

OFFICIAL PROCEEDINGS OF THE CITY COUNCIL
Rapid City, South Dakota

November 4, 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, November 4, 2002, at 7:00 P.M.

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

Motion was made by Dreyer, seconded by Waugh and carried to correct the minutes of October 21, 2002, to correct the legal description on No. 01PL054 - a request by Dream Design, Inc. for Big Sky LLC for a **Final Plat** to read as follows: Lots 1 and 8 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; and **approve the minutes** of October 29, 2002. Motion was made by Rodriguez, seconded by Hanks and carried to correct the Minutes of the October 16, 2002, Special Council meeting to set forth the District Resolution and also the Project Plan Resolution in their entirety.

Mayor's Items

Mayor Munson presented the **Citizen of the Month Award** to Dorothy Borelson and commended her for her outstanding kindness and generosity to those in need.

Mayor Munson asked for the Council's approval of Dr. Grace Mickelson as the Ward 2 representative to the Planning Commission. Motion was made by Waugh, seconded by Kooiker, and carried to approve the appointment of Dr. Grace Mickelson to the Planning Commission.

Mayor Munson asked for Council's approval of the following to the Naming Rights Committee: Brian Maliske, Coleen Schmidt, Jason Green (not a voting member), Bill Waugh, and Alan Hanks. Motion was made by Rodriguez, seconded by Murphy, and carried to approve the above people to the Naming Rights Committee.

Alderperson Items/Liaison Reports

Motion was made by Hanks, seconded by Dreyer and carried to approve the following appointments to the Development Appeals and Review Board: George Dunham, engineer; Warren Fisk, surveyor; Kent Mundon, economic development; Steve Macarthy, three-mile area; Rich Huffman and Bob Brandt, at large; and Bob Wall from the Planning Commission.

Tom Johnson said he visited with the Mayor about expanding the Community Development Department into a Department of Community and Economic Development. He will be visiting with Council members in the future about this. He does not want to replace what is presently in place but would like to see the City expand its base.

Special Items and Items from Visitors

A motion was made by Hanks and seconded by Rodriguez to approve the appeal of Conrad Ruppert of The Maze from the Sign Code Board of Appeals. The billboard in question was built in 1998 and complied with the ordinances at that time. About a year ago, it was grandfathered in when the property was annexed into the City. The billboard was damaged by a freak wind storm in July; and under the new sign code ordinance, the sign would have to come down. It is the only sign on the property and is the only income they have during the winter months. He asked the Council for their consideration in either allowing him to put the sign back up the way it was, repair the remaining portion of the sign, or build a new sign to conform with the new sign code ordinance except that he cannot meet the 1,000 foot distance requirement. Adam Altman said as far as he knows, the old sign was legal non-conforming. Reconstruction of that sign with the old dimensions would violate face size, height, and spacing. An amendment to the motion was made by Hanks and seconded by Rodriguez to include the stipulation that the variance is for spacing only and that all other requirements of the sign code must be met. Adam Altman said that in order for the Council to authorize a variance, it would have to find either that unusual topographical conditions exist or that there is an unnecessary hardship which cannot be merely financial. Hanks said he told Ruppert when his property was annexed that his business would not be impacted by the annexation. Hadley said Mr. Ruppert falls under the old ordinance as far as tearing down the sign but falls under the new ordinance as far as rebuilding it. A substitute motion was made by Hadley and seconded by Kooiker to allow Mr. Ruppert to keep his present sign, replace the third side of the sign, and allow it to be a legal, non-conforming sign and that a licensed professional engineer certify that the sign is structurally sound. A vote was taken with Hanks and Murphy voting "no."

Alcoholic Beverage License Applications

Hearings:

This was the time set for hearing on the application of RGR Inc., dba **Hara's**, 2200 N. Maple Street, for an on-sale liquor license renewal and Sunday opening. Motion was made by Hadley, seconded by Waugh and carried to approve the application.

This was the time set for hearing 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. Motion was made by Hadley, seconded by Waugh and carried to approve the application.

This was the time set for hearing 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 new on-sale wine license. Motion was made by Hadley, seconded by Waugh and carried to approve this application.

Set for Hearing:

Upon motion made by Hadley, seconded by Kriebel and carried, the Finance Officer was directed to publish notice of hearings on the following applications, said hearings to be held on Monday, November 18, 2002:

5. Kurylas Inc., DBA **Imperial Inn**, 125 Main St, for an On-Sale Liquor License Renewal, No Sunday Opening
6. Margaret Jefferson DBA **Oasis Lounge**, 711 Main St, for an On-Sale Liquor License Renewal, No Sunday Opening
7. City of Rapid City, DBA **Airport Restaurant & Lounge**, Rural Route 2 Box 6335, for an On-Sale Liquor License Renewal and Sunday Opening
8. **Arrowhead Country Club**, 3675 Sheridan Lake Rd for an On-Sale Liquor License Renewal and Sunday Opening
9. Guang Huan Huang, DBA **Hunan Chinese Restaurant**, 1720 Mt Rushmore Rd for an On-Sale Wine License Renewal
10. Wilburn-Powers Inc, DBA **Horseshoe Bar**, 1407 ½E North St for an On-Sale Liquor License Renewal and Sunday Opening
11. Robert W Johnson, DBA **Canyon Lake Pub & Casino**, 4116 Jackson Blvd for an On-Sale Wine License Renewal, No Sunday Opening
12. Century Motels Inc., DBA **Howard Johnson Express Inn & Suites**, 950 North St for a New On-Sale Wine License, No Sunday Opening
13. **Rapid City Elks Club Lodge #1187**, 3333 E 39th St for an On-Sale Liquor License Renewal and Sunday Opening
14. Porter Apple Company, DBA **Applebee's Neighborhood Grill & Bar**, 2160 Haines Ave, for an On-Sale Liquor License Renewal and Sunday Opening
15. Sam's West inc., DBA **Sam's Club #6565**, 1020 Lacrosse St, for an Off-Sale Liquor License Renewal, No Sunday Opening
16. Sanford's Grub & Pub South Dakota Inc., DBA **Sanford's Grub & Pub**, 306 7th St, for an On-Sale Liquor License Renewal and Sunday Opening
17. VFW, DBA **Rushmore Post 1273**, 420 Main St, for an On-Sale Liquor License Renewal and Sunday Opening

Consent Calendar Items

The following items were removed from the Consent Calendar:

Set for Hearing (November 18, 2002)

18. No. 02UR025 - Carriage Hills Subdivision - A review of Planning Commission's decision on an application for a **Conditional Use Permit to allow an oversized private residential garage** on Lot 7 of Block 7, Carriage Hills Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4041 Penrose Place.
19. No. 02PD057 - Robbinsdale Addition No. 10 - A review of Planning Commission's decision on an application for a **Major Amendment to a Planned Commercial Development** on Lot 2R of Block 28, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Fifth Street and Anamaria Drive.

25. No. PW102902-06 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering Services, Inc. to Design ST03-1251, Fairmont Blvd./Hwy. 16 Intersection Project for an amount not to exceed \$16,303.50.
27. No. PW102902-09 – Approve an Initial Resolution Setting Time and Place for Hearing on December 2, 2002 for SS01-1052, East Catron Boulevard Sanitary Sewer Extension Highway 79 to 5th Street Project.
34. Open Roosevelt Ice Arena on Thanksgiving Day from 1-9:00 P.M.; but allow staff the flexibility of closing early if there is no one in attendance.
45. Direct the City Attorney's office to draft a letter to the Game, Fish & Parks to be signed by the Mayor and the City Attorney's office requesting their financial participation in our deer management program.
46. Direct staff to issue Mr. Herr a building permit now and decide whether or not to allow the plumbing at the public hearing on November 18, 2002.

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

Public Works Committee Items

20. No. PW102902-01 – Approve Change Order No. 01 for W02-1156, Water Well No. 12 to Water System Drilling, Inc. for an increase of \$26,391.00.
21. No. PW102902-02 – Approve Change Order No. 02F for ST02-1158, 2002 Mill and Overlay Project to Simon Contractors of South Dakota for an increase of \$55,360.87.
22. No. PW102902-03 – Approve Change Order No. 01F for W02-1198, Upper Rapid Creek Fishing and Picnic Area Project to R.C.S. Construction, Inc. for increase of \$1,483.13.
23. No. PW102902-04 – Authorize Mayor and Finance Officer to sign Amendment No. 01 to a Professional Service Agreement with CETEC Engineering Services, Inc. to Design ST01-973, Tower Road Slide Area Reconstruction Project for an amount not to exceed \$598.53.
24. No. PW102902-05 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. for a Preliminary Design of W01-1084, East St. Louis and Waterloo Watermain Reconstruction Project for an amount not to exceed \$9,915.00.
26. No. PW102902-07 - Authorize Mayor and Finance Officer to sign a Professional Service Agreement with FMG, Inc. for ST02-1280, 2002 City Wide Geotechnical Investigations Program for an amount not to exceed \$30,000.
28. No. PW102902-10 – Approve a Travel Request for James Walraven to attend GC Supt. Association of American 74th International Golf Course Conference and Show in Atlanta, Georgia February 10-16, 2003 in the amount of \$2,190.50.
29. No. PW102902-11 – Approve a Resolution Establishing Fees for Grave Spaces and Cemetery Services.
30. No. PW102902-12 – Approve the purchase of one (1) new current model year 4x4 pickup from Lamb Chevrolet, Inc. for a total purchase price of \$16,476 under State Contract #13769 for the Solid Waste Operations Division.
31. No. PW102902-13 – Approve the purchase of two (2) new current model year ¾Ton, 4x4 regular cab, long box trucks from Lamb Chevrolet, Inc. for a total purchase price of \$37,036 under State Contract #13769 for the Street Division.
32. No. 02VE006 – Approve a Vacation of Utility Easement for petitioner Kirby Ruenholl on Lot 5 of Block 2 of Meadow Ridge Subdivision located in the W1/2 of the SW1/4

Section 2, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1810 Ennen Drive.

RESOLUTION OF VACATION OF UTILITY EASEMENT

WHEREAS it appears that a portion of the utility easement on Lot 5 of Block 2 of Meadow Ridge Subdivision located in the W1/2 of the SW1/4 Section 2, T1N, R8E, BHM, Pennington County, South Dakota, more generally described as being located at 1810 Ennen Drive, 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 public access and utility easements theretofore 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 4th day of November, 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

- 33. No. 02RD007 – Approve a Resolution renaming Estes Court to Estes Park Court for petitioner City of Rapid City on the right-of-way adjacent to Lot 11 Revised, Block 2, Signal Heights and Lot 1 Revised, Block 3, Signal Heights and Tract 3 Revised, Signal Heights #2, all located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Crescent Drive and Estes Court.

RESOLUTION CHANGING THE ROAD NAMED ESTES COURT TO ESTES PARK COURT

BE IT RESOLVED by the City of Rapid City that the right-of-way adjacent to Lot 11 Revised, Block 2, Signal Heights and Lot 1 Revised, Block 3, Signal Heights and Tract 3 Revised, Signal Heights #2, all located in Section 1, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located north of the intersection of Crescent Drive and Estes Court, and is hereby, renamed to Estes Park Court.

DATED this 4th day of November, 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

Legal & Finance Committee

- 35. Authorize Mayor and Finance Officer to sign Memorandum of Agreement between the State of South Dakota Department of Military and Veterans Affairs Office of the Adjutant General South Dakota Army National Guard and Rapid City Police Department City of Rapid City.
- 36. LF103002-01 - Authorize Staff to Submit Grant Application to the State for Wildland Mitigation Monies.
- 37. Authorize Staff to go out for RFP's for independent contractor services with Educational Leadership & Evaluation.
- 38. LF103002-04 - Resolution Declaring Property Surplus.
- 39. LF103002-05 - Subsidy Committee Recommendations.
- 40. LF103002-06 - Authorize Mayor and Finance Officer to Sign Exterior Bus Advertising Contract with the Following Parties: Dave Schmidt, Juanita Christianson, Karen Soderquist, Sue Drysdale, Paula Lewis, Gene Hensley, JoAnn O'Brien.
- 41. LF103002-07 - Resolution Fixing Time and Place for Hearing on Assessment Roll for Property Cleanup.
- 42. LF103002-08 - Approve Purchase of Right of Way at 2436 Canyon Lake Drive (S 299.05' of Lot C, less the West 10' of Lot 2, Harter Tract) from Keith Johnson.
- 43. LF103002-09 - Resolution of Acceptance (Howard Street Right of Way).
- 44. LF103002-10 - Resolution of Acceptance (Tract AR2).
- 47. Direct staff to meet with the Lazy P-6 people in an attempt to come to an agreement on when the paving of the road will occur.
- 48. Accept the recommendation of the Rules Committee and to adopt the following items: 1) the Council will follow Robert's Rules of Order; 2) the current Council members will have an orientation on Robert's Rules of Order; 3) all new Council members will have an orientation on Robert's Rules of Order; 4) a parliamentarian will be available at the Council meetings for a period of time to assist the Council in following Robert's Rules of Order; and 5) the Council will have the ability to amend Robert's Rules of Order and staff is directed to go ahead and make the changes that are required by law.
- 49. Approve Appointment of Patricia Kenner, Christi Nelson and Dick Maguire to the RSVP Committee.
- 50. Approve appointment of the following to the Golf Management Advisory Board: Council Representatives: Tom Johnson with Bill Waugh as the alternate; City Finance Officer Jim Preston; Citizen Volunteer (advertising & marketing): Stacy Sharp (one year term); Citizen Volunteer (food & beverage): Barry Winter (one year term); Citizen Volunteer (business background): George Brown (two year term), Pat Wyss (three year term), and Wes Storm (two year term).

End of Consent Calendar

No. 02UR025 - Carriage Hills Subdivision - A review of Planning Commission's decision on an application for a **Conditional Use Permit to allow an oversized private residential garage** on Lot 7 of Block 7, Carriage Hills Subdivision, Section 17, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 4041 Penrose Place. Motion was made by Johnson and seconded by Waugh to set the hearing on this matter for November 18, 2002. Marcia Elkins asked that this item be tabled because Mr. Herr submitted a letter in writing withdrawing his request. A substitute motion was made by Rodriguez and seconded by Hanks to table this item. A roll call vote was taken with Murphy, Waugh, Kroeger, Dreyer, Hanks, and Rodriguez voting "yes" and Kriebel, Johnson, and Kooiker voting "no."

No. 02PD057 - Robbinsdale Addition No. 10 - A review of Planning Commission's decision on an application for a **Major Amendment to a Planned Commercial Development** on Lot 2R of Block 28, Robbinsdale Addition No. 10, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located southwest of the intersection of Fifth Street and Anamaria Drive. Motion was made by Johnson and seconded by Hanks to set the hearing on this matter for November 18, 2002. Sam Kooiker said he thinks applicant's rights are not being taken care of when these matters are delayed and they are required to send out new notifications. A vote was taken with Kooiker voting "no."

No. PW102902-06 - Hanks moved to approve authorize Mayor and Finance Officer to sign a Professional Service Agreement with CETEC Engineering Services, Inc. to Design ST03-1251, Fairmont Blvd./Hwy. 16 Intersection Project for an amount not to exceed \$13,373.50. Second by Rodriguez. Motion carried.

No. PW102902-09 – Motion was made by Rodriguez and seconded by Hanks to approve an Initial Resolution Setting Time and Place for Hearing on December 2, 2002 for SS01-1052, East Catron Boulevard Sanitary Sewer Extension Highway 79 to 5th Street Project. Jim Preston told the Council that the City has received a petition to stop the project from Harold Bies representing the owners of Parcel A and C of MJK Subdivision which consists of 60% of the total project. They are opposed to the assessment. An amendment to the motion to table was made to the motion by Rodriguez and seconded by Hanks. A roll call vote was taken with Murphy, Waugh, Kroeger, Dreyer, Hanks, and Rodriguez voting "yes" and Hadley, Kriebel, Johnson, and Kooiker voting "no."

A motion was made by Dreyer and seconded by Kooiker to direct staff to bring forth a statement of resolution notifying the property owners affected by Fifth Street that the Fifth Street project will be tabled for two years if they don't have the necessary signatures by December 15, 2002. Tom Johnson said he and the Mayor had a meeting with one of the property owners and they put forth some alternatives and had an open and frank discussion. He would like to hold off for a couple of weeks before making a move in case there is some movement from the property owners. Dreyer withdrew his motion.

A motion was made by Rodriguez, seconded by Kroeger, and carried to open Roosevelt Ice Arena on Thanksgiving Day from 3:00 p.m. to 9:00 p.m.

The Mayor told the Council that there was a meeting with the Game, Fish & Parks regarding the deer management program. Kroeger said the Game, Fish & Parks Department is getting

some information together for the City regarding what the deer control in Rapid City is going to be due to the City's annexation, what the population should be in the City, and other items and will make a presentation at the next Public Works Committee meeting. A motion was made by Hanks and seconded by Waugh to place this item early on the November 12, 2002, Public Works Committee agenda. Johnson said he would still like to see a letter go to the Game, Fish & Parks from the City. He thinks the public record is important. A vote was taken on the motion with Murphy, Kriebel, Kroeger, Waugh, and Rodriguez voting "yes" and Hadley, Johnson, Dreyer, Hanks, and Kooiker voting "no." The Mayor voted "yes" to break the tie.

A motion was made by Rodriguez, seconded by Hanks and carried to deny Mr. Herr's request for a building permit without prejudice to allow the applicant to submit a major amendment at a later time without paying a fee. Marcia Elkins said Mr. Herr has indicated that he will put sleeves in his garage and that will allow him to come back with a major amendment and if approved in the future, he be allowed to add the plumbing at that point and time.

Public Hearings

No. 02FV010 – A motion was made by Rodriguez, seconded by Hanks and carried to deny without prejudice a Fence Height Exception for petitioners Ronn and Sharlene Mitchell to allow a six foot fence in the front yard for that portion of the southeast property line lying 25 feet southwest of the northeast property line on Lot 1 of Block 2 of Copperfield Subdivision, Section 4, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 1813 Copperdale Drive.

No. 02FV012 - A motion was made by Rodriguez and seconded by Kroeger to continue to the November 18, 2002, Council meeting request by Russell Oubre for a **Fence Height Exception to allow a six foot privacy fence in the front yard** on Lot 3 thru 5, Blake's Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located at 129 East Philadelphia Street. Michelle Remington, a neighbor, asked that this not be continued. The petitioner did not show up the last time this item was on an agenda. A motion was made by Murphy and seconded by Johnson to deny the fence height. Marcia Elkins said the applicant contacted her and was confused about the original discussion at the Public Works Committee meeting. He thought it was on the Legal and Finance Committee meeting agenda. He had a previous commitment this evening and asked that it be continued. Ms. Remington said there is a blind spot at the end of the driveway with the six-foot pole. The entire fence is not six feet in height. It goes from four feet to six feet and then back to four feet. Dreyer said it is apparent that the applicant put up the fence without prior approval and it needs to come down. A vote was taken on the motion and the motion carried.

The Mayor announced that the meeting was open for consideration of the assessment for Block 23 Alley Paving (Flormann Addition) Project ST01-1039 (No. CC110402-02). Notice of hearing was published in the Rapid City Journal on October 28, 2002, and mailed to affected property owners on October 10, 2002. No oral or written objections were submitted. The following Resolution was introduced, read and Rodriguez moved its adoption:

**RESOLUTION LEVYING ASSESSMENT FOR
BLOCK 23 ALLEY PAVING (FLORMANN ADDITION)
PROJECT NO. ST01-1039**

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

1. The City Council has made all investigations which it deems necessary and has found and determined that the amount which each lot or tract shall be benefited by the alley paving project is the amount stated in the proposed assessment roll.
2. The assessment roll for Block 23 Alley Paving (Flormann Addition) Project ST01-1039 is hereby approved and assessments thereby specified are levied against each and every lot, piece or parcel of land thereby described.
3. Such assessments, unless paid within thirty (30) days after the filing of the assessment roll in the Office of the Finance Officer shall be collected by the City Finance Office in accordance with the procedure in Section 9-43-43 to 9-43-53 of the South Dakota Compiled Laws of 1967, as amended, and shall be payable in ten annual installments bearing interest at the rate not to exceed nine percent (9%).

Dated this 4th day of November 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

ATTEST:
James F. Preston
Finance Officer
(SEAL)

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

Planning Department Consent Items

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

54. 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. (APPROVED CONTINGENT ON PAYMENT OF THE NECESSARY REIMBURSEMENT TO THE RAPID VALLEY FIRE DISTRICT.)

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 6.8476 acres, more or less, is hereby included within the corporate limits of the City and annexed thereto:

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.

Dated this 4th day of November 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

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

- 55. 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. (CONTINUED TO 11/18/02)

- 56. 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. (APPROVED WITH THE FOLLOWING STIPULATIONS: Engineering Division Recommendations: Prior to City Council approval of the Final Plat, the exposed cable shall be properly buried in the utility easement designated on the north side lot line; Transportation Planning Division Recommendations: Prior to City Council approval of the Final Plat, the plat shall be revised to include a non-access easement along the entire frontage of South Dakota Highway 79; and, Urban Planning Division Recommendations: Prior to City Council approval, the south 50 feet of Lot 4R shall be rezoned from General Commercial and Medium Density Residential to Light Industrial Zoning District.)

RESOLUTION APPROVING PLAT

WHEREAS a Plat of 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, was filed with the Finance Officer for the purpose of examination and approval by the governing body, and

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

NOW, THEREFORE, BE IT RESOLVED that the Plat of Lot 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, be, and the same is hereby approved and the Finance Officer of Rapid City is hereby authorized to endorse on such plat a copy of this Resolution and certify to its correctness.

Dated at Rapid City, South Dakota, this 4th day of November 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

ATTEST:
James F. Preston
Finance Officer
(SEAL)

57. 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 11/18/02)
58. 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 11/18/02)
59. No. 02PL032 - A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Preliminary Plat** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16 foot wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street. (DENY WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST)
60. 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 11/18/02)
61. 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 11/18/02)
62. 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 in the southeast corner of the intersection of 5th Street and North Street. (CONTINUE TO 11/18/02)

63. 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 12/2/02)
64. No. 02PL056 - A request by Renner & Sperlich for J&J Truck & Auto Body for a **Preliminary Plat** on Lots 1 and 2 of Devine Subdivision located in the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Less Lot H1 of Tract B of the SW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the southeast corner of the intersection of Cambell Street and Philadelphia Street. (CONTINUE TO 11/18/02)
65. 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 Subdivision, 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. (CONTINUE TO 11/18/02)
66. 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. (CONTINUE TO 11/18/02)
67. 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 11/18/02)
68. No. 02PL083 - A request by Dream Design International, Inc. for a **Preliminary and Final Plat** on Lots 1 thru 4, Block 1, Lots 1 thru 9, Block 2, and Outlot A and Dedicated Streets, Neff Subdivision II, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, legally described as the unplatted portion of the NW1/4 of the

SW1/4, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota, located in the cul-de-sacs at the west end Sweetbriar Street and Avenue A. (CONTINUE TO 11/18/02)

69. 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. (DENY WITHOUT PREJUDICE AT THE APPLICANT'S REQUEST)
70. 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. (CONTINUE TO 11/18/02)
71. 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. (CONTINUE TO 12/2/02)
72. 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. (APPROVE WITH FOLLOWING STIPULATIONS: 1. Upon Preliminary Plat submittal, a water plan shall be submitted for review and approval. In particular, the use of on-site well(s) and/or a community water source shall be identified and submitted for review and approval. In addition, the on-site well(s) and/or community water source shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources; 2. Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainfield easement(s) on each lot; 3. Upon Preliminary Plat submittal, the plat shall be revised to show an eight foot wide utility easement along all lot lines; 4. Upon submittal of a Preliminary Plat, topographic information shall be submitted for review and approval; 5. 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 for that portion of Aero Road located within the City's three mile platting jurisdiction. The design plans shall show the location of utilities, storm drainage, curb and gutter, street light conduit and dry sewer and water or a Variance to the Subdivision Regulations shall be obtained; 6. Upon submittal of the Preliminary Plat, Aero Road shall be redesigned to meet the minimum design standards for a cul-de-sac roadway which shall not exceed 1,200 feet in length with a turnaround at the closed end and an intermediate turnaround(s) at intervals not to exceed 600 feet or a Special Exception to the Street Design Criteria Manual shall be obtained; 7. Upon submittal of the Preliminary Plat, the plat shall be revised to show Aero Road as "dedicated right-of-way" in lieu of a "roadway easement"; 8. Upon submittal of the Preliminary Plat, that portion of the section line highway located within the City's three mile platting jurisdiction shall be built to City street design standards or a Variance to the Subdivision Regulations shall be obtained waiving the requirement to improve the section line highway or the section line highway shall be vacated; 9. Prior to Preliminary Plat approval by the City Council, the applicant shall submit a Wild Land Fire Mitigation Plan for review and approval. In addition, the Wild Land Fire Mitigation Plan shall be implemented prior to Final Plat approval by the City Council; 10. Prior to Final Plat approval by the City Council, the plat title shall be revised to read "Lot 2R and Lot 4R2 of Estes Subdivision (Formerly Lot 2 and Lot 4 Revised of Estes Subdivision and unplatted land in W1/2 NW1/4 SW1/4, Section 15, T1S, R7E); 11. Prior to Final Plat approval by the City Council, a subdivision estimate form for that portion of the improvements located within the City's three mile platting jurisdiction shall be submitted for review and approval; and 12. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements located within the City's three mile platting jurisdiction that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

73. No. 02PL099 - A request by Jim Heald for Oliver and Mary Freimark for a **Layout Plat** on Lot 1R and 3R, Block 3, Aladdin Heights Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 1 thru 3, Block 3, Aladdin Heights Subdivision, Section 23, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, located 1/2 mile south of the water tower on US Highway 16. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. Upon Preliminary Plat submittal, a grading plan and geotechnical information shall be submitted for review and approval; 2. 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; 3. Upon Preliminary Plat submittal, a revised structural site plan shall be submitted for review and approval. In particular, the site plan shall show the mobile home and the pole sign currently located on proposed Lot 1R as well as the approaches, parking lot(s) and interior circulation; 4. 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; 5. 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; 6. Upon Final Plat approval, the existing on-site water and/or wastewater systems shall be abandoned and City sewer and water shall be extended to serve the subject property; 7. 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 design plans showing utilities, storm

drainage, curb and gutter, sidewalk and sewer and water lines shall be submitted for review and approval; 8. Upon Preliminary Plat submittal, road construction plans for Northview Drive providing a minimum 27 foot wide paved surface meeting the minimum standards of a sub-collector road with parking on two sides shall be submitted for review and approval; 9. Upon Preliminary Plat submittal, road construction plans for Silver Nugget Drive providing a minimum 24 foot wide paved surface meeting the minimum standards of a lane/place road with parking on two sides shall be submitted for review and approval; 10. Upon Preliminary Plat submittal, the plat document shall be revised to show a local road connection to the north. In particular, complete design plans providing a minimum 49 foot wide right-of-way with a 24 foot wide paved surface, storm drainage, curb and gutter, sidewalk and sewer and water lines shall be submitted for review and approval; 11. 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; 12. Prior to Final Plat submittal, the concrete rubble, building material(s) and debris located on proposed Lot 3R shall be removed. In addition, the pole sign currently located in the U.S. Highway 16 right-of-way shall be removed or a Right-of-way Permit allowing the sign in the right-of-way shall be obtained from the South Dakota Department of Transportation; 13. Prior to Final Plat approval, the mobile home(s) shall be removed from the subject property; 14. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 15. Prior to Final Plat approval by the City Council, surety for any required subdivision improvements that have not been completed shall be posted and the subdivision inspection fee shall be paid.)

74. No. 02PL101 - A request by D.C. Scott Co., Land Surveyors for Joe Carlin for a **Layout Plat** on Lot 12, Lot 13 and Lot 14 of Carlin Subdivision located in the NW1/4 SE1/4 of Section 11, T1N, R8E, BHM, Pennington County, South Dakota; legally described as the north 33 feet of the west 578.59 feet of the NW1/4 SE1/4; the south 125 feet of the north 158 feet of the west 354.46 feet of the NW1/4 SE1/4; and, the W1/2 NW1/4 SE1/4 less Carlin Subdivision and right-of-way and less the north 125 feet of the south 516.34 feet of the west 354.46 feet of the NW1/4 SE1/4 and less the north 125 feet of the south 641.34 feet of the west 354.46 feet of the NW1/4 SE1/4 and less the north 125 feet of the south 391.34 feet of the west 354.46 feet of the NW1/4 SE1/4 and less the north 33 feet of the west 578.59 feet of NW1/4 SE1/4 and less the south 125 feet of the north 158 feet of the west 354.46 feet of the NW1/4 SE1/4; all located in Section 11, T1N, R8E, BHM, Pennington County, South Dakota, located west of Carlin Drive and north of Longview Drive. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. Upon Preliminary Plat submittal, a water plan shall be submitted for review and approval. In particular, the use of on-site well(s) and/or a community water source shall be identified and submitted for review and approval. The plat document shall also be revised to show utility easement(s) as necessary. In addition, the on-site well(s) and/or community water source shall be reviewed and approved by the South Dakota Department of Environment and Natural Resources; 2. Upon Preliminary Plat submittal, percolation test(s) and soil profile information representative of the site shall be submitted for review and approval. In addition, the plat document shall be revised to provide drainfield easement(s) on each lot; 3. Upon Preliminary Plat submittal, a structural site plan shall be submitted for review and approval. In addition, any existing on-site water and/or wastewater systems shall

be shown. The site plan shall also show the location of existing utilities (i.e., cable, electric, telephone, etc.); 4. Upon Preliminary Plat submittal, topographic information shall be submitted for review and approval; 5. Upon Preliminary Plat submittal, a drainage plan shall be submitted for review and approval. In addition, the plat document 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 for the 50 foot wide access and utility easements serving proposed Lots 13 and 14 and that portion of Carlin Street that abuts proposed Lot 12. The design plans shall show the location of utilities, sidewalks, storm drainage, curb and gutter, street light conduit and dry sewer and water or a Variance to the Subdivision Regulations shall be obtained; 7. Upon Preliminary Plat submittal, complete street design plans shall be submitted for review and approval for the collector road located along the north lot line of proposed Lot 12 as identified on the Major Street Plan or a Variance to the Subdivision Regulations shall be obtained or the Major Street Plan shall be amended to eliminate and/or relocate the collector road; 8. Upon Preliminary Plat submittal, the road located along the south lot line of Lot 1 Revised currently serving as access to proposed Lot 14 shall be dedicated as public right-of-way and complete street design plans shall be submitted for review and approval or the road shall be abandoned and/or closed prior to Final Plat approval; 9. Upon Preliminary Plat submittal, geotechnical analysis for pavement design(s) shall be submitted for review and approval; 10. Upon Preliminary Plat submittal, the access and utility easements shall be dedicated as public right-of-way or a Special Exception to the Street Design Criteria Manual shall be granted to allow an easement to serve as access to more than four lots; 11. Upon Preliminary Plat submittal, road construction plans for the access and utility easements shall be submitted for review and approval showing the provision for emergency fire apparatus turnaround(s) at the terminus of the easement(s); 12. Upon Preliminary Plat submittal, the proposed plat shall be submitted to the Hawthorne Irrigation Ditch Company for review and approval. In particular, the Hawthorne Irrigation Ditch Company shall review and approve of the size, type and location of any culvert and/or structure located within the easement; 13. Upon Preliminary Plat submittal, the plat document shall be revised to show Carlin Drive as Carlin Street; 14. Prior to Final Plat approval, a road maintenance agreement for the access and utility easement(s) shall be submitted for review and approval; 15. Prior to Final Plat approval by the City Council, a subdivision estimate form shall be submitted for review and approval; and, 16. 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.)

75. No. 02PL102 - A request by Doug Sperlich for Jeff Stone for a **Final Plat** 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, located at the current terminus of Broadmoor Drive. (CONTINUE TO 11/18/02)

76. No. 02PL103 - A request by Fisk Land Surveying for Dan O'Brien for a **Layout Plat** on Lots 1, 2 and 3 of Deadwood Avenue Business Park, located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lot 10A of Lot 10 of Tract E of Deadwood Avenue Tract located in the NE1/4 NW1/4 of Section 34, T2N, R7E, BHM, Rapid City, Pennington County, South Dakota, located at 1141 and 1161 Deadwood Avenue. (APPROVE WITH THE FOLLOWING STIPULATIONS: 1. A drainage plan for the site shall be submitted with the Preliminary Plat submittal. The Preliminary Plat shall include all drainage easements to show drainage directed towards rights of way without adverse impacts to the adjoining properties; 2. Prior to Preliminary Plat approval, the sanitary sewer extending along Plant Street shall be reviewed to determine the feasibility of extending the service to the south property line; 3. Existing floor plans for all structures located on the subject property shall be submitted with the Preliminary Plat application. The site plan shall demonstrate adequate parking for all structures on the proposed lot they will be located on, or parking easements shall be delineated on the plat; 4. Existing landscaping plans for each of the proposed lots at the subject property shall be submitted with the Preliminary Plat application documenting that all required landscaping requirements will be met for each proposed lot; and, 5. An additional 20 feet of right of way along the south side of Lien Street shall be dedicated prior to Preliminary Plat approval, or a Variance to Chapter 16.12 of the Subdivision Regulations shall be obtained.)
77. 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 12/2/02)

END OF PLANNING CONSENT CALENDAR

The Mayor presented No. 02PL037 - A request by Dream Design International, Inc. for a **Final Plat** on Lots 1-19 Block 1, Lots 1-37 Block 2, Lots 1-52 Block 3, Lots 1-38 Block 4, Lots 1-37 Block 5, Tract A, Tract B of Auburn Hills Subdivision, and dedicated streets, being a replat of the SW1/4 NW1/4 and NW1/4 SW1/4, and Lot 6A and 6B of the Madison Subdivision, being a replat of Lot 6 of the Madison Subdivision, all in Section 13, T2N, R7E, BHM, Pennington County, South Dakota, legally described as a parcel of land located in the SW1/4 NW1/4, less Haines Avenue Right-of-Way and NW1/4 SW1/4 of Section 13, T2N, R7E, BHM, Pennington County, South Dakota; and Lot 6 of Madison Subdivision, in the City of Rapid City, as shown on the Final Plat recorded in Book 12 of Plats on Page 106, Pennington County Register of Deeds, located west of Haines Avenue. Motion was made by Rodriguez, seconded by Hanks and carried to continue this item until November 18, 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, seconded by Hanks and carried to acknowledge applicant's request to withdraw the application.

Planning Department – Hearings

The Mayor presented No. 02CA046 - A request by City of Rapid City for Gail Miller for an **Amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Future Land Use Plan to change the future land use designation on a 2.5 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development** on property described by metes and bounds as beginning at the northwest corner of Lot A of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N01°37'47"W a distance of 74.05 feet to the Point of Beginning; thence N01°37'47"W along the east right-of-way line of Lacrosse Street a distance of 679.45 feet to the northwest corner of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N88°47'13"E a distance of 151.73 feet along the south right-of-way line of East New York Street; thence S01°37'47"E a distance of 169.28 feet; thence S00°23'33"W a distance of 146.31 feet; thence S17°10'22"E a distance of 215.61 feet; thence S02°24'02"W a distance of 31.68 feet; thence S48°03'13"W a distance of 164.79 feet; thence S75°54'41"W a distance of 78.31 feet to the Point of Beginning, located along the east side of Lacrosse Street between E. New York Street and the extension of East St. Louis 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 4th day of November, 2002 to consider an amendment to the Comprehensive Plan by revising the North Rapid Neighborhood Future Land Use Plan by changing the future land use designation on a 2.5 acre parcel from Office Commercial with a Planned Commercial Development to General Commercial with a Planned Commercial Development, on property described by metes and bounds as beginning at the northwest corner of Lot A of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N01°37'47"W a distance of 74.05 feet to the Point of Beginning; thence N01°37'47"W along the east right-of-way line of Lacrosse Street a distance of 679.45 feet to the northwest corner of Feigels West Addition, Section 31, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; thence N88°47'13"E a distance of 151.73 feet along the south right-of-way line of East New York Street; thence S01°37'47"E a distance of 169.28 feet; thence S00°23'33"W a distance of 146.31 feet; thence S17°10'22"E a distance of 215.61 feet; thence S02°24'02"W a distance of 31.68 feet; thence S48°03'13"W a distance of 164.79 feet; thence S75°54'41"W a distance of 78.31 feet to the Point of Beginning and good cause appearing therefor

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 4th day of November, 2002.

CITY OF RAPID CITY
s/Jerry Munson, Mayor

ATTEST:

s/James F. Preston
Finance Officer
(SEAL)

The motion for adoption of the foregoing Resolution was seconded by Hanks. Kooiker asked if the neighbors were notified. Marcia Elkins said notification was not required but there are three individuals that previously appeared at other discussions on this matter. Those individuals were contacted about this item because of their concerns. They did not object and did not intend to appear at any of the hearings. This is the property that the City wants to acquire an easement for on the eastern half. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Hadley, Kroeger, and Kriebel; NO: None. Whereupon said Resolution was declared duly passed and adopted.

The Mayor presented Nb. 02SV017 - A request by Renner & Sperlich Engineering Co. for Wilburn-Powers, Inc. for a **Variance to the Subdivision Regulations to waive the requirement to install pavement, curb and gutter, water, sewer, street light conduit and sidewalks** on Lot 3 of Huffman Subdivision located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota; legally described as Lots 3 and 4 of the NW1/4 of the SW1/4 of Section 32 less Lot H1 of Lots 3, 4, 5 & 6 of the NW1/4 of the SW1/4 of Section 32, and the unplatted portion of the NW1/4 of the SW1/4 of Section 32 and the existing 16' wide alley located in the NW1/4 of the SW1/4, Section 32, T2N, R8E, BHM, Rapid City, Pennington County, South Dakota, located east of Cambell Street and between US Highway 14 & 16 and East Philadelphia Street. Motion was made by Rodriguez, seconded by Hanks and carried to deny this request without prejudice at applicant's request.

The Mayor presented No. 02SV040 - A request by Doug Sperlich for Jeff Stone for a **Variance to the Subdivision Regulations to waive the requirement to install sidewalks** 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, located at the current terminus of Broadmoor Drive. Motion was made by Rodriguez, seconded by Kroeger, and carried to approve this item with the following stipulations: 1. The sidewalk shall be a property line sidewalk constructed in accordance with the standards specified in the Street Design Criteria Manual; and 2. The sidewalk shall be constructed along the south side of the proposed access easement.

Ordinances & Resolutions

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 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 the cul-de-sacs at the west end Sweetbriar Street and Avenue A having passed the first reading on August 5, 2002, it was moved by Hadley and seconded by Johnson 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 upon its second reading.

The Mayor presented No. 02RZ052, second reading of **Ordinance 3864**, a request by the 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 having passed the first reading on October 7, 2002, it was moved by Hadley and seconded by Kroeger to continue second reading until November 18, 2002. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None.

The Mayor presented No. 02RZ054, second 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 in the west portion of SD Highway 79 north of Folsom Road having passed first reading on October 21, 2002, it was moved by Hadley and seconded by Kroeger 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 upon its second reading.

The Mayor presented No. 02RZ055, second 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 having passed first reading on October 21, 2002, it was moved by Hadley and seconded by Kroeger 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 upon its second reading.

The Mayor presented 02RZ056, second 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 having passed first reading on October 21, 2002, it was moved by Hadley and seconded by Kroeger 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 upon its second reading.

The Mayor presented 02RZ057, second 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, Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota and the SE1/4 NW1/4 NW1/4 less the following described property: Beginning at the Northwest Corner of the E1/2SW1/4NW1/4 of Section 3, thence N00 07'25"W, 975.94 feet; thence N89 54'07"E, 231.27 feet; thence S00 01'25"E, 976.23 feet; thence S89 58'35"W, 229.57 feet to the POINT OF BEGINNING, 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 having passed first reading on October 21, 2002, it was moved by Hadley and seconded by Kroeger 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 upon its second reading.

The Mayor presented 02RZ058, second 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, less a parcel of land located in Section 3, T1N, R8E, BHM, Rapid City, Pennington County, South Dakota being more particularly described as follows: Beginning at the Center of said Section 3; thence S89°57'49"W, 801.92 feet; thence N00°06'19"E 116 feet; thence N89°48'21"W 296 feet; thence N00°09'17"W, 327.49 feet to the southerly right-of-way line of future Homestead Street; thence N89°51'34"E along said southerly right-of-way line, 2063.32 feet; thence departing said southerly right-of-way line, S00°16'55"E, 448.47 feet; thence N89°58'32"W, 1152.40 feet to the Point of Beginning, located east of Elk Vale Road and north of Degeest Street Street having passed the first reading on October 21, 2002, it was moved by Hadley and seconded by Kroeger to continue second reading until November 18, 2002. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None.

The Mayor presented 02RZ059, second 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 having passed first reading on October 21, 2002, it was moved by Hadley and seconded by Kroeger 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 upon its second reading.

The Mayor presented 02RZ060, second reading of **Ordinance 3867**, a request by the City of Rapid City 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, located east of SD Highway 79 South and north of Folsom Road having passed first reading on October 21, 2002, it was moved by Hadley and seconded by Waugh that the title be read the second time. The following voted AYE: Hanks, Johnson, Murphy, Kooiker, Rodriguez, Waugh, Kroeger, Hadley, Dreyer and Kriebel; NO: None, whereupon the Mayor declared the motion passed upon its second reading.

The Mayor announced the meeting was open for hearing on **Ordinance 3880**, (02RZ061) entitled a request by the City of Rapid City to consider an application for a **Rezoning from No Use District to General Commercial District** on Parcel 4A, 4B, and 4C on the "Plat showing; Tracts 4-B & 4-C, of Parcel #4; and Tracts 4-A, C and D; of the SE1/4 NW1/4 of Section 25, T2N, R7E, BHM, Pennington County, South Dakota", as shown in Plat Book 10 Page 21; and Parcel No. 5 as shown on the "Plat for Montana-Dakota Utilities Co., a corporation with principal offices at 831 Second Avenue South, Minneapolis 2, Minnesota, showing lands in Sections 25 and 26 of T2N, R7E, BHM, Pennington County, South Dakota, acquired by Warranty Deed from Oldfield and Butterfield, Grantors, of Rapid City, South Dakota", dated January 5, 1959; and Parcel No. 8 found in Right-of-Way Book 7 Page 173, dated January 26, 1959, described as "A tract or strip of land in the North Half of the North-west Quarter (N1/2 NW1/4) of Section 25, T2N, R7E, BHM in Pennington County, South Dakota; said strip of land being Fifty (50) feet wide, Twenty Five (25) feet on each side of the following described center-line, with both sides of the strip terminating at the South boundary of the NW1/4 NW1/4 of said Section 25: Beginning at the North Quarter corner of said Section 25, thence South along the quarter line a distance of 886.5 feet to the TRUE POINT OF BEGINNING, thence South 76 degrees 15 feet West a distance of 1846.9 feet to the East-West one-sixteenth line at a point 1794 feet West of the North-South one-quarter line, more generally described as being located north of US Interstate 90 and west of Haines Avenue was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance No. 3880 was placed upon its first reading and the title was fully and distinctly read, and second reading was set for Monday, November 18, 2002.

The Mayor announced the meeting was open for hearing on **Ordinance 3881**, (02RZ062) entitled a request by Williams and Associates for Black Hills Surgery Center, LLP to consider an application for a **Rezoning from Medium Density Residential District to Office Commercial District** on a portion of Lot 33 of Block 18 of Robbinsdale Addition No. 10 located in the SE1/4 of the NW1/4 of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more fully described as follows: Commencing at the southwesterly corner of Lot 33 of Block 18 of Robbinsdale Addition No. 10, common to the southeasterly corner of Lot 32 of Block 18 of Robbinsdale Addition No. 10, and the Point of Beginning; thence, first course: N26°33'43"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 107.95 feet, to a westerly corner of said Lot 33 common to a easterly corner of said Lot 32; thence, second course: N00°29'17"W, along the westerly boundary of said Lot 33, common to the easterly boundary of said Lot 32, a distance of 263.76 feet, to a westerly corner of said Lot 33, common to the northeasterly corner of said Lot 32; thence, third course: S08°00'00"E, a distance of 235.00 feet; thence, fourth course S33°07'00"E, a distance of 112.08 feet, to a point on the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive; thence fifth course: S53°27'20"W, along the southerly boundary of said Lot 33, common to the northerly edge of right-of-way of Anamaria Drive, a distance of 15.00 feet, to a point of curve; thence, sixth course: southwesterly, along the southerly boundary of said Lot 33, common the northerly edge of right-of-way of Anamaria Drive, curving to the left on a curve with a radius of 648.63 feet, a delta angle of 3°32'00", a length of 40.00 feet, a chord bearing S51°41'20"W, and a chord distance of 39.99 feet, to the southwesterly corner of said Lot 33, common to the southeasterly corner of said Lot 32, and the point of beginning, more generally described as being located along Anamaria Drive and west of 5th Street Avenue was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance No. 3881 was placed

upon its first reading and the title was fully and distinctly read, and second reading was set for Monday, November 18, 2002.

The Mayor announced the meeting was open for hearing on **Ordinance 3882**, (02RZ063) entitled a request by Steven Jones for Beverly Healthcare Center to consider an application for a **Rezoning from General Commercial District to Office Commercial District** on Lot 2 of Lot X of Rehder Tract, Section 2, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located at 916 Mountain View Road Avenue was introduced. Upon motion made by Hadley, seconded by Waugh and carried, Ordinance No. 3882 was placed upon its first reading and the title was fully and distinctly read, and second reading was set for Monday, November 18, 2002.

The Mayor announced the meeting was open for hearing on **Ordinance 3883**, (02RZ064) entitled a request by Wyss Associates, Inc. for West Hills Village to consider an application for a **Rezoning from Low Density Residential II District to Medium Density Residential District** on property described by metes and bounds as commencing at the center of Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota travel east 191.93 feet at a bearing of S0°16'9"W. This is the Point of Beginning. Travel 70.14 feet at a bearing of N53°57'56"E, then travel 610.46 feet bearing S32°50'54"E, then travel 357.11 feet bearing S89°42'48"W, then travel 20.78 feet bearing N00°47'26"E, then travel 449.16 feet along a 290.06 foot radius curve LHF chord bearing N43°33'22"W, then travel 100.63 feet along a 346.55 foot radius curve LHF chord bearing S83°48'10"W, then travel 73.36 feet bearing N16°07'22"W, then travel 72.57 feet bearing N22°14'07"E, then travel 124.89 feet bearing N73°55'47"E, then travel 20.56 feet bearing S45°40'57"E, then travel 176.43 feet bearing N44°49'35"E, then travel 139.91 feet bearing S36°02'59"E, to the Point of Beginning and Tract A and B of Minnesota Ridge Subdivision, Section 13, T1N, R7E, BHM, Rapid City, Pennington County, South Dakota, more generally described as being located along Alta Vista Drive Avenue was introduced. Upon motion made by Hadley and seconded by Waugh, Ordinance No. 3883 was placed upon its first reading and the title was fully and distinctly read, and second reading was set for Monday, November 18, 2002. A vote was taken with Kriebel voting "no."

The Mayor announced the meeting was open for hearing on **Ordinance 3873** entitled an Ordinance Modifying the Parking Regulations to Comply with the Americans with Disabilities Act by Amending Section 17.50.270 of the Rapid City Municipal Code having passed first reading on October 21, 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 upon its second reading.

The Mayor announced the meeting was open for hearing on **Ordinance 3872** entitled an Ordinance Defining and Applying 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 having passed first reading on October 21, 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 upon its second reading.

Legal & Finance Committee Items

Kooiker moved to approve setting the first Tuesday in June as the date for the City election and directing staff to draft an ordinance to reflect this date. Second by Johnson. Julie Pearson, Pennington County Auditor, told the Council that the combined elections in June ran with some fault due to it being the first election following the redistricting at all levels. If the goal from the City for setting the election on the first Tuesday in June is to save money, this will not happen. There is additional costs of additional precinct workers, ballots, publication costs, and additional charges for staff time. The ward and precinct lines have to be the same to create non-confusion and less traveling by the voter. This would only save you time for the voter every other year. There is only one ballot system for the city, county, and school. A substitute motion was made by Rodriguez and seconded by Murphy to set the election date as the first Tuesday in April. Kooiker said he would like to see the election in June because he thinks it increases voter turnout. Hadley said that the people who have historically voted at Horace Mann could be moved back to Horace Mann without too much of a problem. He would support having the election on the first Tuesday in June. Jim Preston said that if the election was changed to the first Tuesday in June, the city would have to purchase another counting machine. The price of such a machine is about \$70,000. After further discussion, a vote was taken on the substitute motion with Murphy, Hanks and Rodriguez voting "yes" and Hadley, Kriebel, Johnson, Waugh, Kroeger, Dreyer, and Kooiker voting "no." A vote was taken on the original motion with Hadley, Kriebel, Johnson, Waugh, Kroeger, Dreyer, and Kooiker voting "yes" and Murphy, Hanks, and Rodriguez voting "no."

Motion was made by Hadley, seconded by Kooiker, and carried to direct staff to work with the County Auditor to set up a polling place at Horace Mann and address the concerns related to setting the election date to the first Tuesday in June.

LF103002-03 – Hanks moved to direct staff to continue researching the proposed Recreation Board and come back with opinions and direction for moving forward. Second by Kroeger. Hanks said it makes sense to him to spin recreation off the Public Works Department so that it frees up time for that department to do its job. Waugh said it is not always correct for government to just move along at status quo. It doesn't hurt for it to look within itself and see if there are areas where it can improve. After further discussion, a vote was taken and the motion carried with Johnson voting "no."

Hadley moved to direct staff 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 bring it back for approval. Second by Kooiker. Ritchie Nordstrom, Chief Steward for the local employees of AFSCME, told the Council that he is in support of the resolution. Jim Preston said he does not feel this resolution is necessary. Rodriguez said she does not think any of the Council members were hired to be mediators. She thinks this is a job for the Mayor and Personnel Department. Kooiker said that he believes this resolution is warranted. He

believes that it can be a statement of the laws on the books (federal and state) and can be used as a training tool for our managers and employees. He does not see any harm in that. A roll call vote was taken with Hadley, Kriebel, Johnson, Waugh, and Kooiker voting “yes” and Murphy, Kroeger, Hanks, and Rodriguez voting “no.”

LF082802-07R(1) – Motion was made by Hadley, seconded by Waugh and carried to continue Second Reading and Recommendation of Ordinance No. 3853 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 to the May 14, 2003, Legal and Finance Committee meeting.

Public Works Committee Items

No. PW102902-08 – Hanks moved to direct staff to evaluate the intersection of Elm Avenue/St. Patrick Street for pedestrian safety and report their findings by spring. Second by Waugh. Kooiker said he does not believe this intersection needs more study. The cost to signalize this intersection will just keep increasing. Rodriguez said until we can find the funding for this stop light, she does not feel we need to study it anymore. Murphy said this is number three on the list of intersections to be signalized. A substitute motion was made by Murphy and seconded by Kooiker to go ahead with signalization of this intersection with the additional funds (\$300,000) coming from CIP contingency. Dan Bjerke said there is a prioritization list and this is in the top five. Any of these could get signalized at any time. A vote was taken on the motion with Rodriguez and Kroeger voting "no." Martha Rodriguez said she would like to direct staff to come back to the Public Works Committee meeting on November 12, 2002, with an alternative five-year plan for CIP that would show the adjustments so that the other projects in the top five can be budgeted in and taken care of.

Waugh moved to table request to have Mayor appoint a committee of Council members and staff to recommend a parks facilities sponsorship and naming rights policy. Second by Hadley. Motion carried.

Finance Officer

Rodriguez moved to approve the following licenses: Mechanical Installer: Chuck Madrigal; Residential Contractor: Black Hills Area Habitat for Humanity, Inc., Doug Prunty; Four Square Enterprize, Cynthia Brewbaker; Jadon Construction Company, Inc., Donnie Kirschenman; Kodiak Homes, Brian Sudrala; Security Business: Ace Security, Inc., Jack A. Werner. Second by Waugh. Motion carried.

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 10-19-02, Paid 10-25-02	585,655.67
Payroll Ending 10-31-02, Paid 10-31-02	858,855.50
Pioneer Bank & Trust, taxes Paid 10-25-02	139,934.98
Pioneer Bank & Trust, taxes Paid 10-31-02	217,743.64

First American Administrators, Claims paid 10-22-02	48,046.79
First American Administrators, Claims paid 10-30-02	55,822.01
Pdgt Kara Company, PD Grant/Accident & Crime Software	4,475.00
US Postmaster, billing postage	2,200.00
Computer Bill List	<u>2,078,117.97</u>
Total	\$3,990,851.56

Payroll Ending 10-19-02, Paid 10-25-02	2,552.80
Pioneer Bank & Trust, taxes Paid 10-25-02	191.14
City of Rapid City - Postage Account	9.16
Dakota Business Center - Copier Usage	11.49
RSVP Marlin Leasing - Copier Lease	25.34
SD School of Mines - Phone	<u>53.22</u>
Total	\$3,993,694.71

At this time, a motion was made by Waugh, seconded by Hanks and carried to go into executive session to discuss contractual matters. Motion was made by Hanks, seconded by Rodriguez and carried to come out of executive session. Motion was made by Hanks, seconded by Kroeger, and carried to authorize the Mayor and Finance Officer to sign agreement between AMR, City of Rapid City, and County of Pennington, contingent upon Pennington County and AMR signing the agreement.

Public Works Director

Rod Johnson engineer with the Public Works Department, handed out a breakdown on the 2012 Projects presently in progress. He went through the projects and gave the Council a brief description, brief update, and the status of each project. He also answered questions from the Council members.

Fire Department

CC110402-03 – Rodriguez moved to authorize Joe Tjaden, David Christie, Seth Purcella, TJ Nicolai, and Jon Baldwin to Attend HazCat (Hazardous Materials Course) Workshop on November 19, 2002, to November 22, 2002, in the sum of \$2,625. Second by Waugh. Motion carried.

City Attorney

As there was no further business to come before the Council at this time, the meeting adjourned at 10:45 p.m.