Paid 6-08-02	593,428.41
Payroll Ending 6-01-02, Paid 6-08-02	3,012.80
Pioneer Bank & Trust, taxes Paid 6-07-02	144,697.57
Pioneer Bank & Trust, taxes Paid 6-07-02	225.35
First American Administrators, claims Paid 6-05-02	90,741.68
First American Administrators, claims Paid 6-11-02	46,875.47
Berkley Risk Administrators, claims Paid 6-05-02	27,647.70
US Post Master, billing postage	1,800.00
Computer Bill List	<u>2,816,914.88</u>
Total	\$3,725,343.86

Payroll Ending 6-01-02, Paid 6-08-02	2,552.81
Pioneer Bank & Trust, taxes Paid 6-07-02	191.41
Petty Cash, office supplies	46.46
City of Rapid City, postage	8.93
City of Rapid City, health insurance	608.56
Dakota Business, copier usage	9.63
SD Retirement System, pension	224.64
SD School of Mines, telephone	64.50
Standard Life, insurance	7.92
US Postmaster, box rent	<u>27.50</u>
Total	\$3,729,086.22

Treasurers Checks

Stanley Johnsen Concrete	2,587.60
Mainline Contracting	<u>2,035.20</u>
Total	\$3,733,709.02

**Finance Officer Items**

Motion was made by Waugh, seconded by Rodriguez and carried to authorize the Finance Officer to issue a treasurer's check in the amount of \$1,000,000 for the Youth & Family Services Project.

**Public Works Director**

Ted Vore asked the Council to reconsider the action relative to the bid for **Replaceable Pin-On Caps for the Bomag** at the Regional Landfill. Motion was made by Johnson, seconded by Hanks and carried to reconsider this item. Vore explained that he contacted staff on this. They estimate it will cost approximately \$2,000 in labor for city staff to replace the teeth on the Bomag. Due to the work load, they had recommended that this cost be included in the bid award. After other consideration, the mechanics have reconsidered and will do the installation. Motion was made by Hanks, seconded by Waugh and carried to award the bid for Pin-On Caps to Caron Compactors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$19,974.

***Aldersperson Items***

Motion was made by Hadley, seconded by Rodriguez and carried to direct staff to get price quotes to stripe a crosswalk across E. New York Street adjacent to the skateboard park (for the next Public Works Committee meeting).

Hadley noted that the Council will need to set a special Council meeting to canvass the votes from the June 18th Runoff Election. It was the consensus of those present that a special meeting will be held on Wednesday, June 26th at 1:15 P.M.

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

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)