

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

September 3, 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 Tuesday, September 3, 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, Martha Rodriguez, Ron Kroeger and Mel Dreyer; the following arrived during the course of the meeting: Ray Hadley and Rick Kriebel; and the following were absent: None.

Motion was made by Hanks, seconded by Murphy and carried to correct the minutes of August 19, 2002 to show a change in the name for the Police Department's software support agreement renewal from Crest Information Technologies, Inc. to Information Technology Solutions, Inc.; and **approve the minutes** of August 19, 2002.

Bid Openings

The following companies submitted bids for **Block 94 Sanitary Sewer Reconstruction Project** SS02-1227 (No. CC090302-07) which were opened on August 29, 2002: 1) Mainline Contracting, 2) Shovelhead Excavating, 3) Hills Materials Company, and 4) Simon Contractors of SD. Staff has reviewed the bids and recommends award to Mainline Contracting. Motion was made by Kroeger, seconded by Murphy and carried to award the bid for SS02-1227 to Mainline Contracting, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$59,997.

The following companies submitted bids for **Highway 16 Water Main Extension Project** W01-1159 (No. CC090302-07) which were opened on August 29, 2002: 1) Hills Materials Company, 2) Mainline Contracting, and 3) Heavy Constructors. Staff has reviewed the bids and recommends award to Mainline Contracting. Motion was made by Rodriguez, seconded by Hanks and carried to award the bid for W01-1159 to Mainline Contracting, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$219,890.50.

The following companies submitted bids for **Palo Verde Sanitary Sewer Main Reconstruction Project** SS02-1219 (No. CC090302-07) which were opened on August 29, 2002: 1) Mainline Contracting, 2) Shovelhead Excavating, and 3) Hills Materials Company. Staff has reviewed the bids and recommends award to Mainline Contracting. Motion was made by Rodriguez, seconded by Waugh and carried to award the bid for SS02-1219 to Mainline Contracting, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$34,892.

The following companies submitted bids for **Parkview Softball Complex Phase 2 Project** PR02-1216 (No. CC090302-07) which were opened on August 29, 2002: 1) RCS Construction, 2) Simon Contractors and 3) Corner Construction. Staff has reviewed the bids and recommends award to Simon Contractors. Motion was made by Rodriguez, seconded by Kroeger and carried to award the bid for PR02-1216 to Simon Contractors, the lowest responsible bidder meeting specifications, based on their low unit prices bid (Base Bid Plus Alternates 1 & 2) for a total contract amount of \$726,100.

The following companies submitted bids for One New Current Model Year 13' **Tandem Dump Truck with Slide-In Sander** for the Street Division (No. CC090302-07) which were

opened on August 29, 2002: 1) Sanitation Products (three separate bids) and 2) West River International. Staff has reviewed the bids and recommends award to Sanitation Products for the base bid for the Sterling truck plus the alternate for the stainless steel sander, for a total contract amount of \$106,460.31. Staff noted that the trade-in vehicle will be transferred to the Landfill, not traded in on the new dump truck. Motion was made by Kroeger, seconded by Hanks and carried to award the base bid for a 13' Tandem Dump Truck to Sanitation Products (Sterling Truck) plus the alternate for a stainless steel sander, for a total contract amount of \$106,460.31; and authorize staff to transfer the trade-in to the Landfill, for purchase in the amount of \$4,500.

Mayor's Items

Mayor Munson presented the August **Citizen of the Month Award** to Ethan Fougner and commended him for outstanding volunteer service to the community.

Munson also presented the September **Citizen of the Month Award** to Darryl Hyde and commended him for outstanding volunteer service to the community.

Mayor Munson presented a **Certificate of Recognition** to John Seibert and commended him for more than ten years service to the community. Seibert is retiring from the City's Building Inspection Division.

Special Items and Items From Visitors

Motion was made by Johnson and seconded by Waugh to authorize installation of a "THINK" sign at the intersection of W. Main Street and Whitewood. Police Chief Tieszen explained that he contacted the City Planning and Public Works Departments and it is the consensus of City staff that this sign would qualify for location in the public right-of-way as an exception for traffic safety issues. Upon vote being taken, the motion carried unanimously.

Motion was made by Hanks, seconded by Johnson and carried to approve a **Business Security License** for Vance Olsen.

Alcoholic Beverage License Applications

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

This was the time set for hearing on the application of CJS, Inc. dba **Metro Cafe & Pub**, 710 St. Joseph Street, for an On-Sale Wine License (New License - No Video Lottery). Upon motion made by Kroeger, seconded by Murphy and carried, the Council approved the application.

Other

Motion was made by Kroeger, seconded by Rodriguez and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on September 28, 2002, from 2:30 until 6:00 for a Mike Rounds Fundraiser (No. CC090302-01).

Motion was made by Kroeger, seconded by Waugh and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street, on September 15, 2002 for the Upper Midwest Association of Convention and Visitor Bureaus (No. CC090302-02).

Motion was made by Kroeger, seconded by Rodriguez and carried to authorize consumption of alcoholic beverages at **The Journey Museum**, 222 New York Street on September 26, 2002 from 3:30 until 6:30 P.M. for a private party (No. CC090302-04).

Hadley entered the meeting at this time.

Consent Calendar

The following items were removed from the Consent Calendar:

33. Direct staff to establish a policy on initialing red lines on engineering plans and report back to the Public Works Committee.

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

Public Works Committee Items

12. No. PW082702-02 - Approve Change Order No. 01 for PR01-1051, Community Centers at South and West Middle Schools to Jim Scull Construction Services for an increase of \$11,170.16.
13. No. PW082702-03 - Approve Change Order No. 04F for SS01-1086, Red Rock Estates Sanitary Sewer Lift Station Project to R.C.S. Construction, Inc. for a decrease of \$750.00.
14. No. PW082702-04 - Approve Change Order No. 03 for IDP01-1094, Rapid City Public Library Project to Jim Scull Construction Services for a decrease of \$18,117.25.
15. No. PW082702-05 - Approve Change Order No. 01F for PR01-1098, Memorial Park Improvements Phase 1 Project to Simon Contractors of South Dakota for an increase of \$17,861.91.
16. No. PW082702-06 - Approve Change Order No. 01 for ST02-1158, 2002 Mill and Overlay Project to Simon Contractors of South Dakota for an increase of \$7,347.60.
17. No. PW082702-07 - Approve Change Order No. 01 for SWO02-1168, Co-Compost Facility to RCS Construction, Inc. for an increase of \$1,069.50.
18. No. PW082702-08 - Approve Change Order No. 01F for STCM02-1181, Fifth Street PCC Panel Repair Phase 2 Project to Shovelhead Excavating for a decrease of \$14,238.64.
19. No. PW082702-09 - Approve Change Order No. 01F for PR02-1197, McKeague Field Lighting Project to Muth Electric, Inc. for an increase of \$2,545.34.
20. No. PW082702-10 - Authorize staff to advertise for bids for PR01-1090 and PR02-1208, Roosevelt Park Indoor Pool Complex and Site Improvements Projects.
21. No. PW082702-11 - Authorize staff to advertise for bids for SWO02-1239, Co-Compost Facility Paving Project.
22. No. PW082702-12 - Authorize the Mayor and Finance Officer to sign a United States Department of the Interior Temporary Water Service Contract for Pactola Reservoir for October 1, 2002 through September 30, 2003.
23. No. PW082702-13 - Authorize the Mayor and Finance Officer to sign a United States Department of the Interior USGS Joint Funding Agreement for Water Resources Investigations for September 1, 2002 to September 30, 2003 in the amount of \$104,000.
24. No. PW082702-14 - Authorize the Mayor and Finance Officer to sign a Professional Service Agreement with American Engineering Testing, Inc. for Construction Services for SS02-954, Hawthorne Avenue Street and Utilities Reconstruction Phase 2 Project for an amount not to exceed \$1,446.50.
25. No. PW082702-15 - Set Time and Place for Hearing on October 7, 2002 for Assessment Roll for SS02-1191, Fulton Street Sanitary Sewer Extension Project.

RESOLUTION FIXING TIME AND PLACE FOR HEARING
ON ASSESSMENT ROLL FOR
FULTON STREET SANITARY SEWER EXTENSION
PROJECT SS02-1191

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

1. The assessment roll for Fulton Street Sanitary Sewer Extension Project No. SS02-1191 was filed in the Finance Office on the 3rd day of September, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, October 7, 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 3rd day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

26. No. PW082702-16 – Approve an Initial Resolution Setting Time and Place for Hearing on October 7, 2002 for ST02-1233, Block 31, Flormann and Block 32 Sunnyside Addition Alley Paving Project.

INITIAL RESOLUTION FOR
BLOCK 31 FLORMANN AND BLOCK 32 SUNNYSIDE ADDITION
ALLEY PAVING PROJECT NO. ST02-1233

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 the alley as outlined in the proposed Resolution of Necessity for Block 31 Flormann and Block 32 Sunnyside Addition Alley Paving Project ST02-1233, which is on file with the Finance Officer. The estimated cost of the project is \$32,000 of which \$22,000 will be assessed to the affected property owners on a benefit basis.
2. This Council will meet at the City/School Administration Center in the City of Rapid City, South Dakota, on Monday the 7th day of October, 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 3rd day of September, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

27. No. PW082702-17 – Approve a Policy for Traffic Control and Signing for New Streets During Construction.
28. No. PW082702-18 – Direct staff to advertise Requests for Proposals for the Roosevelt Ice Arena Concession.
29. No. PW082702-19 – Approve a Travel Request for John Wagner to attend American Water Works Association Conference on Vulnerability Assessments for Water Utilities, Las Vegas, NV in the amount of \$1,860.
30. Extend the Water Conservation Measures to October 31, 2002.
31. No. PW082702-20 – Deny Paul H. Conley's Appeal of Notice of Violation for the fence in the Right-Of-Way at 1114 Fairview Street.
32. Authorize the Mayor and Finance Officer to sign Amendment No. 02 to a Professional Service Agreement with FMG, Inc. to Design South Truck Route Drainage Basin Plan for an amount not to exceed \$3,190.

Legal & Finance Committee

34. Approve Security Business License for Mike Jacobs.
35. No. LF082802-01 - Approve Resolution Amending the Plan for Projects and Programs to be Funded from the Rapid City Economic Development and Civic Improvements Fund.

A RESOLUTION AMENDING THE PLAN FOR PROJECTS AND PROGRAMS TO BE FUNDED FROM THE RAPID CITY ECONOMIC DEVELOPMENT AND CIVIC IMPROVEMENTS FUND

WHEREAS on the 17th day of April, 2000, the City of Rapid City adopted a resolution entitled "A Resolution Adopting a Plan for Projects to be Funded from the Rapid City Economic Development and Civic Improvements Fund;" and

WHEREAS the Council has determined to make the following amendments to said plan;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that the Rapid City Economic Development and Civic Improvements Plan as adopted by the City on April 17, 2000, be amended as follows:

1. Community Centers and Gyms: Reduce funding in FY2003 to \$1,400,000.
2. Public Safety Building: Add funding of \$385,000 in FY2002 and \$500,000 in FY2003.
3. Infrastructure: Reduce funding in FY2002 to \$1,500,000.

Dated this 3rd day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

36. No. LF082802-02 - 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 3rd day of September, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota, on Monday, October 7, 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 a 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 3rd day of September, 2002.

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

THE CITY COUNCIL
s/ Jerry Munson, Mayor

37. Authorize Expenditure of \$5,000 from the CIP Contingency Fund to Match Funds from the Bureau of Recreation for the Roosevelt Park Demonstration Garden Project.
38. No. LF082802-03 - Authorize Mayor and Finance Officer to Approve Maintenance Contract with Johnson Controls Regarding Library/Dahl Fine Arts for Services from September 1, 2002, to August 31, 2003, in an Amount of \$5,764 (3% increase over the current price).
39. No. LF082802-04 - Authorize Mayor and Finance Officer to Approve Maintenance Contract with Johnson Controls Regarding Milo Barber Transportation Center for Services from September 1, 2002, to August 31, 2003, in an Amount of \$4,481 (3% increase over the current price).
40. No. LF082802-12 - Authorize Mayor and Finance Officer to Approve Maintenance Contract with Johnson Controls Regarding Energy Plant for Services from September 1, 2002, to August 31, 2003, in an Amount of \$13,188 (Same as this Year).
41. No. LF082802-10 Authorize Mayor and Finance Officer to Sign Use of Easement and Indemnification Agreement with JR Investments, LLC.
42. No. LF082802-06 - Approve the following refund: Richard M. Rangel, 1997, \$7,188.32.

43. Approve the Following Licenses: Mechanical Apprentice: Matthew Little; Mechanical Installer: Bryan L. Hermanson, Carl J. Hyatt, Troy Nayman; Journeyman Sewer & Water Installer: Jon Giese; Trenching Contractor: Richard Reeb, Jim's Water Service; Trenching Journeyman: Jack Beebe, Pat Givens.

Raffle

44. No. CC090302-03 – Notification from Borgund Lodge 1-532, Sons of Norway, to conduct a raffle on November 16, 2002.
- 44A. Notification from Rapid City Chapter of Ducks Unlimited to conduct Raffle on September 14, 2002.

End of Consent Calendar

Motion was made by Kroeger and seconded by Kooiker to direct staff to **establish a policy** on initialing red lines on engineering plans and report back to the Public Works Committee. Kooiker stated that his understanding from the Public Works Committee meeting was that this would be implemented immediately. Johnson concurred noting that the Public Works Director should establish the policy, implement it immediately and notify the Council of the policy. Upon vote being taken, the motion carried unanimously.

Public Hearings

The Mayor announced that the meeting was open for consideration of the Assessment Roll for **Miscellaneous Property Cleanup** (No. CC090302-05). Notice of the hearing was sent to property owners on August 8, 2002 and published in the Rapid City Journal on August 27, 2002. No oral or written objections were received. The following Resolution was introduced, read and Kooiker moved its adoption:

RESOLUTION LEVYING ASSESSMENT FOR
CLEANUP OF MISCELLANEOUS PROPERTIES

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

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

Dated this 3rd day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The motion for adoption of the foregoing Resolution was seconded by Rodriguez. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley and Dreyer; 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 11 Alley Paving Project** ST02-1214 South Park Addition (No. CC090302-06). Notice of hearing was mailed to the affected property owners on August 6, 2002 and published in the Rapid City Journal on August 10 and August 17, 2002. Jim Parsons addressed the Council on behalf of this mother, Joyce Parsons whose property is included in this project. He noted that his mother does not access her property from this alley and has no need for the alley to be paved. Robert Olson from Peace Lutheran Church concurred that Mrs. Parsons would not benefit from this project. The Board of Directors of the church have agreed to pay the costs which would typically be assessed to Mrs. Parson's property. The following Resolution was introduced, read and Rodriguez moved its adoption:

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

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

The City Council hereby declares the necessity of paving approximately 560 linear feet of alley as located in Block 11 of the South Park 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 cost of the project is \$22,000 of which 60% (\$15,000) will be assessed to the benefiting properties on the basis of equal benefit.

The recorded ownership and estimated costs for the properties are listed on the attached ownership list.

The 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 costs, which will be assessed to the benefiting properties.

The recorded owners of the affected properties are as follows:

Bernard and Marie Ritten 220 E. Meade Street Rapid City, SD 57701	South Park Addition Block 11, Lots 1-2	\$800
David and Virginia Utter 2116 Maple Avenue Rapid City, SD 57701	South Park Addition Block 11, Lots 29-30	\$700
Daniel and Nicole Johnson 2120 Maple Avenue Rapid City, SD 57701	South Park Addition Block 11, Lots 31-32	\$700
Gregory and Katina Richey 2124 Maple Avenue Rapid City, SD 57701	South Park Addition Block 11, Lots 33-34	\$700

AJ Moody-Putman 2128 Maple Avenue Rapid City, SD 57701	South Park Addition Block 11, Lots 35-36	\$700
Terry Wachendorf 2132 Maple Avenue Rapid City, SD 57701	South Park Addition Block 11, Lots 37-38	\$700
Keena Manhalter 2206 Maple Avenue Rapid City, SD 57701	South Park Addition Block 11, Lots 39-40	\$700
Robert and Annie Knutson, Jr. 204 E. Meade Street Rapid City, SD 57701	South Park Addition Block 11, Lots 41-42	\$800
Joyce Parsons 2201 Michigan Avenue Rapid City, SD 57701	South Park Addition Block 11, Lots 3-6	\$1,400
Peace Lutheran Church 219 E. St. Anne Street Rapid City, SD 57701	South Park Addition Block 11, Lots 26-28	\$1,200
Peace Lutheran Church 219 E. St. Anne Street Rapid City, SD 57701	South Park Addition Block 11, Lots 7-15	\$6,600

The method of apportionment is as follows:

The above affected property owners will be assessed 60% of the cost of the street improvements on a "front footage" basis. The total assessed cost is estimated to be \$15,000.

The above-described project shall hereinafter be referred to as the Block 11 Alley Paving (South Park Addition) ST02-1214 Project, which shall be deemed a description of the project as hereinafter set forth.

Dated this 3rd day of September, 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. Substitute motion was made by Hanks and seconded by Murphy to approve the Resolution of Necessity with the exception that the costs assessed to Joyce Parson's property at 219 E. St. Anne Street, be paid by Peach Lutheran Church. Upon vote being taken, the following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

Mayor Munson stated that this is the time and place established for a public hearing on a Local Law Enforcement Block Grant from the Department of Justice in the amount of \$122,560, to be used to purchase equipment and technology for the Rapid City Police Department and the Pennington County Sheriff's Department. No comments were offered.

Motion was made by Hanks, seconded by Murphy and carried to accept the Block Grant funding.

Planning Department Consent Items

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

47. 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 16, 2002)
48. 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 SEPTEMBER 16, 2002)
49. 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 SEPTEMBER 16, 2002)
50. 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 16, 2002)
51. 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 OCTOBER 7, 2002)
52. No. 02PL009 – Approve the request by Polenz Land Surveying for Chuck Farrar for a **Preliminary and Final Plat** located at 3210 Kirkwood Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots 16P Revised and Lot 17P Revised in Block 2 of Chapel Lane Village, Rapid City, Pennington County, South Dakota (formerly 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, 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 16P Revised and Lot 17P Revised in Block 2 of Chapel Lane Village, Rapid City, Pennington County, South Dakota (formerly 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, 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 3rd day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

53. 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 SEPTEMBER 16, 2002)
54. 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 16, 2002)
55. 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 16, 2002)
56. No. 02PL032 - A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Preliminary Plat** 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 OCTOBER 7, 2002)

57. 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 16, 2002)
58. No. 02PL045 - A request by Doug Sperlich for 16 Plus, LLC for a **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 Plat of Lots 2-4 to September 16, 2002 and approve the following Resolution:

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lot 1 Moon Ridge Subdivision (formerly 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, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 1 Moon Ridge Subdivision (formerly 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, 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 3rd day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

59. No. 02PL051 - A request by CSU Properties, LLC for a **Preliminary and Final Plat** on Lot 1 of Professional Plaza Subdivision, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota legally described as Lot RU-9A, Lots 1 thru 4 of Block 6, Lot 16 and the west 9.77 feet of Lot 15 in Block 7, and adjacent vacated 4th Street ROW and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO SEPTEMBER 16, 2002)
60. No. 02PL052 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Layout Plat** on GL 1-2 Less ROW, Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Catron Boulevard and east of proposed future 5th Street. (CONTINUE TO SEPTEMBER 16, 2002)
62. No. 02PL068 – Approve the request by Doug Sperlich for Kelly Construction for a **Final Plat** located northwest of the intersection of Park Drive and Wonderland Drive.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Lots A through M of Lot 3, Pine View Terrace (formerly 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, 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 through M of Lot 3, Pine View Terrace (formerly 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, 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 3rd day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

63. 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 at Park Meadows Subdivision.
(CONTINUE TO SEPTEMBER 16, 2002)

64. 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 OCTOBER 7, 2002)
65. 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. (DENY WITHOUT PREJUDICE)
66. No. 02PL076 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **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 16, 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.
68. No. 02PL079 - A request by Davis Engineering, Inc. for Donovan and Tina Tucker for a **Layout Plat** on Lots A, B and C of Wiege Addition, all located in the NE1/4 of NW1/4 of NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, South Dakota legally described as the unplatted portion of the NE1/4 of the NW1/4 of NE1/4 of Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north of Enchanted Hills Subdivision. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon Preliminary Plat submittal, a water plan shall be submitted for review and approval showing the extension of a water main to the proposed lot(s). In addition, the plat shall be revised to show utility easement(s) as needed; 2) Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, septic tank design(s) prepared by a Professional Engineer shall be submitted for review. The plat document shall also be revised to provide drainfield easement(s) on each lot; 3) Prior to Final Plat approval by

the City Council, the applicant shall enter into an agreement with the City stating that the proposed lot(s) shall be connected to City sewer within six months of the City sewer system being activated; 4) Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In particular, a hydraulic analysis showing drainage patterns shall be submitted for review and approval. In addition, drainage easement(s) shall be shown on the plat as needed; 5) Upon Preliminary Plat submittal, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted for the two private access easements located south of the subject property. The design plans shall show the location of utilities, storm drainage, curb and gutter, sidewalks, street light conduit and dry sewer and water or a Variance to the Subdivision Regulations shall be obtained; 6) Upon Preliminary Plat submittal, the two private access easements shall be redesigned to provide cul-de-sac(s) at the end of each roadway or a Special Exception to the Street Design Criteria Manual shall be obtained; 7) Upon Preliminary Plat submittal, the plat shall be revised to show the access easement located at the southeast corner of the subject property as "dedicated right-of-way" or a Special Exception to the Street Design Criteria Manual shall be obtained to allow an access easement to serve more than four lots. If a Special Exception is obtained, a new private access easement shall be obtained from the underlying property owners of the private access easement in order to allow an additional lot to take access from the easement. In addition, both private access easements shall be extinguished and new easements shall be obtained to allow for the construction of utilities within the private access easements; 8) Upon Preliminary Plat submittal, the Section Line Highway located along the north lot line shall be built to City design standards or a Variance to the Subdivision Regulations shall be obtained waiving the requirement to improve the Section Line Highway or the Section Line Highway shall be vacated; 9) Upon Preliminary Plat submittal, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 10) Prior to Final Plat approval by the City Council, a wild fire mitigation plan shall be implemented; 11) All Uniform Fire Codes shall be continually met; 12) Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Low Density Residential District with a Planned Development Designation as identified by the South Robbinsdale Neighborhood Area Future Land Use Plan; 13) Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations to allow a lot twice as long as it is wide shall be obtained or the plat shall be revised to comply with the length to width requirement; 14) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 15) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.)

69. No. 02PL080 - A request by Davis Engineering, Inc. for Robert and Donald Grimm for a **Preliminary and Final Plat** on Lot 4 of Grimm Addition and dedicated Creek Drive Right-of-Way all located in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portion of Tract B of Government Lot 3 in Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located north of Highway 44 and east of Cambell Street at Creek Drive. (CONTINUE TO SEPTEMBER 16, 2002)
70. No. 02PL081 - A request by Centerline, Inc. for Double E LLC for a **Preliminary Plat** on Lots 1 thru 17 ob Block 3; Lots 1 and 2 of Block 4; Lots 1 thru 3 of Block 5; Lots 1 thru 9 of Block 6; Tract 2; and Right-of-Way of Fieldstone Drive, Lacebark Lane, Honeysuckle Lane, and Wild Rose Drive, and temporary turnaround easement, Plum Creek Subdivision, located in the E1/2 o the SW1/4 of Section 16, T1N, R8E, BHM, Pennington County, South Dakota legally described as 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. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) 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; 2) Prior to Preliminary Plat approval by the City Council, a revised drainage plan and report shall be submitted for review and approval; 3) Prior to Final Plat approval by the City Council, the plat document shall be revised to show a non-access easement along Fieldstone Drive and the first fifty feet on all corner lots; 4) The Uniform Fire Code shall be continually met; 5) Prior to Final Plat approval by the City Council, a revised road name for "Wild Rose Drive" shall be submitted for review and approval. In addition, the plat document shall be revised to show the revised road name; 6) Prior to Final Plat approval by the City Council, the property shall be rezoned from General Agriculture District to Low Density Residential District II and an Initial and Final Residential Development Plan shall be approved for the property; 7) Prior to Final Plat approval by the City Council, a subdivision estimate form for the uncompleted subdivision improvements shall be submitted for review and approval; and, 8) 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.

71. No. 02PL082 - A request by Robert Looyenga for a **Layout Plat** on Lots 37R and 35R, Ponderosa Ridge Estates, N1/2 of NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota legally described as Lots 37 and 35, Ponderosa Ridge Estates, N1/2 of NW1/4, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6560 Sun Ridge Road and 1107 Wildlife Road. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon submittal of a Preliminary Plat, a site plan identifying the location of all structural improvements, topography and utility lines shall be submitted for review and approval; 2) Upon submittal of the Preliminary Plat, complete engineering plans as specified in Section 16.20.040 of the Rapid City Municipal Code shall be submitted for review and approval. In particular, complete street design plans shall be submitted showing the location of utilities, storm drainage, curb and gutter and sidewalk improvements for all adjacent and interior roadways or a Variance to the Subdivision Regulations shall be obtained; 3) Upon submittal of the Preliminary Plat, construction plans for the section line highway located along the north lot line shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained or the section line highway shall be vacated; 4) Upon submittal of the Preliminary Plat, the plat shall be revised to include the dedication of five feet of additional right of way along the Sun Ridge Road frontage; 5) Upon submittal of the Preliminary Plat, a wildland fire mitigation plan shall be submitted for review and approval; 6) Upon submittal of the Preliminary Plat, soil profile information to verify two suitable areas for wastewater disposal systems on proposed Lot 37R and one set of percolation tests shall be submitted for review and approval; 7) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 8) Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fees shall be paid.
72. No. 02PL083 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the cul-de-sacs at the west end Sweetbriar Street and Avenue A. (CONTINUE TO OCTOBER 7, 2002)

73. 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 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. (CONTINUE TO SEPTEMBER 16, 2002)

END OF PLANNING CONSENT CALENDAR

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. Dreyer abstained from discussion or voting on this item. Motion was made by Hanks, seconded by Waugh and carried to continue this item until September 16, 2002.

The Mayor presented No. 02PL078, a request by Davis Engineering, Inc. for Ralph and Kathleen Rice for a **Preliminary and Final Plat** on Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota legally described as Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located 1/2 mile north of the Rushmore Mall and west of 143rd Avenue. Motion was made by Rodriguez and seconded by Hanks to continue this item until September 16, 2002. Rice stated that he has done everything requested of him, however, staff told him three days before everything was due that the property had to be annexed. Kooiker stated that he feels this applicant has been very patient with the City. Substitute motion was made by Kooiker and seconded by Hadley to approve the Final Plat. Planning Director Elkins explained that Mr. Rice made application to plat this property approximately one year ago and subsequently withdrew the request. Since then, property to the south of this was annexed at the owners request. This action placed Mr. Rice's property adjacent to the city limits. Since then, Mr. Rice has been in and discussed the platting of his property with staff and the issue of annexation was brought up. The City Council's policy is that property adjacent to the city limits must be annexed prior to approval of any plats. The Planning Commission requested that the City Attorney review the annexation issue prior to its next meeting when this item will be discussed again. Roll call vote was taken: AYE: Hadley, Murphy and Kooiker; NO: Johnson, Waugh, Kroeger, Dreyer, Hanks and Rodriguez. Substitute motion failed, 3-6. Upon vote being taken, the original motion to continue carried with Kooiker voting no.

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 Rodriguez, seconded by Kroeger and carried to continue this item until November 18, 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 of Auburn Hills Subdivision 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 continue this item until September 16, 2002.

Planning Department – Hearings

The Mayor presented No. 00PD037, a request by Renner & Sperlich Engineering Company for 16 Plus, LLC for a **Revocation of a portion of a Planned Development Designation** on a portion of Tract 1 of Pioneer Subdivision located in the E1/2 of the NE1/4, Section 34, 1N, 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 approximately .6 miles south of the intersection of Catron Boulevard and U.S. Highway 16, on the west side. Motion was made by Rodriguez, 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 Rodriguez, seconded by Hanks and carried to approve the requested variance with the stipulation that the applicant sign a waiver of right to protest an assessment district for Lot 16P Revised and 17P Revised.

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 Kroeger and carried to continue this item until November 18, 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 September 16, 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 September 16, 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 Rodriguez, seconded by Johnson and carried to deny without prejudice.

The Mayor presented No. 02SV035, a request by Davis Engineering, Inc. for Ralph and Kathleen Rice for a **Variance to the Subdivision Regulations to waive dry sewer, pavement, curb and gutter, and sidewalk on the private access easement and to waive dry sewer, curb and gutter and sidewalks on Neva Way as required by Chapter 16.16 of the Municipal Code** on Lot 9 Rev. Revised and Lot 10 A Revised of Vaughn's Subdivision, located in the S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota legally described as Lot 9 Rev. and Lot 10 A all located in S1/2 NE1/4 of Section 19, T2N, R8E, BHM, Pennington County, South Dakota, located 1/2 mile north of the Rushmore Mall and west of 143rd Avenue. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until September 16, 2002.

The Mayor presented No. 02SV036, a request by Dream Design International, Inc. for a **Variance to the Subdivision Regulations to allow lots twice as long as they are wide as regulated by Chapter 16.12 of the Municipal Code** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota legally described as the unplatted portion of the NW1/4 of the SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at the cul-de-sacs at the west end Sweetbriar Street and Avenue A. Motion was made by Rodriguez, seconded by Hanks and carried to approve the requested Variance.

The Mayor presented No. 02SV037, a request by Robert Looyenga for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalk, dry sewer, curb and gutter along Sun Ridge Road and Wildlife Road and to waive the requirement to install sidewalk, pavement street light conduit, dry sewer, and curb and gutter in the Section Line Right-of-Way as required by Section 16.16 of the Rapid City Municipal Code** on Lots 37R and 35R, Ponderosa Ridge Estates, Section 31, T2N, R7E, BHM, Pennington County, South Dakota legally described as Lots 37 and 35, Ponderosa Ridge Estates, Section 31, T2N, R7E, BHM, Pennington County, South Dakota, located at 6560 Sun Ridge Road and 1107 Wildlife Road. 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** located in the southwest corner of Omaha Street and West Boulevard. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION OF VACATION OF RIGHT-OF-WAY

WHEREAS it appears the public right of way described as: 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, more generally described as being located in the southwest corner of Omaha Street and West Boulevard, is not needed for public purposes,

WHEREAS the owner of said property desires said right of way to be vacated and released,

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City that this right of way heretofore described, and as shown on Exhibit A attached hereto, be and the same is hereby vacated; and

BE IT FURTHER RESOLVED by the City of Rapid City that the Mayor and Finance Officer are hereby authorized to execute a release of right of way in regard thereto.

Dated this 3rd day of September, 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, Kooiker, Rodriguez, Waugh, Kroeger, Hadley and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

Ordinances & Resolutions

The Mayor presented No. 02AN006, a request by John Nooney for Rodney and Norman McKie/Williston Basin Interstate Pipeline for a **Petition for Annexation** on property located north of US Interstate 90 and west of Haines Avenue. The following Resolution was introduced, read and Hadley moved its adoption:

A RESOLUTION ANNEXING THE WITHIN DESCRIBED TERRITORY

WHEREAS a petition signed by not less than three-fourths of the registered voters and by the owners of not less than three-fourths in value of the within described territory, contiguous to the City of Rapid City, has been filed with the City of Rapid City;
and

WHEREAS the City Council of the City of Rapid City deems it for the best interest of the City that the within described territory be included within the corporate limits of the City and annexed thereto;

NOW, THEREFORE BE IT RESOLVED by the City of Rapid City that the following territory, containing 3.585 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

Parcel 4A, 4B, and 4C on the "Plat showing; Tracts 4-B & 4-C, of Parcel #4; and Tracts 4-A, C and D; of the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota", as shown in Plat Book 10 Page 21; and Parcel No. 5 as shown on the "Plat for Montana-Dakota Utilities Co., a corporation with principal offices at 831 Second Avenue South, Minneapolis 2, Minnesota, showing lands in Sections 25 and 26 of T2N, R7E, BHM, Pennington County, South Dakota, acquired by Warranty Deed from Oldfield

and Butterfield, Grantors, of Rapid City, South Dakota", dated January 5, 1959; and Parcel No. 8 found in Right-of-Way Book 7 Page 173, dated January 26, 1959, described as "A tract or strip of land in the North Half of the North-west Quarter (N1/2 NW1/4) of Section 25, T2N, R7E, BHM in Pennington County, South Dakota; said strip of land being Fifty (50) feet wide, Twenty Five (25) feet on each side of the following described center-line, with both sides of the strip terminating at the South boundary of the NW1/4 NW1/4 of said Section 25: Beginning at the North Quarter corner of said Section 25, thence South along the quarter line a distance of 886.5 feet to the TRUE POINT OF BEGINNING, thence South 76 degrees 15 feet West a distance of 1846.9 feet to the East-West one-sixteenth line at a point 1794 feet West of the North-South one-quarter line.

Dated this 3rd day of September, 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 Johnson. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley and Dreyer; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 02AN007, a request by Dream Design International, Inc. for a **Petition for Annexation** on 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. Said corner being marked by a rebar with survey cap marked LS 1771, thence South 52°31'58" East a distance of 1093.41 feet to the Point of Beginning; continuing from the Point of Beginning; thence South 00°12'42" West a distance of 662.60 feet; thence North 89°42'42" West a distance of 362.69 feet; thence North 00°05'41" East a distance of 314.08 feet; thence North 89°33'05" West a distance of 165.99 feet; thence North 00°13'30" East a distance of 347.44 feet; thence South 89°46'40" East a distance of 529.24 feet; returning to the Point of Beginning, being the cul-de-sacs at the west end Sweetbriar Street and Avenue A. Motion was made by Hadley, seconded by Waugh and carried to continue this item until September 16, 2002.

The Mayor presented No. 02CA045, a request by Ron Salway for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.143 acre parcel from Low Density Residential to General Commercial** on Lot 2 of Dakota Subdivision #1, Section 24, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 502 Crazy Horse Street. Motion was made by Hadley, seconded by Waugh and carried to continue this item until September 16, 2002.

Kriebel entered the meeting at this time.

The next item discussed by the Council was No. LF062602-03R, second reading of **Ordinance 3831**, entitled An Ordinance Amending Chapter 2.08 of the Rapid City Municipal Code by Adding a New Section 2.08.110 Relating to Conflicts of Interest and Standards of Conduct for Elected Officials. Motion was made by Murphy and seconded by Johnson to approve second reading. Substitute motion was made by Kooiker and seconded by Hadley to continue this item until September 16, 2002. Staff has been reviewing similar ordinances which have been enacted in other municipalities. Upon vote being taken, the motion to continue carried unanimously.

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, having passed the first reading on August 19, 2002, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and Ordinance 3736 was declared duly passed upon its second reading.

The next item before the Council was second reading of **Ordinance 3836** (No. 02RZ034) a request by Nathan A. Barton for Century Medical Plaza, LLC for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 7 thru 11, Block 17, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 615 Flormann Street and 619 Flormann Street. Motion was made by Hadley, seconded by Johnson and carried to continue this hearing until September 16, 2002.

The next item before the Council was No. LF073102-16, second reading of **Ordinance 3838** 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. Motion was made by Kroeger, seconded by Rodriguez and carried to continue second reading of this ordinance until September 16, 2002 to give the Fire Department more time to research what other communities are doing with steep driveways, and that this information be presented at the next Legal & Finance Committee meeting.

Ordinance 3844 (No. LF081402-04) Regarding Supplemental Appropriation No. 2 for 2002, having passed the first reading on August 19, 2002, it was moved by Kroeger and seconded by Rodriguez that the title be read the second time. Preston explained that this supplemental appropriation ordinance will make the necessary adjustments to the budget as approved by the City Council. Substitute motion was made by Hanks and seconded by Rodriguez to approve second reading of Ordinance 3844 with the stipulation that the \$500,000 reduction in street improvements be changed to the 2012 Fund. The following voted AYE: Hanks, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: Johnson, whereupon the Mayor declared the motion passed and Ordinance 3844 was declared duly passed upon its second reading.

The Mayor announced the meeting was open for hearing on No. 02RZ036, second reading of **Ordinance 3845**, a request by Dream Design International, Inc. for a **Rezoning from General Agriculture District to Low Density Residential District** on the following property: 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. Notice of hearing was published in the Rapid City Journal on August 24 and August 31, 2002. Ordinance 3845, having had the first reading on August 5, 2002, it was moved by Hadley and seconded by Murphy that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor the motion passed and read the title of Ordinance 3845 the second time.

The Mayor presented No. 02RZ041, second reading of **Ordinance 3846**, 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. Motion was made by Hadley, seconded by Hanks and carried to continue this hearing until September 16, 2002.

The Mayor presented No. 02RZ042, second reading of **Ordinance 3847**, a request by Dream Design International, Inc. a Rezoning from No Use District to Low Density Residential District on the following property: 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. Motion was made by Hadley, seconded by Waugh and carried to continue this hearing until September 16, 2002.

The Mayor announced the meeting was open for hearing on No. 02RZ043, second reading of **Ordinance 3848**, a request by Centerline, Inc. for Double E LLC for a Rezoning from General Agriculture District to Low Density Residential II on 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. Notice of hearing was published in the Rapid City Journal on August 24 and August 31, 2002. Ordinance 3848, having had the first reading on August 19, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3848 the second time.

The Mayor presented No. 02RZ044, second reading of **Ordinance 3849**, a request by Renner & Sperlich for 16 Plus, LLC for a Rezoning from No Use District to General Commercial District on the following property: 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. Motion was made by Hadley, seconded by Waugh and carried to deny this item without prejudice.

The Mayor announced the meeting was open for hearing on No. 02RZ045, second reading of **Ordinance 3850**, 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: 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. Notice of hearing was published in the Rapid City Journal on August 24 and August 31, 2002. Ordinance 3850, having had the first reading on August 19, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed and read the title of Ordinance 3850 the second time.

The Mayor presented No. 02RZ046, second reading of **Ordinance 3851**, 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: 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. Motion was made by Hadley, seconded by Waugh and carried to deny this item without prejudice.

The next item before the Council at this time was No. LF071002-05R, second reading of **Ordinance 3852**, 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. Motion was made by Hadley and seconded by Rodriguez to continue this hearing until September 16, 2002. Bob Melvin, President of the Men's Golf Association stated that the Association is generally in agreement that there needs to be a change in the way the golf course is managed. Upon vote being taken, the motion carried unanimously.

Ordinance 3853 (No. LF082802-07R) entitled An Ordinance Relating to the Removal of Members of the Civic Center Board, By Amending Section 2.76.030 of Chapter 2.76 of the Rapid City Municipal Code, was introduced. Motion was made by Hadley and seconded by Hanks to approve first reading. Sam Kooiker noted that nothing was attached to the agenda and he questioned what the Council was approving. City Attorney Adam Altman explained that the Legal & Finance Committee directed him to prepare an ordinance that he could not in good conscience prepare. He explained this at the committee meeting and that is why there is no document attached to the agenda. He further explained that he does not feel the ordinance he was directed to prepare complies with state law regarding public officers. Mayor Munson stated that he did direct the City Attorney to request an Attorney General's opinion on this issue. Kooiker stated that if the City is going to request an AG's opinion, he has several questions he would like included with the request. He submitted a list of these questions to the City Attorney. Hanks expressed concern that the City Council requested that the City Attorney draft an ordinance and it was not done. Substitute motion was made by Johnson and seconded by Murphy to continue first reading of Ordinance 3853 until September 16, 2002, and that all questions be submitted to the Attorney General's Office for his opinion. Upon vote being taken, the motion carried unanimously.

Ordinance 3854 (No. LF081402-09R) entitled An Ordinance Establishing a Development Appeals and Review Board and Defining the Membership, Duties and Powers Thereof, by Adding Chapter 2.88 to Title 2 of the Rapid City Municipal Code, was introduced. Motion was made by Hadley and seconded by Kroeger to approve first reading. Substitute motion was made by Johnson and seconded by Murphy to approve first reading of Ordinance 3854 as distributed by the City Attorney today. Altman did note that two changes were made in the document that was submitted by Alderman Kroeger. The first put the board under the control of the Mayor and the second dealt with the makeup of the board. Roll call vote was taken: AYE: Hadley, Murphy, Kriebel, Johnson and Waugh; NO: Kroeger, Dreyer, Hanks, Kooiker and Rodriguez. Motion failed due to a 5-5 vote. Munson noted that the motion on the floor at the present time was to approve first reading of Ordinance 3854 as brought forward from the Legal & Finance Committee. City Engineering Division Manager Randy Nelson urged the Council to take a slower approach to this development appeals board and put together a balanced group of people that will look at the long-term cost of the city's infrastructure as well as the first term cost. He also urged the Council to put together a group that includes representatives from the home buyers as well as the people that repair and maintain the infrastructure. Dreyer called the question and there were no objections. Upon vote being taken, the motion to approve first reading carried with Johnson voting no.

Ordinance 3855 (No. LF082802-11), FY2003 Appropriation Ordinance, was introduced. Motion was made by Hanks and seconded by Rodriguez to approve first reading. Roll call vote was taken: AYE: Murphy, Waugh, Kroeger, Dreyer, Hanks and Rodriguez; NO: Hadley,

Kriebel, Johnson and Kooiker. Motion to approve first reading of Ordinance 3855 carried and second reading was set for Monday, September 16, 2002.

Legal & Finance Committee Items

Motion was made by Hadley, seconded by Murphy and carried to approve No. LF082802-05, authorize Mayor and Finance Officer to Sign **Roosevelt Ice Arena** Ice Rental Contract (Seasonal).

Motion was made by Hadley, seconded by Hanks and carried to table the direction to staff to enforce the **sign code** which specifically allows political signs as long as they are out of the public right-of-way.

The next item before the Council was No. LF082802-08, authorization for the Mayor and Finance Officer to Sign **Ground Lease** with Youth and Family Services. Motion was made by Hanks and seconded by Murphy to authorize the Mayor and Finance Officer to sign the Lease. Sam Kooiker expressed concern about this lease purchase agreement and whether or not it is valid. Substitute motion was made by Kooiker and seconded by Hadley to continue this item to allow the City Attorney to work with a private attorney and get a second opinion on the legality of this contract. There was lengthy discussion about the legality of this transaction. City Attorney Altman stated that these concerns have been raised in the past and he is comfortable that the current document is legal and proper. Substitute motion was made by Hadley and seconded by Kooiker to continue this item to September 16, 2002 and direct staff to request an Attorney General's opinion on the legality of this type of lease purchase agreement. Roll call vote was taken: AYE: Hadley, Kriebel, Johnson, Waugh and Kooiker ; NO: Murphy, Kroeger, Dreyer, Hanks and Rodriguez. Mayor Munson asked about the ramifications to YFS if the Council delayed this item for two weeks. Susan Fedel stated that she does not know at this time. YFS has entered into a construction agreement with Scull Construction and they are proceeding as quickly as possible while the weather is good. Munson voted AYE to break the tie and the motion carried. Discussion continued. Altman suggested that this discussion continue in executive session because it is dealing with contractual matters.

Motion was made by Hadley and seconded by Kooiker to go into **executive session** to discuss contractual matters. Upon vote being taken, the motion carried with Kriebel voting no. The Council came out of executive session at 10:00 with all members present.

Motion was made by Johnson and seconded by Waugh to reconsider the action taken on Agenda Item No. 107 relative to the YFS Ground Lease. Upon vote being taken, the motion carried with Kooiker and Kriebel voting no.

Motion was made by Rodriguez and seconded by Johnson to authorize Mayor and Finance Officer to Sign **Ground Lease** with Youth and Family Services. Kooiker spoke against the motion questioning the validity of this action. Roll call vote was taken: AYE: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger and Dreyer; NO: Kooiker, Hadley and Kriebel. Motion carried, 7-3.

Motion was made by Hanks and seconded by Rodriguez to authorize Mayor and Finance Officer to Sign **Mortgage** with Youth and Family Services (No. LF082802-09). Roll call vote was taken: AYE: Hanks, Johnson, Murphy, Rodriguez, Waugh, Kroeger and Dreyer; NO: Kooiker, Hadley and Kriebel. Motion carried, 7-3.

Public Works Committee Items

Motion was made by Rodriguez and seconded by Murphy to approve Change Order No. 02F for ST01-985, **West Boulevard Reconstruction**, South Street to St. James Street Project to

Heavy Constructors, Inc. for an increase of \$45,152. (No. PW082702-01). Kooiker stated that he does not feel the Council has received adequate justification for a change order of this size. Upon vote being taken, the motion carried with Kooiker and Hadley voting no.

Motion was made by Rodriguez and seconded by Murphy to approve No. PW082702-14A - Authorize the Mayor and Finance Officer to sign United States Department of the Interior **USGS Joint Funding Agreement** for Water Resources Investigations for October 1, 2001 to September 30, 2002 in the amount of \$5,300. Upon vote being taken, the motion carried with Kooiker voting no.

Motion was made by Johnson, seconded by Hanks and carried to direct staff to proceed with locating a **temporary outdoor ice arena** on City property on Omaha Street for the Rushmore Hockey Association.

Motion was made by Rodriguez and seconded by Dreyer to approve the request from Fischer Furniture to **erect a tent** at 1710 West Main Street. Jay Fox appeared before the Council on behalf of Fischer Furniture. He stated that they will provide a certificate of insurance showing the City as an additional insured. The tent will be erected from September 24 through October 5, 2002. Upon vote being taken, the motion carried unanimously.

Bills

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

Payroll Ending 8-24-02, Paid 8-30-02	606,657.89
Payroll Ending 8-31-02, Paid 8-30-02	861,909.16
Payroll Ending 8-24-02, Paid 8-30-02	3,012.80
Pioneer Bank & Trust, taxes Paid 8-30-02	151,248.56
Pioneer Bank & Trust, taxes Paid 8-30-02	226.05
Pioneer Bank & Trust, taxes Paid 8-30-02	220,543.50
First American Administrators, claims Paid 8-21-02	57,515.50
First American Administrators, claims Paid 8-28-02	58,789.58
SD Department of Revenue, sales tax Paid 8-19-02	31,397.35
Ardent Learning Center, Network class	1,195.00
US Post Master, billing postage	2,200.00
Computer Bill List	2,583,347.05
Total	\$4,578,042.44

Payroll Ending 8-24-02, Paid 8-30-02	2,552.80
Pioneer Bank & Trust, taxes Paid 8-30-02	195.29
Carquest, van repairs	34.75
RSVP Petty Cash, postage	37.00
City of Rapid City, postage	158.28
Marlin Leasing, copier	7.61
Philfleet Advantage, gasoline	106.03
SD School of Mines, telephone	65.49
Sherry Svarstad, mileage	41.76
Total	\$4,581,241.45

Treasurer's Checks

Heavy Constructors	19,100.00
Muth Electric	2,418.07
Simon Contractors	6,980.22
Total	\$4,609,739.74

Motion was made by Murphy, seconded by Rodriguez and carried to approve the settlement as discussed in executive session and authorize the Mayor and Finance Officer to sign the **settlement agreement**.

As there was no further business to come before the Council at this time, the meeting adjourned at 10:20 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor

Finance Officer

(SEAL)