

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

July 15, 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, Asst. Finance Officer Coleen Schmidt, and the following Alderpersons were present: Tom Johnson, Alan Hanks, Sam Kooiker, Tom Murphy, Bill Waugh, Martha Rodriguez, Ron Kroeger, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: Ray Hadley; and the following were absent: None.

Motion was made by Kroeger, 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 Stuart Peak Lane, 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); and correct the minutes of May 6, 2002 to show the correct contract amount for ST01-1138 as \$848,707.62; correct the minutes of July 1, 2002 to show that no vote was taken on the original motion to approve the correction to June 17, 2002 minutes; and approve the minutes of July 1, 2002.

BID OPENINGS

The following vendors submitted bids for **Upper Rapid Creek Fishing and Picnic Area Project** No. W02-1198: 1) Simon Contractors; 2) Stanley Johnsen Concrete; 3) MAC Construction and 4) RCS Construction. Staff has reviewed the bid and recommends award to RCS Construction. Motion was made by Waugh, seconded by Rodriguez and carried to award the contract for W02-1198 to RCS Construction, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$66,194.80.

Johnson requested that staff write a letter to the State requesting that this be the last and final project the City of Rapid City must do, based on how other communities have handled issues relative to the stream.

The following companies submitted bids for Parks Parking Lots Overlay and Patching Project No. PR02-1180 which were opened on July 11, 2002: 1) Simon Contractors; 2) J&J Asphalt Company, and 3) Hills Materials Company. Staff has reviewed the bids and recommends that the base bid plus alternate be awarded to Simon Contractors. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for PR02-1180 to Simon Contractors, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$46,400.

The following companies submitted bids for **Transit Shelter Installation Project** TS02-1199 which were opened on July 11, 2002: 1) RP&H, Inc.; 2) Dean Kurtz Construction; 3) Scull Construction, and 4) MAC Construction. Staff has reviewed the bids and recommends award to Dean Kurtz Construction. Motion was made by Hanks, seconded by Rodriguez and carried to award the bid for TS02-1199 to Dean Kurtz Construction Company, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$25,998.75.

The following companies submitted bids for Eight New Current Model Year **Automated Side Loading Refuse Collection Trucks** for Solid Waste Operations which were opened on July 11, 2002: 1) McNeilus Truck & Manufacturing; 2) Sanitation Products (Volvo Truck) 3)

Sanitation Products (Peterbilt Truck); 4) Sanitation Products (Sterling Truck); 5) Northern Truck Equipment Corp. and 6) Eddie's Truck Sales. Staff has reviewed the bids and recommends award to Sanitation Products for the Volvo Truck. Motion was made by Kroeger, seconded Waugh and carried to award the contract for Side Loading Refuse Collection Trucks for Solid Waste Operations to Sanitation Products for the Volvo Truck, in the total contract amount of \$1,080,192.

The following companies submitted bids for Automated **Solid Waste Collection Containers** for Solid Waste Operations which were opened on July 11, 2002: 1) Otto Industries 2) Reyrig Pacific Company; 3) Solid Waste Systems, Inc.; 4) Sanitation Products; 5) Wastequip/Rayfo; and 6) Northern Truck Equipment Company. Staff has reviewed the bids and recommends award to Sanitation Products. Asst. Public works Director Ted Vore explained that the two lower bidders had unacceptable deviations to the bid specifications. Motion was made by Kroeger, seconded by Kooiker and carried to award the bid for Solid Waste Collection Containers to Sanitation Products, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$952,554; and with the option to renew the contract for FY2003, 2004 and 2005.

Hadley entered the meeting at this time.

Asst. Finance Officer Schmidt reported that she reviewed several options for funding the purchase of the trucks and containers for automated garbage collection. She recommended a five-year lease purchase agreement with Wells Fargo & Company at a maximum interest rate of 4.14%. Motion was made by Hanks, seconded by Waugh and carried to authorize staff to enter into a **lease purchase agreement** with Wells Fargo & Company for the purchase of automated garbage collection trucks and containers.

Mayor's Items

Mayor Munson presented Certificates of Recognition to city employees Jim Rippe (25 years), Ray Bach (35 Years) and Herky Solano (35 Years) and commended them for outstanding service to the Rapid City community.

Aldersperson Items

Motion was made by Rodriguez, seconded by Waugh and carried to reconsider the following item: 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. Jerry Mitzel asked that the City Council consider denying this application. The notice mailed to the property owners only listed one lot, but the proposal is for four lots on this property. Mitzel spoke on behalf of the neighborhood property owners who object to the proposed development. They have concerns with dividing this lot into four smaller lots which will be served by wells. This could put an additional drain on the aquifers serving this entire area. Mitzel also expressed concern about drainage, access, lot configuration, additional traffic on Cliff Drive, relocation of overhead power and utility lines and the need to clear trees from the property. He stated that the proposed development is not appropriate for the Canyon Lake Heights Subdivision. Ryan Kelly from Dean Kelly Construction explained that the layout plat for this property was approved by the City Council on May 6, 2002 and the variance was approved by the Council on July 1, 2002. He asked the Council to allow them to continue with

the proposed development. Elkins explained that the legal notice sent to the property owners contains the legal description as it exists today. The four lots described on the agenda is the proposed legal description, as submitted by the petitioners. Elkins added that an application for a Preliminary Plat has not been submitted yet. Johnson noted that the only thing being reconsidered at this time is the variance request for curb, gutter, water and sidewalk along Cliff Drive. The platting process is not before the City Council at this time. Motion was made by Johnson and seconded by Dreyer to approve the requested variance, with the recommended stipulations. Bill Fleming, Maureen Gemeny and Jim England spoke against the proposed development. Johnson called the question and there were no objections. Upon vote being taken, the motion to approve the variance carried with Rodriguez voting no.

Special Items and Items from Visitors

Ed Lynch asked the City to consider implementing some type of criteria for notification of property owners in special circumstances, and to consider establishing a limit on the number of times a property owner can request the same development on property when it has been previously denied.

Don Rathert requested authorization to place a small sign on private property to advertise a rock and mineral show. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until later on the agenda to allow the City Attorney to review the code. City Attorney Altman reported later in the meeting that this temporary sign is allowed under the current sign code for non-profit organizations. Motion was made by Rodriguez, seconded by Waugh and carried to table this item.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of CJS, Inc. dba **The Metro Café & Pub**, 710 St. Joseph Street, for an On-Off Sale Malt Beverage License Transfer (from Robin & Judy, Inc.). Upon motion made by Hadley, seconded by Waugh and carried, the Council approved the application.

This was the time set for 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.). Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

Upon motion made by Hadley, seconded by Johnson and carried, the Finance Officer was directed to publish notice of hearing on the application of Hotel Management Company, Inc. dba **Hotel Alex** Johnson, 523 Sixth Street, for an On-Sale Liquor License Transfer (to include area known as Jefferson Bar), said hearing to be held on Monday, August 5, 2002.

Consent Calendar

The following items were removed from the Consent Calendar:

19. No. PW071002-09 – Direct staff to install a tape crosswalk and pedestrian activated beacons on Cathedral Drive between Fifth Street and Mt. Rushmore Road for an estimated cost of \$15,500.
20. No. PW071002-10 – Direct staff to begin a replacement program with the Fluorescent Yellow/Green School Crossing Signs over an eight (8) year cycle.

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

Set for Hearing (August 5, 2002)

9. No. 02PD032 – A request by Rushmore Mall for SDG Macerich Properties for a **Major Amendment to a Planned Commercial Development to allow parking lot events to be held each year in designated areas of the parking lot** on Lot 1 and Tract A 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.
10. No. 1101 - A request by Larry Olson for a **Revocation of a Use on Review for a private school in the Medium Density Residential Zoning District** on Lot 2 of Lot 1, Block A, Munderloh Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4116 Canyon Lake Drive.
11. No. 1185 - A request by Larry Olson for a **Revocation of a Use on Review for a private school in the Medium Density Residential Zoning District** on Lot 2 of Lot 1, Block A, Munderloh Tract, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4116 Canyon Lake Drive.

Public Works Committee Items

12. No. PW071002-01 – Approve Change Order No. 02 for ST01-871, Highway 16/Promise Drive Street and Utility Construction Project to RCS Construction, Inc. for an increase of \$8,510.83.
13. No. PW071002-02 - Approve Change Order No. 03 for W01-1104, Watermain Extension Project on Omaha between LaCrosse and Cambell to Stanley J. Johnsen Concrete Contractor, Inc. for an increase of \$482.30.
14. No. PW071002-03 – Authorize Staff to Advertise for Bids for Tandem End-Dump Truck with slide-in sander body for the Street Division.
15. No. PW071002-04 - Authorize Staff to Advertise for Bids for PR02-1216, Parkview Softball Complex Phase 2.
16. No. PW071002-05 – Authorize the Mayor and Finance Officer to sign a Letter of Agreement with Elizabeth Wagar to Provide Geological Consulting Services for W02-1156, No. 12 Water Well for an amount not to exceed \$2,400.
17. No. PW071002-06 - Authorize the Mayor and Finance Officer to sign an Underground Easement for Communication and Gas Lines with MDU Resources Group, Inc. and Black Hills Fibercom.
18. No. PW071002-07 – Approve an Initial Resolution Setting Time and Place for Hearing on August 5, 2002 for ST02-1224, Homestead/Timmons Road Construction Project.

INITIAL RESOLUTION FOR
HOMESTEAD/TIMMONS ROAD CONSTRUCTION PROJECT NO. ST02-1224

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

1. This Council deems it necessary to improve by constructing a portion of Homestead Street and Timmons Avenue, as outlined in the proposed Resolution of Necessity for Homestead/Timmons Road Construction Project ST02-1224, which is on file with the Finance Officer. The estimated cost of the project is \$1,930,898.25 of which \$1,600,000.00 will be assessed to the affected property owners on a benefit basis.
2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 5th day of August, 2002 at 7:00 P.M. for the purpose of considering any objections to such proposed Resolution of Necessity. The Finance Officer is directed to give notice of such meeting by publishing the time and place of such meeting once each week for two successive weeks in the official newspaper of the City.

Dated this 15th day of July, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

21. No. 02FV006 – Approve with stipulations a Fence Height Exception for Lynn Ketelsen to allow a six (6) foot fence in the front yard setback on Lot 8 of Block 10 of Country Club Heights, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3208 County Club Drive.
22. No. 02VE005 – Approve a Vacation of Public Access and Utility Easements for Thurston Design Group, LLC, located at 120 East Adams Street and 202 East Adams Street.

RESOLUTION OF VACATION OF
PUBLIC ACCESS AND UTILITY EASEMENTS

WHEREAS it appears that a portion of the public access and utility easements on Lot 3, 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, more generally described as being located at 120 East Adams Street and 202 East Adams Street, is not needed for public purposes; and

WHEREAS the owner of said property desires said portion of the public access and utility easements to be vacated and released

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the public access and utility easements theretofore described, and as shown on Exhibit A attached hereto, be and the same is hereby vacated.

BE IT FURTHER RESOLVED that the Mayor and Finance Officer are hereby authorized to execute a release of easement in regard thereto.

Dated this 15th day of July, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

23. Deny the Northcott Company (Perkins Restaurant 2305 Mt. Rushmore Road) request of the City to pay the installation cost of a fire hydrant and accept responsibility for a fire service line between the watermain and hydrant.

Legal & Finance Committee

24. LF071002-01 - Authorize Mayor and Finance Officer to sign Agreement for Mutual Aid in Fire Protection and Hazardous Material Incidents Response (US).
25. Award the contract for air conditioning compressor replacement at MBTC to Johnson Controls in the amount of \$7,450. (bids were received from Johnson Controls, D & R Refrigeration and Cornella Refrigeration).
26. No. LF071002-02R – Acknowledge the report from the Finance Office that the City is eligible for 72 malt beverage licenses with video lottery eligibility and as of July 1, 2002, and that there are currently 70 licenses issued; and make no change.

27. No. LF071002-07 - Authorize Mayor and Finance Officer to sign Contract with Del's Construction, Inc. for completion of remodeling project in City Human Resources Office.
28. No. LF071002-03 - Approve Travel Request for Jason Green to attend Land Use Seminar in San Francisco, CA, from August 22, 2002, through August 24, 2002, in the Amount of \$2,851.50.
29. Approve the following licenses: Central Station Service: Electro Watchman, Inc., Dick Bertram; Residential Contractor: Augustine Custom Homes, Augustine Ray Mascarenas; Mountain Plains Metal Stud & Drywall, William Marchand; Sign Contractor: Barney's Signs, Barney Jorensen.
30. No. LF071002-06 - Approve Appointment of Bob Riggio and Pam Sutterfield to a Three-Year Term on the Air Quality Committee.

Raffle

31. No. CC071502-03 – Notification of Raffle to be sponsored by the Zonta Club, drawing to be held on October 3, 2002.

End of Consent Calendar

The next item before the Council was No. PW071002-09 – Direct staff to install a tape crosswalk and pedestrian activated beacons on Cathedral Drive between Fifth Street and Mt. Rushmore Road for an estimated cost of \$15,500. Motion was made by Kroeger and seconded by Rodriguez to approve the installation. Maxine Stevens thanked the Council for their action on this issue. Tom Johnson spoke against the motion. He stated that he feels this will be a very unsafe crossing area for residents of the Valley View High Rise. Substitute motion was made by Johnson and seconded by Hadley to direct staff to **install a full signalized traffic light** on Cathedral Drive in front of the High Rise and across from the Same Day Surgery Center. Bjerke requested that the Council identify a source of funds to pay for this project. Johnson stated that if necessary, funding for this project could come from the Council Contingency Fund. Kriebel suggested that the City provide free bus service to the residents of the high rise. This would be more cost effective than installing a traffic light. There was discussion about the issue of traffic stacking up on Cathedral Drive, the distance between the existing traffic lights and the safety issues of crossing Cathedral Drive at this location. Richard Two Crow explained that he crosses this road daily to visit individuals at the hospital. Traffic moves very fast on this road and people do not pay attention to pedestrian traffic. He thanked the Council for the action to install a traffic light on Cathedral Drive. Hanks called the question and there were no objections. Upon vote being taken, the substitute motion carried unanimously.

The next item discussed by the Council was No. PW071002-10, a replacement program with the **Fluorescent Yellow/Green School Crossing Signs** over an eight (8) year cycle. Motion was made by Dreyer and seconded by Kroeger to direct staff to begin the replacement program. Alice Johnson requested that the City also review the school crossing signs throughout the community. Many of them are obscured by tree branches and this situation could be alleviated when the signs are changed. Johnson also asked that the City review the ordinances relating to the fine structure for school crossings. She asked that the fine be the same for a school crossing as a school zone. Rodriguez stated that she remembers staff indicating that the City has many of the old yellow signs left. It was her understanding that these signs would be used before the new fluorescent green signs are installed. Public Works Director Dan Bjerke stated that it was his understanding that staff was to begin using the new green signs as soon as they arrived. Kroeger withdrew his motion. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until later in the meeting in order for staff to review the committee meeting minutes.

Public Hearing

The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION LEVYING ASSESSMENT 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 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 sanitary sewer extension project is the amount stated in the proposed assessment roll.
2. The assessment roll for 38th Street Sanitary Sewer Extension Project SSW01-1080 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 15th 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 Hanks. Paul Lawrence explained that when he purchased his home two years ago, he was told that there was no problem with the water or sewer. He also has to put in a retaining wall because of work done by the gas company. Bjerke explained that this project was assessed to the property owners on a benefit basis, so each property owner is paying the same amount. If an individual owns more than one lot, that cost is divided between all lots of the homesite. Also, the property owners were given an opportunity to meet with the representatives of the City Engineering Department prior to the project being done. The work has been done and the costs must be assessed to the properties. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, 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 Johnson and carried to approve the following items in accordance with the recommendation in the Council Packet:

33. 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 AUGUST 5, 2002)
34. 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 AUGUST 5, 2002)

35. 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 AUGUST 5, 2002)
36. 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 AUGUST 5, 2002)
37. 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 and Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1033 Omaha Street. (CONTINUE TO AUGUST 19, 2002)
38. No. 01PL127 - A request by Doug Sperlich for Jeff Stone for a **Preliminary Plat** on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as SW1/4 SE1/4, less Broadmoor Subdivision, less Block 1 of Broadmoor Southwest & less Mountain Shadows Subdivision, Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the current terminus of Broadmoor Drive. (CONTINUE TO AUGUST 5, 2002)
39. No. 02PL006 - A request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Preliminary and Final Plat** on Parcel A of Tract SB of Springbrook Acres Addition and Lot 19R3 of Fairway Hills PRD located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located East of Fairway Hills and Sandstone Ridge Subdivision. (CONTINUE TO OCTOBER 7, 2002)
40. No. 02PL009 - A request by Polenz Land Surveying for Chuck Farrar for a **Preliminary and Final Plat** on Lots 16P Revised and Lot 17P revised in Block 2 of Chapel Lane Village Subdivision, Section 8, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. (CONTINUE TO AUGUST 5, 2002)

41. 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 legally described as the E1/2 SW1/4 less Stoney Creek Subdivision Phase 1 and Less Lot H2, Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of the intersection of Catron Boulevard and Sheridan Lake Road. (CONTINUE TO AUGUST 5, 2002)
42. No. 02PL014 - A request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** on Lots 1A and 1B of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 1 of Block 1 of Park Meadows Subdivision, located in the NE1/4 SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the northwest corner of the intersection of East Oakland Street and Smith Avenue. (CONTINUE TO AUGUST 5, 2002)
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 legally described as a portion of Tract 5 of Trailwood Village located in the E1/2 of the SW1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located northeast of Covington Street and Teak Drive. (CONTINUE TO AUGUST 5, 2002)
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 legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. (CONTINUE TO AUGUST 5, 2002)
45. No. 02PL032 - A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Preliminary Plat to create one lot** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16 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 AUGUST 5, 2002)
46. No. 02PL037 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison 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 AUGUST 5, 2002)

48. No. 02PL041 – Approve the request by Dream Design International, Inc. for a **Final Plat** located northwest corner of the intersection of Country Road and Nike Road, east of Mallridge Subdivision.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Northbrook Village: Lot 1, Block 1; Tract A and Lot 16, Block 2; Lots 6-7, Block 3; Lots 1-17, Block 4; Lots 1-8, Block 5; Lots 1-3 and Outlot A, Block 6; Lots 1-13, Block 7 & Lot 1, Lots 14-15 and Lots 25-57, Block 8; located in the SE1/4 of the SE1/4 of Section 13, T2N, 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 Northbrook Village: Lot 1, Block 1; Tract A and Lot 16, Block 2; Lots 6-7, Block 3; Lots 1-17, Block 4; Lots 1-8, Block 5; Lots 1-3 and Outlot A, Block 6; Lots 1-13, Block 7 & Lot 1, Lots 14-15 and Lots 25-57, Block 8; located in the SE1/4 of the SE1/4 of Section 13, T2N, 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 15th day of July, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

50. 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 legally described as 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 and Corral Drive. (CONTINUE TO AUGUST 5, 2002)
51. 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 legally described as 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 at the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO AUGUST 5, 2002)
52. 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 AUGUST 5, 2002)

53. 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 legally described as 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 AUGUST 5, 2002)
55. No. 02PL059 – Approve the request by CETEC Engineering for Park Hill Development, Inc. for a **Preliminary and Final Plat** located east of the intersection of Smith Avenue and East Oakland Street.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 5R, 6AR, 6BR, 7AR and 7BR of Block 2 (formerly 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, 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 5R, 6AR, 6BR, 7AR and 7BR of Block 2 (formerly 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, 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 15th day of July, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

57. No. 02PL062 - A request by D.C. Scott Co. Land Surveyors for Thomas Estes for a **Layout Plat** on Lot 2 Revised, Lot 3 Revised, Lot 6, Lot 7 and Lot 8 of Estes Subdivision, and dedicated Neck Yoke Road right-of-way located in the W1/2 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota legally described as Lot 2, Lot 3, and that portion of the SW1/4 SW14/ lying north of the county road, and the unplatted portion of Estes Subdivision, Section 15, T1S, R7E, BHM, Pennington County, South Dakota, located approximately 2.3 miles south of Reptile Gardens on Neck Yoke Road. (ACKNOWLEDGE THE APPLICANT'S WITHDRAWAL)
58. No. 02PL063 - A request by James Heald, Registered Land Surveyor for Robert & Rosemary Christol, Philip and Carolie Zacher, Mark and Shannon Ballard and the Autumn Hills Homeowner's Association for a **Preliminary and Final Plat** on Lots 10R, 11R, and 17R of Block 7 of Autumn Hills Subdivision, located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 10, 11, and 17 and Outlot M of Block 7 of Autumn Hills Subdivision,

located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Winter Set Drive and south of Stoney Creek Court. (CONTINUE TO AUGUST 5, 2002)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL040, a request by Dream Design International, Inc. for a **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 legally described as NE1/4 NW1/4; N1/2 NE1/4 less NW1/4 NW1/4 NE1/4 and less NE1/4 NW1/4 NE1/4 and less NW1/4 NE1/4 NE1/4; NW1/4 NW1/4; SE1/4 NW1/4 less the west 460 feet of the south 990 feet and less Lot H1; SW1/4 NW1/4 less the south 990 feet, Section 24, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Fifth Street. Motion was made by Kroeger, seconded by Waugh and carried to approve the Preliminary Plat with the following stipulations and continue the final plat until August 5, 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. 02PL042, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** located at Red Rock Estates. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Red Rock Estates including Lots 2 thru 6, Block 10 and Outlot G-1 and Dedicated Streets, the unplatted portion of NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED, that the Plat of Red Rock Estates including Lots 2 thru 6, Block 10 and Outlot G-1 and Dedicated Streets, the unplatted portion of NW1/4, Section 29, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, be, and the same is hereby approved and the City Finance Officer is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 15th 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, Kooiker, Rodriguez, Waugh, Kroeger, 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. Dreyer abstained from discussion or voting on this item. Motion was made

by Kroeger and seconded by Rodriguez to approve the Preliminary Plat with an additional stipulation that the redline construction plans be corrected prior to initiation of construction, and continue the final plat until August 5, 2002. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 02PL061, a request by Fisk Land Surveying & Consulting Eng. for Thomas Lee for a **Preliminary and Final Plat** located at 6905 West Highway 44. The following Resolution was introduced, read and Kroeger moved its adoption:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision (formerly all of Lot 2 of Rimrock Ranch Subdivision) located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, 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 2A and 2B of Lot 2 of Rimrock Ranch Subdivision (formerly all of Lot 2 of Rimrock Ranch Subdivision) located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, 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 15th 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 Rodriguez. Kriebel stated that there are some smaller lots in this area, but for the most part, it was the intent to have 10 acre lots in this area. He expressed concern about these smaller lots breaking up the integrity of the neighborhood. Tom Lee went through the lot sizes in this neighborhood and explained that there is very good soil in this area which will be able to handle septic systems and wells. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley and Dreyer; NO: Kriebel; whereupon said Resolution was declared duly passed and adopted.

Planning Department – Hearings

The Mayor presented No. 02SV006, a request by Fisk Land Surveying & Consulting Engineers for Larry Lewis and Kenneth Kirkeby for a **Variance to the Subdivision Regulations** to allow sidewalks on one side of the street on Lot 19R2 of Fairway Hills PRD and a portion of Tract SB of Springbrook Acres located in the SW1/4 NE1/4, NW1/4 SE1/4, and SE1/4 NW1/4 of Section 15, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Fairway Hills and Sandstone Ridge Subdivision. Motion was made by Kroeger, seconded by Hanks and carried to continue this item until October 7, 2002.

The Mayor presented No. 02SV007, a request by Polenz Land Surveying for Chuck Farrar for a **Variance to the Subdivision Regulations** to waive the requirement for curb, gutter,

sidewalk and street light conduit on Lot 16P and Lot 17P of Block 2 of Chapel Lane Village located in the NE1/4 of NE1/4 of Section 17 and the SE1/4 of SE1/4 of Section 8 and the vacated portion of Lakeview Subdivision No. 2 of the SE1/4 of SE1/4 of Section 8, all in T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3210 Kirkwood Drive. Motion was made by Kroeger, seconded by Rodriguez and carried to continue this item until August 5, 2002.

The Mayor presented No. 02SV015, a request by Renner & Sperlich Engineering Co. for Robert E. Moore for a **Variance to the Subdivision Regulations** to allow lots twice as long as they are wide and to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks on Lots 1 thru 15 of Kepp Heights Subdivision #4, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot 15 of Kepp Heights Subdivision #3, located in the SW1/4 of the NW1/4 of Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of Flormann Street and Skyline Drive. Motion was made by Kroeger, seconded by Rodriguez 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 legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street. Motion was made by Kroeger, seconded by Waugh and carried to continue this item until August 5, 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 legally described as 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 Kroeger, seconded by Rodriguez and carried to continue this item until August 5, 2002.

The Mayor presented No. 02SV028, a request by Fisk Land Surveying & Consulting Eng. for Thomas Lee for a **Variance to the Subdivision Regulations** to waive the requirement to install curb, gutter, sidewalk, paving, street light conduit, dry sewer and water for the access easement(s) and to waive the requirement to install curb, gutter, sidewalk, street light conduit, dry sewer and water along West SD Highway 44 as per Chapter 16.16 of the Municipal Code and a Variance to the Subdivision Regulations to allow lots twice as long as they are wide as per Chapter 16.12 of the Municipal Code on Lots 2A and 2B of Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota legally described as Lot 2 of Rimrock Ranch Subdivision, located in the NE1/4 of the NE1/4 and the SE1/4 of the NE1/4 of Section 13, T1N, R6E, BHM, Pennington County, South Dakota, located at 6905 West Highway 44. Motion was made by Kroeger, seconded by Rodriguez and carried to approve the Variance to the Subdivision Regulations to allow lots twice as long as wide; approve the Variance to the Subdivision Regulations to waive the requirement to install curb, gutter, sidewalks, street light conduit, dry sewer and water for the access easement(s) and West S. D. Highway 44 with the condition that the applicant sign an agreement to consent to a future assessment project for

the improvements; and deny the Variance to the Subdivision Regulations to waive the requirement for paving the access easement(s).

The Mayor presented No. 02SV029, a request by CETEC Engineering for Park Hill Development, Inc. for a **Variance to the Subdivision Regulations** to allow a lot twice as long as it is wide as per Chapter 16.12 of the Municipal Code on Lots 5R 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 approve the Variance request.

The Mayor presented No. 02SV030, a request by James Heald, Registered Land Surveyor for Robert & Rosemary Christol, Philip and Carolie Zacher, Mark and Shannon Ballard and the Autumn Hills Homeowner's Association for a **Variance to the Subdivision Regulations** to waive the requirement to install sidewalk on Stoney Creek Court and Winterset Drive as regulated by Section 16.16 of the Subdivision Regulations on Lots 10R, 11R, and 17R of Block 7 of Autumn Hills Subdivision, located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lots 10, 11, and 17 and Outlot M of Block 7 of Autumn Hills Subdivision, located in the W1/2 of NW1/4 of Section 22, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located west of Winterset Drive and south of Stoney Creek Court. Motion was made by Kroeger, seconded by Waugh and carried to approve the requested variance.

Ordinances & Resolutions

The Mayor presented **Ordinance 3831**, (No. LF062602-030) 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. The Council approved first reading of the ordinance on July 1, 2002. Motion was made by Hadley and seconded by Johnson to approve second reading. City Attorney Adam Altman explained that city code requires that all ordinances be reviewed and approved by the Legal & Finance Committee. At the last Committee meeting, this item was sent to the Council without recommendation, therefore it should not be approved at this time. Hadley withdrew his motion. Motion was made by Hadley, seconded by Waugh and carried to refer this ordinance back to the Legal & Finance Committee for review.

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, having passed the first reading on July 1, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3832 was declared duly passed upon its second reading.

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, having passed the first reading on July 1, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3833 was declared duly passed upon its second reading.

Ordinance 3834 (No. LF071002-04) entitled An Ordinance to Allow Motel-Hotel Facilities to Obtain an On-Sale Light Wine License by Amending Sections 5.12.040(B)(3) and 5.12.040(L) of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded

by Waugh and carried, Ordinance 3834 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, August 5, 2002.

The Mayor presented No. 02CA034, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Future Land Use Plan to change the future land use designation for a 9.69 acre parcel from General Commercial to Medium Density Residential with a Planned Residential Development** on 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, City of Rapid City, County of Pennington, 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 deny this item without prejudice.

The Mayor presented No. 02CA037, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 46.8 acre parcel from Medium Density Residential to Mobile Home Park** on the following property: That portion of the south 234 feet of the NE1/4 SW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota lying more than the 550 feet from the south boundary of the Catron Boulevard right-of-way, and that portion of the SE1/4 SW1/4, Section 24, T1N, R7E, BHM, Pennington County, South Dakota, lying more than 550 feet from the south boundary of the Catron Boulevard right-of-way, located south of Catron Boulevard and approximately 3/4 mile west of proposed 5th Street extension. Motion was made by Hadley and seconded by Waugh to deny the requested Amendment. Jeff Eucker, Ed Lynch, Pat Hahn, Harley Paulson, Kent Hagg and Jim Phoenix spoke against the proposed development. Substitute motion was made by Kroeger to deny this item without prejudice. Motion died for lack of a second. Upon vote being taken, the motion to deny carried unanimously.

Motion was made by Hanks and seconded by Hadley to direct staff to place a note in the file to notify property owners if future applications are submitted to amend the comprehensive plan in this area. Johnson suggested that a policy be developed to outline notification procedures for all applications in the community, not just this specific area. Substitute motion was made by Kooiker and seconded by Johnson to take this issue to the Legal & Finance Committee to look at the process for comp plan amendments and whether a fee schedule and time line should be enacted. Planning Director Elkins noted that she will put these issues on the Planning Commission agenda for discussion on August 25th. The recommendation from that meeting will be forwarded to the Legal & Finance Committee for additional discussion. Kooiker withdrew his motion. Substitute motion was made by Johnson, seconded by Kooiker and carried to send this item to the Planning Commission for review and recommendation.

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, City of Rapid City, County of Pennington, South Dakota. Being more particularly described as follows: Beginning at the Northeast corner of Lot A as shown on the plat filed in Book 23 of plats Page 157, said point of beginning being monumented with a rebar with cap marked LS 6117; thence South 89° 48' 07" West a distance of 331.50 feet along the North line of said lot A to a rebar with cap marked Davis & Atkins Assoc. 3095, Said rebar being identical to the Northeast corner of the Tucker Street ROW as shown on the plat filed in Book 23 of plats Page 157; thence South 89° 58' 52" West a distance of 266.92 feet along the North ROW of Tucker Street to a point; thence North 07° 23' 21" East a distance of 668.56 to a point on the line between Sections 23 and 26; thence North 89°59'50" East a distance of 675.88 feet along the line between Sections 23 and 26 to a point identical to the intersection of said section line with the current commercial zoning line; thence South 13° 52' 22" West a distance of 681.69 feet along the current commercial zoning line to the point of beginning; containing 9.690 acres or 422,112.56 square feet, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Dreyer abstained from discussion or voting on this item. Motion was made by Hadley, seconded by Rodriguez and carried to deny this item without prejudice.

Ordinance 3835 (No. 02RZ033) a request by Bob Fuchs for Phatty McGees, Inc. for a **Rezoning from General Commercial District to Central Business District** on the south 50 feet of Lots 28 thru 32, Block 63, Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 321 7th Street, was introduced. Motion was made by Hadley and seconded by Dreyer to approve first reading. City Attorney Adam Altman explained that the City is currently in litigation with Phatty McGees and he requested that this item be tabled until such time as the litigation is completed. This will give the court a chance to decide the issue on the merits of the case. There may be no need for this rezone. Motion was made by Rodriguez and seconded by Dreyer to table this issue. Upon vote being taken, the motion carried with Kriebel voting no.

Ordinance 3836 (No. 02RZ034) a request by Nathan A. Barton for Century Medical Plaza, LLC for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 7 thru 11, Block 17, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 615 Flormann Street and 619 Flormann Street, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3836 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, August 5, 2002 at 7:00 P.M.

Ordinance 3837 (No. 02RZ035) a request by Doug Sperlich for Kelly Construction for a **Rezoning from Public District to Low Density Residential District** on Lot 3 of Pine View Terrace, located in the NW1/4 of the SE1/4 and in the SW1/4 of the SE1/4, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northwest of the intersection of Park Drive and Wonderland Drive, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3837 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Monday, August 5, 2002 at 7:00 P.M.

Legal & Finance Committee Items

Motion was made by Johnson and seconded by Waugh to refer the **Emergency Medical Oversight Committee** Recommendation regarding Emergency Medical Contract to the Legal & Finance Committee for review and recommendation. Kroeger stated that it is his understanding that AMR has withdrawn their request. They will continue with the contract as it is written. Motion was made by Kroeger, seconded by Rodriguez and carried to table this item. Kroeger added that when the Fire Department personnel fill in shifts for AMR, they will be billed for the costs of this service.

The next item before the Council was a request for authorization for three (3) FTE's to replace AMR's one (1) EMT shift on Fire Department Ambulance based on Council's Recommendation from the Emergency Medical Oversight Committee. Motion was made by Hadley, seconded by Rodriguez and carried to table this item.

Public Works Committee Items

The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION TO ORDER IN SIDEWALKS (SIDEWALK IMPROVEMENT PROJECT SWK02-1139)

BE IT RESOLVED by City of Rapid City as follows:

The Council hereby declares the necessity to order the construction of new sidewalks as located in the area of Racine Street and E. Watertown Street.

The general nature of the project is set forth above, and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Department and placed on file with the City Finance Officer.

The estimated cost of the project is \$4,500, which will be assessed to the affected property owners. This estimate includes six percent (6%) engineering fees and five percent (5%) fiscal agent fees. Interim construction finance fees to be determined by the Finance Officer shall be included in the project cost, the total, which will be assessed to the benefiting properties.

The recorded owners and estimated costs to the affected properties are as follows:

John W. Ashley 4291 Rosemary Lane Rapid City, SD 57702	Schnasse Addition Block 9, Lot 20	\$2,000
Bankers Trust co. of California 3 Park Plaza, No. 1600 Irvine, CA 92614	Schnasse Addition Block 1, Lot 10	\$2,500

The method of apportionment is as follows:

The above affected property owners will be assessed 100% of the cost of the street improvements abutting their properties. The total cost is estimated to be \$4,500.

The above-described project shall hereafter be referred to as the Sidewalk Improvement Project SWK02-1139, which shall be deemed a description of the project as hereinafter set forth.

Dated this 15th day of July, 2002

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

CITY OF RAPIDCITY
s/ Jerry Munson, Mayor

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

The following Resolution was introduced, read and Johnson moved its adoption:

**RESOLUTION TO ORDER IN SIDEWALKS
(SIDEWALK IMPROVEMENT PROJECT SWK02-1139)**

BE IT RESOLVED by City of Rapid City as follows:

The Council hereby declares the necessity to order the construction of new sidewalks as located in the area of E. Disc Drive and LaCrosse Street.

The general nature of the project is set forth above, and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Department and placed on file with the City Finance Officer.

The estimated cost of the project is \$56,500, which will be assessed to the affected property owners. This estimate includes six percent (6%) engineering fees and five percent (5%) fiscal agent fees. Interim construction finance fees to be determined by the Finance Officer shall be included in the project cost, the total, which will be assessed to the benefiting properties.

The recorded owners and estimated costs to the affected properties are as follows:

I-90 Amoco, Inc. 2213 N. LaCrosse Street Rapid City, SD 57701	Section 30, T2N, R8E Lot A of Lot M-1 of the NW1/4	\$6,000
Regency Rapid City Ventures, Ltd. 2600 N. Louise Avenue Sioux Falls, SD 57107	Marshall Heights Tract Lot C of Lot M-1	\$18,000
Regency Rapid City Ventures, Ltd. 2600 N. Louise Avenue Sioux Falls, SD 57107	Marshall Heights Tract Lot B of Lot M-1	\$6,000
SDG Macerich Properties Toys "R" Us, Inc. c/o 2200 N. Maple Attention: Cathy Kerr-Operations Manager Rapid City, SD 57701	Rushmore Mall Parcel 2 of Tract A of Lot 14	\$5,000
SDG Macerich Properties Property Tax Dept. c/o 2200 N. Maple Attention: Cathy Kerr-Operations Manager Rapid City, SD 57701	Rushmore Mall Tract B Revised of Lot 14	\$16,000
SDG Macerich Properties Carmike Cinemas c/o 2200 N. Maple Attention: Cathy Kerr-Operations Manager Rapid City, SD 57701	Rushmore Mall Parcel 1 of Tract A of Lot 14	\$5,500

The method of apportionment is as follows:

The above affected property owners will be assessed 100% of the cost of the street improvements abutting their properties. The total cost is estimated to be \$56,500.

The above-described project shall hereafter be referred to as the Sidewalk Improvement Project SWK02-1139, which shall be deemed a description of the project as hereinafter set forth.

Dated this 15th day of July, 2002

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

CITY OF RAPIDCITY
s/ Jerry Munson, Mayor

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

The following Resolution was introduced, read and Johnson moved its adoption:

RESOLUTION TO ORDER IN SIDEWALKS
(SIDEWALK IMPROVEMENT PROJECT SWK02-1139)

BE IT RESOLVED by City of Rapid City as follows:

The Council hereby declares the necessity to order the repair of existing sidewalks as located throughout the City of Rapid City.

The general nature of the project is set forth above, and reference for detail is hereby made to the drawings and specifications that will be prepared by the Engineering Department and placed on file with the City Finance Officer.

The estimated cost of the project is \$4,400, which will be assessed to the affected property owners. This estimate includes six percent (6%) engineering fees and five percent (5%) fiscal agent fees. Interim construction finance fees to be determined by the Finance Officer shall be included in the project cost, the total, which will be assessed to the benefiting properties.

The recorded owners and estimated costs to the affected properties are as follows:

William & Sheryl Garland 108 West Boulevard North Rapid City, SD 57701	Canyon View Tract Block 6, Lot 16	\$300
Kelli K. Shald 302 St. Andrew Street Rapid City, SD 57701	Flormann Addition Block 29, Lots 47-48	\$500
Leon & Elizabeth Sand 140 Montana Street Rapid City, SD 57701	Robbinsdale No. 6 Block 2, Lot 22	\$500
Tamaride LLC 232 E. Van Buren Street Rapid City, SD 57701	North Rapid Block 2, Lots 25-26	\$400
Pinedale Development c/o Joe Keown	Robbinsdale No. 10 Block 14, Lot 33	\$1,000

4040 Penrose Place
Rapid City, SD 57702

KEA Prop., Ltd. Partnership
1519 Forest Hills Drive
Rapid City, SD 57702

Conway
Lot 7

\$1,700

The method of apportionment is as follows:

The above affected property owners will be assessed 100% of the cost of the street improvements abutting their properties. The total cost is estimated to be \$4,400.

The above-described project shall hereafter be referred to as the Sidewalk Improvement Project SWK02-1139, which shall be deemed a description of the project as hereinafter set forth.

Dated this 15th day of July, 2002

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

CITY OF RAPIDCITY
s/ Jerry Munson, Mayor

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

The next item discussed by the Council was No. PW062602-17 – Proposed **Ice Arena Rates** for Fall-Winter 2002/Winter-Spring 2003. Motion was made by Kroeger and seconded by Johnson to approve the revised rate schedule as attached to the agenda. Kooiker suggested a revision to the daily pass fee that would allow children under the age of four or five to use the facility free of charge. He added that he feels there are ways to allow citizens to purchase passes in increments and still provide adequate cash flow. Johnson spoke in favor of keeping the rate structure simple. Also, if younger children get to use the ice facility free, the same argument could be made for the swimming pools. Upon vote being taken, the motion to approve the revised rates carried unanimously.

Motion was made by Kroeger and seconded by Dreyer to approve No. PW051502-13 – Sewer Service **Agreement between Black Hawk Sanitary District** and City of Rapid City that includes - eighty-five percent (85%) of the retail rate and \$750 capital development fee. Johnson spoke against charging the people in the Black Hawk Sanitary District less than the citizens of Rapid City. Substitute motion was made by Johnson and seconded by Kroeger to approve the agreement with Black Hawk Sanitary District with 100% of the retail rate rather than 85%, plus the capital development fee in the amount of \$750. Second substitute motion was made by Hanks and seconded by Johnson to approve the agreement following the established policy charging 150% of the retail rate (no capital development fee), and signing waiver of right to protest. According to the figures of the Public Works Department, this method would generate the most revenue for the City's enterprise fund. Kriebel stated that he doesn't feel it is fair to charge the Black Hawk District 150% when other areas outside the city limits are not paying that amount. Roll call vote was taken: AYE: Rodriguez, Kooiker, Hanks, Kroeger, Waugh and Johnson; NO: Dreyer, Kriebel, Murphy and Hadley. Motion carried, 6-4.

Motion was made by Johnson and seconded by Hanks to table the issue of rescinding the Resolution Establishing a Policy for **Outside Services**. Upon vote being taken, the motion carried with Kriebel voting no.

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 treasurer checks, drawn on the proper funds, in payment thereof:

Payroll Ending 6-29-02, Paid 7-05-02	648,692.41
Payroll Ending 6-29-02, Paid 7-05-02	3,012.80
Pioneer Bank & Trust, taxes Paid 7-05-02	156,358.41
Pioneer Bank & Trust, taxes Paid 7-05-02	225.35
First American Administrators, claims Paid 7-03-02	33,660.86
First American Administrators, claims Paid 7-08-02	77,660.87
Berkley Risk Administrators, claims Paid 7-05-02	33,542.40
US Post Master, billing postage	1,100.00
Computer Bill List	<u>2,727,493.94</u>
Total	\$3,681,747.04

Payroll Ending 6-29-02, Paid 7-05-02	2,552.80
Pioneer Bank & Trust, taxes Paid 7-05-02	191.41
Petty Cash, office supplies	37.00
City of Rapid City, postage	140.05
City of Rapid City, computer supplies	179.52
City of Rapid City, health insurance	608.56
Dakota Business, copier usage	10.49
Johnson Machine, van filter	10.67
Philfleet Advantage, gasoline	77.90
SD School of Mines, telephone	64.34
Standard Life, insurance	7.92
Angelique Weeks, mileage	<u>31.20</u>
Total	\$3,685,658.90

Treasurers Checks

Stanley Johnsen Concrete	458.18
RCS Construction	<u>2,451.52</u>
Total	\$3,688,568.60

Executive Session

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

The Council came out of executive session at 10:55 with all members present.

Regarding replacement of the fluorescent **school crossing signs**, motion was made by Kriebel and seconded by Murphy to direct staff to begin a replacement program with the Fluorescent Yellow/Green School Crossing Signs over an eight (8) year cycle. Kooiker stated that he feels this is a good first step and he encouraged the City to complete this project as soon as possible rather than taking 8 years. Upon vote being taken, the motion carried unanimously.

Based on discussions during executive session, motion was made by Hadley and seconded by Rodriguez to authorize the City Attorney to appeal the judgment in the Wildwood vs. City of Rapid City case and the City of Rapid City vs. Finn case. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Johnson, seconded by Hadley and carried to authorize staff to obtain quotes on getting an appraisal for a major drainage easement for the Knollwood Drainage Basin.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:00 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)