

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

August 5, 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, August 5, 2002 at 7:00 P.M.

Mayor Jerry Munson, Finance Officer Jim Preston, and the following Alderpersons were present: Tom Johnson, Alan Hanks, 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: Sam Kooiker.

Motion was made by Dreyer, seconded by Hanks and carried to **approve the minutes** of July 15, 2002.

Bid Openings

The following vendors submitted bids for One New Current Model Year **Utility Vehicle with Dump Box** for the Cemetery (No. CC080502-01) which were opened on August 1, 2002: 1) Midwest Turf & Irrigation; and 2) North Star Turf. Staff has reviewed the bids and recommends award to Midwest Turf & Irrigation. Motion was made by Kroeger, seconded by Johnson and carried to award the bid for a Utility Vehicle for the Cemetery to Midwest Turf & Irrigation, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$16,434.

Mayor's Items

The next item on the agenda was No. LF073102-12, approve Appointment of Scott Nash as Ward Two Representative on Planning Commission. Motion was made by Kroeger, seconded by Rodriguez and carried to table this item.

Motion was made by Waugh, seconded by Johnson and carried to approve the appointment of Steve Doshier, Craig Grotenhouse, Pat Pummel, Martin Busch, Larry Stoner, Joel Jundt, Kim Osberg, Tom Johnson, Martha Rodriguez, Rod Johnson, Trish Anderson, and Lon VanDeusen to the **Omaha Street Landscaping Task Force** (No. LF073102-13).

Alderperson Items/Liaison Reports

Motion was made by Dreyer and seconded by Rodriguez to return to a **two-day schedule** for the Public Works and Legal & Finance Committee Meetings (Public Works Committee on Tuesday and Legal & Finance on Wednesday). Dreyer stated that he feels it would be good judgment by the Council to return to the two-day format because of the length of the meetings. Meeting on two different days would allow those interested in speaking on an issue a better opportunity without having to wait all day. Hadley stated if the reason for going back to two meetings is to better serve the public, then the meetings should be held later in the afternoon. Kriebel stated that he feels the Council should not have the committee meetings and increase the number of official council meetings to four or five each month. Substitute motion was made by Hadley and seconded by Murphy to refer this issue to the Legal & Finance Committee for review and recommendation. Roll call vote was taken: AYE: Hadley, Murphy, Kriebel, Johnson and Waugh; NO: Kroeger, Dreyer Hanks and Rodriguez. Substitute motion carried, 5-4.

Hadley expressed concern about the lack of progress being made on the improvements to Roosevelt Park. Motion was made by Hadley, seconded by Hanks and carried that the

Council get a briefing on all 2012 projects by the next meeting and that the Council get an update on 2012 projects at the first meeting of each month.

Kroeger asked if the City is collecting **capital development fees** on properties that are located outside the City limits, but connecting to the city sewer service system. Public Works Director Bjerke explained that staff is working with the legal representatives of the Rapid Valley Sanitary District on the best way to collect these fees. They are tracking the building permits that have been issued and will collect the fee when the specifics have been worked out. City Attorney Altman added that they are working toward collecting this fee at the building permit stage for properties outside the city limits just as it is collected for properties inside the city limits.

Special Items and Items from Visitors

Jerry Mitzel submitted petitions **opposing development** of Lot 3, Block 15, Canyon Lake Heights Subdivision. He asked that these petitions be considered when the preliminary and final plats come before the City Council.

The next item discussed by the Council was a **Request for Funding** from the Red Cross (No. LF073102-14). Mayor Munson explained that the local Red Cross organization is experiencing financial difficulty due to strain from recent local challenges as well as a significant decrease in local contributions since the September 11th disaster in New York. Munson encouraged the Council and citizens of the community to remember what the Red Cross has done for this community both recently and during the '72 Flood. Fire Chief Shepherd added that the Red Cross is always there to help during any disaster in the community and he encouraged the community to support the organization. Motion was made by Rodriguez and seconded by Kroeger to authorize an expenditure in the amount of \$10,000 for the Red Cross organization, funding to come from the Council Contingency Fund. Hadley stated that the City Council is a steward of the taxpayers money and he cannot support a contribution to the Red Cross or any other similar organization. He encouraged the Council to appeal to the citizens of the community to support this organization by making direct donations to them. He also requested that the media publicize the plight of this organization. Murphy concurred noting that the Red Cross is a valuable asset to the community, but it must be supported by community contributions, not tax dollars. Dawn Laskowski explained that the Black Hills Chapter of the Red Cross provides a valuable service to the entire West River area of South Dakota and particularly to Rapid City. It is a concern of the City Council that necessary resources are available to the citizens of the community and to make sure that the public is taken care of in a time of need. This is the service that is provided by the Red Cross by its ability to provide disaster response. In that context, the organization provides a mutual benefit to the citizens of Rapid City by the continuance of the organization and its ability to remain responsive. Rodriguez called the question and there were no objections. Roll call vote was taken: AYE: Kroeger and Rodriguez; NO: Hadley, Murphy, Kriebel, Johnson, Waugh, Dreyer and Hanks. Motion failed, 2-7.

Motion was made by Kroeger, seconded by Murphy and carried to approve the release of a **Temporary Access Easement** on Lot 15R, Block 3, Skyline Pines Development.

Alcoholic Beverage License Applications

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

Upon motion made by Hadley, seconded by Hanks and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearing to be held on Monday, August 19, 2002:

8. I-90 Fuel Services, Inc. dba **Windmill Truck Stop**, 2783 Deadwood Avenue, for an On-Off Sale Malt Beverage License Transfer (from Howe's Oil Company, Inc.)
9. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery)
10. Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Sale Wine License (New License – No Video Lottery)

Consent Calendar Items

The following items were removed from the Consent Calendar:

Set for Hearing (August 19, 2002)

11. No. 02PD019 - A request by Dream Design International, Inc. for a **Revocation of a portion of an area designated as a Planned Development Designation** on property described by metes and bounds as commencing at the Southeast corner of the Aladdin Heights subdivision; thence North 00°00'32" East a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence North 00°00'32" East a distance of 196.48 feet along the East line of the Aladdin Heights Subdivision; thence South 71°06'54" East a distance of 159.73 feet; thence South 46°14'08" West a distance of 209.31 feet; returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Blvd.
26. No. 02VE007 – Approve with stipulations a Vacation of Utility and Minor Drainage Easements for petitioner Aloysius Holzer, Jr. on Lot 11, Block 12, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 3154 Bonita Lane.
41. No. LF073102-08 - Approve Resolution to Apply for an On-Sale Wine License for Meadowbrook Golf Course.
43. Approve the following licenses: Central Station Service: Central Station, Inc., Don H. Minyard; Mechanical Apprentice: Derek Jenkins; Plumber: Don Sheffield; Residential Contractor: Avvampato Construction Company, Joseph and Kelly Avvampato; Pulis Construction, Trent Pulis & Todd Pulis; Second Hand: Treasure Chest, Shawna Maxfield; Sign Contractor: Epcon Sign Company, Mark Lynde; Sewer and Water Journeyman Installer: Brandon Hemenway; Trenching Journeyman: Derek W. Edgecomb, Paul Kreun.
45. No. CC080502-06 – Notification from Muscular Dystrophy Association to conduct a raffle the week of August 5 through August 10, 2002.

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

Public Works Committee Items

12. No. PW073102-01 – Approve Change Order No. 01 for WRF01-1132, Water Reclamation Facility Improvements – Administration Building Project to Scull Construction Service, Inc. for a decrease of \$1,429; contingent upon review and approval of South Dakota Department of Environment and Natural Resources.
13. No. PW073102-02 - Approve Change Order No. 01F for W02-1169, Water Metering and Backflow Prevention of Irrigation Systems Project to Hills Materials Company for an increase of \$4,082.27.
14. No. PW073102-03 – Authorize staff to advertise for bids for MIP02-1153, Miscellaneous Improvements Project.

15. No. PW073102-04 - Authorize staff to advertise for bids for SS02-1227, Block 94 Sanitary Sewer Reconstruction Project.
16. No. PW073102-05 – Authorize the Mayor and Finance Officer to sign a South Dakota Department of Transportation Maintenance and Financial Agreement for PH 90-2(00)61 PCEM 558M - Traffic Signals and Roadway Lighting at I90 Exit 61 ramps and SD 437 (Elk Vale Road).
17. No. PW073102-06 - Authorize the Mayor and Finance Officer to sign a Black Hills Power, Inc. Right-Of-Way Permit – UG Corporation Agreement for Fire Station No. 6 Electrical Service.
18. No. PW073102-08 - Authorize the Mayor and Finance Officer to sign an Agreement with Quality Flow Systems, Inc. to Upgrade Radio Telemetry in the amount of \$127,600.
19. No. PW073102-10 - Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. for Geotechnical Drilling and Lab Testing for WRF02-1195, Water Reclamation Facility Waterline Installation Project for an amount not to exceed \$4,488.25; contingent upon review and approval of South Dakota Department of Environment and Natural Resources.
20. No. PW073102-11 - Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with TSP Three, Inc. to Design SS02-1227, Block 94 Sanitary Sewer Reconstruction Project for an amount not to exceed \$5,745.
21. No. PW073102-12 – Approve an Initial Resolution Setting Time and Place for Hearing on September 2, 2002 for ST02-1214, Block 11 (South Park Addition) Alley Paving Project.

INITIAL RESOLUTION FOR
BLOCK 11 ALLEY PAVING (SOUTH PARK ADDITION)
PROJECT NO. ST02-1214

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 paving approximately 560 linear feet of alley, located in Block 11 of the South Park Addition, as outlined in the proposed Resolution of Necessity for Block 11 Alley Paving (South Park Addition) Project ST02-1214, which is on file with the Finance Officer. The costs for such improvements will be assessed to the affected property owners on an "equal benefit" basis.

2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Tuesday the 3rd day of September, 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 5th day of August, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

22. No. PW073102-13 – Approve an Agreement with Gail Miller, 907 N. Madison for Drainage Right-Of-Way in the Knollwood Drainage Basin and authorize issuance of a Treasure's Check in the amount of \$12,000.
23. No. PW073102-14 – Approve a Request to appropriate \$4,875.89 for installation of magnetic hold opens at doors for Rapid City Community Centers at South and West Middle Schools Project.
24. Authorize staff to solicit proposals from nonprofit organizations for assembly and distribution of new Automated Solid Waste Collection Containers.
25. No. 02RD004 – Approve with stipulations a Resolution renaming Smith Avenue to Merlot Drive for petitioner CETEC Engineering for Park Hill Development, Inc. located in Park Meadows Subdivision.

Resolution changing the road named Smith Avenue to Merlot Drive

BE IT RESOLVED by the City of Rapid City that the unplatted balance of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in Park Meadows Subdivision, be, and is hereby, renamed to Merlot Drive.

DATED this 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

27. No. 02VE008 – Approve with stipulations a Vacation of Drainage Easement for petitioner Ivan Kundel, located at 5256 Basswood Drive.

RESOLUTION OF VACATION OF DRAINAGE EASEMENT

WHEREAS it appears that a portion of the drainage easement on Lot 12 of Block 6 of Scenic Valley Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 5256 Basswood Drive, is not needed for public purposes; and

WHEREAS the owner of said property desires said portion of drainage easement to be vacated and released

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the drainage easement heretofore 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 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

28. No. PW073102-15 – Approve Northdale Sanitary District request to annex Lots A and B, Fuss Subdivision with a \$750 hookup fee.
29. Direct that the Planning section of the Council Agenda reflect the individual votes, and also that the Mayor and Council be provided a summary of the decisions made by the Planning Commission under Ordinance 3771 within 48 hours of the decision.

Legal & Finance Committee

30. No. LF073102-01 - Approve Event Permit for Red Ribbon Committee to hold parade on October 12, 2002.
31. Authorize staff to apply for a grant award for the 2002 Local Law Enforcement Block Grant in the sum of \$122,560 (required match of \$13,618).
32. Authorize staff to apply for a grant in the sum of \$5,000 for check points for under age drinking (no matching funds required).
33. No. LF073102-02 - Authorize Mayor and Finance Officer to sign Medical Director Agreement.
34. No. LF073102-03 - Approve Travel Request for David Christie to attend "Highway Emergency Response Specialist" classes at the Emergency Response Training Center in Pueblo, CO, from September 9-13, 2002, in the sum of \$1,790.
35. No. LF073102-04 - Approve Travel request for Jimmy Massey and Shawn Barrows to attend classes for Intermediate SAFT/Recert.-20 Hours (ARFF) in Helena, MT, September 23-25, 2002, in the sum of \$1,919.92.
36. No. 02TP004 - Authorize staff to advertise the Eglin Street Corridor Study Request for Proposals.
37. Authorize Mayor and Finance Officer to sign Contract with Midcontinent Communications for music services and advertising space at the Ice Arena.
38. No. LF073102-06 - Approve Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.

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

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

1. The assessment roll for Property Cleanup was filed in the Finance Office on the 5th day of August, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Tuesday, September 3, 2002 at 7:00 P.M., this said date being not less than twenty (20) days from the filing of said assessment roll for hearing thereon.
2. The Finance Officer is authorized and directed to prepare a Notice stating the date of filing the assessment roll, the time and place of hearing thereon, that the assessment roll will be open for public inspection at the Office of the Finance Officer, and referring to the assessment roll for further particulars.
3. The Finance Officer is further authorized and directed to publish notice in the official newspaper one week prior to the date set for hearing and to mail copy thereof, by first class mail, addressed to the owner or owners of any property to be assessed at his, her or their last mailing address as shown by the records of the Director of Equalization, at least one week prior to the date set for hearing.

Dated this 5th day of August, 2002.

ATTEST:

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

s/ James F. Preston
Finance Officer
(SEAL)

39. No. LF073102-07 - Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Police Departments

1966 Chevrolet Step Van, SN P2556F174717

1973 Gerstenslager (Chevrolet) Van, SN CPZ373V323848, Title No. 670248

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

Dated this 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

40. No. LF073102-17 - Acknowledge the written protest to proposed assessment for Pine Street Reconstruction.
42. No. LF073102-15 - Approve Resolution Amending the Resolution Approving the Agreement between the City of Rapid City, Local 1031, Council 59, American Federation of State, County and Municipal Employees, AFL-CIO, Library.

A RESOLUTION AMENDING THE RESOLUTION APPROVING THE
AGREEMENT BETWEEN THE CITY OF RAPID CITY, LOCAL 1031, COUNCIL 59
AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL
EMPL9YEES, AFL-CIO, LIBRARY

BE IT RESOLVED by the City of Rapid City that the salary schedule adopted in the agreement between the City of Rapid City Local 1031, Council 59, American Federation of State, County and Municipal Employees, AFL-CIO, Library Unit, be amended by adding the position of Clerk to Grade 9.

BE IT FURTHER RESOLVED that said resolution shall, in all other respects, remain unchanged and be of full force and effect.

Dated this 5th day of August, 2002.

ATTEST:
s/ James F. Preston
Finance Officer

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

(SEAL)

44. Direct staff to prepare an ordinance creating a Development Appeals and Review Board, and bring it back to the August 14, 2002 Legal & Finance Committee meeting for first reading consideration.

End of Consent Calendar

Motion was made by Hadley and seconded by Rodriguez to set for hearing No. 02PD019 - A request by Dream Design International, Inc. for a **Revocation of a portion of an area designated as a Planned Development Designation** on property described by metes and bounds as commencing at the Southeast corner of the Aladdin Heights subdivision; thence North 00°00'32" East a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence North 00°00'32" East a distance of 196.48 feet along the East line of the Aladdin Heights Subdivision; thence South 71°06'54" East a distance of 159.73 feet; thence South 46°14'08" West a distance of 209.31 feet; returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Blvd. Dreyer abstained from discussion or voting on this item. Upon vote being taken, the motion carried unanimously.

The Mayor presented No. 02VE007, a **Vacation of Utility and Minor Drainage Easements** for petitioner Aloysius Holzer, Jr. on Lot 11, Block 12, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 3154 Bonita Lane. Motion was made by Hadley, seconded by Hanks and carried to continue this item until August 19, 2002 as the stipulations have not been met.

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

RESOLUTION TO APPLY FOR AN ON-SALE WINE LICENSE
FOR MEADOWBROOK GOLF COURSE

WHEREAS, the City of Rapid City operates the Meadowbrook Golf Course as a public municipal golf course; and

WHEREAS, the City of Rapid City is in the process of constructing a new clubhouse at the Meadowbrook Golf Course; and

WHEREAS, the City currently has a malt beverage license at the Meadowbrook Golf Course; and

WHEREAS, the new club house will include facilities for serving food and beverages; and

WHEREAS, the Rapid City Common Council deems it in the best interest of the public offer wine for sale in conjunction with the restaurant facilities at the Meadowbrook Golf Course; and

WHEREAS, SDCL §35-4-106 requires application for an on-sale license for a municipality operating a golf course to be made to the Department of Revenue by resolution;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that application is hereby made pursuant to SDCL § 35-4-106 to the Department of Revenue for the issuance of an on-sale light wine license under SDCL § 35-4-2(12) for the Meadowbrook Municipal Golf Course.

Dated this 5th day of August, 2002.

CITY OF RAPID CITY

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

s/ Jerry Munson, Mayor

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

The next item before the Council was approval of the following licenses: Central Station Service: Central Station, Inc., Don H. Minyard; Mechanical Apprentice: Derek Jenkins; Plumber: Don Sheffield; Residential Contractor: Avvampato Construction Company, Joseph and Kelly Avvampato; Pulis Construction, Trent Pulis & Todd Pulis; Second Hand: Treasure Chest, Shawna Maxfield; Sign Contractor: Epcon Sign Company, Mark Lynde; Sewer and Water Journeyman Installer: Brandon Hemenway; Trenching Journeyman: Derek W. Edgecomb, Paul Kreun. Finance Officer Preston requested that the following license be added to the list for approval: Security Business License for Steve Dary, dba Event Security, Inc. Motion was made by Johnson, seconded by Murphy and carried to approve the above-listed licenses.

Motion was made by Kroeger, seconded by Waugh and carried to acknowledge notification from **Muscular Dystrophy Association** to conduct a raffle the week of August 5 through August 10, 2002 (No. CC080502-06).

Public Hearings

The Mayor announced that the meeting was open for consideration of the Resolution of Necessity for Block 17 Alley Paving (Wise Addition) Project ST01-1142 (No. CC080502-02). Notice of Hearing was published in the Rapid City Journal on July 13 and July 20, 2002 and mailed to affected property owners on July 9, 2002. No oral or written objections were made. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION OF NECESSITY FOR BLOCK 17 ALLEY PAVING (WISE ADDITION) PROJECT NO. ST01-1142

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

The City Council hereby declares the necessity of paving approximately 480 linear feet of alley as located in Block 17 of the Wise Addition.

The general nature of the project is as 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 costs of the project are \$17,000 of which 60% (\$11,000) will be assessed to the benefiting properties on the basis of equal benefit.

These estimated assessed costs include six percent (6%) engineering fees and five percent (5%) fiscal fees. Interim construction fees to be determined by the Finance Officer shall be included in the project cost, which will be assessed to the benefiting properties.

The recorded owners of the affected properties are as follows:

Owner	Property	Estimated Cost
R. Gordon & Elizabeth P. Bryan 130 Talavera Parkway, No. 734 San Antonio, TX 78232	Wise Addition, Block 17 Lot 1	\$640
Joe D. Muth 2406 Arroya Court Rapid City, SD 57702	Wise Addition, Block 17 Lot 2	\$640
Shelly M. Ridenour 398 Highgate Avenue Worthington, OH 43085	Wise Addition, Block 17 Lot 3	\$640
Shelly M. Ridenour 398 Highgate Avenue Worthington, OH 43085	Wise Addition, Block 17 Lot 4	\$640
Scott & Dawn Haskell 7204 Robin Lane Black Hawk, SD 57718	Wise Addition, Block 17 Lot 5	\$640
Ruth E. Hadcock 3901 W. Omaha Street Rapid City, SD 57702	Wise Addition, Block 17 Lot 6	\$640
Ruth E. Hadcock 3901 W. Omaha Street Rapid City, SD 57702	Wise Addition, Block 17 Lot 7	\$640
Jeri L. Lynn 205 E. Monroe Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 8	\$640
Lujean A. Steiner 2500 Lindsey Drive Rapid City, SD 57702	Wise Addition, Block 17 Lot 9	\$640
Henry & Cleo Martens 201 E. Monroe Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 10	\$640
Winston & Geraldine Hutchins 202 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 11	\$510
Winston & Geraldine Hutchins 202 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 17 W11' of Lot 12	\$140
Jerry & Cheryl Kendall 3215 Frontier Place Rapid City, SD 57702	Wise Addition, Block 17 E 33' of Lot 12	\$350

Jerry & Cheryl Kendall 3215 Frontier Place Rapid City, SD 57702	Wise Addition, Block 17 W 27' of Lot 13	\$290
Soteria Mantzeoros-Cooper 208 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 17 E 17' of Lot 13	\$180
Soteria Mantzeoros-Cooper 208 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 14	\$460
Richard & Delores Copper 210 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 15	\$320
Richard & Delores Copper 210 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 16	\$320
Morris H. Norby 425 E. Oakland Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 17	\$640
Mary J. Collins 216 E. Madison Street Rapid City, SD 57701	Wise Addition, Block 17 Lot 18	\$640
Greg Nespad & Virginia Clark P. O. Box 141 Nemo, SD 57759	Wise Addition, Block 17 Lot A	\$640

The method of apportionment is as follows:

- The above affected property owners will be assessed 60% of the cost of the street improvements on an equal benefit basis. The total assessed cost is estimated to be \$11,000.

The above-described project shall hereinafter be referred to as the Block 17 Alley Paving Project (Wise Addition) ST01-1142, which shall be deemed a description of the project as hereinafter set forth.

Dated this 5th day of August, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

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

The Mayor announced that the meeting was open for consideration of the assessment roll for **42nd Street Sanitary Sewer Extension Project** SS01-1050 (No. CC080502-03). Notice of

Hearing was published in the Rapid City Journal on July 29, 2002 and mailed to affected property owners on July 9, 2002. No oral or written objections were noted. The following Resolution was introduced, read and Rodriguez moved its adoption:

**RESOLUTION LEVYING ASSESSMENT FOR
42nd STREET SANITARY SEWER EXTENSION PROJECT SS01-1050**

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 sewer extension project is the amount stated in the proposed assessment roll.
2. The assessment roll for 42nd Street Sanitary Sewer Extension Project SS01-1050 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 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

The Mayor announced that the meeting was open for consideration of the Resolution Of Necessity for Block 69 (Original Town) Alley Paving Project No. ST02-1167 (No. CC080502-04). Notice of Hearing was published in the Rapid City Journal on July 13 and July 20, 2002 and mailed to affected property owners on July 9, 2002. No oral or written objections were made. The following Resolution was introduced, read and Rodriguez moved its adoption:

**RESOLUTION OF NECESSITY FOR
BLOCK 69 (OT) ALLEY PAVING PROJECT NO. ST02-1167**

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

The City Council hereby declares the necessity of paving approximately 350 linear feet of alley as located in Block 68 (part) and Block 69 of the Original Town.

The general nature of the project is as 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 costs of the project are \$15,000 of which 60% (\$9,000) will be assessed to the benefiting properties on the basis of front footage.

These estimated assessed costs include six percent (6%) engineering fees and five percent (5%) fiscal fees. Interim construction fees to be determine by the Finance Officer shall be included in the project costs, which will be assessed to the benefiting properties.

The recorded owners of the affected properties are as follows:

Owner	Property	Estimated Cost
W.D. Gemeny/Mollers Limited Partnership 2725 Frontier Drive Rapid City, SD 57702	Original Town of Rapid City Block 68, Part of Lots 23-32 (NE of RR Track #20)	\$1,585
W.D. Gemeny/Mollers Limited Partnership 2725 Frontier Drive Rapid City, SD 57702	Original Town of Rapid City Block 68, Lots 1-4 (201 Omaha Street)	\$1,585
W.D. Gemeny/Mollers Limited Partnership 2725 Frontier Drive Rapid City, SD 57702	Original Town of Rapid City Block 68, Lots 1-8 (111 Omaha Street)	\$2,775
W.D. Gemeny/Mollers Limited Partnership 2725 Frontier Drive Rapid City, SD 57702	Original Town of Rapid City Block 69, Lots 25-26 (116 Rapid Street)	\$555
Stath & Helen Mantzeoros 915 Halley Avenue Rapid City, SD 57701	Original Town of Rapid City Block 69, Lots 27-32 (110 Rapid Street)	\$2,500

The method of apportionment is as follows:

The above affected property owners will be assessed 60% of the costs of the street improvements on a front footage basis. The total assessed cost is estimated to be \$9,000.

The above-described project shall hereinafter be referred to as the Block 69 (OT) Alley Paving Project ST02-1167, which shall be deemed a description of the project as hereinafter set forth.

Dated this 5th day of August, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

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

The Mayor announced that the meeting was open for consideration of the Resolution of Necessity for **Homestead/Timmons Road Construction Project No. ST02-1224** (No. CC080502-05). Notice of Hearing was published in the Rapid City Journal on July 20 and July 27, 2002 and mailed to affected property owners on July 16, 2002. No oral or written objections were made. The following Resolution was introduced, read and Rodriguez moved its adoption:

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

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

The City Council hereby declares the necessity of constructing approximately 600 LF of Homestead Street immediately east of Elk Vale Road, 1300 LF of north-south roadway (temporarily to be called Timmons Avenue), and 1300 LF of Timmons Avenue easterly to Degeest Street consisting of the construction of the roadway grading, drainage structures, water mains, sewer mains, curb & gutter, surfacing, pavement markings, sidewalk/bike path, street lighting, signage, and appurtenances, to be located in the NW1/4 of Section 3, T1N, R8E, BHM.

The above-described project shall hereinafter be referred to as Homestead/Timmons Road Construction Project No. ST02-1224, which shall be deemed a description of the above-referenced improvements.

The general nature of the project is as set forth above. Detailed plans and specifications will be prepared by a consultant engineer and will be placed on file with the City Finance Officer.

The developer's estimated total cost of the project is \$1,930,898.25 of which \$1,600,000 will be assessed to the benefiting properties. The estimated assessed costs include consultant services for design, 6% engineering fees and 5% fiscal fees. Interim construction fees are to be determined by the Finance Officer and shall be included in the final assessment.

The method of assessment is on a benefit basis.

The recorded ownership and estimated cost for each property is listed on the attached ownership list.

Dated this 5th day of August, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

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

The Mayor presented No. 02FV007, a request for a **Fence Height Exception** for petitioner Dakota Deck and Fence for Jon Brue to allow a six-foot six inch high fence in the front yard setback on Lot 99 of Woodridge Subdivision, Section 11, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1124 Woodridge Drive. Motion was made by Rodriguez, seconded by Hanks and carried to approve the requested Fence Height Exception.

The Mayor presented No. 02FV008, a request for a **Fence Height Exception** for Craig Stump for Sheridan Lake Properties, LLC to allow a six foot fence in the front yard setback on Lot A Revised of Donhiser Addition; Lot B and the vacated Clower Lane of Donhiser Addition; and, Lot 1 of Lot J of Harter Addition all located in the NE1/4 of Section 3, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 740 Sheridan Lake Road. Motion was made by Rodriguez, seconded by Hanks and carried to approve the requested

Exception, with the stipulation that a building permit be obtained prior to construction of the fence.

Planning Department Consent Items

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

52. 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 19, 2002)
53. 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 19, 2002)
54. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO AUGUST 19, 2002)
55. 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 19, 2002)
56. 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 SEPTEMBER 3, 2002)
57. 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 19, 2002)

58. 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 19, 2002)
59. No. 02PL014 – Approve the request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** located at the northwest corner of the intersection of East Oakland Street and Smith Avenue.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1A and 1B of Block 1 (formerly Lot 1 of Block 1) 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 1A and 1B of Block 1 (formerly Lot 1 of Block 1) 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 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

60. 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; legally described as 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 SEPTEMBER 3, 2002)
61. 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 19, 2002)

62. 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 19, 2002)
63. 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; legally described as 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 AUGUST 19, 2002)
64. 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 SEPTEMBER 3, 2002)
66. 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; legally described as 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 AUGUST 19, 2002)
67. 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; legally described as 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 AUGUST 19, 2002)
68. 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. (CONTINUE TO AUGUST 19, 2002)
69. 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 the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO AUGUST 19, 2002)

71. No. 02PL053 – Approve the request by Doug Sperlich for Dennis Zandstra for a **Preliminary and Final Plat** located at the intersection of Augusta Drive and Northstar Court.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 1 and 2 of Block 11, Elks Country Estates (formerly a portion of Tract 1 of the E1/2 of Section 16) located in the NE1/4 of the SE1/4, Section 16, 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 1 and 2 of Block 11, Elks Country Estates (formerly a portion of Tract 1 of the E1/2 of Section 16) located in the NE1/4 of the SE1/4, Section 16, 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 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

72. 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; legally described as 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 AUGUST 19, 2002)
74. No. 02PL063 – Approve the 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** located west of Winter Set Drive and south of Stoney Creek Court.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 10R, 11R and 17R (formerly Lots 10, 11 and 17 of Block 7 and Outlot M) of Block 7 of Autumn Hills Subdivision, located in W1/2 of NW1/4 of Section 22, 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 10R, 11R and 17R (formerly Lots 10, 11 and 17 of Block 7 and Outlot M) of Block 7 of Autumn Hills Subdivision, located in W1/2 of NW1/4 of Section 22, 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 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

75. No. 02PL068 - A request by Doug Sperlich for Kelly Construction for a **Layout, Preliminary and Final Plat** on Lots A thru M of Lot 3, 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; legally described as 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. (CONTINUE TO AUGUST 19, 2002)
76. No. 02PL069 - A request by CETEC Engineering for Park Hill Development, Inc. for a **Layout and Preliminary Plat** on Lots 2A, 2B, 3A, 3B, 4, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9, 10A, 1B, 11A, 11B, 12A, 12B, 13A, 13B, 14 thru 20 of Block 1; and Lots 8, 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 14B, 15 thru 18 of Block 2; and Lots 1 thru 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B of Block 5; and dedicated right-of-way of Park Meadows Subdivision, located in the NE1/4 of SE1/4, SE1/4 of NE1/4, and the SW1/4 of NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lots 8 thru 18 of Block 2; Lots 2 thru 20 of Block 1; and Lots 1 thru 13 of Block 5, Park Meadows Subdivision, located in the NE1/4 of SE1/4, SE1/4 of NE1/4, and the SW1/4 of NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in Park Meadows Subdivision. (CONTINUE TO AUGUST 19, 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 Hanks and seconded by Rodriguez to continue this item until August 19, 2002. Jeff Eucker expressed concern about the water pressure in this area. Upon vote being taken, the motion to continue carried unanimously.

The Mayor presented 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. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until September 3, 2002.

The Mayor presented No. 02PL058, a request by Dream Design International, Inc. for a **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 Hanks and seconded by Murphy to continue this item until August 19, 2002. Dreyer abstained from discussion or voting on this item. Upon vote being taken, the motion to continue carried unanimously.

The Mayor presented No. 02SE004, a request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual** on the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of proposed future 5th Street. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until September 3, 2002.

End of Planning Department Consent Items

The Mayor presented No. 02PL037, a request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota; 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. Motion was made by Rodriguez, seconded by Hanks and carried to approve the Preliminary Plat with the following stipulations, and continue the Final Plat until August 19, 2002: 1) Prior to Preliminary Plat approval by the City Council, a revised water plan shall be submitted for review and approval. In addition, construction plans for the 12 inch water line along Haines Avenue shall be submitted for review and approval prior to Final Plat approval by the City Council. The 12 inch water line shall be constructed prior to issuance of a building permit; 2) Prior to Final Plat approval by the City Council, the applicant shall enter into a cost sharing agreement with the City for the 12 inch water line extension along Haines Avenue; 3) Prior to Preliminary Plat approval by the City Council, a revised sewer plan shall be submitted for review and approval. In particular, the sewer plan shall identify the sewer line along Haines Avenue shifted to the east such that it will be centered in a future additional south bound lane. In addition, access for maintenance of the manhole(s) shall be provided; 4) Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with the City allowing the Mall Ridge Lift Station to serve the proposed development. Current and/or future connection fees shall be identified and paid accordingly; 5) Prior to Preliminary Plat approval

by the City Council, a revised drainage plan shall be submitted for review and approval identifying all storm water management facilities, including all conveyance elements. Detention facilities shall be located exclusively on the subject property or drainage easements shall be obtained from the adjacent property owner. Any such easements shall be recorded at the Register of Deed's Office prior to Preliminary Plat approval by the City Council; 6) Prior to Preliminary Plat approval by the City Council, the applicant shall demonstrate that no inter basin transfer of drainage flows is occurring or documentation shall be provided identifying the legal right to transfer the drainage; 7) Prior to Preliminary Plat approval by the City Council, an interim drainage and erosion control plan for the proposed phases of development, including borrow or waste sites, shall be submitted for review and approval; 8) Prior to Preliminary Plat approval by the Planning Commission, the construction plans and the phasing plan(s) shall be coordinated and submitted for review and approval; 9) 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; 10) The Uniform Fire Code shall be continually met; 11) Prior to Final Plat approval by the City Council, a Wild Fire Mitigation Plan shall be submitted for review and approval; 12) Prior to Final Plat approval by the City Council, the applicant shall enter into an agreement with Pennington County stating that the applicant shall pay the true cost of the construction for his share of the Haines Avenue improvements and that surety shall be posted for the estimated cost with the amount being adjusted as necessary; 13) Prior to Final Plat approval by the City Council, the property shall be rezoned to allow the proposed residential development and the Rapid City Comprehensive Plan shall be amended accordingly; 14) 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. 15) 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, 16) Prior to Final Plat approval by the City Council, surety for all subdivision improvements shall be posted and the subdivision inspection fees shall be paid.

Planning Department – Hearings

The Mayor presented No. 02CA039 - A request by Nathan A. Barton for Century Medical Plaza, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a .41 acre parcel from Residential to Office Commercial** 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. Motion was made by Rodriguez, seconded by Hanks and carried to deny the application without prejudice.

The Mayor presented 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 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. Motion was made by Rodriguez, seconded by Waugh and carried to approve the Amendment with the following stipulations: 1) Onsite storm sewer inlets must not be blocked from functioning; 2) Portable toilets must be provided as required by the Building Inspection Division; 3) Article 32 of the Uniform Fire Code must be continually met; 4) Access to fire hydrants shall not be blocked or impeded; 5) Fire Department apparatus access to the Rushmore Mall or the event area shall not be blocked or impeded; 6) Prior to issuance of a Temporary Use Permit, the applicant shall provide a Tent Inspection Checklist and Tent Inspection Plan Review to the Fire Department for their review and approval; 7) The applicant shall obtain a Temporary Use Permit for each event; 8) The applicant shall obtain a Sign Permit for any additional signs posted in conjunction with an event and Chapter 15.28 of the Rapid City Municipal Code must be continually met; 9) A major amendment to the Planned

Commercial Development must be obtained for any event serving alcohol; 10) All provisions of Section 17.50.270, the Minimum Off-Street Parking Requirements of the Rapid City Municipal Code shall be continually met.

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 Rodriguez, seconded by Hanks and carried to continue this item until August 19, 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 Rodriguez, seconded by Hanks and carried to continue this item until August 19, 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; legally described as 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 Rodriguez, seconded by Hanks and carried to continue this item until August 19, 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 Rodriguez, seconded by Hanks and carried to continue this item until August 19, 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 Rodriguez, seconded by Hanks and carried to continue this item until August 19, 2002.

The Mayor presented No. 02SV032, 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 the unplatted balance of the S1/2 of the NE1/4 and the NE1/4 of the SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in Park Meadows Subdivision. Motion was made by Rodriguez, seconded by Hanks and carried to approve the requested Variance.

The Mayor presented No. 02VR003, a request by John Johnson for First Western Bank 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. Motion was made by Rodriguez and seconded by Hanks to deny this request without prejudice. John Johnson, President of First Western Bank at Sturgis, asked the Council to approve the vacation request. They have recently acquired the entire block and access through the alley is not feasible. He presented a layout of the property and how it would be affected by the Omaha Street widening project. Initially, the Planning Department indicated that if one entity owned the property on both sides of the alley and there were no objections from the utility companies, the vacation would not be a problem. Johnson stated that he has contacted all the utility companies and they have no objections to the vacation of the alley in principal. The Planning Commission is now asking for a Planned Development which would need to be drawn by an architect. Johnson stated that this is not an inexpensive piece of property nor is it a small project and the Bank intends to bring partners into the project. It will be difficult to sell the project to professional partners if the entire parcel is not available for development. Elkins noted the following responses which have been submitted from utility companies: 1) BH Fibercom has aerial fiber optic cable that could be relocated at considerable cost (typically paid by the applicant); 2) MDU does not object to the alley vacation, however the distribution main currently located in the alley would have to be retired; 3) Qwest has facilities in the easement and would need to enter into an agreement with the applicant; and 4) Midcontinent Communications has indicated no objection to the vacation request. There has been no response from BH Power & Light. Elkins suggested that this item be continued for two weeks until the agreements with the utility companies have been finalized and submitted. Stuart Wevik from the Planning Commission explained that they are in favor of the project, even though they know very little about it at this time. However, they felt that before they give away public right-of-way, the City should have a better idea of what is going to happen at this site. Substitute motion was made by Hadley, seconded by Johnson and carried to continue this item until August 19, 2002 so that additional information can be submitted.

The Mayor presented 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. Motion was made by Rodriguez, seconded by Johnson and carried to approve the revocation.

The Mayor presented 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. Motion was made by Rodriguez, seconded by Hanks and carried to approve the revocation.

Ordinances & Resolutions

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, having passed the first reading on July 15, 2002, it was

moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3834 was declared duly passed upon its second reading.

The Mayor presented No. 02RZ034, second reading of **Ordinance 3836**, 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. Motion was made by Hadley, seconded by Waugh and carried to continue the hearing on this item until September 3, 2002.

The Mayor announced the meeting was open for hearing on **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. Notice of hearing was published in the Rapid City Journal on July 20 and July 27, 2002. Ordinance 3837, having had the first reading on July 15, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3837 the second time.

Ordinance 3838 (No. LF073102-16) entitled An Ordinance Relating to the Slope and Width of Driveways, Amending Chapter 15.44 of the Rapid City Municipal Code by Adding Section 15.44.070, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading. Hanks requested that the language of the ordinance be clarified because other city ordinances only require that a driveway be paved for 50'. He also stated that he feels an appeal process should be added to the proposed ordinance. Fire Chief Shepherd explained that there are areas in the community that cannot be served by the City's fire trucks because they cannot get up steep driveways. He added that there are issues going up and coming down these steep driveways for fire vehicles as well as other emergency vehicles like ambulances. Johnson stated that he feels this ordinance would be overly burdensome to people who are trying to develop their property. City Attorney Altman noted that when this ordinance was prepared, staff tried to find a balance between the requirements of the ordinance and the benefit to the property because it would receive fire protection. Hadley amended his motion to include that an appeal process be added and that the language regarding paving be clarified. Upon vote being taken, the motion carried with Johnson voting no.

Ordinance 3839, (No. 02RZ036) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on Tract 1 of Parcel C of MJK Subdivision located in the E1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3839 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 19, 2002.

Ordinance 3840, (No. 02RZ037) a request by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on the following property, was introduced: Commencing at the Southeast corner of the Aladdin Heights subdivision; thence North 00°00'32" East a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of

Beginning; thence North 00°00'32" East a distance of 196.48 feet along the East line of the Aladdin Heights Subdivision; thence South 71°06'54" East a distance of 159.73 feet; thence South 46°14'08" West a distance of 209.31 feet; returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3840 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 19, 2002.

Ordinance 3841 (No. 02RZ038) a request by Dream Design International, Inc. for a **Rezoning from General Commercial District to Office Commercial District** on the following property, was introduced: Point of Beginning: the Southeast corner of the Aladdin Heights Subdivision; thence South 89°58'26" West a distance 12.49 feet along the South line of the Aladdin Heights Subdivision; thence North 50°22'03" West a distance of 94.20 feet; thence North 46°14'08" East a distance of 117.77 feet; thence South 00°00'32" West a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision; returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3841 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 19, 2002.

Ordinance 3842 (No. 02RZ039) a request by Dream Design International, Inc. for a **Rezoning from General Commercial District to Office Commercial District** on the following property, was introduced: Commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'26" West a distance of 93.96 feet along the South line of the Aladdin Heights Subdivision to the Point of Beginning; thence South 89°58'26" West a distance of 85.92 feet along the South line of the Aladdin Heights Subdivision; thence North 07°20'48" East a distance of 64.86 feet; thence South 50°22'03" East a distance of 100.79 feet returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Mel Dreyer abstained from discussion or voting on this item. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3842 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 19, 2002.

Ordinance 3843 (No. 02RZ040) a request by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on the following property, was introduced: Commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 179.88 feet along the south line of Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence South 07°20'48" West a distance of 460.81 feet; thence North 62°14'17" West a distance of 8.95 feet; thence North 51°24'29" West a distance of 48.67 feet; thence North 07°20'48" East a distance of 426.02 feet to the South line of Aladdin Heights Subdivision; thence 89°58'27" East a distance of 50.41 feet along the South line of the Aladdin Heights Subdivision; returning to the Point of Beginning, located east of Highway 16 and 1/4 mile north of Catron Boulevard. Mel Dreyer abstained from discussion or voting on this item. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3843 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 19, 2002.

Legal & Finance Committee Items

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

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A
GOVERNMENTAL LEASE-PURCHASE MASTER AGREEMENT FOR THE

PURCHASE OF GARBAGE TRUCKS AND CONTAINERS, AND
SUPPLEMENTS THERETO AND RELATED DOCUMENTS AND CERTIFICATES

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

- 1) The Governmental Lease-Purchase Master Agreement (the "Agreement" or the "Master Lease") and the Supplement or Supplements thereto and the Escrow Agreement, if any, are hereby approved substantially in the form presented to this board and on file in the office of the Secretary/Clerk.
- 2) The Mayor of the City is hereby authorized to execute the Agreement and any Supplement or Supplements thereto on behalf of the City, and to execute such other certificates and documents as may be necessary and appropriate to effectuate the transactions contemplated by the Agreement and said Supplement or Supplements. The Agreement, the Supplement or Supplements and the related documents may contain such necessary and appropriate variations, omissions and insertions as the Mayor shall determine to be necessary, and the execution thereof by the Mayor shall be conclusive evidence of such determination and its approval by the Council. The Council will approve all changes.
- 3) Lessee reasonably anticipates that it will issue tax-exempt obligations (not including "private activity bonds" as defined in Section 141 of the Internal Revenue Code of 1986, as amended) in an aggregate amount in excess of \$10 million during the calendar year in which the Lease commences. The lease is not designated as a qualified tax-exempt obligation for purposes of Section 265(b)(c) of the Internal Revenue Code of 1986, as amended, relating to deductibility of interest by financial institutions.

Dated this 5th day of August, 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, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. LF073102-09R, Authorization for Mayor and Finance Officer to sign **Development and Maintenance Agreement** between 5 Star Real Estate, Inc., City of Rapid City, and Williston Basin Interstate Pipeline Company. Motion was made by Hadley and seconded by Rodriguez to authorize signing the Agreement. Johnson stated that he does not understand why the City is party to this agreement. John Nooney, representing Five Star Real Estate, explained that the reason the City is a party to this agreement is that Williston Basin is considering dedicating property to the public which would be utilized when Disk Drive is extended. City Attorney Altman explained that the only obligations of the City under this Agreement are that we notify Williston Basin and give them the right to review utility crossings at Disk Drive and notify them of excavation for construction. We will also make every effort to avoid locating obstructions, other than pavement improvements, over the gas line. These are items that the City would do in any situation. Upon vote being taken, the motion carried with Johnson voting no.

The next item discussed by the Council was No. LF073102-10 - Authorize Mayor and Finance Officer to sign a Contract for Private Development for **Tax Increment District**

Number Thirty-Five between the City of Rapid City and Doyle Estates. Motion was made by Kroeger and seconded by Rodriguez to authorize signatures. Planning Director Elkins explained that this contract is the method the City uses to agree with the developer on how the funds will be distributed and what documentation will be provided that the expenditures will occur in accordance with the approved project plan. This contract sets out the implementation of the previous actions approving the tax increment district. Johnson spoke against the Plan and against using tax dollars to supplement a project that is for private development. Upon vote being taken, the motion carried with Hadley and Johnson voting no.

The next item before the Council was a request from the Dakota Artists Guild that **Artists and Musicians** be allowed in the public right-of-way on the downtown corners on Saturdays. Motion was made by Hadley and seconded by Murphy to continue this item to the next Legal & Finance Committee meeting. Altman noted that he sent an e-mail to the Council earlier today outlining his meeting with Ms. Thirstrup and the stipulations that should be addressed by the artists and musicians performing in the downtown area. Thirstrup stated that she has discussed this proposal with many downtown business owners and they are very enthusiastic about the project. Hadley withdrew his motion. Motion was made by Waugh and seconded by Rodriguez to approve the request. Substitute motion was made by Johnson and seconded by Waugh to approve the request with the condition that the Dakota Artist's Guild conform with the following stipulations: 1) No blocking pedestrian traffic; 2) No blocking entry to public or private places; 3) No encroachment into the street; 4) No structures to be erected; 5) DAG may not use City electricity; 6) No excess noise/no electronically amplified music; 7) Remove all tools/easels/paints each evening; 8) work with the Rapid City Police Department and meet their requirements; and 9) request that the Dakota Artists Guild provide a list of individuals who will be performing or showing their craft on the weekends. Upon vote being taken, the motion carried unanimously.

Motion was made by Murphy and seconded by Hanks to direct staff to make the following changes to the **2012 Plan**: 1) Reduce the 2003 Community Centers figure to \$1.4 million; 2) put \$500,000 in the Public Safety Building for 2003, 3) put \$385,000 in 2002 for the Public Safety Building and 4) change the infrastructure line item to \$1.5 million. Hanks noted that these changes will have no impact on the bottom line for the 2012 Program. There was lengthy discussion about the procedure used for changes to the 2012 Plan and the public hearings and meetings conducted by the 2012 Committee. Rodriguez called the question and there were no objections. Upon vote being taken, the motion carried with Johnson voting no.

Motion was made by Hadley and seconded by Waugh to direct staff to place "Items from Visitors" at the beginning of both the Public Works and Legal & Finance Committee **Agendas**. Kriebel stated that if we make this change in the agenda, we should implement some time limits on the items that are discussed. Johnson concurred noting that people have appeared before the Council under Items from Visitors and taken up an hour for an issue that does not require Council action. If this action is approved, discussion should be limited to three minutes and it should take a vote of the Council to continue discussion. Kroeger spoke against the motion stating that it will encourage people to just come to the meeting and not request to be put on the agenda. City Attorney Altman informed the Council that at the next Legal & Finance Committee Meeting, he will be proposing a mechanism for consideration dealing with rules for the City Council and Committees. Roll call vote was taken: AYE: Hadley, Kriebel, Johnson, and Waugh; NO: Murphy, Kroeger, Dreyer, Hanks and Rodriguez. Motion failed, 4-5.

Public Works Committee Items

Motion was made by Rodriguez and seconded by Johnson to authorize the Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement dated October 1, 2001 with Iris Associates for **Utility Rate Engineering Services** for an amount not to exceed \$3,500 (No. PW073102-07). Dreyer spoke against the agreement. In this time of

base closures, the City should not send the wrong message to Ellsworth Air Force Base. We should do whatever we can to keep this facility in our community. Al Cornella stated that the Rapid City community has been held up as a model for what to do right when it comes to fighting base closure. One of the most important things is for the community to speak with one voice which the entire State of South Dakota has been able to accomplish. Any proposed increase in water rates would probably result in an additional \$20,000 in revenues for the water enterprise fund. When compared to the \$1.4 Billion economic impact the Base on this community, it doesn't make sense to do anything that could be negatively perceived. Cornella encouraged the Council to defeat the motion. Johnson stated that agreement before the Council at this time is for a consultant to determine what is a fair price to pay for water which is sold to Ellsworth Air Force Base. Representatives from the Base have expressed a willingness to pay their fair share and the consultant will work with them to determine what a fair price is. Murphy concurred noting that the agreement before the Council will only provide information. Once the information has been provided, then the Council will make a determination on whether or not to approach EAFB about a rate increase. Public Works Director Bjerke stated that the City has adjusted water rates for EAFB periodically for the last 40 years and this is no different. They are willing to pay a fair rate and the consultant agreement before the Council at this time will help determine that rate. Roll call vote was taken: AYE: Hadley, Murphy and Johnson; NO: Kriebel, Waugh, Kroeger, Dreyer, Hanks and Rodriguez. Motion failed, 3-6. Mayor Munson explained that some of this work has been done, so a request for partial payment will be coming before the Council in the near future.

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

RESOLUTION AUTHORIZING PLACEMENT OF TABLES AND CHAIRS ON PUBLIC
SIDEWALKS IN THE DOWNTOWN AREA IN ACCORDANCE WITH ORDINANCE 3471.

WHEREAS, the City of Rapid City has previously enacted Ordinance 3471 regulating the use of public sidewalks in the downtown area; and

WHEREAS, Ordinance 3471 requires that the Rapid City Common Council approve the placement of tables and chairs on sidewalks in the downtown area; and

WHEREAS, CJS, Inc. has requested the approval of the Rapid City Common Council to place tables and chairs on the public sidewalk in front of the Metro Cafe & Pub located at 710 St. Joseph Street for the purpose of serving food and beverages outside for public convenience; and

WHEREAS, the Rapid City Common Council has considered the request and finds that the public health, safety, and welfare can be protected by allowing limited out door seating at the Metro Cafe & Pub subject to certain restriction;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the placement of tables and chairs on the public sidewalk in front of the Metro Cafe & Pub, located at 710 St. Joseph Street is hereby authorized subject to the following conditions:

- 1) The Metro Cafe & Pub shall at all times comply with the requirements of Ordinance 3471 and all other local, state and federal laws; and
- 2) The Metro Cafe & Pub shall never place tables or chairs in any location that in any way impedes any exit from any building, or access to any fire hydrant of other fire suppression apparatus; and
- 3) This authorization granted by this resolution is revocable at any time without prior notice to The Metro Cafe & Pub as fully set out in Ordinance 3471.

Dated this 5th day of August, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

Motion for adoption of the foregoing Resolution was seconded by Hanks. Asst. City Attorney Jason Green explained that he has been in contact with Sacressa Fleming of the Metro Café and they are in agreement with the requirements of the resolution. 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.

Motion was made by Rodriguez, seconded by Hanks and carried to approve a **Utility Easement** in Memorial Park for Black Hills Power & Light, noting a change in the time limit to 15-years.

Motion was made by Rodriguez, seconded by Hanks and carried to direct staff to communicate to **Western Wireless** about the need to come into compliance with the Use On Review.

Motion was made by Rodriguez and seconded by Kroeger to continue discussion on the **proposed sewer rate increase** to a special City Council meeting to be held on Wednesday, September 4, 2002 at 4:00 P.M. Upon vote being taken, the motion carried with Kriebel and Murphy voting no.

The next item before the Council was No. 02TI004, **Resolution Creating Tax Increment District No. 37**. Motion was made by Rodriguez and seconded by Kroeger to approve the Resolution. City Attorney Adam Altman stated that it is his opinion that this proposal does not meet the criteria for tax increment district financing. Dreyer abstained from discussion or voting on this item. Johnson spoke against the TID noting that the funds generated will pay for a road across private property and will benefit a private individual because they will not have to pay for road construction. Roll call vote was taken: AYE: Kroeger, Hanks and Rodriguez; NO: Hadley, Murphy, Kriebel, Johnson and Waugh. Motion failed, 3-5.

Motion was made by Rodriguez and seconded by Kroeger to approve No. 02TI006, Resolution Approving **Tax Increment District No. 37 Project Plan**. Substitute motion was made by Johnson, seconded by Hadley and carried to deny the Project Plan for TID No. 37.

The Mayor presented No. 02PL045, a request by Doug Sperlich for 16 Plus, LLC for a **Layout, Preliminary and Final Plat** for Lots 1 thru 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 northwest of US Highway 16 and Moon Meadows Road. Motion was made by Rodriguez, seconded by Waugh and carried to continue this item until August 19, 2002.

Bills

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

Payroll Ending 7-13-02, Paid 7-19-02	629,878.91
Payroll Ending 7-31-02, Paid 7-31-02	919,757.46
Payroll Ending 7-27-02, Paid 8-02-02	663,574.79
Payroll Ending 7-13-02, Paid 7-19-02	3,012.80

Payroll Ending 7-27-02, Paid 8-02-02	3,012.80
Pioneer Bank & Trust, taxes Paid 7-19-02	152,852.37
Pioneer Bank & Trust, taxes Paid 7-19-02	225.08
Pioneer Bank & Trust, taxes Paid 8-31-02	240,780.85
Pioneer Bank & Trust, taxes Paid 8-02-02	166,505.02
Pioneer Bank & Trust, taxes Paid 8-02-02	225.35
First American Administrators, claims Paid 7-17-02	29,645.31
First American Administrators, claims Paid 7-24-02	71,587.40
First American Administrators, claims Paid 7-31-02	53,248.87
RC Investigative Fund, Paid 7-16-02	2,000.00
Wells Fargo Corp. Card, travel expenses	290.23
BH Power & Light, electricity	64,590.74
MDU, gas service	3,029.98
SD Dept. of Revenue, excise tax Paid 7-19-02	256.36
SD Dept. of Revenue, sales tax Paid 7-19-02	5,278.22
SD Dept. of Revenue, sales tax, Paid 7-19-02	34,238.18
ASAP Software Express, records software	12,345.39
US Post Master, billing postage	3,300.00
Computer Bill List	3,161,926.18
Total	<u>\$6,221,562.29</u>

Payroll Ending 7-13-02, Paid 7-19-02	2,552.80
Payroll Ending 7-27-02, Paid 8-02-02	2,552.80
Pioneer Bank & Trust, taxes Paid 7-19-02	191.14
Pioneer Bank & Trust, taxes Paid 8-02-02	191.41
Carquest, repairs	12.34
City of Rapid City, postage	31.54
Dakota Business, copier usage	6.74
Marlin Leasing, copier lease	11.84
Total	<u>\$6,227,112.90</u>

City Attorney

Altman asked if the City Council wanted his office to appeal the decisions of the Circuit Court in the Dunham case. Motion was made by Kroeger, seconded by Waugh and carried to make no appeal in this case.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:50 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)