

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL  
Rapid City, South Dakota

August 19, 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 19, 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, Sam Kooiker, Bill Waugh, Ron Kroeger, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: Martha Rodriguez.

Motion was made by Kroeger, seconded by Hanks and carried to **approve the minutes** of July 31 and August 5, 2002.

***Bid Opening***

Motion was made by Hanks, seconded by Kooiker and carried to continue the bid opening for **Parkview Softball Complex** Phase 2, Project No. PR02-1216 until August 29, 2002.

***Mayor's Items***

Mayor Munson presented the **Veteran of the Month Award** to Helen Donelan and commended her for outstanding service to the country.

Munson also presented **Certificates of Recognition** to City employees Chuck Curry (Fire Department) and Dave Lepine (Airport) and commended them for 20 years of outstanding service to the community.

***Aldersperson Reports***

Rod Johnson went through the **status of the 2012 Projects** for the Council's information. Hadley questioned the landscaping around the Ice Rink. Johnson explained that landscaping was not included in the Ice Rink project because it was scheduled to be done in the middle of winter. The landscaping will be included with the Roosevelt Park Improvements project which will be bid in September. Hadley stated that he feels this project has been stalled. He would like to see the same forward motion on projects in North Rapid as other projects in the community.

Sam Kooiker informed the Council that the **Zoning Board of Adjustment** has not met the last three times due to lack of a quorum. This is stalling the planning process and denying people their right to due process. Motion was made by Kooiker, seconded by Johnson and carried to add "Status of the Zoning Board of Adjustment" to the next Legal & Finance Committee agenda.

Hadley also noted that a city employee recently discussed some issues with him and then received a letter of reprimand. He stated that any city employee has the right to come to him, or any other Council member, with concerns. He will encourage them to go through their supervisor, but they should not be penalized for talking to the Council members.

Hadley asked about dust problems with the **YFS Project**. Johnson stated that he received a complaint from a citizen about the dust being generated by this project. He contacted the consultant on the project and it was handled, however, it probably came up again within a few days because of the dry weather. It was noted that initially, the contractor did not have the

proper air quality permits. They have submitted the proper applications and should have this situation under control.

### ***Special Items and Items from Visitors***

Karen Ishmael requested that she be allowed to retain **two driveway approaches** on her property located at 718 E. Tallent Street. One of the approaches will allow her to drive her handicapped father right up to the house. Engineering Division Manager Randy Nelson stated that staff has reviewed this issue and does not object to allowing the second approach to remain as long as the property ownership and handicapped issues remain the same. Kooiker stated that he doesn't see any need to attach stipulations to this request. Motion was made by Kooiker, seconded by Hadley and carried to approve the request and allow two driveway approaches at 718 E. Tallent Street.

Motion was made by Hadley, seconded by Dreyer and carried to table the request by LeWayne Larson for a **security license**. It was noted that Police Chief Tieszen has received additional information from the applicant and will approve the license.

Greg Knuteson appeared before the Council relative to his request to waive the period to file court action to appeal the determination of the **Dangerous Animal Review Board**. Mr. Knuteson explained that the determination of the Review Board was made in April of this year, but now he would like the courts to review the issue and make a decision. Motion was made by Johnson, seconded by Murphy and carried to deny the request.

### ***Alcoholic Beverage License Applications***

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

This was the time set for hearing on the application of Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery). Motion was made by Hadley, seconded by Hanks and carried to continue this hearing until September 16, 2002.

This was the time set for hearing on the application of Chrisbro, LLC dba **The Hampton Inn**, 1720 Rapp Street, for an On-Sale Wine License (New License – No Video Lottery). Motion was made by Hadley, seconded by Hanks and carried to continue this hearing until September 16, 2002.

Upon motion made by Hadley, seconded by Waugh and carried, the Finance Officer was directed to publish notice of hearing on the following applications, said hearings to be held on Tuesday, September 3, 2002:

8. Art's Southern Style Smokehouse BBQ, Inc. dba **Art's Southern Style Smokehouse BBQ**, 609 Main Street, for an On-Off Sale Malt Beverage License Transfer (from Art & Marilyn Holmes)
- 8A. CJS, Inc. dba **Metro Cafe & Pub**, 710 St. Joseph Street, for an On-Sale Wine License (New License - No Video Lottery)

### ***Consent Calendar***

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

**Set for Hearing** (September 16, 2002)

9. No. 02VR004 - A request by Willard Werth for Black Hills Auto for a **Vacation of Right-of-Way** on the SW1/4 SW1/4 of Section 32, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; said 0.057 acre of land lying south of Jess Street, and west of Lot 8 of SSJE Subdivision, and shown on Survey Plat recorded in Plat Book 28, Page 154 in the office of the Pennington County Register of Deeds, and being more particularly described by metes and bounds as follows to-wit: Beginning at an iron rod with cap marked "D.C. Scott L.S. 2540" found for the northerly northwest corner of said Lot 8 of SSJE Subdivision on the south right-of-way line of Jess Street, a 60 foot wide public right-of-way; thence, South 24°41'07" West, along the northwesterly line of said Lot 8 of SSJE Subdivision, a distance of 109.89 feet to a point for corner; thence North 02°49'02" West, a distance of 100.00 feet to an iron rod with cap marked "Dean Scott, L.S. 4897" set for corner on the south right-of-way line of Jess Street, as previously described; thence, South 89°55'11" West, along on the south right-of-way line of Jess Street, a distance of 50.00 feet to the POINT OF BEGINNING, located at 1221 Jess Street

**Public Works Committee Items**

10. No. PW081402-01 – Approve Change Order No. 01 or GC00-1016, Meadowbrook Golf Course Clubhouse Project to RCS Construction for an increase of \$15,617.21.
11. No. PW081402-02 - Approve Change Order No. 02F for ST01-1082, Third Street Reconstruction Project to Hills Materials Company for an increase of 9,321.75.
12. No. PW081402-03 - Approve Change Order No. 01 for ST02-1160, Hemlock, Sycamore, Sitka, Fir & Bluebird Reconstruction Project to Mainline Contracting, Inc. for an increase of \$22,800.62.
13. No. PW081402-04 - Approve Change Order No. 01 for WRF02-1172, Water Reclamation Facility Improvements – Trickling Filter Recirculation Pumps to Waylor Enterprises, Inc. for an increase of \$580.50, contingent upon review and approval by the South Dakota Department of Environment and Natural Resources.
14. No. PW081402-05 - Authorize Staff to Advertise for Bids for SWK02-1139 Sidewalk Improvements Project.
15. No. PW081402-06 - Authorize Staff to Advertise for Bids for ST02-1189 North LaCrosse and East Anamosa Intersection Improvements Project.
16. No. PW081402-07 - Authorize Staff to Advertise for Bids for SS02-1219 Palo Verde Sanitary Sewer Main Reconstruction Project.
17. No. PW081402-08 - Authorize Staff to Advertise for Bids for W02-1234 Carriage Hills Water Transmission Main Extension Project.
18. No. PW073102-09 – Authorize Mayor and Finance Officer to Sign Amendment No. 01 to Professional Service Agreement with CETEC Engineering Services, Inc. to Design ST02-1071, West Chicago Street Reconstruction Project between 44<sup>th</sup> Street and Wedgewood Drive for an amount not to exceed \$17,120.
19. No. PW081402-09 - Authorize Mayor and Finance Officer to Sign a Professional Service Agreement with FMG, Inc. for Geotechnical Services for SSW02-1106, Omaha Street Utilities – 12<sup>th</sup> Street to East Boulevard for an amount not to exceed \$9,427.50.
20. No. PW081402-10 - Authorize Mayor and Finance Officer to Sign a South Dakota Department of Transportation Contract Proposal for Temporary Traffic Signals for Omaha Street Reconstruction Project.
21. No. PW081402-11 – Approve a Travel Request for Duncan Olney to attend 2002 World Waterpark Association Conference, Las Vegas, NV in the amount of \$1,780.
22. No. 02VE010 – Approve a Vacation of a portion of the side yard Utility Easement and Minor Drainage Easement for petitioner Doug Sperlich for Del Vanden Hoek located at 1343 Edinborough Drive.

## RESOLUTION OF VACATION OF MINOR DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that a portion of the minor drainage and side yard utility easement on Lot 11 of Block 2, Edinborough Subdivision, Section 26, T1N, R7E, BHM, Rapid City, South Dakota, more generally described as being located at 1343 Edinborough Drive is not needed for public purposes; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the minor drainage and side yard utility 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 19th day of August, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor

23. No. 02TP005 – Approve the Final Draft of the 2003-2007 Rapid City Area Transportation Improvement Program.
24. Deny the request from Wilma Keene, 1311 38<sup>th</sup> Street for reimbursement for costs associated with her sidewalk construction.
25. Direct staff to research alternative meeting room facilities to be used during construction of audio and video components in the Council Chambers, and report recommendations for Council approval.
26. No. 02TP006 – Authorize the Mayor to sign correspondence to the South Dakota Department of Transportation relative to the Rapid City Area Urbanized Boundary.
27. Change the Special Council meeting scheduled for September 4, 2002 to a Special Public Works Committee meeting.

### **Legal & Finance Committee**

28. No. LF081402-01 - Authorize Mayor and Finance Officer to Sign Software Support Agreement Renewal with Information Technology Solutions, Inc.
29. Approve Acceptance of Local Law Enforcement Block Grant in the Sum of \$122,560 (Match of \$13,618 is Required).
30. No. LF081402-03 - Accept the Final Report on Analysis of Impediments to Fair Housing Choice.
31. No. LF081402-05 - Approve Travel Request for Adam Altman and Michael Booher to Attend IMLA 67<sup>th</sup> Annual Conference in Denver, Colorado, October 20-23, 2002, in the Amount of \$2,389.82.
32. No. LF081402-06 - Direct staff to suspend enforcement of encroachments in the right of way for an additional 60 days so that a revised ordinance can be drafted and brought back for consideration.
33. Authorize staff to request proposals for Ordinance Publishing.
34. Approve the following Licenses: Mechanical Apprentice: Jordan Thomas; Plumber: Terry S. Wlodarczyk; Residential Contractor: CK Construction, Chris Kennedy; Gerving Construction, Brian Gerving; Schneller's Designs, Joseph Schneller; Three Seasons & 4, Inc., Steve Johnson; Matt Werner Construction, Matt Werner.

35. No. LF081402-08R - Authorize Mayor and Finance Officer to Sign Relocation Assistance Agreement with DOT.
36. No. LF081402-10 - Approve appointment of the following Planning Commission members to the following committees: Sign Board of Appeals - Dawn Mashek; Parks & Recreation Subcommittee - Ida Marie Fast Wolf; Zoning Board of Adjustments - Jeff Stone; Infrastructure Development Partnership - Jeff Hoffman; and Landscape Code Committee - Ethan Schmidt.
37. No. LF081402-11 - Approve appointment of Tim Baumgartner, Contractor Representative, and Steve Struble, Journeyman Representative, to the Electrical Board.

**Raffle**

38. No. CC081902-01 – Notification from Festival of Trees of their intent to conduct a raffle on November 22-23-, 2002.

End of Consent Calendar

**Planning Department Consent Items**

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

39. 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 SEPTEMBER 3, 2002)
40. 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, B.H.M., 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 SEPTEMBER 3, 2002)
41. 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, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUE TO SEPTEMBER 3, 2002)
42. 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 SEPTEMBER 3, 2002)
43. No. 01PL123 - A request by Rice Valley View Properties for a **Preliminary and Final Plat** on Lot 6A of Lot 6 of the Rice Valley View Properties Addition, located in Section 6, T1N, R8E, BHM in the City of Rapid City, Pennington County, South Dakota; legally

described as Lot 6 of Rice Valley View Properties, Section 6, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1033 Omaha Street. (CONTINUE TO OCTOBER 7, 2002)

44. 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 SEPTEMBER 3, 2002)
46. 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 SEPTEMBER 3, 2002)
47. 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 SEPTEMBER 16, 2002)
48. 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. (CONTINUE TO SEPTEMBER 3, 2002)
49. No. 02PL045 - A request by Doug Sperlich for 16 Plus, LLC for a **Layout, Preliminary and Final Plat** on Layout Plat on Lots 1-5, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota and Preliminary and Final Plat on Lot 1, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as a portion of Tract 1 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as a portion of Tract 1 of Pioneer Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north west of U.S. Highway 16 and Moon Meadows Road. (CONTINUE the Layout, Preliminary and Final Pat for Lot 1, Moon Ridge Subdivision to September 3, 2002 as the stipulations of approval have not been met; and, CONTINUE the Layout Plat for Lots 2 thru 4 to the September 3, 2002 City Council meeting at the applicant's request.)
50. 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 SEPTEMBER 16, 2002)

51. 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 SEPTEMBER 16, 2002)
52. 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 off of Corral Drive. (DENY WITHOUT PREJUDICE.)
53. 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 in the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO SEPTEMBER 3, 2002)
54. 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 in the southeast corner of the intersection of Cambell Street and Philadelphia Street (CONTINUE TO SEPTEMBER 16, 2002)
56. 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 SEPTEMBER 3, 2002)
57. 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 the Park Meadows Subdivision. (CONTINUE TO SEPTEMBER 3, 2002)

58. No. 02PL070 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lot 2 Block 7, Lots 8 through 20 Block 8, and Lots 1 through 13 Block 9, located in the SE1/4 of the SW1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County South Dakota; legally described as 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, SD, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. (CONTINUE TO SEPTEMBER 3, 2002)
59. No. 02PL073 - A request by Fisk Land Surveying and Consulting Engineers for Wayne and Phyllis Krell for a **Layout Plat** on Lot 3A and 3B of Lot 3, Block 1, Pleasant Hill Addition, located in the NE1/4 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota; legally described as Lot 3, Block 1, Pleasant Hill Addition, located in the NE1/4 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located at 2021 Pacific Lane. (CONTINUE TO SEPTEMBER 3, 2002)
60. No. 02PL074 - A request by FMG, Inc. for Hart Ranch Development for a **Preliminary and Final Plat** located in the SE1/4 SW1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, located in the Hart Ranch Development.

#### RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots A and B of Lot 30 located in Village on the Green No. 2 Subdivision, a portion of previously platted Spiken Ridge Parcel and Golf Course Parcel of Hart Ranch Development, located in SE1/4 SW1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lots A and B of Lot 30 located in Village on the Green No. 2 Subdivision, a portion of previously platted Spiken Ridge Parcel and Golf Course Parcel of Hart Ranch Development, located in SE1/4 SW1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 19th day of August, 2002.

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

CITY OF RAPID CITY  
s/ Jerry Munson, Mayor



61. No. 02PL075 - A request by CETEC Engineering for Park Hill Development, Inc. for a **Preliminary and Final Plat** on Lots 2A and 2B of Block 2 of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 2 of Block 2 of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 1312 Sydney Drive. (DENY WITHOUT PREJUDICE)
62. No. 02PL076 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **Layout, Preliminary and Final Plat** on Lots 16 thru 24 of Block 14; Lots 7 thru 19 of Block 15; located in the NE1/4 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota; legally described as the balance of Tract T of Trailwood Village located in the NE1/4 of the SE1/4 of Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located on Shad Street. (APPROVE THE Preliminary Plat with the following stipulations and continue the Final Plat until September 3, 2002: 1) Prior to Final Plat approval by the City Council, a geotechnical report shall be provided for review and approval; 2) Prior to City Council approval of the Final Plat, the plat shall be revised to reflect all required water utility easements subject to review and approval by the Engineering Division; 3) Prior to Final Plat approval by the City Council, the applicant shall submit revised engineering plans in accordance with the Engineering Division review comments; 4) Prior to the start of any building construction, fire hydrants shall be installed and operational; 5) Prior to issuance of a Certificate of Occupancy, the facility(s) addresses shall be posted; 6) Prior to Final Plat approval by the City Council, design plans shall be submitted showing the location of a temporary road providing an emergency access route from the current terminus of Mercury Drive to the proposed terminus of Shad Street in accordance with the requirements of the Fire Department; 7) Prior to the start of any building construction, all weather access roads shall be constructed to the building sites; 8) Prior to Preliminary Plat approval by the City Council, the subdivision improvement estimate shall be provided for review and approval; and, 9) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and all the subdivision inspection fees shall be paid.)
63. No. 02PL077 - A request by CETEC Engineering for Park Hill Development, Inc. for a **Preliminary and Final Plat** on Lots 1A, 1B, 2A, 2B, 3A, 3B, 4AR, and 4BR of Block 4 of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lots 1, 2, 3, 4A, and 4B of Block 4 of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the 1300 Block of Sydney Drive. (DENY WITHOUT PREJUDICE)
64. No. 02TP005 - A request by the Rapid City Metropolitan Planning Organization to consider the **2003-2007 Rapid City Area Transportation Improvement Plan**. (APPROVE the Final Draft 2003-2007 Program as approved by the Rapid City Area Metropolitan Planning Organization and to allow the flexibility of accepting minor changes to the Rapid City Area 2003-2007 TIP until formal approval by the South Dakota Transportation Commission.)

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## END OF PLANNING CONSENT CALENDAR

The Mayor presented 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. Motion was made by Kooiker and seconded by Kroeger to approve the Final Plat. Waugh spoke against the proposed development because of drainage problems that currently exist in phase one of this development. Vicki Fisher from the Planning Department noted that the recommendation from the Planning Commission on this item is to continue to September 3, 2002. The mylar, surety and inspection fees have not been submitted to date. Substitute motion was made by Hanks, seconded by Johnson 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 Kooiker and seconded by Hanks to continue this item until September 3, 2002. Phil Olsen explained that they intend to build out this phase before the final plat is submitted for approval. All sewer, water, curb and gutter will be in place as well as a detention cell which will be located in the lower part of this basin. Mel Dreyer abstained from discussion or voting on this item. Upon vote being taken, the motion to continue carried unanimously.

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

The Mayor presented No. 02PL037, a request by Dream Design International, Inc. for a **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 Kooiker, seconded by Hanks and carried to continue this item until September 3, 2002.

### ***Planning Department – Hearings***

The Mayor presented 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. Mel Dreyer abstained from discussion

or voting on this item. Motion was made by Kooiker, seconded by Hanks and carried to approve the Revocation.

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 Kooiker, seconded by Hanks and carried to continue this item until September 3, 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 Kooiker, seconded by Hanks and carried to continue this item until September 3, 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 Kooiker, seconded by Hanks and carried to continue this item until September 16, 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 Kooiker, seconded by Murphy and carried to continue this item until September 3, 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 Kooiker, seconded by Murphy and carried to continue this item until September 3, 2002.

The Mayor presented No. 02SV033, a request by Fisk Land Surveying and Consulting Engineers for Wayne and Phyllis Krell for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, curb and gutter and street lights as regulated by Section 16.16 of the Subdivision Regulations** on Lot 3, Block 1, Pleasant Hill Addition, located in the NE1/4 NE1/4 of Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located at 2021 Pacific Lane. Motion was made by Kooiker, seconded by Kroeger and carried to continue this item until September 3, 2002.

The Mayor presented No. 02SV034, a request by FMG, Inc. for Hart Ranch Development for a **Variance to the Subdivision Regulations to allow sidewalks on one side of the street as regulated by Chapter 16.16.090 of the Rapid City Municipal Code** on a portion of the previously platted Spiken Ridge Parcel and Golf Course Parcel of Hart Ranch Development, located in the SE1/4 SW1/4 of Section 12, T1S, R7E, BHM, Pennington County, South Dakota, located in the Hart Ranch Development. Motion was made by Kooiker, seconded by Waugh 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 Kooiker, seconded by Dreyer and carried to continue this item until September 3, 2002.

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

**Ordinance 3736** (No. LF081402-07) entitled An Ordinance Pertaining to Water Rates and Fees, Amending Chapter 13.04 by Adding New Definitions to Section 13.04.005; Adding Article V, Section 13.04.800, Section 13.04.810, and Section 13.04.820 to Chapter 13.04; and Amending Section 13.04.590 of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3736 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Tuesday, September 3, 2002.

**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, having passed the first reading on August 5, 2002, it was moved by Hadley and seconded by Murphy that the title be read the second time. Roll call vote was taken: AYE: Kooiker, Waugh, Murphy and Hadley; NO: Dreyer, Johnson and Kriebel. Motion carried, 4-3, however six votes are required to approve an ordinance. Motion was made by Waugh and seconded by Hanks to reconsider the motion approving Ordinance 3838. Upon vote being taken, the motion carried with Johnson and Kriebel voting no. Motion was made by Hadley and seconded by Waugh to approve second reading of Ordinance 3838. Johnson stated that he feels this ordinance will be more burdensome regulation and additional expense to develop property within the city limits. Substitute motion was made by Kroeger and seconded by Waugh to continue second reading of this ordinance until September 3, 2002 and request that staff review what other communities do for areas with steep terrain. Phil Olsen encouraged the Council to look at development procedures that have been established in Fort Collins, Colorado Springs and Loveland, Colorado. They have implemented procedures that we could review and incorporate into our ordinance. Hanks also expressed concern about the requirements for a turn around every so many feet. Roll call vote was taken: AYE: Kooiker, Kroeger, Waugh, Murphy and Hadley; NO: Hanks, Dreyer, Johnson and Kriebel. Substitute motion to continue carried, 5-4.

The next item discussed by the Council was No. 02RZ036, second reading of **Ordinance 3839**, 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. Staff noted that this legal description has been changed and this item should be tabled. The item will be brought back for first reading approval. Motion was made by Hadley, seconded by Johnson and carried to table this item.

The Mayor announced the meeting was open for hearing on **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: 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 Boulevard. Mel Dreyer abstained from discussion or voting on this item. Notice of hearing was published in the Rapid City Journal on August 10 and August 17, 2002. Ordinance 3840, having had the first reading on August 5, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3840 the second time.

The Mayor announced the meeting was open for hearing on **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: 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. Mel Dreyer abstained from discussion or voting on this item. Notice of hearing was published in the Rapid City Journal on August 10 and August 17, 2002. Ordinance 3841, having had the first reading on August 5, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3841 the second time.

The Mayor announced the meeting was open for hearing on **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: 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. Notice of hearing was published in the Rapid City Journal on August 10 and August 17, 2002. Ordinance 3842, having had the first reading on August 5, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3842 the second time.

The Mayor announced the meeting was open for hearing on **Ordinance 3843**, a request by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on the following property: 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. Notice of hearing was published in the Rapid City Journal on August 10 and August 17, 2002. Ordinance 3843, having had the first reading on August 5, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Kroeger, Hadley and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3843 the second time.

The Mayor presented No. 02CA040, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.1468 acre parcel from General Commercial to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as follows: 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. Mel Dreyer abstained from discussion or voting on this item. Motion was made by Hadley, seconded by Waugh and carried to approve the requested Amendment.

The Mayor presented No. 02CA041, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a .3409 acre parcel from Office Commercial with Planned Commercial Development to General Commercial** 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 Boulevard. Mel Dreyer abstained from discussion or voting on this item. Motion was made by Hadley, seconded by Johnson and carried to approve the requested Amendment.

The Mayor presented No. 02CA042, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.0634 acre parcel from General Commercial to Office Commercial with a Planned Commercial Development** on property described by metes and bounds as 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. Motion was made by Hadley, seconded by Waugh and carried to approve the requested Amendment.

The Mayor presented No. 02CA043, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a .5099 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development and a .6149 acre parcel from General Commercial to General Commercial with a Planned Commercial Development** on property described by metes and bounds as 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; and, commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 179.88 feet; to the Point of Beginning continuing at the Point of Beginning; thence North 07°20'48" East a distance of 64.86 feet; thence North 50°22'03" West a distance of 92.73 feet; thence Northwesterly 58.28 feet along a curve concave Northeasterly having a radius of 226.00 feet said curve having a chord direction of North 42°58'47" West; thence North 35°35'32" West a distance of 26.02 feet; thence South 54°24'28" West a distance of 80.79 feet; thence South 07°20'48" West a distance of 141.20 feet; thence South 89°58'20" East a distance of 201.64 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. Motion was made by Hadley, seconded by Waugh and carried to approve the requested Amendment.

The Mayor presented No. 02CA044, a request by Dream Design International, Inc. for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.6160 acre parcel from General Commercial to General Commercial with a Planned Commercial Development** on property described by metes and bounds as commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 381.52 feet along the South line of the Aladdin Heights Subdivision; to the Point of Beginning; continuing from the Point of Beginning; thence North 07°20'48" East a distance of 141.20 feet; thence North 54°24'28" East a distance of 80.79 feet; thence North 35°35'32" West a distance of 40.00 feet; thence south 54°24'28" West a distance of 342.32 feet; thence North 83°07'59" West a distance of 31.30 feet; thence South 07°20'03" West a distance of 24.17 feet; thence South 89°58'27" East a distance of 252.05 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. Motion was made by Hadley, seconded by Murphy and carried to approve the requested Amendment.

**Ordinance 3844** (No. LF081402-04) Regarding Supplemental Appropriation No. 2 for 2002, was introduced. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3844 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Tuesday, September 3, 2002.

**Ordinance 3845** (No. 02RZ036) a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property, was introduced: Tract A of Parcel C of the MJK Subdivision located in the SE1/4 of the SW1/4 of Section 18, T1N, R8E, BHM, more particularly described by metes and bounds as follows: Point of Beginning: the SW1/16th corner to said Section 18 which is identical to the NW corner of said Tract A and monumented with a Rebar and Cap marked LS2652; thence South 89°15'05" East a distance of 1319.67 feet along the North line of said Tract A to the Northeast corner of Tract A, monumented with a Rebar and Cap marked LS2652; thence South 00°01'37" East a distance of 413.06 feet along the East line of said Tract A to the Southeast corner of Tract A, monumented with a Rebar and Cap marked LS4225; thence South 89°59'15" West a distance of 259.94 feet along the Southern most line

of said Tract A to a corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 13°33'04" East a distance of 143.09 feet along a line of said Tract A to a corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 74°11'47" West a distance of 66.11 feet along a line of said Tract A to a corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 89°15'28" West a distance of 1030.30 feet along a line of said Tract A to the Southwest corner of Tract A monumented with a Rebar and Cap marked LS4225; thence North 00°06'20" East a distance of 259.90 feet returning to the Point of Beginning, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3845 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 Tuesday, September 3, 2002 at 7:00 P.M.

**Ordinance 3846** (No. 02RZ041) a request by Ron Salway for a Rezoning from Low Density Residential District to General Commercial District on Lot 2 of Dakota Subdivision #1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 502 Crazy Horse Street, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading of Ordinance 3846. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be Tuesday, September 3, 2002 at 7:00 P.M. Upon vote being taken, the motion carried with Kriebel voting no.

**Ordinance 3847** (No. 02RZ042) a request by Dream Design International, Inc. a Rezoning from No Use District to Low Density Residential District on the following property, was introduced: A parcel of land located in the previously unplatted portion of the NW1/4 of the SW1/4 of Section 3. T1N, R8E, BHM, Pennington County, South Dakota; described by metes and bounds as commencing at the 1/4 corner common to Sections 3 and 4, T1N, R8E, BHM; thence South 29°16'15" East a distance of 1027.78 feet to the True Point of Beginning; continuing at the Point of Beginning; thence South 00°05'41" West a distance of 423.45 feet; thence South 89°42'42" East a distance of 362.69 feet; thence North 00°12'42" East a distance of 502.37 feet; thence South 84°02'11" West a distance of 299.00 feet; thence South 55°17'40" West a distance of 80.84 feet; to the Point of Beginning, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3847 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 Tuesday, September 3, 2002 at 7:00 P.M.

**Ordinance 3848** (No. 02RZ043) a request by Centerline, Inc. for Double E LLC for a Rezoning from General Agriculture District to Low Density Residential II on the following property, was introduced: The unplatted portion of the E1/2 of the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota, located east of the intersection of South Valley Drive and Willowbend Road. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3848 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 Tuesday, September 3, 2002 at 7:00 P.M.

**Ordinance 3849** (No. 02RZ044) a request by Renner & Sperlich for 16 Plus, LLC for a Rezoning from No Use District to General Commercial District on the following property, was introduced: A portion of Tract 2 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as follows: commencing at the section corner common to Sections 26, 27, 34, and 35 of T1N, R7E, BHM; thence, S89°53'10"W, along the Section Line common to Sections 27 and 34, a distance of 33.00 feet, to the northeasterly corner of Tract 2 of Pioneer Subdivision, and the Point of Beginning; thence, first course: S00°00'00"E, along the westerly edge of the Statutory Section Line Right-of-Way, common with the westerly edge of the right-of-way of U.S. Highway 16A, and common with the easterly boundary of said Tract 2 of Pioneer Subdivision, a distance of 109.69 feet; thence, second course: S07°20'00"W, along



the westerly edge of the right-of-way of U.S. Highway 16A, common with the easterly boundary of said Tract 2 of Pioneer Subdivision, a distance of 302.86 feet; thence, third course: S89°53'10"W, a distance of 1247.51 feet, to a point on the westerly boundary of Tract 2 of Pioneer Subdivision; thence, fourth course: N00°11'53"E, along the westerly boundary of said Tract 2 of Pioneer Subdivision, a distance of 410.00 feet, to the northwesterly corner of said Tract 2 of Pioneer Subdivision; thence, fifth course: N89°52'53"W, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lots 4 and 5 of Godfrey Addition, a distance of 796.18 feet; thence, sixth course: N89°50'57"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, and common with the southerly boundary of Lots 3 and 4 of Godfrey Addition, a distance of 466.13 feet, to the southeast corner of said Lot 3 of Godfrey Addition; thence, seventh course: S89°10'44"E, along the Section Line common to Sections 27 and 34, common with the northerly boundary of said Tract 2 of Pioneer Subdivision, a distance of 22.45 feet, to the Point of Beginning, located northwest of Moon Meadows Road and South Highway 16. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3849 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 Tuesday, September 3, 2002 at 7:00 P.M.

**Ordinance 3850** (No. 02RZ045) a request by Renner & Sperlich for 16 Plus, LLC for a Rezoning from General Commercial District to Medium Density Residential District on the following property, was introduced: A portion of Tract 1 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, thence, first course: N00°12'56"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 200.05 feet; thence, second course: S89°47'30"E, a distance of 299.99 feet; thence, third course: S00°12'56"W, a distance of 202.79 feet to the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision; thence, fourth course: N89°16'12"W, along the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision, a distance of 300.00 feet, to the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, located northwest of Moon Meadows Road and South Highway 16. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3850 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 Tuesday, September 3, 2002 at 7:00 P.M.

**Ordinance 3851** (No. 02RZ046) a request by Renner & Sperlich for 16 Plus, LLC for a Rezoning from Medium Density Residential District to General Commercial District on the following property, was introduced: A portion of Tract 1 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning, thence, first course: N00°12'56"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 200.05 feet; thence, second course: S89°47'30"E, a distance of 299.99 feet; thence, third course: S00°12'56"W, a distance of 202.79 feet to the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision; thence, fourth course: N89°16'12"W, along the northerly edge of said Lot H-1 of Tract 1 of Pioneer Subdivision, a distance of 300.00 feet, to the northwesterly corner of Lot H-1 of Tract 1 of Pioneer Subdivision, and the Point of Beginning; and, a portion of Tracts 1 and 2 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Pennington County, South Dakota, more fully described by metes and bounds as commencing at the Section Corner common to Sections 26, 27, 34, and 35 of T1N, R7E, BHM; thence, S89°53'10"W, along the Section Line common to Sections 27 and 34, a distance of 33.00 feet, to the northeasterly corner of Tract 2 of Pioneer Subdivision; thence, S00°00'00"E, along the westerly edge of the Statutory Section Line Right-of-Way, common with the westerly edge of the right-of-way of U.S. Highway 16A, and common with the

easterly boundary of said Tract 2 of Pioneer Subdivision, a distance of 109.69 feet; thence, S07°20'00"W, along the westerly edge of the right-of-way of U.S. Highway 16A, common with the easterly boundary of said Tract 2 of Pioneer Subdivision a distance of 302.86 feet; thence, S89°53'10"W, a distance of 428.80 feet, to the Point of Beginning; thence, first course: S07°53'52"W, a distance of 178.06 feet; thence, second course: S26°53'52"W, a distance of 1037.81 feet; thence, third course: N89°47'30"W, a distance of 28.75 feet; thence, fourth course: N00°12'56"E, a distance of 197.21 feet; thence, fifth course: N89°16'12"W, a distance of 300.00 feet, to the westerly boundary of said Tract 1 of Pioneer Subdivision; thence, sixth course: N00°12'25"E, along the westerly boundary of said Tract 1 of Pioneer Subdivision, a distance of 899.14 feet; thence, seventh course: N89°53'10"E, a distance of 818.71 feet, to the Point of Beginning, located northwest of Moon Meadows Road and South Highway 16. Upon motion made by Hadley, seconded by Murphy and carried, Ordinance 3851 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 Tuesday, September 3, 2002 at 7:00 P.M.

**Ordinance 3852** (No. LF071002-05) entitled An Ordinance Establishing a Department of Golf by Amending Title 2 of the Rapid City Municipal Code by Adding Chapter 2.86 as a New Chapter, was introduced. Motion was made by Hadley and seconded by Waugh to approve first reading. Murphy spoke against establishing a new department for the golf operation noting that he feels it will destroy the quality of the golf course. Waugh noted that this is a very complex issue and he suggested that it be discussed further at the budget review meeting which is scheduled for Friday morning, August 23rd. Hanks stated that if we are trying to get the golf course out from under the auspices of the Public Works Department, then a Department of Recreation should be created which would include the swimming pools, ice arena, tennis courts, etc. Johnson stated that this is a big issue and he suggested that detailed discussions be held at a special public hearing on the issue. Public Works Director Dan Bjerke requested that staff be given an opportunity to respond to the report that was presented and explain the decisions that were made and the number of people who were involved in the decision making process. Hadley amended his motion to include direction to staff to set up a time and date for a meeting and notify the media so that the public can be present. Dave Noble, Chairman of the Golf Course Assessment Committee, stated that this is a very complex issue and he would welcome in-depth discussion with the Council members. Dreyer called the question and there were no objections. Upon vote being taken, the motion to approve first reading, and to set up a special meeting on this issue, carried with Murphy voting no.

### ***Legal & Finance Committee Items***

Motion was made by Hadley and seconded by Johnson to approve No. LF081402-02 - Amendment #1 to the **CDBG FY2002** Final Statement of Activities and Projected Use of Funds. Sam Kooiker questioned the difference between this request and the funding for the Red Cross which was denied by the Council at the last meeting. Substitute motion was made by Kooiker to deny the request. Motion died for lack of a second. Community Development Director Bonnie Hughes explained that this amendment will provide \$10,000 for the Salvation Army. Funding will be transferred from the administrative line item of the Community Development Block Grant Program. She added that the Red Cross is not eligible for funding under the CDBG program. Upon vote being taken, the motion carried unanimously.

Motion was made by Hadley, seconded by Waugh and carried to request that the Mayor appoint a **rules committee** to assist staff and come back with amendments to Roberts Rules of Order to bring us in compliance with both City and State ordinances.

Motion was made by Hadley, seconded by Murphy and carried to direct the City Attorney to **amend the Civic Center Board ordinance** to add a removal clause similar to what the Airport Board has.

Motion was made by Murphy and seconded by Hanks to change the Legal and Finance **Committee meetings** to Tuesday afternoons and the Public Works Committee meetings to Wednesday afternoons with all Council members sitting on each committee, and continue having Council meetings on the first and third Monday nights. Substitute motion was made by Kroeger and seconded by Waugh to conduct the Public Works Committee meetings on Tuesday afternoons and Legal & Finance Committee meetings on Wednesday afternoons beginning at 1:15 P.M. with all Council members sitting on each Committee, and continue having council meetings on the first and third Mondays of each month. Kriebel stated that he would support the motion because there are citizens who come to the Committee meetings and sit for hours and then are not heard because of the lateness of the hour. Johnson stated that he feels the Council should have more than two Council meetings per month. This would allow the Council to conduct the business of the City in a more timely and efficient manner. Upon vote being taken thereon, the substitute motion carried unanimously.

The next item before the Council was discussion on Don Nelson's property on Cambell Street. Hanks explained that Nelson purchased this property from the City in 1997 and there have been no amendments to the FEMA maps along Cambell Street since that time. Motion was made by Hanks, seconded by Kroeger and carried to direct staff to approve the **flood plain grading and building permits** as per the approved FEMA maps identifying the base flood elevation in order to help development of this property.

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

The Mayor presented No. 02VE007, a **Vacation of Utility and Minor Drainage Easements** for Aloysius Holzer, Jr. located at 3154 Bonita Lane. The following Resolution was introduced, read and Kooiker moved its adoption:

#### RESOLUTION OF VACATION OF DRAINAGE AND UTILITY EASEMENT

WHEREAS it appears that a portion of the drainage and utility easement on Lot 11, Block 12, Trailwood Village Subdivision, Section 10, T1N, R8E, BHM, Pennington County, South Dakota, located at 3154 Bonita Lane, is not needed for public purposes; and

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

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the portion of the drainage and utility 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 19th 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 Dreyer. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Motion was made by Kooiker and seconded by Waugh to approve a one year extension for McMahon Investments, Inc. (No. 99PL086) on a **Layout Plat** on E1/2, E1/2, Section 24, T2N, R7E, less Lot 1 of Hubbard Subdivision, Section 24, T2N, R7E and less Tract A of NE1/4 NE1/4 less Lot 1 of Hubbard Subdivision, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located along the north side of Mall Drive and south of Country Road. Johnson stated that he can see no reason to continue a layout plat which has been sitting in the Planning Office for two years. Roll call vote was taken: AYE: Kooiker, Dreyer, Kroeger, Waugh, Murphy and Hadley; NO: Hanks and Johnson. Motion carried, 6-2.

Motion was made by Kooiker and seconded by Johnson to approve No. PW081402-12, request from the Elks Country Estates Homeowners Association for a **Waiver of Street Lights**. Bjerke noted that the conduit will be installed by the developer. The only item being delayed is installation of the actual street lights. He added that if the property owners in this development want a different type of street light pole than what the city would normally install, they should be required to pay the difference in cost. Dreyer stated that he feels street lights are a safety issue and they should be installed. Hadley called the question and there were no objections. Upon vote being taken, the motion to approve the request carried with Dreyer voting no.

Motion was made by Kroeger and seconded by Hanks to table the determination that the **structure (retaining wall) located in the right-of-way** at 1636 38<sup>th</sup> Street (Paul Lawrence) is necessary for the City of Rapid City, and constructed as designed by the City Engineer. Roll call vote was taken: AYE: Hanks, Dreyer, Kroeger, Murphy and Hadley; NO: Kooiker, Waugh, Johnson and Kriebel. Motion to table carried, 5-4.

Motion was made by Hanks and seconded by Kroeger to direct staff to work with property owner Paul Lawrence, 1636 38<sup>th</sup> Street, and come back with an agreement for Council approval that would **allow the structure** in the right-of-way at the applicant's cost and include a maintenance clause. Asst. City Attorney Jason Green explained that local government has an obligation to maintain public rights-of-way for use by the public, for public purposes. The City Attorney's Office, as part of the city staff, is willing to work with Mr. Lawrence to attempt to find a way for him to have a retaining wall while at the same time protecting the public right-of-way as required by local government. Upon vote being taken, the motion carried unanimously.

Motion was made by Murphy and seconded by Hanks to direct staff to look at the intersection of 5<sup>th</sup> Street/Kansas City for a possible **left turn signal** and report their findings within 60 days. Kooiker stated that he feels there is a need for this left turn signal now, without additional study. Substitute motion was made by Kooiker and seconded by Waugh to direct staff to install a left-turn signal at the intersection of 5<sup>th</sup> & Kansas City Streets. Roll call vote was taken: AYE: Kooiker, Dreyer, Kroeger, Waugh, Johnson, Kriebel and Hadley; NO: Hanks and Murphy. Substitute motion carried, 7-2.

Motion was made by Kooiker, seconded by Johnson and carried to approve a Policy Eliminating **Bicycle Use in the Skateboard Park** (No. PW081402-13). Hadley encouraged the City to provide some sort of bicycle recreation area for the community.

## **Bills**

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

Payroll Ending 7-31-02, Paid 7-31-02	1,864.80
Payroll Ending 8-10-02, Paid 8-16-02	663,075.52
Payroll Ending 8-10-02, Paid 8-16-02	3,012.80

Pioneer Bank & Trust, taxes Paid 8-16-02	159,663.96
Pioneer Bank & Trust, taxes Paid 8-16-02	225.08
First American Administrators, claims Paid 8-07-02	80,310.37
First American Administrators, claims Paid 8-14-02	80,460.73
Berkley Administrators, claims, paid 8-7-02	25,790.20
SD Department of Revenue, sales tax Paid 8-19-02	8,489.89
Wells Fargo, supplies & travel	208.66
Simon Contractors, DR00-958 Lime Creek	1,250.00
Veritas Software Global Corp., grant, licensing for server	2,839.00
US Post Master, billing postage	2,200.00
Computer Bill List	<u>4,185,082.45</u>
Total	\$5,214,473.46

Payroll Ending 8-10-02, Paid 8-16-02	2,552.80
Pioneer Bank & Trust, taxes Paid 8-16-02	191.14
ASAP Software, windows upgrade	133.22
City of Rapid City, postage	14.97
City of Rapid City, insurance	608.56
Mr. Print, dinner booklets	267.20
Philfleet Advantage, gasoline	115.97
Rushmore Plaza Holiday Inn, recognition dinner	2,004.75
SD Retirement System, pension	269.56
Standard Life, insurance	<u>7.92</u>
Total	\$5,220,639.55

Treasurer's Checks

Hills Materials	1,720.00
Mainline Contracting	<u>6,201.52</u>
Total	\$5,228,561.07

Kooiker abstained from voting on this issue because his employer is listed on the computer bill list. Upon vote being taken, the motion carried with Kooiker abstaining.

As there was no further business to come before the Council at this time, the meeting adjourned at 9:45 P.M.

CITY OF RAPID CITY

ATTEST:

\_\_\_\_\_  
Mayor

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

(SEAL)