

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

July 1, 2002

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, July 1, 2002 at 7:00 P.M.

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

Motion was made by Johnson, seconded by Waugh and carried to correct the minutes of June 17, 2002, to correct the legal description for Planning Item No. 02PL038 (Lots 1 through 4 of Block 3, Lots 1 through 3 of Block 4 and Lots 1 through 11 of Block 5 of Dunham Estates and dedicated public right of way shown as Dunham Drive, Dixon Drive, Severson Street and Heidiway Lane located in NE1/4 SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, E1/2 NE1/4 SE1/4 and the W1/2 NE1/4 SE1/4 and the E1/2 NE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota); and **approve the minutes** of June 17 and June 26, 2002. A substitute motion was made by Hanks, seconded by Rodriguez and carried to approve the minutes of June 17 and June 26, 2002, and continue the correction on Planning Item No. 02PL038.

Bid Openings

The following companies submitted bids for Block 23 Alley Paving Project No. ST00-1039: Hills Materials Company and 2) Simon Contractors. Staff has reviewed the bids and recommends award to Hills Materials Company for a total contract amount of \$30,990. Motion was made by Steinburg, seconded by Rodriguez and carried to award the bid to Hills Materials Company, the lowest responsible bidder meeting specifications, for a total contract amount of \$30,990.

Mayor's Items

Mayor Munson presented the **Citizen of the Month Award** to Ken Edel and commended him for outstanding volunteer service to the community and particularly with regard to his role in the Rapid Creek cleanup project in April.

Alderperson Items/Liaison Reports

Alan Hanks asked Dan Bjerke to give the Council an update on the Catron Boulevard Drainage Basin Plan. He told the Council that the City is under contract with a consultant and engineer to do a drainage basin plan. The basin starts at Highway 79 north of Catron Boulevard and continues on to the west. The project has been delayed because of potential development in the area. The consultant has been authorized to proceed with finalizing the drainage plan utilizing the natural drainage that exists. Larry Kostaneski, on behalf of Lazy P6, asked the Council to delay any action on this matter in order to allow Council to form a committee to hear both sides on this matter. Hanks moved, Steinburg seconded and motion carried to continue this item to the July 10, 2002, Public Works Committee meeting for further discussion.

Rick Kriebel said he did not think we should postpone action on the proposed Agreement with Black Hawk Sanitary District. He said they had received a grant from the State two years ago and would like to speed up the process. A motion was made by Dreyer and seconded by

Kriebel to approve the Agreement with Black Hawk Sanitary District. Tom Johnson said he wants to look at the agreement closer. The committee that worked on it brought forth a proposal that violates the resolution brought forward previously. It is not right to charge the people outside the city less than inside the city. The Mayor asked the Council to follow through with the motion for continuance in order to allow time for further research and to also make sure we are doing the right thing. A substitute motion was made by Johnson and seconded by Waugh to send this item back to the Public Works Committee meeting on July 10, 2002, for recommendation. A vote was taken with Johnson, Hadley, Rodriguez, Hanks, Kroeger, Steinburg, and Waugh voting "yes" and Murphy, Dreyer, and Kriebel voting "no."

Rick Kriebel said he thinks we should not have complaint-based policies. He said recently sidewalks were voted down on 38th Street but back in the late 90's, a lady in his ward was forced into putting sidewalks in front of her residence. Right across the street from her is City property that didn't have sidewalks. She feels she was not treated right.

Rick Kriebel requested that discussion of the City's development process be placed on the July 10, 2002, Legal and Finance Committee agenda. He has come into contact with people who are doing projects and they get a set of stipulations to meet only to have the City tell them they have to do things differently later on. He thinks a developer should be finished with City Hall when they walk out the door. He thinks we need a policy where when developers come in here and they leave, that's it.

Special Items and Items from Visitors

Crystal Walker appeared before the Council to appeal denial of a security license by the Police Chief. She said that she previously had a security license and completed the new application truthfully. Chief Tieszen said there were two issues here: a) her failure to disclose a conviction for non-sufficient funds checks in June of 1999; and b) a grand theft case from November of 2000 in which no charges were brought against the applicant but in reviewing the file, she was either a suspect or has information about the suspect in the case. Johnson said she did make a good faith effort to disclose all information. Johnson moved to approve the license and Hadley seconded the motion. A vote was taken with Johnson, Hadley, Dreyer, and Steinburg voting "yes" and Murphy, Rodriguez, Hanks, Kroeger, Waugh and Kriebel voting "no." A motion was then made by Murphy to deny the license and seconded by Rodriguez. A vote was taken with Murphy, Rodriguez, Hanks, Kroeger, Waugh and Kriebel voting "yes" and Johnson, Hadley, Dreyer, and Steinburg voting "no."

Alcoholic Beverage License Applications

This was the time set for 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). Chief Tieszen asked the Council to continue this item for two weeks so that the request could be further studied and clarified. A motion was made by Murphy and seconded by Johnson to continue this to the July 15, 2002 Council meeting. John Nooney spoke on behalf of Sherri Ashley and told the Council that the only thing she has on her record are two speeding violations. Sherri Ashley said she will be solely responsible for all decisions made in running the establishment. Her name will be the only name on any of the financial records. She has good management experience herself and will be hiring a good manager and a security officer that has extensive security background. There will be a restaurant in the bar. The Mayor said he needs to be assured that this will be a restaurant with a liquor license in it and not just a bar. After further discussion, a substitute motion was made by Hanks, and seconded by Rodriguez to approve the license as long as there is written documentation regarding several matters given to the Chief. Several people spoke in favor of granting the license. Lee Geiger spoke against it. He said if this establishment is allowed, he thinks it should be with the understanding that it is a restaurant with a liquor

license and not a bar. After further discussion, Rodriguez called the question. A vote was taken on the substitution motion and carried.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the application of CJS, Inc. dba **The Metro Café & Pub**, 710 St. Joseph Street, for an On-Off Malt Beverage License Transfer (from Robin & Judy, Inc.), said hearing to be held on Monday, July 15, 2002.

Upon motion made by Hadley, seconded by Rodriguez and carried, the Finance Officer was directed to publish notice of hearing on the application of Angie's, Inc. dba **Angie's, Inc.**, 1028 East North Street, for an On-Off Sale Malt Beverage License Transfer (from Holway's Hideaway Investments, Inc.), said hearing to be held on Monday, July 15, 2002.

Consent Calendar Items

The following items were removed from the Consent Calendar:

13. No. PW062602-04 - Approve Change Order No. 01F for DR01-960, Red Rock Canyon Drainage Improvements Project to RCS Construction, Inc. for an increase of \$5,195.95.
18. No. PW062602-09 - Authorize the Mayor and Finance Officer to sign Professional Service Agreement with Ferber Engineering Company to Design ST02-1006, Park View Drive Extension for an amount not to exceed \$64,052.50.
32. No. CC070102-03 – Request from Saint Elizabeth Seton and St. Thomas More High School Booster Clubs to conduct a raffle, proceeds to benefit the sports programs.

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

Set for Hearing (August 5, 2002)

8. No. 02VR003 - A request by John Johnson for First Western Bank of Sturgis for a **Vacation of Right-of-Way** on Lots 1 thru 16; Lots 21-28; Lots A, B, C, D, E, and F of Block 4, Riverside Addition, Section 35, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located in the southwest corner of Omaha Street and West Boulevard.

Public Works Committee Items

9. No. PW062602-01 - Approve the bid award for One (1) New Current Model Year High Pressure Jet Sewer Cleaning Machine for Utility Maintenance to the lowest responsible bidder meeting specifications, Sanitation Products, Inc. for the low unit prices bid for a total contract amount of \$101,541.40.
10. Reject the bid for One (1) New Current Model Year Utility Vehicle with Dump Box for Cemetery, and authorize staff to re-advertise for bids.
11. No. PW062602-02 - Approve Change Order No. 01 for ST02-938, 44th Street Reconstruction, West Main to West South Street Project to Hills Materials Company for an increase of \$36,733.57.
12. No. PW062602-03 - Approve Change Order No. 03 for WSS00-943, Wildwood Drive Street and Utilities Construction to Hills Materials Company for an increase of \$25,105.25.
14. No. PW062602-05 – Approve Change Order No. 02F for WRD01-1035, Water Reclamation Facility Improvements – Equipment Installation to MAC Construction Company for an increase of \$15,222.
15. No. PW062602-06 - Approve Change Order No. 02 for IDP-01-1094, Rapid City Public Library Expansion Project to Jim Scull Construction for an increase of \$37,454.83.
16. No. PW062602-07 - Authorize the Mayor and Finance Officer to sign Amendment No. 01 to a Professional Service Agreement with CETEC Engineering Services, Inc. to

- Design ST98-774, LaCrosse Street & Centre Street Utilities, Drainage and Street Reconstruction for an amount not to exceed \$7,800.
17. No. PW062602-08 - Authorize the Mayor and Finance Officer to sign Amendment No. 03 to a Professional Service Agreement with TSP Three, Inc. to Design W00-946, Mountain View Utility Improvement Project and an amount not to exceed \$6,330.
 19. No. PW062602-10 - Authorize the Mayor and Finance Officer to sign Professional Service Agreement with FMG, Inc. to Prepare a Preliminary Design Report for SSW02-1137, Southeast Connector, Hwy 44 to Hwy 79 for an amount not to exceed \$12,150.
 20. No. PW062602-11 - Authorize the Mayor and Finance Officer to sign Professional Service Agreement with US Filter Control Systems for WRF02-1186, Water Reclamation Facility Supervisory Control and Data Acquisition Systems for an amount not to exceed \$440,620.
 21. No. PW062602-12 - Authorize the Mayor and Finance Officer to sign Professional Service Agreement with Designworks, Inc. to Design PR02-1201, Canyon Lake Park Northshore Improvements Project for an amount not to exceed \$18,880 plus reimbursables.
 22. No. PW062602-13 – Set Time and Place for Hearing on August 5, 2002 for Assessment Roll for SS01-1050, 42nd Street Sanitary Sewer Extension Project.
 23. No. PW062602-14 – Approve an Initial Resolution Setting Time and Place for Hearing on August 5, 2002 for ST01-1142, Block 17 (Wise Addition) Alley Paving Project.
 24. No. PW062602-15 – Approve an Initial Resolution Setting Time and Place for Hearing on August 5, 2002 for ST02-1167, Block 69 (OT) Alley Paving Project.
 25. Direct staff to install crosswalks on the east side of 4th Street on E. New York Street and 3rd Street on E. New York Street.
 26. Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Wyss Associates, Inc. to Design Omaha Street Landscaping Project for an amount not to exceed \$11,314.
 27. Direct the Recreation Division to open the Roosevelt Park Ice Arena on August 19, 2002.
 28. No. PW062602-18 – to Accept a Proposal from Henry Mott, SDSM&T to Determine Desirable Mix of MSW and RDWB.
 29. Provide Northcott Company (Perkins Restaurant, 2305 Mt. Rushmore Road) with a fire hydrant, and require Northcott Company to install the hydrant.
 30. No. PW062602-19 – Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with Douglas W. Thornburg, AIA, CBO to conduct a Building Code Training Program for Building Inspection Division for an amount not to exceed \$3,750.

Legal & Finance Committee

31. No. LF062602-01 - Authorize Mayor and Finance Officer to Sign Motorcycle Lease Agreement with Sturgis Motorcycles, Inc. dba Harley Davidson of Rapid City.
- 31A. Direct staff to prepare an ordinance relative to wine licenses for hotels and submit it to the July 10, 2002 Legal & Finance Committee for review.

End of Consent Calendar

The next item discussed by the Council was No. PW062602-04 - Approve Change Order No. 01F for DR01-960, Red Rock Canyon Drainage Improvements Project to RCS Construction, Inc. for an increase of \$5,195.95. Motion was made by Hanks and seconded by Waugh to approve the Change Order as Change Order No. 2 (Final) for an increase of \$3,108. Upon vote being taken, the motion carried unanimously.

Hanks moved to authorize the Mayor and Finance Officer to sign Professional Service Agreement with Ferber Engineering Company to Design ST02-1006, Park View Drive Extension for an amount not to exceed \$64,052.50 (No. PW062602-09). Second by Rodriguez. Motion carried.

Kroeger moved to approve request from Saint Elizabeth Seton and St. Thomas More High School Booster Clubs to conduct a raffle, proceeds to benefit the sports programs (No. CC070102-03). Second by Rodriguez. Motion carried with Hanks abstaining.

Public Hearings

The Mayor announced that the meeting was open for consideration of the assessment for Block 23 Alley Paving Project No. ST01-1122 (No. CC070102-01). Notice of hearing was published in the Rapid City Journal on June 24, 2002, and mailed to affected property owners on June 4, 2002. No oral or written objections were submitted. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
BLOCK 23 ALLEY PAVING (BOULEVARD ADDITION)
PROJECT ST01-1122

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

1. The 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 alley paving project is the amount stated in the proposed assessment roll.
2. The assessment roll for Block 23 Alley Paving (Boulevard Addition) Project ST01-1122 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 1st day of July, 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

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

Planning Department Consent Items

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

34. 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 7/15/02)

35. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW1/4 of Section 3, T1N, R8E, BHM, Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO 7/15/02)
36. 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 7/15/02)
37. 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 7/15/02)
38. No. 02PL009 - A request by Polenz Land Surveying for Chuck Farrar for a **Preliminary and Final Plat** on Lots 16P Revised and Lot 17P revised in Block 2 of Chapel Lane Village Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. (CONTINUE TO 7/15/02)
39. 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 7/15/02)
40. No. 02PL014 - A request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** on Lots 1A and 1B of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Lot 1 of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota located at the northwest corner of the intersection of East Oakland Street and Smith Avenue. (CONTINUE TO 7/15/02)
41. No. 02PL017 – Approve the request by Kip M. Garland for a **Preliminary and Final Plat**, located at 2821 Shad Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of 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, 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 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, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

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

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

42. No. 02PL026 - A request by D.C. Scott Co. Land Surveyors for Thomas Knight for a **Layout Plat** on Lot 4 Revised and Lot 5 Revised of Knight's Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, Lot 4 and Lot 5 of Knights Acres Subdivision, N1/2 SE1/4 NE1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located south of Longview Road and west of Anderson Road. (CONTINUE TO 8/5/02)
43. 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 7/15/02)
44. 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 7/15/02)

45. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO 8/5/02)
46. 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 foot 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 7/15/02)
47. 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. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, a grading plan shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3) Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, 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 East Philadelphia Street and Cambell Street; 6) Prior to Final Plat approval by the City Council, the plat shall be revised to show a non-access easement along Cambell Street except for the approved approach location; 7) 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; 8) Prior to Final Plat approval by the City Council, the plat title shall be revised to delete "located in" and the following shall be included in the "formerly" description: SW1/4 SW1/4, Section 32, T2N, R8E, BHM"; 9) Prior to Final Plat approval by the City Council, the structure located on proposed Lot 2 shall be removed or a Variance to reduce the front yard setback from 35 feet to 8.5 feet shall be obtained or surety shall be posted to insure that the setback issue is addressed as identified; 10) Prior to Final Plat approval by the City Council, documentation shall be submitted indicating that Black Hills Power concurs with the proposed relocation of the 50 foot wide right-of-way utility easement; 11) Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City stating that if the building or that portion of the building located within the north 23 feet of proposed Lot 2 is ever removed, the applicant shall dedicate the area as public right-of-way; 12) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; 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; and 14) Prior to Final Plat approval by the City Council, an Approach Permit for the Cambell Street access shall be obtained.)

48. 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 Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. (CONTINUE TO 7/15/02)
49. 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 & Lots 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 7/15/02)
50. 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 in Red Rock Estates. (CONTINUE TO 7/15/02)
51. No. 02PL045 - A request by Doug Sperlich for 16 Plus for a **Layout Plat** on Lots 2-5, Moon Ridge 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 U.S. Highway 16 and Moon Meadows Road. (CONTINUE TO 8/5/02)
52. 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 8/5/02)
53. 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 approximately 800 feet east of Reservoir Road on Longview Road. (CONTINUE TO 8/5/02)
54. 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 on Ireland Place at Corral Drive. (CONTINUE TO 7/15/02)

55. 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 7/15/02)
56. 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 proposed future 5th Street. (CONTINUE TO 7/15/02)
57. 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 the intersection of Augusta Drive and Northstar Court. (CONTINUE TO 7/15/02)
58. No. 02PL056 - A request by Renner & Sperlich for J&J Truck & Auto Body for a **Preliminary Plat** on Lots 1 and 2 of Devine Subdivision located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Less Lot H1 of Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast corner of the intersection of Cambell Street and Philadelphia Street. (CONTINUE TO 8/5/02)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL057, a request by Renner & Sperlich for Gary Rasmusson for a **Final Plat**, located at the eastern terminus of Nebraska Street. The following Resolution was introduced, read and Kroeger moved its adoption, with the stipulation that the plat not be filed until a covenant document is submitted:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 7 through 13 of Block 3, and Lot 24 of Block 3, Robbinsdale Addition No. 10 located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, a portion of the SE1/4 of the NE1/4 and a portion of the NE1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots 7 through 13 of Block 3, and Lot 24 of Block 3, Robbinsdale Addition No. 10 located in Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, a portion of the SE1/4 of the NE1/4 and a portion of the NE1/4 of the SE1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is

hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

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

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02PL058, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 3 through 7 Block 1, Lots 1 through 6 Block 2, Tower Ridge, a portion of the Aladdin Drive ROW a portion of the Silver Nugget ROW and all of the Southview Drive ROW of the Aladdin Heights Subdivision, Lot B and the dedicated street in the NW1/4 of the SW1/4, and unplatted portions of the NE1/4 of the SW1/4, the SE1/4 of the SW1/4, and the NW1/4 of the SW1/4 all in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of US Highway 16 and 1/4 mile north of Catron Boulevard. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until July 15, 2002. Dreyer abstained from voting.

The Mayor presented No. 02PL059, a request by CETEC Engineering for Park Hill Development, Inc. for a **Preliminary and Final Plat** on Lots 5R, 6AR, 6BR, 7AR and 7BR of Block 2 of Park Meadows Subdivision located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, Lots 5, 6A, 6B, 7A and 7B of Block 2 of Park Meadows Subdivision located in the NE1/4 of SE1/4 Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of the intersection of Smith Avenue and East Oakland Street. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until July 15, 2002.

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 west of Fifth Street. Motion was made by Kroeger, seconded by Rodriguez and carried to approve the preliminary plat with the following stipulations and to continue the final plat until July 15, 2002: 1) Prior to Preliminary Plat approval by the Planning Commission, a hydraulic study shall be submitted for review and approval demonstrating that the U.S. Highway 16 water zone shall function correctly to serve the development; 2) No further platting shall be allowed beyond this phase without a water connection to the Terracita Water Zone being completed; 3) Prior to Preliminary Plat approval by the Planning Commission, a design sketch shall be submitted for review and approval showing how the sewer service lines shall be extended to within two feet of the septic tanks. In addition, a cover letter shall be submitted indicating that the lots are sufficient in size and that the soil profile is adequate to accommodate both building pads and conventional on-site sewer systems; 4) Prior to Final Plat approval by the City Council, a note shall be placed on the plat stating that a Professional Engineer shall design each individual on-site wastewater system. In addition, the note shall indicate that a Certificate of Completion

shall be signed by the same Professional Engineer upon construction of the on-site wastewater system; 5) Upon availability of City sewer services, the property owner must connect to City sewer within six months and abandon the septic tank per State Regulations; 6) Prior to Preliminary Plat approval by the City Council, revisions to the recently submitted Master Plan for the water, sewer and street(s) shall be submitted for review and approval; 7) Prior to Preliminary Plat approval by the Planning Commission, a revised geotechnical report, including pavement designs and specifications, shall be submitted for review and approval; 8) Prior to Preliminary Plat approval by the Planning Commission, a revised grading and drainage easement shall be submitted for review and approval. In particular, the revised plan(s) shall demonstrate that the transfer of drainage flows between basins shall be limited to a maximum of 4 cfs and that no flows in excess of this shall be conveyed to the east of the subject property; 9) Prior to Preliminary Plat approval by the City Council, the plat shall be revised to show additional utility and drainage easement(s) as needed; 10) Prior to Preliminary Plat approval by the City Council, all necessary changes shall be made to the construction plans as identified on the red lined drawings. In addition, the red lined drawings shall be returned to the Engineering Division; 11) Prior to City Council approval of the Final Plat, the plat shall be revised to show a non-access easement along Enchantment Road except for the approved approach locations; 12) Design Plans for all improvements, including off-site improvements, and any required revisions as identified by the Engineering Division shall be submitted for review and approval a minimum of ten working days prior to City Council approval of the Preliminary Plat; 13) The Uniform Fire Code shall be continually met; 14) Prior to Final Plat approval by the City Council, the applicant shall sign a cost sharing agreement for the construction of an east bound left turn lane along Catron Boulevard if and when deemed necessary by the South Dakota Department of Transportation; 15) Prior to Final Plat approval by the City Council, an alternate road name for "Eastridge Road" shall be submitted for review and approval. In addition, the plat shall be revised accordingly; 16) Prior to Final Plat approval by the City Council, the plat title shall be revised to include "Estates" in the lot and block description; 17) Prior to Preliminary Plat approval by the Planning Commission, the plat shall be revised to eliminate eight (8) lots along the west lot line of the subject property or a Special Exception shall be obtained to allow more than 40 dwelling units to be served by one point of access and the section line highway shall be improved to City street standards or a Variance to the Subdivision Regulations shall be obtained to waive the street improvements or the section line highway shall be vacated; 18) Prior to Final Plat approval by the City Council, the property shall be rezoned to Low Density Residential District with a Planned Development Designation; 19) Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement. 20) Prior to Preliminary Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and, 21) Prior to Final Plat approval by the City Council, surety for the uncompleted improvements shall be posted and the subdivision inspection fees shall be paid.

The Mayor presented No. 01PL096, reconsideration of City Council approval of a **Final Plat**, located at the intersection of Sitka Street and Hemlock Street. A motion to reconsider was made by Kroeger, seconded by Waugh and carried. The following Resolution was introduced, read and Kroeger moved its adoption, with the stipulation that surety be provided:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of 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, 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 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, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

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

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

The motion for adoption of the foregoing Resolution was seconded by 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. 02PL045, reconsideration of Council approval of a **Layout, 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, located north west of U.S. Highway 16 and Moon Meadows Road. Motion was made by Kroeger, seconded by Waugh and carried to reconsider this item. Kroeger moved to continue this to July 15, 2002, with the applicant's concurrence. Second by Hanks. Motion carried.

Planning Department – Hearings

The Mayor presented No. 02SV007 - A request by Polenz Land Surveying for Chuck Farrar for a **Variance to the Subdivision Regulations to waive the requirement for curb, gutter, sidewalk and street light conduit** on Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until July 15, 2002.

The Mayor presented No. 02SV015 - A request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide and to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until July 15, 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 Kroeger, seconded by Steinburg and carried to continue this item until August 5, 2002.

The Mayor presented No. 02SV017 - A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street. Motion was made by Kroeger, seconded by Steinburg and carried to continue this item to July 15, 2002.

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 Kroeger, seconded by Hanks and carried to approve the Variance with the following stipulation: 1) Prior to City Council approval, the applicant shall sign a waiver of right to protest any future assessment for the installation of curb, gutter and sidewalk along Cliff Drive.

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, GL4 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 Kroeger, seconded by Rodriguez and carried to continue this to July 15, 2002.

Ordinances & Resolutions

Ordinance 3807 (No. LF062602-04) entitled An Ordinance Amending Section 13.08.370 of the Rapid City Municipal Code Relating to the Sewer Service System was introduced. Motion to deny was made by Dreyer and seconded by Rodriguez. Tom Murphy said that he thinks the rates are appropriate but he will vote to deny it at this time. Dan Bjerke said that there is a five-year capital improvement plan in place, and at this point that plan is unfunded. Unless there is some type of rate increase or other funding set aside, we will not be able to proceed with this schedule. He would suggest that there be a further discussion on this matter.

Johnson said he thinks it appropriate at some time in the very near future to ask the Public Works Department to put on a presentation and to justify this increase. The Mayor asked that this item be placed on the July 10, 2002, Public Works Committee agenda for further discussion. A vote was taken on the motion to deny and carried.

Ordinance 3830 (**No. 02OA008**) 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 having passed the first reading on June 17, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. Marcia Elkins said staff had completed their review on what would happen if this was changed to a 500 foot buffer. The only thing they looked at was the actual zoning districts based on a preliminary draft of the map that has been input into the GIS system. Based on that draft, there would be just over 5% of the property in Rapid City that would be available for this type of business. That does not take into account any of the other factors such as day cares, schools or public facilities of certain types. The City Attorney's office would like to see this continued so that the ordinance can be modified to insure that it will withstand a constitutional challenge. A substitute motion was made by Johnson and seconded by Steinburg to continue this item until the July 15, 2002, Council meeting. Hanks made a second substitute motion to approve this ordinance with the change to 500 feet instead of 1000 feet. Second by Rodriguez. The Mayor said there is a moratorium in effect and he thinks Council should wait for two weeks while staff works out the details. After further discussion, Hanks moved to amend the second substitute motion to change the distance to 400 feet instead of 500 feet. Second by Rodriguez. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3830 was declared duly passed upon its second reading, as amended.

Ordinance 3831 (No. LF062602-03) entitled An Ordinance Amending Chapter 2.08 of the Rapid City Municipal Code by Adding a New Section 2.08.110 Relating to Conflicts of Interest and Standards of Conduct for Elected Officials, was introduced. Upon motion made by Hadley, seconded by Johnson and carried, Ordinance 3831 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 15, 2002.

Ordinance 3832 (No. 02OA009) entitled An Ordinance to change the requirements for sight triangles at controlled intersections by amending Section 17.50.335 of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3832 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 15, 2002.

Ordinance 3833 (No. 02OA011) entitled An Ordinance Establishing a Uniform Requirement for Notification of Property Owners for Planning Department Hearings by Amending Sections 17.50.060, 17.54.020, 17.54.030, 17.54.0404 and 15.32.240 of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3832 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, July 15, 2002.

Legal & Finance Committee Items

The Mayor presented No. 02OA010, a Resolution Amending the Street Design Criteria Manual to clarify the requirements for curb and sidewalk for **Lane/Place Streets** in Table 7-1 "Parking/Curb/Sidewalk Matrix." The following Resolution was introduced, read and Murphy moved its adoption:

A RESOLUTION AMENDING THE STREET DESIGN CRITERIA MANUAL

WHEREAS the City of Rapid City has adopted criteria for the design of streets and parking lots within the City of Rapid City; and manual

WHEREAS the City of Rapid City has determined that it is in the interests of the public health, safety, and welfare to clarify the requirements for sidewalks;

NOW THEREFORE BE IT RESOLVED by the City of Rapid City that Table 7-1 of the Street Design Criteria Manual is hereby amended to read as follows:

Proposed Table 7-1 Parking/Curb/Sidewalk Matrix			
Street Classification	Parking	Curb	Sidewalk
Lane/Place	None	Standard	Curbside/Property Line
Lane/Place	None	Standard	Property Line
Lane/Place	None	Roll	Property Line
Lane/Place	Two Sides	Standard	Curbside
Lane/Place	Two Sides	Standard	Property Line

Dated this 1st day of July, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

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

Motion was made by Hadley, seconded by Waugh, and carried to Authorize Mayor and Finance Officer to sign Amendment No. 2 to the Agreement with the Alliance of Architects & Engineers for the US Highway 16 Corridor Study (increase in cost of \$17,529 and a time extension to March 31, 2003) (No. 02TP001).

Motion was made by Hadley, seconded by Murphy, and carried to authorize staff to advertise a Request for Proposals for an **Intelligent Transportation System (ITS)** (No. 02TP003).

The Mayor presented a Resolution to Amend the AFSCME **Wage and Salary Schedules**. The following Resolution was introduced, read and moved by Johnson for adoption:

RESOLUTION AMENDING THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES AGREEMENT

WHEREAS the final step of the compensation study has been completed, which included an appeal and review process by Condrey and Associates; and

WHEREAS such review has warranted a change in Appendix A of the contract between the City of Rapid City and the American Federation of State, County and Municipal Employees Agreement, Local 1031, Council 59 as follows:

Traffic Planning Technician in Grade 14
Change to Traffic Engineering Technician to Grade 16

BE IT RESOLVED that the salaries be set retroactive to January 1, 2002 through December 31, 2005.

Dated this 1st day of July, 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

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

The Mayor presented a Resolution to Amend the Fraternal Order of Police **Wage and Salary Schedules**. The following Resolution was introduced, read and moved by Johnson for adoption:

RESOLUTION AMENDING THE FRATERNAL ORDER OF POLICE AGREEMENT

WHEREAS the final step of the compensation study has been completed, which included an appeal and review process by Condrey and Associates; and

WHEREAS such review has warranted a change in Appendix A of the contract between the City of Rapid City and the Fraternal Order of Police South Dakota Lodge, #2A as follows:

Accident Investigator
Change title to Traffic Crash Investigator

Media Technician Grade 14 change to Media Specialist to Grade 16

NOW, THEREFORE, BE IT RESOLVED by the City Council of Rapid City to establish the following new position classification:

Traffic Crash Reconstructionist in Grade 13

BE IT RESOLVED that the salaries be set retroactive to January 1, 2002 through December 31, 2005.

Dated this 1st day of July, 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, Johnson, Murphy, Steinburg, Rodriguez, Waugh, Kroeger,

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

The Mayor presented a Resolution to Amend the Non-Union **Wage and Salary Schedules**. The following Resolution was introduced, read and moved by Rodriguez for adoption:

RESOLUTION AMENDING MAXIMUM SALARIES FOR CERTAIN CITY OFFICERS AND EMPLOYEES

WHEREAS the most recent Resolution establishing salaries was approved December 3, 2001; effective January 1, 2002 for salaries for the Non-union positions, for the Mayor and Council Members; and

WHEREAS the final step of the compensation study has been completed, which included an appeal and review process by Condrey and Associates; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of Rapid City to amend the Resolution to Establish Maximum Salaries as follows:

Human Resources Clerk change from Grade 10 to Grade 12

Payroll Specialist Grade 14 to Payroll Coordinator to Grade 16

Retired Senior Volunteer Program Director change from Grade 17 to Grade 14

Retired Senior Volunteer Program Assistant to the Director change from Grade 11 to Grade 10

Weed and Seed Coordinator change from Grade 14 to Grade 11

BE IT FURTHER RESOLVED that the salaries be set retroactive to January 1, 2002 through December 31, 2005.

Dated this 1st day of July, 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

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

The Mayor presented No. LF062602-02, A Resolution to Recognize Elected Officials for Worker Compensation Coverage. The following Resolution was introduced, read and moved by Hadley for adoption:

RESOLUTION TO RECOGNIZE ELECTED OFFICIALS
FOR WORKER COMPENSATION COVERAGE

WHEREAS, the State of South Dakota worker compensation statutes 62-1-3(2) exempt elected and appointed officials from benefits payable in the event of an injury while performing duties for a governmental entity; and

WHEREAS, the statute allows the governing body to "elect to treat officials of the subdivision as employees for the purposes of this section [62-1-3(2)]; and

WHEREAS, this resolution is applicable only to the offices of Mayor and City Councilman and the state exemption remains for all other appointed boards (such as, but not limited to, Library, Airport, Civic Center, et al);

NOW, THEREFORE, IT IS HEREBY RESOLVED that the City of Rapid City recognizes the elected offices of Mayor and City Councilman as employees for the purpose of providing benefits payable under state worker compensation statutes and all other members of appointed City boards and commissions are exempt from coverage under the state worker compensation statutes.

Dated this 1st day of July, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The motion for adoption of the foregoing Resolution was seconded by Murphy. 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.

Motion was made by Hadley, seconded by Rodriguez, and carried to **approve the following Licenses**: Electrical Apprentice: Steve Backen, Gary Brassfield, Daniel J. Cooper, Matt Nowitzki, Steve Paul Pistulka, Robert Schmidt, Martin A. Trove, John Trudo, Jamie R. Weber; Electrical Journeyman: Rocky S. Metz; Plumber: Scott M. Martin, Craig Heigh; Plumbing Apprentice: Vere R. Williams; Residential Contractor: Scott Grimsrud Const., Scott Grimsrud; Hill Top Construction Co., Cody Work & Deb Baker.

The next item for discussion was No. CC070102-04, the Emergency Medical Oversight Committee recommendation regarding **Emergency Medical Contract**. Kroeger explained that representatives from American Medical Response appeared before the Emergency Medical Oversight Committee regarding shortfalls that they are experiencing. They requested three things: a) to extend the age limit of the ambulances; b) to grant an overall rate increase of 5%; and c) to take one of three scheduled 24 hour contract ambulances off duty for approximately 10 to 12 hours in the evening hours. The recommendation of the Oversight Committee is to approve an increase to the ambulance age limit by one year; not to approve any type of rate increase; and the City will replace one of the scheduled AMR EMT's on a 24-hour day with a Fire Department EMT at Station 1. Motion was made by Hanks and seconded by Rodriguez to approve the recommendation. Jim Preston told the Council that the City is looking at an additional cost of \$130,000 to provide the additional EMT so there would have to be some direction on where funding for this position will come from. He urged the Council to look at other options that might be available that would cost the taxpayers less. He would like to have something in writing from AMR giving him authority to provide the Council with their financial statements. A vote was taken with Hadley, Murphy, Rodriguez, Dreyer, Hanks, Kroeger, Steinburg and Waugh voting "yes" and Johnson and Kriebel voting "no." Jim Preston asked for direction from the Council regarding the funding source for the additional EMT from the Fire Department. Kroeger moved that funding for the next five months come from the Council Contingency fund, and then we will discuss funding in the future at the budget hearings. Second by Rodriguez. Adam Altman told the Council that while they may choose to relieve AMR of their duties under the contract, it has no duty to do so. In amending the contract, it would take both parties' signatures. He can reduce to writing the

action that the Council has taken tonight. A vote was taken on the motion for funding with Murphy, Rodriguez, Dreyer, Hanks and Kroeger voting "yes" and Johnson, Hadley, Steinburg, Waugh and Kriebel voting "no". The Mayor also voted "no." Motion failed. A motion was made by Johnson and seconded by Waugh to take this item to the July 10, 2002, Legal and Finance Committee meeting. A vote was taken and the motion carried.

Public Works Committee Items

The next item for discussion was proposed Ice Arena rates for the Fall-Winter 2002/Winter-Spring 2003 Season (No. PW062602-17). Motion to approve the proposed rates was made by Kroeger and seconded by Steinburg. Hadley said he doesn't think we need to raise rates at this time. A substitute motion was made by Hadley, seconded by Rodriguez and carried to take this item to the July 10, 2002 Public Works Committee meeting for further review.

Bills

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

Payroll Ending 6-15-02, Paid 6-21-02	618,894.08
Payroll Ending 6-15-02, Paid 6-21-02	3,012.80
Payroll Ending 6-30-02, Paid 6-28-02	822,945.12
Pioneer Bank & Trust, taxes Paid 6-21-02	150,300.86
Pioneer Bank & Trust, taxes Paid 6-21-02	225.08
Pioneer Bank & Trust, taxes Paid 6-30-02	207,122.23
First American Administrators, Claims paid 6-19-02	55,704.87
First American Administrators, Claims paid 6-26-02	48,860.83
1 st National Bank, SRF Loan Payments, Paid 6/28/02	120,076.89
SD Department of Revenue, sales tax, Paid 6-19-02	10,034.61
SD Department of Revenue, sales tax, Paid 6-19-02	22,527.98
Wells Fargo, travel expenses	636.85
Aspect Technology, thermo imagers	34,182.00
Hewlett Packard, server	33,907.33
Premier Pyrotechnics, fireworks	14,950.00
US Postmaster, billing postage	1,800.00
Computer Bill List	1,774,028.84
Total	<u>\$3,919,210.37</u>

Payroll Ending 6-15-02, Paid 6-21-02	2,552.80
Pioneer Bank & Trust, taxes Paid 6-21-02	191.14
CIMA Companies, insurance	889.60
US Postmaster, billing postage	1.36
RSVP Petty Cash	6.80
Marlin Leasing, copier lease	10.87
SD Retirement System, pension	224.64
Hills Materials Co., change order No. 1, 44 th Street Project	2,596.79
Hills Materials Co., change order No. 3, Wildwood Project	11,873.96
Total	<u>\$3,937,558.33</u>

City Attorney

Motion was made by Murphy, seconded by Rodriguez and carried to Authorize the Mayor and Finance Officer to sign Department of the Air Force Amendment No. 2 to License No. USAF-ACC-FXBM-3-00-493 (No. CC070102-02).

Executive Session

Motion was made by Hadley, seconded by Rodriguez and carried to go into executive session to discuss contractual matters. The Council came out of executive session at 10:25 p.m. with the following members present: Hanks, Johnson, Steinburg, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer.

Motion was made by Hanks, seconded by Rodriguez and carried to repudiate the contract with MidContinent Communications.

Motion was made by Hanks, seconded by Waugh and carried to authorize the Finance Office to negotiate a settlement with MidContinent Communications.

Mayor Munson presented the following Resolution to Vess E. Steinburg for his service as a City Council member and commended him for his outstanding service to the community. The following Resolution was introduced, read and Hanks moved its adoption:

Resolution

Whereas: Vess E. Steinburg has distinguished himself as a Ward II City Council member for twenty-three years; and

Whereas: During these twenty-three years, Babe Steinburg has provided the City Council and the citizens of Rapid City with a commitment to good government and has been a true spokesperson for the people of Rapid City. Babe has served with dozens of City Council members and five Mayors during his tenure on the City Council; and

Whereas: Babe Steinburg has served as City Council President, chaired several of the standing committees as well as being an active participant on many Council committees working towards the betterment of our community; and

Whereas: The City Council of Rapid City takes this opportunity to express their gratitude and appreciation to Babe for his twenty-three years of service to the City Council as well as his twenty-five years of service to the Rapid City Fire Department. Babe has been associated with the City of Rapid City for an incredible forty-eight years!

Now therefore be it resolved by the City Council of Rapid City that the contributions of Vess E. (Babe) Steinburg be recognized and become a permanent part of the records of the City of Rapid City, South Dakota for future generations to see.

Dated this 1st day of July, 2002.

The City Council
s/ Jerry Munson, Mayor

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

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

The Council recessed at 10:35 P.M. so that newly elected Council members could take the Oath of Office.

The Council reconvened at 10:40 P.M.

Mayor Munson asked for nominations for the **position of Council President**. Hanks nominated Ron Kroeger; second by Dreyer. Johnson nominated Bill Waugh; second by Hadley. Motion was made by Hanks, seconded by Rodriguez and carried that nominations cease. Council members voted verbally and also by a show of hands with 6 votes cast for Kroeger and 4 votes cast for Waugh. Kroeger was elected as Council President.

Mayor Munson asked for nominations for the **position of Council Vice President**. Rodriguez nominated Bill Waugh; second by Johnson. Motion was made by Hanks, seconded by Rodriguez and carried that nominations cease. Council members voted verbally and also by a show of hands and Waugh was unanimously elected Council Vice President.

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

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)