

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

September 16, 2002

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Rapid City was held at the City/School Administration Center in Rapid City, South Dakota on Monday, September 16, 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, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrived during the course of the meeting: None; and the following were absent: None.

Motion was made by Dreyer, seconded by Hanks and carried to correct the minutes of September 3 to show that Waugh seconded the motion to go into executive session; and **approve the minutes** of September 3, 2002.

The following vendors submitted bids for **Miscellaneous Improvements Project** MIP02-1153 (No. CC091602-01) which were opened on September 12, 2002: 1) Tru-Form Construction; 2) Stanley Johnsen Concrete; 3) Corner Construction 4) RCS Construction; and 5) Simon Contractors of SD. Staff has reviewed the bids and recommends award to Simon Contractors of SD. Motion was made by Rodriguez, seconded by Hanks and carried to award the bid for MIP02-1153 to Simon Contractors of SD, the lowest responsible bidder meeting specifications, based on their low unit prices bid, for a total contract amount of \$65,432.24.

The following companies submitted bids for **Sidewalk Improvement Project** No. SWK02-1139 (No. CC091602-01) which were opened on September 12, 2002: 1) Arrowhead Concrete; 2) Tru-Form Construction (bond submitted); 3) Stanley Johnsen Concrete; 4) Corner Construction; 5) RCS Construction, and 6) Simon Contractors of SD. Motion was made by Rodriguez, seconded by Hadley and carried to refer these bids to the Public Works Committee for review and recommendation.

Mayor's Items

Mayor Munson presented the **Veteran of the Month Award** to Jack Brookens and commended him for outstanding service to the country.

Mayor Munson presented a plaque to Robert Morrow and commended him for outstanding volunteer service to the community. Morrow has been involved with the Urban Forestry Board since 1978 and instrumental in many of the beautification projects throughout the City.

Munson also presented Certificates of Recognition to City employees John Wagner and Bonnie Hughes and commended them for 30 years of service to the community.

Motion was made by Hanks, seconded by Hadley and carried to refer the issue of developing and selling a portion of the Wally Byam property to the Legal & Finance Committee for review and recommendation.

Motion was made by Waugh, seconded by Rodriguez and carried to refer the request from the City of Box Elder to use the City's landfill for a clean-up day to the Public Works Committee for review and recommendation.

Alderpersion Items

Hanks stated that Rapid City has been very fortunate recently to enhance the recreational opportunities for all citizens. This may be an appropriate time to review how the recreation division is structured. Currently, it is a division and perhaps it is time to create a recreation department which would oversee all recreation opportunities. Motion was made by Hanks and seconded by Kroeger to request that the Personnel Director review how a shifting in structure and establishment of a Recreation Department could be accomplished and present options if this is feasible. Johnson stated that he felt this would be the easiest part of the issue. The bigger question is, are we doing the job correctly in the City at the present time. Johnson suggested that a committee be formed to review this question. Upon vote being taken, the motion carried with Johnson voting no.

Alcoholic Beverage License Applications

This was the time set for hearing on the application of Chrisbro, LLC dba **Hampton Inn**, 1720 Rapp Street, for an On-Off Sale Malt Beverage License (New License – No Video Lottery). Motion was made by Hadley and seconded by Rodriguez to approve the application. City Attorney Adam Altman stated that this establishment is operating under a temporary certificate of occupancy. However, should the temporary certificate be revoked, the establishment would not be able to sell malt beverages during that time. Upon vote being taken, the motion carried unanimously.

This was the time set for hearing on the application of Chrisbro, LLC dba **Hampton Inn**, 1720 Rapp Street, for an On-Sale Wine License (New License – No Video Lottery). Motion was made by Hadley and seconded by Rodriguez to approve the application. Altman reiterated that if the temporary certificate of occupancy is revoked, alcoholic beverages would not be allowed to be sold on the premises. Upon vote being taken, the motion carried unanimously.

Consent Calendar Items

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

Public Works Committee Items

6. No. PW091002-01 – Approve Change Order No. 03 for ST01-871, Highway 16/Promise Drive Street and Utility Construction Project to R.C.S. Construction, Inc. for an increase of \$1,813.76.
7. No. PW091002-02 - Approve Change Order No. 04 for W01-1104, Water Main Extension on Omaha Street – LaCrosse to Cambell Project to Stanley J. Johnsen Concrete Contractor, Inc. for a decrease of \$9,223.00.
8. No. PW091002-03 - Approve Change Order No. 01 for SSW01-1105, In-Place Pipeline Reconstruction Project to Insituform Technologies USA, Inc. for an increase of \$27,909.00.
9. No. PW091002-04 - Approve Change Order No. 01F for PM02-1193, Detailed Pavement Marking Contract Project to Arrow Striping & MFG., Inc. for a decrease of \$5,481.00.
10. No. PW091002-05 - Authorize staff to advertise for bids for WRF02-1195, Water Reclamation Facility Waterline Installation Project.
11. No. PW091002-06 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to Professional Service Agreement with Ferber Engineering Company to Design ST01-1138 Rushmore Business Park Phase 3 Project for an amount not to exceed \$865.00.
12. No. PW091002-08 - Authorize Mayor and Finance Officer to sign a South Dakota Department of Transportation Funding Agreement for P 1746(3) PCEMS 4530 and SSW98-817 PCEMS X087 – Canyon Lake Drive from Soo San Drive to Dakota Drive.

13. No. PW091002-09 - Authorize Mayor and Finance Officer to sign a South Dakota Department of Transportation Letting Authorization for P 1746(3) PCEMS 4530 – Canyon Lake Drive from Soo San Drive to Dakota Drive.
14. No. PW091002-10 - Authorize Mayor and Finance Officer to sign a South Dakota Department of Transportation Utilities Certificate for P 1746(3) PCEMS 4530 – Canyon Lake Drive from Soo San Drive to Dakota Drive.
15. No. PW091002-11 - Authorize Mayor and Finance Officer to sign a Black Hills Power and Light Right-Of-Way Permit – OH/UG Corporation for pole and underground feeder relocation for Anaconda Street Improvement Project.
16. No. PW091002-12 - Authorize Mayor and Finance Officer to sign a Black Hills Power and Light Application and Agreement for Electric Service Extension for Parkview Softball Complex.
17. No. PW091002-13 - Authorize Mayor and Finance Officer to sign a Black Hills Power and Light Right-Of-Way Permit – OH/UG Corporation for Parkview Softball Complex.
18. No. 02RD005 – Approve a Resolution for petitioner Ron and Dana Beaumont renaming Echo Drive to Aztec Drive, located at 1045 Echo Drive.

Resolution Changing The Road Named Echo Drive to Aztec Drive

BE IT RESOLVED by the City of Rapid City that the Echo Drive right-of-way lying adjacent to Lots 1 thru 5 and Lot 8 of Ponderosa Ridge Estates, Section 31, T2N, R7E; and less Tract 0201, less Lot H1 of the NW1/4, less Lot H1 of NE1/4 and less Lot H1 of the SE1/4, Section 36, T2N, R6E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1045 Echo Drive be, and is hereby, renamed to Aztec Drive.

DATED this 16th day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

19. No. 02RD006 – Approve a Resolution for petitioner City of Rapid City renaming Heidiway Lane to Heidiway Court, located western terminus of Heidiway Lane.

Resolution Changing The Road Named Heidiway Lane to Heidiway Court

BE IT RESOLVED by the City of Rapid City that the portion of Heidiway Lane located in the NE1/4 of the SE1/4 of Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the western terminus of Heidiway Lane be, and is hereby, renamed to Heidiway Court.

DATED this 16th day of September 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

20. No. 02VE011 – Approve a Vacation of Utility Easement for petitioner Phillip and Bambi Schweppe, located at 13631 Quartz Canyon Lane.

RESOLUTION OF VACATION OF UTILITY EASEMENT

WHEREAS it appears that a portion of the utility easement on Lot 11R, Block 2, Quartz Canyon Subdivision in the NW1/4 of Section 7, T1S, R7E, BHM, Pennington County, South Dakota, more generally described as being located at 13631 Quartz Canyon Lane is not needed for public purposes; and

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

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

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

Dated this 16th day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

21. Refer the request by Michael Jacob to construct a parking pad in public right-of-way at 615 West Boulevard to the Historic Preservation Commission for comment.
22. No. PW091002-15 – Approve a Request for a variance to Ordinances 13.08.030 and 13.08.060 to allow the construction of a new drainfield at 1410 Centre Street; and direct representatives of the Eagles Lodge to sign a “Waiver of Right to Protest” a future assessed project.
23. Direct staff to store components for a free style bike park on City property as long as it is at no cost to the City, or detrimental to the operation of the City.

Legal & Finance Committee

24. No. LF091102-01 - Approve Event Permit for Festival of Lights for Holiday Parade to be held on November 30, 2002.
25. No. LF091102-02 - Authorize Mayor and Finance Officer to sign Memorandum of Understanding Test Period for Modified Work Schedule.
26. No. LF091102-03 - Approve Travel Request for Torrance A. Richardson to attend the AAAE 2002 Russell Hoyt National Airports Conference from 9/21/02 through 9/24/02 in the amount of \$1,764.50.
27. No. LF091102-04 - Approve Resolution Declaring Property Surplus.

RESOLUTION DECLARING PROPERTY SURPLUS

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

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

Planning Department
Gateway P5-75 Tower File Server, Inv. No. 15280

Gateway 2000 Keyboard
Gateway CrystalScan 14 Monitor
Prestige PowerWare backup power source, Inv. No. 13234
D-Link Twisted-Pair Hub, Inv. No. 13898
Ether-H12 Hub, Inv. No. 13241

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

Dated this 16th day of September, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

28. No. LF091102-05 - Authorize Mayor and Finance Officer to sign State of South Dakota Grant Agreement/Letter of Agreement between City of Rapid City and South Dakota Department of Environment and Natural Resources (Data Management) and State of South Dakota Grant Agreement/Letter of Agreement between City of Rapid City and South Dakota Department of Environment and Natural Resources (Pass Through Agreement).
29. No. LF091102-12 - Approve Travel Request for Don Jarvinen to attend ESRI's Instructor-Led Classes Creating and Managing Geodatabases and Modeling Geodatabases with CASE Tools in Denver, CO, from November 4-8, 2002, in the Amount of \$3,085.
30. No. LF091102-13 - Approve Travel Request for Lisa Seaman to attend the ESRI's Instructor-Led Classes ArcGIS I and ArcGIS II in Denver, CO, from November 11-15, 2002, in the Amount of \$3,085.
31. No. LF091102-15 - Authorize Staff to advertise for Request for Proposals for a Public Interface (KIOSK).
32. No. LF091102-16 - Authorize Staff to advertise for Request for Proposals for a E911 Mapping Interface.
33. No. LF091102-07 - Approve Resolution to Establish Additional Staffing to Support the Fire and Emergency Services Station Number Six.

RESOLUTION TO ESTABLISH ADDITIONAL STAFFING TO SUPPORT
THE FIRE AND EMERGENCY SERVICES STATION NUMBER SIX

WHEREAS the Fire Chief has indicated that additional staffing will be necessary to provide necessary services for a new station to open for service in 2003;

NOW, THEREFORE, BE IT RESOLVED by the City of Rapid City Council to authorize an increased staffing of fix full-time equivalents (FTE) effective October 1, 2002, to be allocated to the hiring of full-time benefited employees in the classification of Apprentice Firefighter Medic as currently established with the Salary Schedule established by an agreement between International Association of Firefighters Local 3959 and the City of Rapid City.

Dated this 16th day of September, 2002.

ATTEST:
s/ James F. Preston

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

Finance Officer
(SEAL)

34. No. LF091102-17 - Authorize Mayor and Finance Officer to sign Contract with Dusty's Cleaning Service for Professional Cleaning Service at the Milo Barber Transportation Center for an Amount not to Exceed \$750 Per Month.
35. No. LF091102-09 - Authorize Mayor and Finance Officer to sign Memorandum of Agreement between the City of Rapid City and Kiwanis-Mary Hall Park Committee, Inc.
36. Approve the following licenses: Central Station Service: Vector Security, Inc.; Electrical Apprentice: LaVerne D. Andersen, Lee T. Basco, LeRoy W. Brehm, Laurence Black Elk, Thomas L. Clements, James D. Cronin, Andrew W. Doell, Tommy J. Hupp, Jeremy Johnson, Cory G. Levin, Henry G. O'Rourke, Mario Ottesen, Dana Ringgenberg, Travis Ross, Jason Salazar, Dan Winkler; Electrical Journeyman: Tyler Bayne, Rick Myers, Odean Lee Ness, Ronald Richards, Jason R. Sogn; Gas Apprentice: Josh Yeager; Mechanical Apprentice: Jason Townsend, Orryn Fischer, Josh Yeager; Plumbing Apprentice: Aaron A. Brown, Jeremy Miller, Ryan Vermeulen; Residential Contractor: Bartels & Sons, Michael W. Bartels.
37. No. LF091102-10 - Authorize Mayor and Finance Officer to sign Amendment #1 Award of Allocation for Historical Preservation by Rapid City, Project #46-02-021.
38. No. LF091102-11 - Approve Travel Request for Mayor Munson and Council Members to Attend National League of Cities Congress of Cities December 3-7, 2002, in Salt Lake City, UT, in the Amount of \$8,395.

End of Consent Calendar

Planning Department Consent Items

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

39. 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, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A. (CONTINUE TO OCTOBER 7, 2002)
40. No. 02AN009 – Approve the request by City of Rapid City for a **Petition for Annexation** located north of E. St. Patrick Street and south of SD Highway 44.

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 5.3946 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

The 50 foot E. St. Charles Street right-of-way lying north of Lots A, C, & D of Tract A of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; The 50 foot E. St. Charles Street right-of-way lying north of Lots E and F of Tract A, Schlottman Addition of SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; The 50 foot E. St. Charles Street right-of-way lying north of Lots G and H of Tract A of Schlottman Addition located in SE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; The 66 foot E. St. Andrew Street right-of-way lying north of Lot O Revised of Tract A of Schlottman Addition located in SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; The 66 foot E. St. Andrew Street right-of-way lying north of Lots P, Q, R, and T of Tract A of Schlottman Addition located in SE1/4 of the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; The 66 foot E. St. Andrew Street right-of-way lying north of Lots 1 and 2 of Lot S of Tract A of Schlottman Addition located in SE1/4 of SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; and the east half of Sedivy Lane lying in the SE1/4 of Section 5 adjacent to Lot 4 in the SE1/4 of Section 5, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota., containing 5.3946 acres, more or less.

Dated this 16th day of September 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

41. No. 02AN010 - A request by City of Rapid City and the South Dakota Department of Transportation for a **Petition for Annexation** on the balance of Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot 2 of Tract A of the NE1/4 SW1/4, Orchard Lane in the NE1/4 SW1/4, Lot H1 in Tract A in the E1/2 SW1/4 and the W1/2 SE1/4, Lot H1 in Lot 1 of the Well Addition in the SW1/4, Lot H1 in the N1/2 SE1/4 NW1/4, Lot H2 in the N1/2 SW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, Lot H5 in the NE1/4 NW1/4 lying south and west of SD Highway 44, and Lot H2 in the NW1/4 NE1/4 lying south and west of SD Highway 44 and railroad right-of-way, all located in Section 9, T1N, R8E, BHM, Pennington County, South Dakota, located south of SD Highway 44 East and South Valley Drive. (CONTINUE TO OCTOBER 7, 2002)
42. 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 OCTOBER 7, 2002)

43. No. 01PL054 - A request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** on Lots 1 and 2 of Block 13; Lots 2-5 of Block 14, and Dedicated Streets, Big Sky Subdivision, located in the SE1/4 NW1/4 and NE1/4 NW1/4 of Section 3, T1N, R8E, B.H.M., Pennington County, South Dakota; excepting Lot 1 on Block 13 and Lot 1 in Block 14 of Big Sky Subdivision and Dedicated Public Rights of Way (Big Sky Drive and DeGeest Street), as shown on the plat filed in Plat Book 29, Page 154, located at the northern terminus of DeGeest Street. (CONTINUE TO OCTOBER 7, 2002)
44. 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 OCTOBER 7, 2002)
45. 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 OCTOBER 7, 2002)
46. 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 OCTOBER 7, 2002)
47. 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. (APPROVE with the following conditions: 1) Prior to Layout Plat approval by the City Council, the Layout Plat shall be revised to provide a 52 foot wide frontage along Anderson Road and the width of the flagpole portion of Lot 6 shall be a minimum of 52 feet; 2) Prior to Layout Plat approval by the City Council, the Layout Plat shall be revised to include non-access easements along the entire Anderson Road frontage of proposed Lot 5R and along the south 85 feet of the Anderson Road frontage of proposed Lot 4R; 3) Upon submittal of the Preliminary Plat, the petitioner shall submit location information and other applicable data for any existing and proposed water and wastewater improvements; 4) Prior to Layout Plat approval by the City Council, the applicant shall provide documentation identifying the recording of the 66 foot wide access easement of record adjacent to Anderson Road extending 290.91 feet west along the south lot line of proposed Lot 6; 5) Upon submittal of the Preliminary Plat, the applicant shall either submit construction plans for the required subdivision improvements within the dedicated access easement or request a variance to the Subdivision Regulations waiving the construction of the required improvements or vacate the existing access easement as a part of the Final Plat of this property; 6) Upon submittal of the Preliminary Plat, construction plans for

the required subdivision improvements as specified in Section 16.20.040 of the Rapid City Municipal Code within the Anderson Road right of way shall be submitted for review and approval or a Variance to the Subdivision Regulations shall be obtained waiving the required subdivision improvements; 7) Upon submittal of the Preliminary Plat, construction plans for the shared approach to proposed Lots 5R and 6 shall be submitted for review and approval; 8) Prior to Layout Plat approval by the City Council, the applicant shall provide a revised site plan showing the location of the existing well on proposed Lot 5R; 9) Prior to Layout Plat approval by the City Council, the applicant shall submit a revised topographic map; 10) Prior to approval of the Final Plat by the City Council, the applicant shall apply for and receive Pennington County Commission approval of the rezoning of the west portion of proposed Lot 4 Revised to Suburban Residential Zoning District; 11) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 12) 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.)

48. 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 OCTOBER 7, 2002)
49. No. 02PL029 - A request by Davis Engineering for a **Preliminary and Final Plat** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota; legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview Drive. (CONTINUE TO OCTOBER 7, 2002)
50. 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 OCTOBER 7, 2002)
51. No. 02PL045 - A request by Doug Sperlich for 16 Plus, LLC for a **Layout Plat** on Lots 2 thru 4, Moon Ridge Subdivision, located in the E1/2 of the NE1/4, Section 34, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located north west of U.S. Highway 16 and Moon Meadows Road. (APPROVE with the following stipulations: 1) Upon submittal of a Preliminary Plat, a grading plan and geotechnical information shall be submitted for review and approval; 2) Upon submittal of a Preliminary Plat, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 3) Upon submittal of the Preliminary Plat, sewer plans prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval; 4) Upon submittal of the Preliminary Plat, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval; 5) Upon submittal of the Preliminary Plat, the plat

shall be revised to show a non-access easement along U.S. Highway 16. In addition a non-access easement shall be shown along Moon Meadow Drive except for the approved approach location(s); 6) 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; 7) Upon submittal of the Preliminary Plat, construction plans providing for a collector road to be located through the northwest corner of the subject property shall be submitted for review and approval or an amendment to the Major Street Plan shall be approved eliminating and/or relocating the collector road; 8) 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; 9) Upon submittal of the Preliminary Plat, a fire hydrant design plan showing the location of fire hydrants and water lines, including the size of the proposed water lines, shall be submitted for review and approval; 10) Prior to Final Plat approval by the City Council, the plat shall be revised to show "Moon Meadows Drive" as "Moon Meadows Road"; 11) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 12) 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.)

52. No. 02PL047 - A request by Wyss Associates, Inc. for a **Layout Plat** on Lots 1 thru 22, Block 1; Lots 1 thru 4, Block 2; Lot 1 thru 18, Block 3; Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Tract 2; Tract 4 less Lot H1, Pine View Terrace, Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located northeast of Southwest Middle School, 4501 Park Drive. (CONTINUE TO OCTOBER 7, 2002)
53. No. 02PL049 - A request by Davis Engineering for a **Layout Plat** on Block 1, Lots 1 thru 20; Block 2, Lots 1 thru 11; Block 3, Lots 1 thru 21; Block 4, Lots 1 thru 18; Block 5, Lots 1 thru 16; Block 6, Lots 1 thru 20; Block 7, Lots 1 thru 9; Block 8, Lots 1 thru 18; Block 9, Lots 1 thru 25; Block 10, Lots 1 thru 48; and Block 11, Lots 1 thru 29; Murphy Ranch Estates Subdivision, located in the NW1/4 Section 14, T1N, R8E, BHM, Pennington County, South Dakota; legally described as Tract F of the NW1/4 less Murphy's Subdivision and ROW, Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located approximately 800 feet east of Reservoir Road on Longview Road. (CONTINUE TO OCTOBER 7, 2002)
54. 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 R.O.W. and 1/2 vacated adjacent alley in Original Town of Rapid City, Section 36, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO OCTOBER 21, 2002)
55. 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 OCTOBER 7, 2002)
56. No. 02PL056 - A request by Renner & Sperlich for J&J Truck & Auto Body for a **Preliminary Plat** on Lots 1 and 2 of Devine Subdivision located in the SW1/4 of the

SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Less Lot H1 of Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast corner of the intersection of Cambell Street and Philadelphia Street. (CONTINUE TO OCTOBER 7, 2002)

57. 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. (CONTINUE TO OCTOBER 7, 2002)
58. No. 02PL069 - A request by CETEC Engineering for Park Hill Development, Inc. for a **Layout and Preliminary Plat** on Lots 2A, 2B, 3A, 3B, 4, 5A, 5B, 6A, 6B, 7A, 7B, 8, 9, 10A, 1B, 11A, 11B, 12A, 12B, 13A, 13B, 14 thru 20 of Block 1; and Lots 8, 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 14B, 15 thru 18 of Block 2; and Lots 1 thru 9, 10A, 10B, 11A, 11B, 12A, 12B, 13A, 13B of Block 5; and dedicated right-of-way of Park Meadows Subdivision, located in the NE1/4 of SE1/4, SE1/4 of NE1/4, and the SW1/4 of NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lots 8 thru 18 of Block 2; Lots 2 thru 20 of Block 1; and Lots 1 thru 13 of Block 5, Park Meadows Subdivision, located in the NE1/4 of SE1/4, SE1/4 of NE1/4, and the SW1/4 of NE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the Park Meadows Subdivision. (CONTINUE TO OCTOBER 7, 2002)
59. No. 02PL076 - A request by Renner & Sperlich Engineering Co. for Gordon Howie for a **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. (CONTINUE TO OCTOBER 7, 2002)
61. 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 OCTOBER 7, 2002)
62. No. 02PL084 - A request by Fisk Land Surveying & Consulting Engineering for Allen Nelson for a **Layout Plat** on Lots 3R, 25R, and 27 of Forest Park Estates all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 3 and Lot 25 of Forest Park Estates Subdivision and the North 200 feet of the South 940 feet of the West 450 feet of Tract A, all in Section 16, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 4231 Starlite Drive. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1) Upon Preliminary Plat submittal, topographic information and a grading plan shall be submitted for review and approval; 2) Upon Preliminary Plat submittal, water plans prepared by a Registered Professional Engineer showing the extension of water mains shall be submitted for review and approval. In particular, the water plans shall show the extension of City water to Lot(s) 25R and 27 or a Variance to the Subdivision Regulations shall be obtained; 3) Upon Preliminary Plat submittal, sewer plans

prepared by a Registered Professional Engineer showing the extension of sanitary sewer mains and service lines shall be submitted for review and approval. In particular, the sewer plans shall show the extension of City sewer to Lot(s) 25R and 27 or a Variance to the Subdivision Regulations shall be obtained. In addition, Lot 27 shall connect to the City sewer line or a Variance to the Subdivision Regulations shall be obtained; 4) Upon Preliminary Plat submittal, a site plan shall be submitted showing the location of structures, utilities and drainfield(s). In addition, the plat shall be revised to show drainfield easements for the existing drainfields; 5) Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, the plat shall be revised to show drainage easements as needed; 6) 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 showing the location of utilities, storm drainage, curb, gutter and sidewalk improvements for Starlite Drive, Forest Park Circle; 7) 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; 8) Prior to Preliminary Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 9) Prior to Preliminary Plat approval by the City Council, a Variance to the Zoning Ordinance shall be obtained to allow a lot to abut on a public street for a distance of less than twenty-five feet or the plat shall be revised to comply with the requirement; 10) Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 11) 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 fee shall be paid.)

63. No. 02SE004 - A request by Centerline, Inc. for Lazy P-6 Properties, LLC for a **Special Exception to allow curbside sidewalks in lieu of property line sidewalks as required by Section 7.5 of the Street Design Criteria Manual** on the SW1/4 NW1/4 of Section 19, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; located north of Catron Boulevard and east of proposed future 5th Street. (CONTINUE TO OCTOBER 7, 2002)

END OF PLANNING CONSENT CALENDAR

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 Hanks, seconded by Kroeger and carried to continue this item until October 21, 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 Johnson and carried to continue to October 7, 2002.

The Mayor presented No. 02PL085, a request by Renner & Sperlich Engineering Co. for Dean Kelly Construction for a **Preliminary Plat** on Lots A, B, C, & D of Lot 3 of Block 15, Canyon Lake Heights Subdivision, located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 3 of Block 15 of Canyon Lake Heights Subdivision and a portion of the SE1/4 of the SE1/4 of Section 8 located in the SE1/4 of the SE1/4 of Section 8 and the SW1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located south of the intersection of Cliff Drive and Miracle Place. Motion was made by Rodriguez and seconded by Kroeger to continue this item until October 7, 2002. Kriebel spoke against approving the plat of this property. Johnson stated that he would like to know what the ramifications would be if the Council denied the final plat of this property after approving the layout plat. Upon vote being taken, the motion to continue carried with Kooiker and Kriebel voting no.

Planning Department – Hearings

The Mayor presented No. 02CA047, a request by Bryan Gonzalez for Century Medical Plaza, LLC for an **Amendment to the Comprehensive Plan to change the future land use designation on a 0.41 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development**, located at 615 Flormann Street and 619 Flormann Street. The following Resolution was introduced, read and Rodriguez moved its adoption:

RESOLUTION AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF RAPID CITY

WHEREAS the Rapid City Council held a public hearing on the 16th day of September, 2002 to consider an amendment to the Comprehensive Plan to change the future land use designation on a 0.41 acre parcel from Medium Density Residential to Office Commercial with a Planned Commercial Development, on Lots 7 thru 11, Block 17, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, and good cause appearing therefore.

BE IT RESOLVED by the Rapid City Council, pursuant to the recommendation of the Rapid City Planning Commission, that the Rapid City Comprehensive Plan be amended as attached to the original hereof and filed in the Finance Office.

Dated this 16th 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 Kroeger. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

The Mayor presented No. 02SV016, a request by Davis Engineering for a **Variance to the Subdivision Regulations to waive the requirement for curb and gutter, sidewalks, street light conduit, dry sewer and water** on Tract A of Murphy Ranch Estates Subdivision of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota; legally described as a portion of Tract F of the NW1/4 of Section 14, T1N, R8E, BHM, Pennington County, South Dakota, located southeast of the intersection of Reservoir Road and Longview

Drive. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until October 7, 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 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. Motion was made by Rodriguez, seconded by Johnson and carried to continue this item until October 7, 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 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 Kroeger and carried to continue this item until October 7, 2002.

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. 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 Kroeger and carried to continue this item until October 21, 2002.

The Mayor presented No. 02VR004, a request by Willard Werth for Black Hills Auto for a **Vacation of Right-of-Way**, located at 1221 Jess Street. 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:

The SW1/4 SW1/4 of Section 32, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota; said 0.057 acre of land lying south of Jess Street, and west of Lot 8 of SSJE Subdivision, and shown on Survey Plat recorded in Plat Book 28, Page 154 in the office of the Pennington County Register of Deeds, and being more particularly described by metes and bounds as follows to-wit: Beginning at an iron rod with cap marked "D.C. Scott L.S. 2540" found for the northerly northwest corner of said Lot 8 of SSJE Subdivision on the south right-of-way line of Jess Street, a 60 foot wide public right-of-way; thence, South 24°41'07" West, along the northwesterly line of said Lot 8 of SSJE Subdivision, a distance of 109.89 feet to a point for corner; thence North 02°49'02" West, a distance of 100.00 feet to an iron rod with cap marked "Dean Scott, L.S. 4897" set for corner on the south right-of-way line of Jess Street, as previously described; thence, South 89°55'11" West, along on the south right-of-way line of Jess Street, a distance of 50.00 feet to the POINT OF BEGINNING, more generally described as being located at 1221 Jess Street

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 16th 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 Kroeger. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon said Resolution was declared duly passed and adopted.

Ordinances & Resolutions

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 Hanks and carried to deny this item without prejudice.

The next item before 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 Hadley, seconded by Kroeger and carried to table this item.

The Mayor announced the meeting was open for hearing on No. 02RZ034, second reading of **Ordinance 3836**, a request by Nathan A. Barton for Century Medical Plaza, LLC for a **Rezoning from Medium Density Residential District to Office Commercial District** on Lots 7 thru 11, Block 17, South Boulevard Addition, Section 12, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 615 Flormann Street and 619 Flormann Street. Notice of Hearing was published in the Rapid City Journal on July 20 and July 27, 2002. Ordinance 3836, having had the first reading on July 15, 2002, it was moved by Hadley and seconded by Rodriguez 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 3836 the second time.

The Mayor presented 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 Hadley and carried to continue this item until October 7, 2002.

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 deny this item without prejudice.

The Mayor presented No. 02RZ042, second reading of **Ordinance 3847**, a request by Dream Design International, Inc. for 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 Kroeger and carried to continue this item until October 7, 2002.

Ordinance 3852 (No. LF071002-05R) 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, having passed the first reading on August 19, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. Hanks stated that he cannot support the ordinance for two reasons: 1) the ordinance would create a department head just for the golf courses, and 2) the language dealing with the board of directors and it's duties. Hanks stated that there are a number of places in the ordinance that appear to give the board of directors the responsibility and authority to run the city golf courses. Mike Sanborn, a member of the Mayor's Golf Assessment Committee, spoke in favor of the ordinance before the Council at this time. The Committee has spent countless hours dealing with the issues and has prepared a recommendation for the Council's consideration. The Committee is recommending that the Council put the golf course in the hands of management that understands golf course management in a competitive environment. Until this is done, the City will forever be subsidizing the golf course system that will be less than it could be. Sanborn added that the current management is too bureaucratic to respond to the changes in the marketplace. The golf course needs to be managed by people who understand all facets of running a golf course in a competitive environment. Johnson distributed an ordinance which has been revised in the areas of the duties of the advisory board and the supervision of the Public Works Department. Johnson explained that the changes he proposed to the ordinance will clarify that the advisory board is advisory and not management in style, and secondly, it will leave the golf operation under the Public Works Department. Asst. City Attorney Jason Green noted that Section 2.86.010 and 2.86.020 would need to be revised to show the Director of Golf would report to the Public Works Director. Substitute motion was made by Johnson and seconded by Murphy to adopt second reading of the version handed out this evening with the changes clarifying that the director of golf answers to the Public Works Director. Hanks noted that none of the Golf Committee members have had an opportunity to review the changes being presented. Substitute motion was made by Hanks to continue this issue until October 7, 2002. Motion died for lack of a second. Bill Waugh stated that the part of the revised ordinance that would not be acceptable to the Advisory Committee is the change that would keep the golf course under the supervision of the Public Works Department. Roll call vote was taken: AYE: Kooiker, Johnson and Murphy; NO: Rodriguez, Hanks, Dreyer, Kroeger, Waugh, Kriebel and Hadley. Substitute motion failed, 3-7. Substitute motion was made by Hanks and seconded by Johnson to continue this item to the next Legal & Finance Committee meeting for additional review. Second substitute motion was made by Waugh and seconded by Johnson to set a special council meeting to review this item only at 1:00 P.M. on September 18, 2002 in the Council Chambers. Ted Wolk stated that he would like to see the Council take action on the proposed ordinance tonight so that the changes can

be implemented. Dreyer stated that the Council understands the problems at the golf course and the choices that have to be made. It is time to vote on this issue; another few days is not going to make any difference. Waugh stated that he agrees with the changes in Johnson's proposal relative to the duties of the board. It was never the intent of the Committee to make it a management board, only advisory. Waugh withdrew his motion to set a special council meeting. Substitute motion was made by Waugh and seconded by Rodriguez to approve second reading of Ordinance 3852 with the amendments that were brought forward by Alderman Johnson under Section 2.86.060, clarifying the duties of the board. Asst. City Attorney Green also requested that the motion include the new prefatory language proposed by Mr. Johnson as the first "whereas clause" on page one. Waugh accepted this inclusion to his motion. Murphy stated that he could not support the city getting an entire new department for golf. Altman also requested clarification if staff was to make the changes in 2.86.040 regarding the management advisory board. Waugh also included this change in his motion. Kooiker spoke in favor of the proposed changes as long as they are implemented within the current budget. Mayor Munson stated that he could not support any ordinance that removes the golf course operations from the supervision of the Public Works Department. He supports looking at the golf operations, creating an advisory board of good, competent people to help the City move forward with golf in Rapid City to save the tax payers money, to give a better golf experience, and to save the conditions that have been built up over the years and perhaps make them better. Kooiker called the question and there were no objections. Roll call vote was taken: AYE: Rodriguez, Kooiker, Hanks, Dreyer, Waugh, Kriebel and Hadley; NO: Kroeger, Johnson and Murphy. Motion carried, 7-3.

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 Kooiker and seconded by Kroeger to approve first reading, with the addition of the following language: "Members may be removed for cause by the Council upon recommendation by the Mayor. Cause shall include, but not be limited to, three consecutive, unexcused absences from regular meetings." City Attorney Altman stated that in his opinion, the proposed language is not legal. Mayor Munson concurred. Upon vote being taken, the motion to approve first reading carried unanimously and second reading was set for October 7, 2002.

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, having passed the first reading on September 3, 2002, it was moved by Hadley and seconded by Rodriguez that the title be read the second time. City Attorney Altman stated that the Legal & Finance Committee authorized some revisions to the ordinance to help it fit with existing development ordinances. He distributed a revised copy via e-mail earlier today of the ordinance containing these revisions. Kroeger stated that he has no problem with the revisions, except with the change that the board is appointed by the Mayor, not the City Council. Kroeger questioned why the Council could not appoint this board, but they could appoint a committee. Altman submitted a Memorandum noting the areas of the ordinance that elevate members of the proposed board to officers of the City. There was discussion about the areas of the ordinance which would make the members officers of the City rather than just members of a board. Kroeger noted that the major problem area is the section that deals with investigative powers. All the board will need to do if there is an appeal is gather information so they can make a determination and recommendation on the issue. Altman agreed that if Section 2.88.090 relative to investigations was deleted, the ordinance would be OK. The board would be able to gather any information they wanted. The language in Section 2.88.060 stating that the board may make such inquiries as it deems expedient, would allow them to gather the information they need to make a recommendation. Substitute motion was made by Johnson and seconded by Murphy to approve second reading of Ordinance 3854, as submitted by the City Attorney earlier today. Substitute motion was made by Kroeger and seconded by Rodriguez to approve second reading of Ordinance 3854 as submitted by the City Attorney's

Office earlier today, with the deletion of Section 2.88.090, and under "membership requirements" change the wording to "seven persons who shall be appointed by the Council and who shall serve a two-year staggered term at the pleasure of the Council. Kroeger agreed to add "Section 105" to the blanks in Section 2.88.030 dealing with the fire and building codes. Kooiker called the question and there were no objections. Upon vote being taken, the motion carried with Johnson voting no.

Ordinance 3855, (No. LF082802-11) FY2003 Appropriation Ordinance, having passed the first reading on September 3, 2002, it was moved by Rodriguez and seconded by Murphy to approve second reading. Gale Holbrook urged the Council to include \$25,000 in the 2003 budget to fund the deer herd management plan. The Game Fish & Parks Department has indicated that the deer population has increased in the city and more funding is needed to take care of this problem. Mike Ferette spoke against the City providing any funding to kill deer within the City limits. Substitute motion was made by Rodriguez and seconded by Waugh to approve second reading of Ordinance 3855, with an increase in funding in the amount of \$12,500 for the Deer Herd Management Program. Discussion continued. Second substitute motion was made by Kriebel and seconded by Waugh to approve second reading of Ordinance 3855, with an increase in funding in the amount of \$25,000 for the Deer Herd Management Program. Rodriguez asked if the State Game Fish & Parks contributes financially to this program. Bjerke stated that they do not. Dreyer stated that if the state is anticipating an increase in the number of deer within the city limits, they should contribute financially to solving the problem. Hanks called the question and there were no objections. Roll call vote was taken: AYE: Rodriguez, Waugh, Kriebel and Hadley; NO: Kooiker, Hanks, Dreyer, Kroeger, Johnson and Murphy. Motion failed, 4-6. Roll call vote was taken on the first substitute motion to add \$12,500 for the deer herd management program: AYE: Rodriguez, Waugh, Kriebel and Hadley; NO: Kooiker, Hanks, Dreyer, Kroeger, Johnson and Murphy. Motion failed, 4-6. Discussion returned to the original motion to approve second reading of the 2003 Appropriation Ordinance, as presented. Roll call vote was taken: AYE: Rodriguez, Hanks, Dreyer, Kroeger, Waugh and Murphy; NO: Kooiker, Johnson, Kriebel and Hadley. Motion carried, 6-4.

Ordinance 3856 (No. LF091102-08) entitled An Ordinance Providing for Licensing and Regulation of Adult Oriented Businesses and Employees, and Providing for Additional Miscellaneous Regulations for Adult Oriented Businesses, by Adding Chapter 5.70 to Title 5 of the Rapid City Municipal Code, was introduced. Motion was made by Hadley and seconded by Rodriguez to approve first reading. Mike Sanborn requested that this ordinance be continued for two weeks in order to allow time for the businesses that will be affected to review the ordinance and respond to it. Jean French, Elizabeth Krause and Tim Sigman spoke in favor of approving first reading of the ordinance without amendments. Hadley concurred noting that the public will have opportunity to comment prior to the second reading which is scheduled for October 7, 2002. Asst. City Attorney Mike Booher explained to the Council that Ms. Gibson was unable to attend the meeting tonight, but she wanted her concerns expressed. She would like to see the ordinance approved, with the following changes: 1) allow for couch dances because this is how the dancers make most of their money; 2) license requirement would only apply to owners and managers, not general employees of the business; and 3) specified criminal conduct to apply to only one year misdemeanor as opposed to a 2-year misdemeanor charge and rather than a five year felony that would prohibit issuance of a license, it should only be a three year felony. Booher also recommended that the 10' distance barrier be reduced to 6'. The reason being that the courts have struck down a 10' barrier, but never a 6' barrier. Motion was made by Murphy to strike paragraph B and add language that makes it a misdemeanor to have patrons on the stage at any time. Motion died for lack of a second. Johnson spoke against the ordinance because of the licensing requirement for general employees. He stated that it is reasonable to license the owner and manager, but not reasonable to license the dancers and other general employees. Substitute motion was made by Murphy and seconded by Johnson to approve first reading of Ordinance 3856 and direct staff to change the language to require that only the owners and

managers be licensed, not the other employees. Kriebel questioned who would be responsible for the individuals who have criminal records who are working in establishments like this. He stated that he feels this is a reasonable thing for the City to want to know; especially sexual assault crimes. Johnson stated that he feels the business owner and management should be responsible for what goes on in their establishment. Roll call vote was taken on the substitute motion: AYE: Dreyer, Johnson and Murphy; NO: Rodriguez, Kooiker, Hanks, Kroeger, Waugh, Kriebel and Hadley. Motion failed, 7-3. Roll call vote was taken on the original motion to approve first reading of Ordinance 3856: AYE: Hadley, Murphy, Kriebel, Waugh, Kroeger, Dreyer, Hanks, Kooiker and Rodriguez; NO: Johnson. Motion carried, 9-1.

Ordinance 3857 (No. 02OA014) entitled An Ordinance Establishing the Public Notification Requirement for Subdivision Variances and Experimental Subdivisions by Amending Section 16.24.040 of the Rapid City Municipal Code, was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3857 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, October 7, 2002.

Ordinance 3858 (No. PW091002-14) entitled An Ordinance Amending Section 13.08.370 Of Chapter 13.08 Of The Rapid City Municipal Code City Of Rapid City Pertaining To The Sewer Use Charge, was introduced. Motion was made by Hadley and seconded by Kroeger to deny Ordinance 3858. Hadley spoke against the ordinance because he felt more funding should have been allocated from the 2012 fund for infrastructure projects. Murphy stated that if the rates are not increased, there will be no funding for wastewater expansion projects. Johnson stated that there has been a lot of misinformation about this issue during the last year and there is no way to run this utility for much longer without an increase in the rates. The City is spending millions of dollars to build a facility to handle the wastewater problem we have today, to repair infrastructure that needs to be repaired today, and to expand the community in the future. The utility loses approximately \$115,000 every month that goes by without the rates being increased. Johnson stated that if the City doesn't increase the rates now, we are guaranteeing that by the year 2005, the rates will be very high. The whole program was based on starting the rate increase early so that the citizens would have a gradual increase. Since we have arbitrarily kept the rates low and we are holding them there, the increase will be very steep in the future. Kooiker stated that he does not have the will to override the public vote taken last June at which time the voters rejected the five year rate increase and connection fees for the wastewater utility. Kooiker also questioned the escalation rate contained in the plan for the rate increases. Kroeger concurred stating that the City approved the voters say relative to the water rates, so we should also take into account their say relative to the sewer rates. Roll call vote was taken on the motion to deny: AYE: Rodriguez, Kooiker, Hanks, Kroeger, Waugh, Johnson, Kriebel and Hadley; NO: Dreyer and Murphy. Motion carried, 8-2.

Motion was made by Johnson and seconded by Murphy to put all non-emergency projects from the Wastewater Fund on hold without specific Council approval. Johnson clarified that his motion would apply to any new contracts. Projects that are under construction at the present time would not be affected. Bjerke asked how long this action would apply. Munson stated that it would apply until additional action by the City Council. Roll call vote was taken: AYE: Waugh, Johnson, Murphy and Hadley; NO: Rodriguez, Kooiker, Hanks, Dreyer, Kroeger and Kriebel. Motion failed, 4-6.

Ordinance 3859 (No. 02RZ047) a request by Renner and Sperlich Engineering for Walgar Development Corp. for a **Rezoning from Low Density Residential District to Medium Density Residential District** on the following property, was introduced: A portion of Tract B of Robbinsdale Addition No. 10 located in the SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described by metes and bounds as commencing at the northeasterly corner of Tract B of Robbinsdale Addition No. 10 common to a corner of Tract A of Robbinsdale Addition No. 10, thence, S00°34'24"W along

the easterly boundary of said Tract B, common to the westerly boundary of said Tract A, a distance of 34.03 feet, to the Point of Beginning; thence, first course: S00°34'24"W along the easterly boundary of said Tract B, common to the westerly boundary of said Tract A, a distance of 87.87 feet, to the west corner common to said Tract A and Lot 2 of Block 11 of Robbinsdale Addition No. 10; thence, second course: S00°34'24"W along the easterly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 545.67 feet, to the southeasterly corner of said Tract B; thence, third course: S89°43'09"W along the southerly boundary of said Tract B, common to the boundary of said Lot 2 of Block 11, a distance of 609.78 feet; thence, fourth course: northeasterly, curving to the left on a curve with a radius of 303.62 feet, a delta angle of 48°53'39", a length of 259.10 feet, a chord bearing of N47°46'47"E, and a chord distance of 251.31 feet; thence, fourth course: northeasterly, curving to the right on a curve with a radius of 536.05 feet, a delta angle of 15°00'02", a length of 140.34 feet, a chord bearing of N30°49'59"E, and a chord distance of 139.94 feet; thence, fifth course: northeasterly, curving to the left on a curve with a radius of 156.08 feet, a delta angle of 44°12'52", a length of 120.45 feet, a chord bearing of N16°13'34"E, a chord distance of 117.48 feet; thence, sixth course: N61°59'49"E, a distance of 43.64 feet; thence, seventh course: N28°45'23"W, a distance of 70.20 feet, to a point 150 feet southeasterly of the southerly right-of-way of Minnesota Street; thence eighth course: N64°33'00"E, parallel to the southerly right-of-way of Minnesota Street, a distance of 355.15 feet, to the Point of Beginning, located on Minnesota Street. Upon motion made by Hadley, seconded by Kroeger and carried, Ordinance 3859 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 7, 2002.

Ordinance 3860 (No. 02RZ048) a request by City of Rapid City for a **Rezoning from No Use District to Heavy Industrial District** on the following property, was introduced: That portion of the NW1/4 SW1/4, formerly known as Lots 8, 9, & 10 of Swander's Addition located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot A lying in the NW1/4 SW1/4, Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot 1 of BHPL Hwy 79 Substation in Tract D in W1/2 of SW1/4, Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Lot B of SW1/4 SW1/4 and Lot A of SE1/4 SW1/4, Section 17, T1N, R8E, BHM, Pennington County, South Dakota; Tract D of W1/2 SW1/4 less BHPL Hwy 79 Substation, less E. Hoff Subdivision and less Lot H1, and Lot H1 and Lot H2 and Lot H3 of W1/2 SW1/4, Lot H2 and Lot H3 of Lot C of W1/2 SW1/4, Lot H1 of Tract D of W1/2 SW1/4 less Lot 1 of BHPL Highway 79 Substation, Lot H1 in Lot E in the SW1/4 SW1/4, Lot H1 in Lot F in the SW1/4 SW1/4, Lot H1 in Lot B in the SW1/4 SW1/4, Lot H1 in Lot A in the SE1/4 SW1/4, Lot H5 of NW1/4 SW1/4, all located in Section 17, T1N, R8E, BHM, Pennington County, South Dakota, and Lot H1 of E1/2 SE1/4, Section 18, T1N, R8E, BHM, Pennington County, South Dakota, and All railroad rights-of-way, previously not annexed, located in the NW1/4 SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota; and All rights-of-way not previously annexed lying west of the east boundary of the DM&E railroad right-of-way located in the SW1/4 of Section 17, T1N, R8E, BHM, Pennington County, South Dakota, located east of SD Highway 79 and north of Folsom Road. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3860 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 7, 2002.

Ordinance 3861 (No. 02RZ049) a request by City of Rapid City for a **Rezoning from No Use District to Public District** on the NW1/4 NE1/4 and the west 610 feet of the NE1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3861 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 7, 2002.

Ordinance 3862 (No. 02RZ050) a request by City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on the south 450 feet of the SW1/4 SE1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota., located east of Elk Vale Road and north of Degeest Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3862 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 7, 2002.

Ordinance 3863 (No. 02RZ051) a request by City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on the north 870 feet of the SW1/4 SE1/4, Section 34, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3863 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 7, 2002.

Ordinance 3864 (No. 02RZ052) a request by City of Rapid City for a **Rezoning from No Use District to Office Commercial District** on the east 710 feet of NE1/4 NE1/4 less a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3864 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 7, 2002.

Ordinance 3865 (No. 02RZ053) a request by City of Rapid City for a **Rezoning from No Use District to Neighborhood Commercial District** on a parcel of land 400 feet by 400 feet in the northeastern most corner of the NE1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest Street, was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried, Ordinance 3865 was placed upon its first reading and the title was fully and distinctly read. The Finance Officer was authorized and directed to publish notice of hearing thereon, said hearing to be held on Monday, October 7, 2002.

Legal & Finance Committee Items

Motion was made by Hadley and seconded by Rodriguez to authorize Mayor and Finance Officer to sign Contract between the City of Rapid City and GeoAnalytics for the **GIS/IMS Master Plan Update** for a \$5,000 cost increase and a time extension to December 31, 2002 (No. LF091102-14). Johnson and Kooiker spoke against the motion noting that this vendor put together the proposal with all the information available and now they want to increase their cost. Planning Director Elkins requested that the time extension be approved even if the additional cost is not. Substitute motion was made by Kooiker and seconded by Johnson to approve the time extension, but not the cost increase. Roll call vote was taken: AYE: Rodriguez, Kooiker, Kroeger, Waugh, Johnson, Kriebel and Murphy; NO: Hanks, Dreyer and Hadley. Motion carried, 7-3.

Motion was made by Hadley and seconded by Kroeger to authorize Mayor and Finance Officer to sign Agreement for Professional Services for the City of Rapid City and the **Rushmore Plaza Civic Center** by and between the City of Rapid City and the Rapid City Area Chamber of Commerce in the amount of \$747,172. (No. LF091102-06). Roll call vote was taken: AYE: Hanks, Johnson, Kooiker, Rodriguez, Waugh, Kroeger, Hadley and Dreyer; NO: Murphy and Kriebel. Motion carried, 8-2.

Motion was made by Rodriguez and seconded by Kroeger to authorize an expenditure of \$50,000 from the 2002 Council Contingency Fund for the City's share of funding of the Rapid City Area Schools Safe and **Drug Free Schools and Community Program**, and then place this item in the future budget; contingent upon the state coming forward with \$250,000 and the school coming forward with \$50,000. Dreyer stated that the City is short of money and this money could be used in other areas that would be more beneficial to the community. Kooiker stated that he would like more information on the program. Substitute motion was made by Kooiker and seconded by Waugh to authorize an expenditure in the amount of \$50,000 from the Council Contingency Fund for the Drug Free Schools and Community Program, and direct that staff not disburse any funds for this project until a formal agreement has been approved by the Council. Preston noted that if the funds are not disbursed in 2002, they will go into the cash balance at the end of the year and have to be re-allocated in 2003. Rodriguez added that if the funding from the School District and the State is not forthcoming, the City is under no obligation to contribute the \$50,000. Roll call vote was taken. AYE: Rodriguez, Kooiker, Hanks, Kroeger, Waugh, Johnson, Murphy and Hadley; NO: Dreyer and Kriebel. Motion carried, 8-2.

Public Works Committee Items

Motion was made by Kroeger and seconded by Dreyer to authorize Mayor and Finance Officer to sign a Professional Service Agreement with Ferber Engineering Company to Design DR02-1206 Landfill/East of Highway 79 **Drainage Basin Plan** for an amount not to exceed \$85,380.00 (No. PW091002-07). Kooiker stated that he cannot agree to spending this kind of money on this agreement when the City has drainage engineers on staff. Roll call vote was taken: AYE: Murphy, Kroeger and Dreyer; NO: Hadley, Kriebel, Johnson, Waugh, Hanks, Kooiker and Rodriguez. Motion failed, 3-7.

Motion was made by Hanks and seconded by Waugh to send this back to the Public Works Committee and request a breakdown on what it would cost to provide an additional FTE to do this work. Upon vote being taken, the motion carried with Johnson voting no.

Motion was made by Rodriguez and seconded by Johnson to direct staff to present the **engineering plan submittal spreadsheet**, with a column added for the original date of submittal, at the first Public Works Committee meeting of each month (No. PW091002-16). Murphy spoke against the motion and suggested that the information be posted on the City's web page and used as a management tool. Kooiker stated that it was his intention that this be posted on the web with the Public Works Committee Agenda. Upon vote being taken, the motion carried with Murphy and Dreyer voting no.

Finance Officer

Motion was made by Hadley, seconded by Johnson and carried to approve the following licenses: Mobile Home Court: Brookdale Mobile Home Estates, Deluxe Mobile Home Park, Eastbrooke Mobile Home Park, Golden Acres, Marquette Mobile Manor, Pleasant Acres Mobile Home Court; Travel Park: Countryside RV Park.

Bills

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

Payroll Ending 9-07-02, Paid 9-13-02	573,539.06
Payroll Ending 9-07-02, Paid 9-13-02	3,012.80
Pioneer Bank & Trust, taxes Paid 9-13-02	139,677.05

Pioneer Bank & Trust, taxes Paid 9-13-02	225.35
First American Administrators, claims Paid 9-03-02	107,029.37
SD Municipal League, registration	650.00
US Post Master, billing postage	2,200.00
Computer Bill List	<u>3,777,322.01</u>
Total	\$4,603,655.64

Payroll Ending 9-07-02, Paid 9-13-02	2,552.80
Pioneer Bank & Trust, taxes Paid 9-13-02	191.41
City of Rapid City, postage	9.31
City of Rapid City, health insurance	608.56
Dakota Business Center, copier usage	9.73
Simpson's Printers, newsletter	79.50
SD Retirement System, pension	404.34
Standard Life, insurance	<u>7.92</u>
Total	\$4,607,519.21

Treasurer's Checks

Stanley Johnsen Concrete	<u>2,227.50</u>
Total	\$4,609,746.71

Executive Session

Motion was made by Rodriguez, seconded by Johnson and carried to go into executive session to discuss pending litigation. The Council reconvened at 11:15 with all members present.

Motion was made by Dreyer, seconded by Johnson and carried to direct the City Attorney to oppose a motion to join in the County vs. Fitzgerald and Miller.

As there was no further business to come before the Council at this time, the meeting adjourned at 11:20 P.M.

CITY OF RAPID CITY

ATTEST:

Mayor_____
Finance Officer

(SEAL)