

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota
October 21, 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, October 21, 2002 at 7:00 P.M.

Mayor Jerry Munson, Finance Officer Jim Preston, and the following Alderpersons were present: Tom Johnson, Alan Hanks, Sam Kooiker, Tom Murphy, Bill Waugh, Martha Rodriguez, Ron Kroeger, Ray Hadley, Rick Kriebel and Mel Dreyer; the following arrive during the course of the meeting: None; and the following were absent: None.

Motion was made by Hanks, seconded by Rodriguez and carried to correct the minutes of September 16, 2002 to reflect total contract amount of \$65,435.25 for MIP02-1153, Miscellaneous Improvements Project to Simon Contractors of South Dakota; correct the minutes of October 7, 2002 to change Ordinance Nos. 3840, 3841, 3842 and 3843 to new Ordinance Nos. 3868, 3869, 3870 and 3871 respectively and reflect Introduction and First Reading of new ordinance numbers; and approve minutes of September 16, 2002 as corrected; October 7, 2002 as corrected; and October 2, October 15 and October 16, 2002.

Bid Openings

The following individuals submitted bids for Automated Solid Waste Collection Containers for the Solid Waste Operations, which were opened October 18, 2002: Rotonics Manufacturing, Inc. and ROTO Industries. Staff has reviewed the bids and recommends award to Rotonics Manufacturing, Inc. for a total contract amount of \$24,016.40. Motion was made by Hadley, seconded by Hanks and carried to award the Automated Solid Waste Collection Containers to Rotonics Manufacturing, Inc., the lowest responsible bidder meeting specifications based on their low unit prices bid, for a total contract amount of \$24,016.50.

No. CC102102-01 – The following individuals submitted Requests for Proposals for the Sale of Alfalfa Bales, which were opened October 17, 2002: Tom Vore and Ron Stuen. Staff has reviewed the proposals and recommends award to Ron Stuen. Motion was made by Johnson, seconded by Waugh and carried to award the Sale of Alfalfa Bales to Ron Stuen for Lot One - 5 bales at \$150; Lot Two - 5 bales at \$175; Lot Three - 9 bales at \$300; Lot Four - 10 bales at \$320; Lot Five - 10 bales at \$320; and Lot Six - 10 bales at \$320.

Mayor's Items

Mayor Munson presented a Certificate of Recognition to Mel Preble, Rapid City Police Department and commended him for 20 years of service to the Rapid City community.

Mayor Munson recognized Jennifer Wales, the new Roosevelt Ice Arena Manager.

Mayor Munson also recognized John Wagner, Water Treatment Plant Superintendent and Dave VanCleave, Water Reclamation Superintendent and presented both with the American Water Works Association QualServe – Excellence in Water Services award.

Aldersperson Items/Liaison Reports

Alderman Johnson reported that the Capital Improvements Committee recommended that up to \$200,000 be appropriated from the CIP Contingency for the purpose of placing a traffic signal at the intersection of Elm Avenue/St. Patrick Street. Motion was made by Johnson, seconded by Kooiker and carried to approve the funding from the CIP Contingency for the Elm Avenue/St. Patrick Street intersection signalization project.

Alderman Kriebel spoke of a mill levy reduction relating to TIF #36. He was of the opinion that TIFs were an inefficient financing mechanism. Alderman Johnson suggested the budget process would be the time to discuss such a rebate.

Alderman Hadley reminded staff to present a 2012 report at the first Council meeting in November.

Alderman Waugh reported on his tour of several Florida military bases.

Motion was made by Alderman Hadley, seconded by Kooiker to consider Council Item #89 after #39. Alderman Hanks offered an amendment to consider Item #89 after #61, which is the end of the Planning Consent Calendar. Motion carried as amended.

Alcoholic Beverage License Applications

Hearings:

This was the time set for hearing on the application of City of Rapid City dba **Meadowbrook Golf Course**, 3625 Jackson Boulevard, for an On-Sale Wine License (New License – No Video Lottery). Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

This was the time set for hearing on the application of Oasis Lounge, Inc. dba **Oasis Lounge**, 711 Main Street, for an On-Sale Liquor License Transfer (from Margaret Jefferson dba Oasis Lounge). Upon motion made by Hadley, seconded by Johnson and carried, the Council approved the application.

Set for Hearing:

Upon motion made by Hadley, seconded by Kroeger and carried, the Finance Officer was directed to publish notice of hearing on the application of RGR Inc., dba **Hara's**, 2200 N Maple Avenue, for an On-Sale Liquor License Renewal and Sunday Opening, said hearing to be held on Monday, November 4, 2002; on the application of Alta-Lee Inc., dba **Clock Tower Lounge**, 2525 West Main Street, for an On-Sale Liquor License Renewal and Sunday Opening, said hearing to be held on Monday, November 4, 2002; and on the application of Museum Alliance of Rapid City Inc., dba **The Journey Museum**, 222 New York Street, for a New On-Sale Malt Beverage License and a New On-Sale Wine License (No Video Lottery), said hearing to be held on Monday, November 4, 2002.

Consent Calendar Items

The following items were removed from the Consent Calendar:

12. No. PW101502-02 –Approve Change Order No. 01F for ST00-1039, Block 23 (Flormann Addition) Alley Paving Project to Hills Materials Company for a decrease of \$3,901.87.
17. No. PW100102-17 – Direct staff to proceed with the alternative format to track projects and present a report at the October 29, 2002 Public Works Committee meeting.

21. No. 02VE013 – Approve a request for a Vacation of a portion of the Utility Easement and Minor Drainage Easement for petitioner Walt Cannon for John McDonald on a portion of Lot 13, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4909 Butte Circle.
25. No. LF101602-02 - Direct staff to proceed with annexation of the area south of Catron Boulevard
35. No. LF081402-06 - Direct staff to continue to stay encroachment of structures in the right of way pending passage of a new ordinance until April 1, 2003
36. Direct the City Attorney's office to draft a resolution stating that City employees shall not be reprimanded or retaliated against for talking to Council members or the Mayor's office and employees will be encouraged to follow the chain of command

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

Set for Hearing (November 18, 2002)

10. No. 02VR005 - A request by Doug Sperlich for Jeff Stone to consider an application for a Vacation of Right-of-Way on Lots 1, 2 and 3 of Block 1 of Sunset Heights Subdivision, located in the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of the SW1/4 of the SE1/4 of Section 10, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at the current terminus of Broadmoor Drive.

Public Works Committee Items

11. No. PW101502-01 – Approve the bid award for the Landfill Shop Building Project LF02-1232 to the lowest responsible bidder meeting specifications, Lost Cabin Constructors, Inc. for the low unit prices bid for a total contract amount of \$110,800.
13. No. PW101502-03 – Approve Change Order No. 01 for FD02-870, Rapid City Fire Department Fire Station No. 6 to Kurtz Construction Company for an increase of \$1,070.23.
14. No. PW101502-04 – Authorize Mayor and Finance Officer to Sign Amendment No. 01 to Professional Service Agreement with FMG, Inc. for PR01-1051, Rapid City Community Centers Construction Testing Project for an amount not to exceed \$4,594.
15. No. PW101502-05 – Authorize Mayor and Finance Officer to Sign a Professional Service Agreement with TSP to Design ST03-1161 Bridge Repairs for an amount not to exceed \$18,292.50.
16. No. PW101502-06 – Authorize Mayor and Finance Officer to Sign a Professional Service Agreement with American Technical Services, Inc. for PR02-1208, Roosevelt Park Pool and Recreation Complex Construction Testing for an amount not to exceed \$47,450.
18. No. PW101502-07 – Approve a Travel Request for Curt Huus to attend Pavement Design & Evaluation and Rehabilitation of Pavements Courses in Madison, Wisconsin November 3 – 8, 2002 in the amount of \$2,008.
19. No. PW101502-08 – Set Time and Place for Hearing on November 18, 2002 for Assessment Roll for ST02-1167, Block 69 (Original Town) Alley Paving Project.

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

BLOCK 69 (ORIGINAL TOWN) ALLEY PAVING
PROJECT ST02-1167

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

The assessment roll for Block 69 (Original Town) Alley Paving Project No. ST02-1167 was filed in the Finance Office on the 21st day of October, 2002. The City Council shall meet at the City/School Administration Center in Rapid City, South Dakota on Monday, November 18, 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.

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.

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 the 21st day of October, 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

20. No. PW101502-09 – Approve a 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:

Meadowbrook Golf Course

1971 Rushmore 14 x 70 Trailer, Inventory No. 000001, Serial No. 684191956

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 21st day of October, 2002.

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

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

22. No. PW101502-10 – Approve a request by Michael Jacob to construct a 10' x 20' parking pad in public right-of-way with a six-foot separation from the concrete drive on the north property at 615 West Blvd.
23. Approve an exception to the Street Design Criteria Manual to allow a thirty-foot driveway at 3410 Maple Avenue (Kenneth Carpenter).

Legal & Finance Committee

24. No. LF101602-01 - Authorize staff to advertise a Request for Proposals for a Smart Growth Audit
26. No. 02TP007 - Approve Draft 2003 Unified Planning Work Program
27. No. 02TP008 - Approve Draft MPO Operations Plan
28. No. 02TP009 - Approve Draft MPO Public Participation Plan
29. No. 02TP012 - Approve Citizens' Advisory Committee Bylaws
30. No. 02TP013 - Approve Technical Coordinating Committee Bylaws
31. No. 02TP014 - Approve Executive Policy Committee Bylaws
32. No. LF101602-03 - Approve Travel Request for Annual Steering Committee Retreat for Weed & Seed Project on October 28, 2002, in the Amount of \$245
33. Approve setting the Legal and Finance Committee meeting and the Public Works Committee meeting on November 26, 2002; the Legal and Finance Committee meeting on December 30, 2002; and a Special Council meeting on December 27, 2002, for the end of the year business
34. No. LF101602-04 - Authorize Mayor and Finance Officer to Sign Agreements with National American University for the Fall Series of Principles of Supervision and Advanced Studies in Management

Raffle

37. No. CC102102-02 – Notification from Rushmore Chapter of ABATE, Inc. of their intent to conduct a raffle on or before August 9, 2003

End of Consent Calendar

No. PW101502-02 - Motion was made by Johnson, seconded by Waugh and carried to approve Change Order No. 01F for ST00-1039, Block 23 (Flormann Addition) Alley Paving Project to Hills Materials Company for a decrease of \$3,118.51.

No. PW100102-17 - Motion was made by Johnson, seconded by Waugh and carried to Direct staff to proceed with the alternative format to track projects and present a report at the October 29, 2002 Public Works Committee meeting.

No. 02VE013 - Motion was made by Hanks, seconded by Rodriguez and carried to continue a request for a Vacation of a portion of the Utility Easement and Minor Drainage Easement for petitioner Walt Cannon for John McDonald on a portion of Lot 13, Block 4, County Heights Subdivision, Section 3, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 4909 Butte Circle to the November 4, 2002 Council.

Motion was made by Kroeger, seconded by Hadley to refer (No. LF101602-02) Direct staff to proceed with annexation of the area south of Catron Boulevard to the October 30, 2002 Legal & Finance Committee. Alderman Kooiker reminded the members that is only a directive to staff to begin the process and there would be sufficient time to comment. Upon a roll call vote the following voted AYE: Rodriguez, Hanks, Kroeger and Kriebel; NO: Kooiker, Dreyer, Waugh, Johnson, Murphy and Hadley. Motion failed. Motion was made by Johnson, seconded by Dreyer and carried to Direct staff to proceed with annexation of the area south of Catron Boulevard.

No. LF081402-06 - Direct staff to continue to stay encroachment of structures in the right of way pending passage of a new ordinance until April 1, 2003. Alderman Kriebel moved to change the language to read "Direct staff to continue to stay enforcement of the encroachment of structures . . .". Seconded by Johnson. Motion carried.

Direct the City Attorney's office to draft a resolution stating that City employees shall not be reprimanded or retaliated against for talking to Council members or the Mayor's office and employees will be encouraged to follow the chain of command. Finance Officer Preston informed the Council that there is a procedure in place for employee grievances. The procedure consists of filing a grievance with the Department Director, Mayor and Department of Labor. Alderman Kooiker indicated that this was not another step in the procedure, but allowing City employees the opportunity to visit with Council members without fear of retaliation from their supervisors. Assistant City Attorney Green expressed staff's concern with the potential liability that a resolution of this nature could bring upon the City. He requested that the direction to the City Attorney's Office be modified to be that they come forward at the October 30th Legal and Finance Committee with a presentation on this issue. Motion was made by Kroeger, seconded by Waugh and carried to refer this issue to the October 30 Legal & Finance Committee meeting for a presentation.

Public Hearings

The Mayor presented No. 01UR042, a request by City of Rapid City to consider an application for a **Revocation of a Use on Review to allow Communication Tower in Public District** on Lot 2 of Owen Hibbard Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of Golden Eagle Drive and adjacent to old Marine Life. Motion was made by seconded by and carried to table the request. Motion was made by Rodriguez, seconded by Hanks and carried with Kooiker voting NO to table this item.

The Mayor present No. 02PD042, an appeal to the Planning Commission's approval of a **Major Amendment to a Planned Residential Development to reduce the boundary of the Planned Residential Development** on a portion of Tract A of Robbinsdale Addition No. 10 and a portion of Tract B of Robbinsdale Addition No. 10 located in 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 northwesterly corner of Lot 1 of Block 26 of Robbinsdale No. 10, common to the southerly right-of-way of Minnesota Street, and the point of beginning, thence, first course: S00°38'52"W, along the westerly boundary of said Lot 1 of Block 26, common to the easterly boundary of Tract A of Robbinsdale Addition No. 10, a distance of 203.04 feet, to the southwesterly corner of said Lot 1 of Block 26, common to the northwesterly corner of Lot 2 of Block 26 of Robbinsdale No. 10, and the easterly boundary of said Tract A; thence, second course: S00°38'52"W, along the westerly boundary of said Lot 2 of

Block 26, common to the easterly boundary of said Tract A, a distance of 227.41 feet, to the southwesterly corner of said Lot 2 of Block 26, common to the southeasterly corner of said Tract A; thence, third course: S89°40'37"W, along the southerly boundary of said Tract A, common to the boundary of Lot 2 of Block 11 of Robbinsdale No. 10, a distance of 453.13 feet, to a corner of said Tract A, common to a corner of said Lot 2 of Block 11, and a point on the easterly boundary of Tract B of Robbinsdale No. 10; thence, fourth course: S64°33'00"W, parallel with the southerly right-of-way of Minnesota Street, a distance of 312.04 feet; thence, fifth course: N28°45'23"W, a distance of 229.34 feet, to a point on the southerly right-of-way of Minnesota Street; thence, sixth course: N64°33'00"E, along the southerly right-of-way of Minnesota Street, a distance of 672.09 feet; thence, seventh course: northeasterly, curving to the right on a curve with a radius of 935.36 feet, a delta angle of 15°40'46", a length of 255.97 feet, a chord bearing on N72°23'23"E, and a chord distance of 255.17 feet, to the Point of Beginning, more generally described as being located on Minnesota Street. Motion was made by Rodriguez, seconded by Kroeger and carried to continue this item to December 2, 2002.

Planning Department Consent Items

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

40. No. 02AN010 - A request by the 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. (CONTINUED TO NOVEMBER 4, 2002)
43. No. 01PL065 - A request by D. C. Scott Co. for a **Preliminary and Final Plat** on Lot 4R of Polar Bear Subdivision formerly Lot 4 of Polar Bear Subdivision and unplatted land located in the NE1/4 SE1/4 of Section 7, Township 1 North, Range 8 East of the Black Hills Meridian, Rapid City, Pennington County, South Dakota, located at the southwest corner of the intersection of Sydney Drive and S.D. Highway 79. (CONTINUED TO NOVEMBER 4, 2002)
45. 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. (CONTINUED TO NOVEMBER 4, 2002)

47. 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. (CONTINUED TO NOVEMBER 4, 2002)
48. 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. (CONTINUED TO NOVEMBER 4, 2002)
49. 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. (ACKNOWLEDGE APPLICANT'S REQUEST TO WITHDRAW REQUEST.)
50. 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. (CONTINUED TO NOVEMBER 4, 2002)
52. 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, Meadows Subdivision, 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, South Dakota, located along the future extension of Field View Drive west of the Dakota Ridge Subdivision. (CONTINUED TO NOVEMBER 4, 2002)
54. 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. (CONTINUED TO NOVEMBER 4, 2002)

55. No. 02PL089 - A request by Renner & Sperlich Engineering for Robert Martin, P.C. for a **Layout Plat** on Lots A, B, C and D of Schamber Addition, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 16 thru 20, Block 3 of Schamber Addition, Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1903 and 1915 Rushmore Street. (CONTINUED TO NOVEMBER 4, 2002)
56. No. 02PL090 - A request by Randy and Bobbie Greenway for a **Preliminary and Final Plat** on Lot 1 of R&B Subdivision of Block 5 of Canyon Lake Heights Subdivision, located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lot 4R Revision No. 2, Lot 3R Revised and Lot 5R located in the SE1/4 of the SW1/4 of Section 9, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 3204 Falls Drive. (CONTINUED TO NOVEMBER 4, 2002)
57. No. 02PL091 - A request by CETEC Engineering for Park Hill Development Inc. for a **Preliminary and Final Plat** on Lots 3R, 4AR and 4BR of Block 4 of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3, 4A and 4B of Block 4 of Park Meadows Subdivision located in the NE1/4 of SE1/4, Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Sydney Drive and East Oakland Street. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. Subdivision improvements for these lots are in place or surety has been posted; 2. The Uniform Fire Code shall be continually met; 3. Prior to Final Plat approval by the City Council, a Variance to the Subdivision Regulations shall be obtained to allow a lot length greater than twice the lot width or the plat shall be revised to comply with the length to width requirement; 4. If the Planning Commission concurs with the recommendation of the South Dakota Department of Transportation that Sydney Drive shall be barricaded, then a Special Exception is hereby granted to allow more than 40 dwelling units to be accessed from one street; and, 5. Prior to Final Plat approval by the City Council, all of the affected utility companies shall concur with the utility easement relocation.)
58. No. 02PL093 - A request by Davis Engineering for a **Layout, Preliminary and Final Plat** on Lot 1 Block 1, Lots 1 thru 6, Block 2, Lots 1 thru 8, Block 3, Lots 1 thru 7, and Lots 10 thru 15, Block 4, Lots 1 thru 3 and Lots 11 thru 16, Block 5 of Murphy Ranch Estates, all located in NE1/4 NW1/4 of Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as a portion of Tract F of the NW1/4 less Murphy's' Subdivision and Right of Way, Section 14, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located on Longview Drive to the east of East 53rd Street and Reservoir Road. (CONTINUED TO NOVEMBER 4, 2002)
59. No. 02PL094 - A request by D.C. Scott Co. Land Surveyors for Thomas Estes for a **Layout Plat** on Lot 2R and Lot 4R2 of Estes Subdivision; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County,

South Dakota, legally described as Lot 2, Lot 4 Revised, and unplatted land; located in the W1/2 SW1/4 NW1/4 and W1/2 NW1/4 SW1/4 of Section 15, T1S, R7E, BHM, Pennington County, South Dakota, located approximately 2.3 miles south of Reptile Gardens on Aero Road. (CONTINUED TO NOVEMBER 4, 2002)

60. No. 02PL095 - A request by Doug Sperlich for 16 Plus, LLC for a **Preliminary and Final 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, legally described as a portion of Tract 1 and Tract 2 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. (CONTINUED TO NOVEMBER 18, 2002)

END OF PLANNING CONSENT CALENDAR

The Mayor presented 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. Motion was made by Rodriguez, seconded by Johnson to continue to November 4, 2002. Hani Shafai, Dream Design, Inc. addressed the dispute of the surety. He requested approval of the plat contingent upon the Children's Home and Doyle Estes finalizing the surety with City staff. Assistant City Attorney Green advised that the plat not be approved until all stipulations are met. Substitute motion was made by Kroeger, seconded by Rodriguez to refer No. 00PL127 to a Special Council meeting on October 29, 2002. Discussion continued relative to the surety. Substitute motion was made by Hanks, seconded by Dreyer and carried to approve No. 00PL127.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of 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, 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 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, 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 this 21st day of October 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The Mayor presented 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. Motion was made by Rodriguez, seconded by Waugh to continue to November 4, 2002. Planning Director Elkins noted that the Letter Of Credit had been received. Substitute motion was made by Kooiker, seconded by Hanks and carried to approve No. 01PL054.

RESOLUTION APPROVING PLAT

WHEREAS a Plat of Big Sky Subdivision Lots 2 and 8, Block 13; Lots 2-5, Block 14; and Dedicated Streets. Located in the SE1/4 NW1/4 of Section 3, T1N, R8E, 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 Big Sky Subdivision Lots 2 and 8, Block 13; Lots 2-5, Block 14; and Dedicated Streets. Located in the SE1/4 NW1/4 of Section 3, T1N, R8E, 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 this 21st day of October 2002.

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

CITY OF RAPID CITY
s/ Jerry Munson, Mayor

The Mayor presented 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. Motion was made by Rodriguez, seconded by Waugh to continue to November 4, 2002. Planning Director Elkins noted that the Letter of Credit had been received, but the inspection fees have not been paid and the mylar has not been submitted with all necessary signatures. Hani Shafai requested approval of the preliminary plat, but the final plat be continued. Substitute motion was made by Johnson, seconded by Rodriguez to approve the preliminary plat with the stipulation of continuing the final plat to November 4, 2002. Discussion continued regarding services. Alderman Johnson withdrew his substitute motion to approve the preliminary plat. Upon a roll call vote of the

original motion the following voted AYE: Rodriguez, Waugh, Johnson and Murphy; NO: Kooiker, Hanks, Dreyer, Kroeger, Kriebel and Hadley. Motion failed. Motion was made by Kooiker, seconded by Hanks to approve the **Preliminary Plat** and continue the Final Plat to November 4, 2002. Public Works Director Bjerke expressed staff's concern over the number of driveways that could possibly be located on a collector street, this is a safety issue. Discussion followed regarding zoning. Hani Shafai, Dream Design International asked for approval of the preliminary plat with a minor stipulation of rezoning from LDR to MDR in the future. Assistant City Attorney Green indicated a zoning stipulation on adjacent property was inappropriate; zoning decisions should be considered by the Planning Commission. Substitute motion was made by Hanks, seconded by Rodriguez to continue No. 01PL097 to a Special Council meeting on October 29, 2002. Upon a roll call vote on the substitute motion the following voted AYE: Rodriguez, Hanks, Dreyer, Kroeger, Waugh, Kriebel and Murphy; NO: Kooiker, Johnson and Hadley. Motion carried.

The Mayor presented 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. Motion was made by Rodriguez, seconded by Waugh to continue to November 4, 2002. Motion carried.

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 R.O.W. a portion of the Silver Nugget R.O.W. and all of the Southview Drive R.O.W. of the Aladdin Heights Subdivision, Lot B and the dedicated street in the NW1/4 of the SW1/4, and unplatted portions of the NE1/4 of the SW1/4, the SE1/4 of the SW1/4, and the NW1/4 of the SW1/4 all in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of US Highway 16 and 1/4 mile north of Catron Boulevard. Motion was made by Rodriguez, seconded by Hanks to continue to November 4, 2002. Motion carried with Dreyer abstaining.

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, seconded by Hanks to continue to November 18, 2002. Comment followed from Alderman Kooiker about the applicant's good-faith efforts in dealing with the City on this item. Substitute motion was made by Kooiker, seconded by Hadley to approve No. 02PL078. Planning Director Elkins commented that the applicant was not in compliance with the adopted regulations and Council could not approve the plat. Amendment was offered by Alderman Kooiker to continue No. 02PL078, and direct staff to waive the annexation if the applicant signs a Waiver of Right to Protest, once the utilities are extended. Seconded by Hadley. Upon a roll call vote on the substitute motion as amended the following voted AYE: Kooiker and Hadley; NO: Rodriguez, Hanks, Dreyer, Kroeger, Waugh, Johnson, Kriebel and Murphy. Substitute motion failed. Upon a vote being taken on the original motion to continue, motion carried with Kooiker voting NO.

At this time, the Council recessed for a five minute break.

The Council proceedings reconvened at 8:45 P.M.

The Mayor presented No. LF091102-08R, second reading of **Ordinance 3856**, a request by the City of Rapid City to provide for licensing and regulation of adult oriented businesses and employees, and provide for additional miscellaneous regulations for adult oriented businesses, by adding Chapter 5.70 to Title 5 of the Rapid City Municipal Code having passed the first reading on September 16, 2002, it was moved by Hadley, seconded by Kooiker that the title be read the second time. Assistant City Attorney Green asked that the motion include technical revisions of October 8 as provided to the Council. Alderman Hadley read the list: 1) Section 5.70.010(13) delete the language "the showing of the female breast with less than a fully opaque covering of any part of the nipple,"; 2) Section 5.70.010(19)(a) delete language noted in strike-out format; 3) Section 5.70.010(19)(c) delete the language "or a person residing with the applicant"; 4) Sections 5.70.010(4)&(5) add language "an emphasis on" to the definition of Adult Motion Picture Theater and Adult Theater; 5) Section 5.70.040(A)(5) at the end of the paragraph delete "Section 10" and replace with "section 5.70.090"; 6) Section 5.70.040(B) at the end of the paragraph delete "Section 6" and replace with "section 5.70.050"; 7) Section 5.70.070(A) second line, delete "Section 4" and replace with "section 5.70.040"; and 8) Section 5.70.150 in each subsection delete "It shall be a misdemeanor" and replace with "It shall be unlawful". At this time, the Mayor accepted comments from the audience, who spoke in favor of the ordinance. Upon a roll call vote the following voted AYE: Kooiker, Hanks, Kriebel and Hadley; NO: Rodriguez, Dreyer, Kroeger, Waugh, Johnson and Murphy. Motion failed. Motion was made by Rodriguez, seconded by Murphy to approve **Ordinance 3856** of October 15 to include the technical revisions of October 8 as provided to the Council. Alderman Johnson pointed out the motion should be to reconsider; whereupon Kroeger moved to reconsider. Seconded by Waugh. Motion carried. Motion was made by Rodriguez, seconded by Murphy to approve **Ordinance 3856** of October 15 to include the technical revisions of October 8 as provided to the Council. Amendment to the motion was offered by Kooiker on Section 5.70.150 add (c) "it shall be a misdemeanor for an employee while seminude to intentionally touch, fondle, or caress a customer or clothing of a customer." Second by Hanks. Assistant City Attorney Green pointed out that the version under consideration includes the amendment offered by Kooiker. At this time, Kooiker withdrew his amendment to the motion. Discussion continued. Amendment to the motion was offered by Kooiker to remove the 5% and replace with "if there any articulable facts that shows that you are an owner or part owner in one of these businesses then you will be required to be licensed." Seconded by Hadley. Assistant City Attorney Green encouraged the Council to adopt a concrete standard. Kooiker amended his motion to amend Section 5.70.030(D) of **Ordinance 3856** replacing 5% with 1%. Amendment was offered by Hanks replacing the 5% to "any financial interest in the business". Second by Kooiker. Upon a vote on the amendment the following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None. Discussion continued relative to monitoring activities in these businesses. Motion was made by Johnson, seconded by Murphy to amend Section 5.70.120(A)(4) adding "is on duty and situated in a manager's station or able to see electronic monitoring stations." Upon a vote on the amendment the following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None. Discussion continued. Assistant City Attorney Green suggested deleting Section 5.70.220 "the effective date" as State law provides when ordinances are effective. They are effective upon the passage of twenty days from publication. Johnson moved to amend **Ordinance 3856** deleting Section 5.70.220. Seconded by Dreyer. Upon a vote on the amendment the following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None. Upon a vote on **Ordinance 3856 as amended** the following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None.

At this time, the Council recessed for a five minute break.

The Council proceedings reconvened at 10:28 P.M.

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 Kriebel and carried to continue to November 4, 2002.

Planning Department – Hearings

The Mayor presented No. 02CA048, a request by Renner and Sperlich Engineering for Walgar Development Corp. for an **Amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 3.76 acre parcel from Public to Medium Density Residential** on a portion of Tract B of Robbinsdale Addition No. 10 located in 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 southeasterly corner of Tract B of Robbinsdale Addition No. 10, common to a corner of Lot 2 Block 11 of Addition No. 10, and the Point of Beginning; thence, first 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, second course: N00°34'24"E, a distance of 70.00 feet; thence, third course: northeasterly, curving to the right on a curve with a radius of 125.00 feet, a delta angle of 60°01'13", a length of 130.94 feet, a chord bearing of N30°35'00"E, and a chord distance of 125.04 feet; thence, fourth course: northeasterly, curving to the left on a curve with a radius of 385.00 feet, a delta angle of 27°09'49", a length of 182.53 feet, a chord bearing on N47°00'42"E, and a chord distance of 180.82 feet; thence, fifth course: N89°43'09"E, a distance of 416.19 feet, to a point on the boundary of said Lot 2 Block 11; thence, sixth course: S00°34'24"W, along the easterly boundary of said Tract B, common to the boundary of said Lot 2, Block 11 a distance of 300.00 feet, to the southeasterly corner of said Tract B, and the Point of Beginning, located on Minnesota Street. The following Resolution was introduced, made 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 21st day of October, 2002 to consider an amendment to the Comprehensive Plan by revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 3.76 acre parcel from Public to Medium Density Residential on a portion of Tract B of Robbinsdale Addition No. 10 located in 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 southeasterly corner of Tract B of Robbinsdale Addition No. 10, common to a corner of Lot 2 Block 11 of Addition No. 10, and the Point of Beginning; thence, first 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, second course: N00°34'24"E, a distance of 70.00 feet; thence, third course: northeasterly, curving to the right on a curve with a radius of 125.00 feet, a delta angle of 60°01'13", a length of 130.94 feet, a chord bearing of N30°35'00"E, and a chord distance of 125.04 feet; thence, fourth course: northeasterly, curving to the left on a curve with a radius of 385.00 feet, a delta angle of 27°09'49", a length of 182.53 feet, a chord bearing on N47°00'42"E, and a chord distance of 180.82 feet; thence, fifth course: N89°43'09"E, a distance of 416.19 feet, to a point on the boundary of said Lot 2 Block 11; thence, sixth course: S00°34'24"W, along the easterly boundary of said Tract B, common to the boundary of said Lot 2, Block 11 a distance of 300.00 feet, to the southeasterly corner of said Tract B, and the Point of Beginning, located on Minnesota Street; 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 21st day of October, 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. John Stone, 4010 Windslow Place voiced his objection about the amendment indicating the area could become too densely populated and should remain single-family residential. Discussion followed regarding the zoning of this area. Substitute motion was offered by Kooiker, seconded by Johnson revising the South Robbinsdale Neighborhood Area Future Land Use Plan to change the future land use designation on a 3.76 acre parcel from Public to Planned Development Designation. Planning Director Elkins commented that the appropriate action would be to continue to December 2, 2002 so this item can be readvertised. Kooiker withdrew his motion. Substitute motion was made by Kooiker, seconded by Johnson to continue to December 2, 2002. Upon a roll call vote on the substitute motion, the following voted AYE: Hadley, Kriebel, Johnson, Waugh, Kooiker and Rodriguez; NO: Murphy, Kroeger, Dreyer and Hanks. Motion carried.

The Mayor presented No. 02CA049, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the future land use designation on a 2.4 acre parcel from Public to Office Commercial with a Planned Development Designation** on a parcel of land located from 420 feet to 770 feet north and 300 feet west of the easterly line of the E1/2 SW1/4 NW1/4 of Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest 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 21st day of October, 2002 to consider an amendment to the Comprehensive Plan revising the Elk Vale Neighborhood Future Land Use Plan to change the future land use designation on a 2.4 acre parcel from Public to Office Commercial with a Planned Development Designation on a parcel of land located from 420 feet to 770 feet north and 300 feet west of the easterly line of the E1/2 SW1/4 NW1/4 of Section 3, T1N, R8E, 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 21st day of October, 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 Murphy. 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. 02CA050, a request by the City of Rapid City for an **Amendment to the Comprehensive Plan by revising the Elk Vale Neighborhood Future Land Use Plan to change the future land use designation on a 25.5 acre parcel from Low Density Residential to Public** on the north 840 feet of the SW1/4 NE1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest Street. 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 21st day of October, 2002 to consider an amendment to the Comprehensive Plan revising the Elk Vale Neighborhood Future Land Use Plan to change the future land use designation on a 25.5 acre parcel from Low Density Residential to Public on the north 840 feet of the SW1/4 NE1/4, Section 3, T1N, R8E, 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 21st day of October, 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 Murphy. 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. 02PD042, a request by Renner and Sperlich Engineering for Walgar Development Corp. for a **Major Amendment to a Planned Residential Development to reduce the boundary of the Planned Residential Development** a portion of Tract A of Robbinsdale Addition No. 10 and a portion of Tract B of Robbinsdale Addition No. 10 located in 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 northwesterly corner of Lot 1 of Block 26 of Robbinsdale No. 10, common to the southerly right-of-way of Minnesota Street, and the point of beginning, thence, first course: S00°38'52"W, along the westerly boundary of said Lot 1 of Block 26, common to the easterly boundary of Tract A of Robbinsdale Addition No. 10, a distance of 203.04 feet, to the southwesterly corner of said Lot 1 of Block 26, common to the northwesterly corner of Lot 2 of Block 26 of Robbinsdale No. 10, and the easterly boundary of said Tract A; thence, second course: S00°38'52"W, along the westerly boundary of said Lot 2 of Block 26, common to the easterly boundary of said Tract A, a distance of 227.41 feet, to the southwesterly corner of said Lot 2 of Block 26, common to the southeasterly corner of said Tract A; thence, third course: S89°40'37"W, along the southerly boundary of said Tract A, common to the boundary of Lot 2 of Block 11 of Robbinsdale No. 10, a distance of 453.13 feet, to a corner of said Tract A, common to a corner of said Lot 2 of Block 11, and a point on the easterly boundary of Tract B of Robbinsdale No. 10; thence, fourth course: S64°33'00"W, parallel with the southerly right-of-way of Minnesota Street, a distance of 312.04 feet; thence, fifth course: N28°45'23"W, a distance of 229.34 feet, to a point on the southerly right-of-way of Minnesota Street; thence, sixth course: N64°33'00"E, along the southerly right-of-way of Minnesota Street, a distance of 672.09 feet; thence, seventh course: northeasterly, curving to the right on a curve with a radius of 935.36 feet, a delta angle of 15°40'46", a length of 255.97 feet, a chord bearing on N72°23'23"E, and a chord distance of 255.17 feet, to the Point of Beginning, located on Minnesota Street. Motion was made by Hadley, seconded by Kooiker and carried to table.

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 Kroeger and carried to acknowledge the applicant's request to withdraw their application.

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 Johnson and carried to continue to November 4, 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 to November 18, 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, Vaughn's Subdivision 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 Hanks and carried to continue to November 18, 2002.

The Mayor presented No. 02SV039, a request by CETEC Engineering for Park Hill Development Inc. for a **Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.12 of the Municipal Code** on Lot 3R of Block 4, Park Meadows Subdivision located in the NE1/4 of SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Sydney Drive and East Oakland Street. Motion was made by Rodriguez, seconded by Hanks and carried to approve the requested Variance to the Subdivision Regulations to allow a lot twice as long as it is wide as per Chapter 16.12 of the Municipal Code on Lot 3R of Block 4, Park Meadows Subdivision located in the NE1/4 of SE1/4 of Section 7, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located southeast of the intersection of Sydney Drive and East Oakland Street.

Ordinances & Resolutions

The Mayor presented No. 02RZ037, second reading of **Ordinance 3868**, a request by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on property described by metes and bounds as commencing at the Southeast corner of the Aladdin Heights Subdivision; thence North 00°00'32" East a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence North 00°00'32" East a distance of 196.48 feet along the East line of the Aladdin Heights Subdivision; thence South 71°06'54" East a distance of 159.73 feet; thence South 46°14'08" West a distance of 209.31 feet; returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South

Dakota, located east of Highway 16 and 1/4 mile north of Catron Boulevard having passed first reading on October 7, 2002, it was moved by Hadley, seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Kriebel; NO: None. Dreyer abstained. Whereupon the Mayor declared the motion passed and Ordinance 3868 was declared duly passed upon its second reading.

The Mayor presented No. 02RZ038, second reading of **Ordinance 3869**, a request by Dream Design International, Inc. for a **Rezoning from General Commercial District to Office Commercial District** on property described by metes and bounds as follows: Point of Beginning: the Southeast corner of the Aladdin Heights Subdivision; thence South 89°58'26" West a distance 12.49 feet along the South line of the Aladdin Heights Subdivision; thence North 50°22'03" West a distance of 94.20 feet; thence North 46°14'08" East a distance of 117.77 feet; thence South 00°00'32" West a distance of 141.54 feet along the East line of the Aladdin Heights Subdivision; returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and 1/4 mile north of Catron Boulevard having passed first reading on October 7, 2002, it was moved by Hadley, seconded by Rodriguez that the title be read the second time. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Kriebel; NO: None. Dreyer abstained. Whereupon the Mayor declared the motion passed and Ordinance 3869 was declared duly passed upon its second reading.

The Mayor presented No. 02RZ039, second reading of **Ordinance 3870**, a request by Dream Design International, Inc. for a **Rezoning from General Commercial District to Office Commercial District** on property described by metes and bounds as commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'26" West a distance of 93.96 feet along the South line of the Aladdin Heights Subdivision to the Point of Beginning; thence South 89°58'26" West a distance of 85.92 feet along the South line of the Aladdin Heights Subdivision; thence North 07°20'48" East a distance of 64.86 feet; thence South 50°22'03" East a distance of 100.79 feet returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and 1/4 mile north of Catron Boulevard having passed first reading on October 7, 2002, it was moved by Hadley, seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Kriebel; NO: None. Dreyer abstained. Whereupon the Mayor declared the motion passed and Ordinance 3870 was declared duly passed upon its second reading.

The Mayor presented No. 02RZ040, second reading of **Ordinance 3871**, a request by Dream Design International, Inc. for a **Rezoning from Office Commercial District to General Commercial District** on property described by metes and bounds as commencing at the Southeast corner of Aladdin Heights Subdivision; thence South 89°58'27" West a distance of 179.88 feet along the south line of Aladdin Heights Subdivision to the Point of Beginning; continuing at the Point of Beginning; thence South 07°20'48" West a distance of 460.81 feet; thence North 62°14'17" West a distance of 8.95 feet; thence North 51°24'29" West a distance of 48.67 feet; thence North 07°20'48" East a distance of 426.02 feet to the South line of Aladdin Heights Subdivision; thence 89°58'27" East a distance of 50.41 feet along the South line of the Aladdin Heights Subdivision; returning to the Point of Beginning; located in Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located east of Highway 16 and 1/4 mile north of Catron Boulevard having passed first reading on October 7, 2002, it was moved by

Hadley, seconded by Hanks that the title be read the second time. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger and Kriebel; NO: None. Dreyer abstained. Whereupon the Mayor declared the motion passed and Ordinance 3871 was declared duly passed upon its second reading.

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 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 of Sweetbriar Street and Avenue A having passed the first reading on August 5, 2002, it was moved by Hadley, seconded by Kooiker to continue to November 4, 2002. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None.

The Mayor presented 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 a portion of Tract B of Robbinsdale Addition No. 10 located in SW1/4 of NE1/4 of SE1/4, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; more fully described as follows: 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 112.03 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 9.87 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 fifth 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 sixth 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, and a chord distance of 117.48 feet; thence seventh course: N61°59'49"E, a distance of 43.64 feet; thence eighth course: N64°33'00"E, parallel to the southerly right-of-way of Minnesota Street, a distance of 316.88 feet, to the Point of Beginning, located on Minnesota Street. Motion was made by Hadley, seconded by Rodriguez to continue to December 2, 2002. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None.

The Mayor presented No. 02RZ052, second reading of **Ordinance 3864**, a request by City of Rapid City to consider an application 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 having passed the first reading on October 7, 2002, it was moved by Hadley, seconded by Waugh to continue to November 4, 2002. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None.

The Mayor presented No. 02RZ053, second reading of **Ordinance 3865**, 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 having passed the first reading on October 7, 2002, it was moved by Hadley, seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None.

The Mayor presented No. 02OA015, second reading of **Ordinance 3866**, a request by the City of Rapid City to consider an application for an **Ordinance Amendment** to modify the public notification requirements for Planned Developments by amending Section 17.50.060 of the Rapid City Municipal Code having passed the first reading on October 7, 2002, it was moved by Hadley, seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Kooiker, Murphy, Rodriguez, Waugh, Hadley, Kroeger, Kriebel and Dreyer; NO: None.

The Mayor presented No. 02OA016, first reading of **Ordinance 3873**, a request by the City of Rapid City to modify the parking regulations to comply with the Americans with Disabilities Act by amending Section 17.50.270 of the Rapid City Municipal Code was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance 3873 was placed upon its first reading the title was fully and distinctly read, and seconded reading set for Monday, November 4, 2002.

The Mayor presented No. 02OA017, first reading of **Ordinance 3872**, a request by the City of Rapid City to Define and Apply the terms "abut, adjacent, adjoin and contiguous" to the zoning and subdivision ordinances by adding Sections 17.04.013, 17.04.021, 17.04.022, and 17.04.163 to the Rapid City Municipal Code and by Amending Sections 17.38.080 (A) (6), 17.38.080 (B) (6), 17.50.180 (A), 17.50.300 (C), 16.20.030 (E), 16.20.050 (B) (1), 17.04.285, 17.04.755, 17.08.030 (H), 17.10.030 (H), 17.28.040 (C)(2)(d), 17.38.030 (I), 17.50.060 (A), 17.50.070 (A)(1)(b), 17.50.100 (A), 17.50.105 (A), 16.12.050, 16.28.040 (H), 17.04.075, 17.04.140, 17.04.335, 17.04.645, 17.30.040 (C) (1), 17.32.040 (C) (1), 17.50.290, 17.50.300 (B) (1) (b), 17.50.300 (E) (2)(b), 17.56.090 (D), 16.12.030 (E), 16.20.040 (O)(1), 17.18.080, 17.20.080, 17.36.080, 17.40.070, 17.30.070, 17.32.070, 17.24.040 (D) (2), 17.40.040 (B), 17.40.040 (C), and 17.50.110 (C) (3) of the Rapid City Municipal Code was introduced. Upon motion made by Rodriguez, seconded by Hanks and carried Ordinance 3872 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. 02RZ054, first reading of **Ordinance 3874**, a request by the City of Rapid City for a **Rezoning from No Use District to General Commercial District** on Lot H1 of the E1/2 SE1/4, Section 18, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located along the west portion of SD Highway 79 north of Folsom Road was introduced. Upon motion made by Hadley, seconded by Waugh and carried Ordinance 3874 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. 02RZ055, first reading of **Ordinance 3875**, a request by the City of Rapid City for a **Rezoning from No Use District to Medium Density Residential District** on the west 372 feet of SE1/4 NW1/4 and the S1/2 NE1/4 NW1/4, less Lot 1, Block 13, Big Sky Subdivision and less the western 38 feet of DeGeest Street right-of-way adjacent to Lot 1, Block 13, Big Sky Subdivision, all 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 3875 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. 02RZ056, first reading of **Ordinance 3876**, a request by the City of Rapid City for a **Rezoning from No Use District to General Commercial District** on the W1/2 SW1/4 NW1/4 and the SW1/4 NW1/4 NW1/4, 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 3876 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. 02RZ057, first reading of **Ordinance 3877**, a request by the City of Rapid City for a **Rezoning from No Use District to Office Commercial District** on the E1/2 SW1/4 NW1/4 and the SE1/4 NW1/4 NW1/4, 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 3877 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. 02RZ058, first reading of **Ordinance 3878**, a request by the City of Rapid City for a **Rezoning from No Use District to Low Density Residential District** on the east 948 feet of SE1/4 NW1/4 less Lot 1, Block 14, Big Sky Subdivision and less the eastern 38 feet of DeGeest Street right-of-way adjacent to Lot 1, Block 14, Big Sky Subdivision, and the south 480 feet of the SW1/4 NE1/4, all located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Elk Vale Road and north of Degeest was introduced. Upon motion made by Hadley, seconded by Rodriguez and carried Ordinance 3878 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. 02RZ059, first reading of **Ordinance 3879**, a request by the City of Rapid City for a **Rezoning from No Use District to Public District** on the north 840 feet of the SW1/4 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 3879 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. 02RZ060, first reading of **Ordinance 3867**, a request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Agriculture District** on Lot B of SW1/4 SW1/4 and Lot A of SE1/4 SW1/4 of Section 17, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being

located east of SD Highway 79 South and north of Folsom Road was introduced. Upon motion made by Hadley, seconded by Waugh and carried Ordinance 3867 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002.

The Mayor presented No. LF082802-07R(1), second reading of **Ordinance 3853**, a request by the City of Rapid City to amend Section 2.76.030 of Chapter 2.76 of the Rapid City Municipal Code relating to the removal of members of the Civic Center Board was introduced. Upon motion made by Hadley, seconded by Hanks Ordinance 3853 was placed upon its first reading and the title was fully and distinctly read, and second reading set for Monday, November 4, 2002. Mayor Munson voiced his concern over the passage of this ordinance while waiting for an opinion from the Attorney General and suggested an alternative motion. Assistant City Attorney Green stated that the ordinance as proposed does not comply with State law. Substitute motion was made by Waugh, seconded by Johnson to continue **Ordinance 3853** to the Legal and Finance Committee on October 30, 2002. Motion carried with Hanks voting NO.

Legal & Finance Committee Items

No. 02TP010 – Motion was made by Hadley, seconded by Rodriguez and carried to Authorize Mayor and Finance Officer to sign Amendment No. 1 to the Professional Agreement between the City of Rapid City and Felsburg Holt and Ullevig for the Completion of the Jackson Boulevard Extension Study for a Time Extension Only.

No. 02TP011 – Motion was made by Hadley, seconded by Waugh and carried to Authorize Mayor and Finance Officer to Sign Amendment No. 1 to the Professional Agreement between the City of Rapid of Rapid City and Interstate Engineering for the Completion of the Travel Demand Forecasting Model Update for a Time Extension Only.

No. LF101602-05 – Motion was made by Hadley, seconded by Waugh and carried to Authorize the City Attorney to draft an IDPF Agreement with Larry Henderson.

Motion was made by Hadley, seconded by Waugh and carried to Authorize the Mayor and Finance Officer to sign a storm sewer easement on Lot 38 of Broadmoor Subdivision.

No. 02SR013 – Motion was made by Hadley, seconded by Waugh and carried with Dreyer voting NO to refer Review of the Planning Commission's Action On An 11-6-19 SDCL Review to Construct a Street within a Section Line Highway Requested by Centerline, Inc. for Lazy P-6 Properties to the Legal and Finance Committee meeting on October 30, 2002.

No. LF101602-06 – Motion was made by Rodriguez, seconded by Hanks and carried to Approve Appointment of Lisa Kellem for a Three Year Term to the RSVP Advisory Council.

No. LF101602-07 – Motion was made by Rodriguez, seconded by Waugh and carried to Approve Appointment of Jeni Leberknight as Business Representative to the Air Quality Board.

No. LF101602-08 – Motion was made by Hadley, seconded by Waugh and carried to Approve Appointment of James Jackson to the Historic Sign Review Committee.

Finance Officer

Motion was made by Johnson, seconded by Waugh and carried to approve the following licenses: Electrical Apprentice: Marcos Garcia, Jeremiah Jurisch, Fernando Lara, Nathan Millard, Mike Nichols, Richard Paavwe, James O. Potts, Philip O. Shaw; Electrical Journeyman: Billy D. Young; Plumbing Apprentice: David A. Anderson, Steve Leithauser.

Bills

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

Payroll Ending 10-5-02, Paid 10-11-02	568,816.71
Pioneer Bank & Trust, taxes Paid 10-11-02	136,570.91
First American Administrators, claims Paid 10-9-02	49,160.18
First American Administrators, claims Paid 10-16-02	118,938.97
1 st National Bank in Sioux Falls, SRF#5 Paid 10-16-02	107,516.01
SD Department of Labor, taxes Paid 10-18-02	3,290.88
SD Department of Revenue, sales taxes Paid 10-18-02	19,677.46
SD Department of Revenue, sales taxes Paid 10-21-02	10,190.02
Wells Fargo Corporate Card, registrations Paid 10-17-02	1,735.00
ICAD, Inc, PD Grant/Records Upgrade	45,000.00
US Post Master, billing postage	2,200.00
Computer Bill List	3,679,945.49
Total	\$4,743,041.63

Payroll Ending 10-5-02, Paid 10-11-02	2,514.50
Pioneer Bank & Trust, taxes Paid 10-11-02	188.48
City of Rapid City, computer supplies	26.76
City of Rapid City, postage	4.60
City of Rapid City, health insurance	608.56
SD Retirement Fund, pension	269.56
Standard Life, insurance	7.92
Hills Materials Company, CCO No. 01, Blk. 23 Alley Project	783.36
Total	\$4,747,445.37

As there was no further business to come before the Council at this time, the meeting adjourned at 11:10 P.M.

CITY OF RAPID CITY

ATTEST:

Finance Officer

(SEAL)